

## **SUBSTITUTE WATER SUPPLY PLAN NOTIFICATION LIST**

Section 37-92-308(6), C.R.S. directs the State Engineer to establish a notification list for each water division for the purpose of notifying interested parties of requests for the State Engineer's approval of substitute water supply plans ("SWSP") filed in that water division pursuant to section 37-92-308, C.R.S. The SWSP notification list is also used to provide notice of proposed water right loans to the Colorado Water Conservation Board for use as instream flows under section 37-83-105(2)(b)(II), C.R.S., notice of applications for the State Engineer's approval of interruptible water supply agreements under section 37-92-309(3)(a), C.R.S., and notice of applications for following-leasing pilot projects under section 37-60-115(8)(e)(II).

This notice is an invitation to be included on the SWSP notification list. To receive this information by e-mail, provide your name, e-mail address, daytime telephone number, and the water divisions of interest. If you prefer to be noticed by first-class mail, specify that preference and provide your mailing address. Submit the information to: Substitute Water Supply Plan Notification List (c/o Laura Kalafus, Program Assistant), Colorado Division of Water Resources, 1313 Sherman Street, Room 818, Denver, Colorado 80203, Phone: (303) 866-3581, Fax: (303) 866-3589, or e-mail to: [Laura.kalafus@state.co.us](mailto:Laura.kalafus@state.co.us). Additional information regarding Substitute Water Supply Plans is available on the Division of Water Resources' website at <http://water.state.co.us>.

## **PRODUCED NONTRIBUTARY GROUND WATER NOTIFICATION LIST**

Pursuant to Rule 17.5.B.2 of the Produced Nontributary Ground Water Rules, 2 CCR 402-17 ("Rules"), the State Engineer is publishing this invitation to persons to be included on the Produced Nontributary Ground Water Notification List. According to Rule 17.5.B.2 of the Rules, the State Engineer must establish a Produced Nontributary Ground Water Notification List for each water division within the State of Colorado for the purposes of ensuring that water users within each water division receive adequate notice of proceedings held pursuant to the Rules. In order to establish such notification list, the State Engineer is directed, in January of each year, to cause to have published in the water court resume for each water division an invitation to be included on such notification list for the applicable water division.

To receive this information by e-mail, provide your name, e-mail address, daytime telephone number, and the water divisions of interest. If you prefer to be noticed by first-class mail, specify that preference and provide your mailing address. Submit the information to: Produced Nontributary Ground Water Notification List (c/o Laura Kalafus, Program Assistant), Colorado Division of Water Resources, 1313 Sherman Street, Room 818, Denver, Colorado 80203, Phone: (303) 866-3581, Fax: (303) 866-3589, or e-mail to: [Laura.kalafus@state.co.us](mailto:Laura.kalafus@state.co.us).

Any additional information regarding the Produced Nontributary Ground Water Rules can be found on the Division of Water Resources website at: [www.water.state.co.us](http://www.water.state.co.us).

**DISTRICT COURT, WATER DIVISION 1, COLORADO  
DECEMBER 2016 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 **DECEMBER 2016** for each County affected.

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**16CW47 RAY AND VICKY DEICHSEL, 12316 N. Evergreen Trail, Parker, CO 80138. 303-903-9689. APPLICATION FOR UNDERGROUND WATER RIGHTS IN THE DENVER BASIN AQUIFERS IN DOUGLAS COUNTY.** Applicant seeks to adjudicate the well, permit 269053, and to adjudicate the non tributary and not nontributary Denver Basin groundwater underlying a 3 acre tract of land lying in the SW1/4 NE1/4, S7, T6S, R65W of the 6<sup>th</sup> PM including the Dawson, Denver, Arapahoe and Laramie-Fox Hills aquifers.

**16CW48 Brian Robert Weisseg Living Trust and Amanda Vinton Weisseg Living Trust, c/o Brian Robert Weisseg and Amanda Vinton Weisseg, 8765 Moss Rock Road, Colorado Springs, CO 80903** . (Please direct all communications/pleadings to: Sarah A. Klahn, and/or Mitra Pemberton, WHITE & JANKOWSKI, LLP, 511 Sixteenth Street, #500, Denver, Colorado 80202; (303) 595-9441). **APPLICATION FOR UNDERGROUND WATER RIGHT AND UNDERGROUND WATER RIGHTS FROM NONTRIBUTARY AND NOT NONTRIBUTARY SOURCES IN EL PASO COUNTY.** 2. Background: **A. Background:** This application seeks a decree adjudicating all of the nontributary and not nontributary ground water underlying the Applicants' property, described below. Such aquifers may include the Upper Dawson, Lower Dawson, Denver, Upper Arapahoe, Lower Arapahoe and Laramie-Fox Hills aquifers; the actual aquifers will be those that are determined to be available underlying the Subject Property in accordance with the Denver Basin Rules (2 CCR 402-6). **B. Property Description:** The parcel of land consists of 5 acres, more or less, in El Paso County, located in a part of Section 4, Township 11 South, Range 65 West of the 6<sup>th</sup> P.M., also known as Lot 4, Block 5, Table Rock Ranch Filing No. 2, with the legal address of 8765 Moss Rock Road, Colorado Springs, Colorado, 80908 ("Subject Property"). The Subject Property is generally mapped in Exhibits A1 and A2. **C. Parcel Ownership:** The claim of Applicants to the water underlying the Subject Property is based on ownership of the parcel. **D. Source of Water Rights:** Upper Dawson, Denver, Upper Arapahoe, and Laramie-Fox Hills aquifers underlying the Subject Property. **E. Estimated Amounts:** Applicants estimate the following amounts are representative of the Denver Basin aquifers underlying Applicants' property: Upper Dawson, 4.55 acre-feet, Not Nontributary; Denver, 3.19 acre-feet, Nontributary; Upper Arapahoe, 2.35 acre-feet, Nontributary; Laramie-Fox Hills, 1.42 acre-feet, Nontributary. **F. Requested Uses:** The Applicant requests the right to use the groundwater for domestic, commercial, irrigation, livestock watering, fire protection, storage and augmentation purposes, both on and off the Subject Property. **3. Request for underground water rights pursuant to Section 37-92-602(4), C.R.S.:** State Engineer Well Permit No. 170281 is an exempt domestic well currently located on the Subject Property. Priority and Appropriation Date: June 1, 1993. Source and Well Depth: Upper Dawson Aquifer/220 feet. Amount: 15 gpm/0.33 acre-feet (absolute). Use: Household purposes for one single family dwelling and watering of noncommercial domestic animals. Legal Description: Located in the SE1/4 SE1/4 of Section 4, Township 11 South, Range 65 West, 6<sup>th</sup> P.M., El Paso County, approximately 130 feet from the south and 1100 feet from the east section lines as shown on Exhibit B (well permit record attached). A Change in Owner Name form (GWS-11) has been filed with the Colorado Division of Water Resources to reflect that the Brian Robert Weisseg Living Trust and the Amanda Vinton Weisseg Living Trust are the owners of this well. See Exhibit C. **4. Jurisdiction:** The water court has jurisdiction over the subject matter of this application pursuant to Sections 37-92-302(2) and 37-90-137(6), C.R.S. **5.** Applicants claim the right to withdraw more than the average annual amounts estimated in paragraph 2.E above pursuant to Rule 8A of the Statewide Rules, 2 CCR 402-7. **6.** Applicants request the right to revise the estimates upward or

downward, based on better or revised data, without the necessity of amending this application or republishing the same. (4 Exhibits)

**16CW3172, Colorado Water Conservation Board (“CWCB”), 1313 Sherman Street, Suite 718, Denver, CO 80203.** Telephone: (303) 866-3441. Please direct all future correspondence and pleadings regarding this Application to: Ema Schultz, Assistant Attorney General, Natural Resources and Environment Section, Colorado Department of Law, 1300 Broadway, 7<sup>th</sup> Floor, Denver, CO 80203. Telephone: (720) 508-6307. E-mail: [ema.schultz@coag.gov](mailto:ema.schultz@coag.gov). APPLICATION FOR INSTREAM FLOW WATER RIGHTS TO PRESERVE THE NATURAL ENVIRONMENT TO A REASONABLE DEGREE **IN LARIMER COUNTY, COLORADO.** **2. Name of water right:** Sand Creek Instream Flow Water Right; **3. Legal Description:** The Sand Creek Instream Flow Water Right is located in the natural stream channel of Sand Creek from the Colorado - Wyoming stateline to the confluence with an unnamed tributary, a distance of approximately 6.59 miles. A map depicting the approximate location of the Sand Creek Instream Flow Water Right reach is attached as **Exhibit 1.** A. Upstream Terminus: Sand Creek at the Colorado-Wyoming stateline at: 1. UTM: Northing: 4538599.90; Easting: 482303.65 (NAD 1983 Zone 13 North) 2. Lat/Long: latitude 40° 59' 54.21"N and longitude 105° 12' 37.48"W B. Downstream Terminus: Sand Creek Confluence with an unnamed tributary at: 1. UTM: Northing: 4531763.76; Easting: 486977.39 (NAD 1983 Zone 13 North) 2. Lat/Long: latitude 40° 56' 12.83"N and longitude 105° 09' 16.91"W C. The Universal Transverse Mercator (UTM) of the upstream and downstream termini will be used as the legal description for the decree in this matter. The Lat/Long coordinates are provided as cross-reference locations only. The UTM and Lat/Long locations for the upstream and downstream termini were derived from CWCB GIS using the National Hydrography Dataset (NHD). **4. Source:** Sand Creek, tributary to the Cache la Poudre River, tributary to the South Platte River. 5. **A. Date of initiation of appropriation:** January 26, 2016. **B. How appropriation was initiated:** Appropriation and beneficial use occurred on January 26, 2016, by the action of the CWCB pursuant to sections 37-92-102(3) and (4) and 37-92-103(3), (4) and (10), C.R.S. (2016). **C. Date applied to beneficial use:** January 26, 2016. **6. Amount of water claimed:** Instream flow of 1.5 cfs (7/1 - 5/15), and 5.5 cfs (5/16 - 6/30), absolute. **7. Proposed Uses:** Instream flow to preserve the natural environment to a reasonable degree. **8. Names and addresses of owners or reputed owners of the land upon which any new or existing diversion structure will be located:** The notice required by section 37-92-302(2)(b), C.R.S. (2016), to the owners or reputed owners of the land upon which any new or existing diversion or storage structure is or will be constructed is not applicable in this case. This Application is for instream flow water rights, exclusive to the CWCB under the provisions of section 37-92-102(3), C.R.S. (2016). As an instream flow water right, the CWCB's appropriation does not require diversion structures or storage. *See Colo. River Water Conservation Dist. v. Colo. Water Conservation Bd.*, 594 P.2d 570, 574 (Colo. 1979); § 37-92-103(4)(c), C.R.S. (2016). As a surface water right, the CWCB's appropriation of instream flow water rights does not involve construction of a well. **9. Remarks:** This appropriation by the CWCB, on behalf of the people of the State of Colorado, is made pursuant to sections 37-92-102(3) & (4) and 37-92-103(3), (4) & (10), C.R.S. (2016). The purpose of the CWCB's appropriation is to preserve the natural environment to a reasonable degree. At its regular meeting on May 18, 2016, the CWCB determined, pursuant to section 37-92-102(3)(c), C.R.S. (2016), that the natural environment of Sand Creek will be preserved to a reasonable degree by the water available for the appropriations to be made; that there is a natural environment that can be preserved to a reasonable degree with the CWCB's water rights herein, if granted; and that such environment can exist without material injury to water rights.

**16CW3173, Colorado Water Conservation Board (“CWCB”), 1313 Sherman Street, Suite 718, Denver, CO 80203.** Telephone: (303) 866-3441. Please direct all future correspondence and pleadings regarding this Application to: Ema Schultz, Assistant Attorney General, Natural Resources and Environment Section, Colorado Department of Law, 1300 Broadway, 7<sup>th</sup> Floor, Denver, CO 80203. Telephone: (720) 508-6307. E-mail: [ema.schultz@coag.gov](mailto:ema.schultz@coag.gov). APPLICATION FOR INSTREAM FLOW WATER RIGHTS TO PRESERVE THE NATURAL ENVIRONMENT TO A REASONABLE DEGREE

IN WELD COUNTY, COLORADO. **2. Name of water right:** Lone Tree Creek Instream Flow Water Right; **3. Legal Description:** The Lone Tree Creek Instream Flow Water Right is located in the natural stream channel of Lone Tree Creek from the confluence with Spotwood Creek to the Meadow Springs Ranch property boundary, a distance of approximately 2.17 miles. A map depicting the approximate location of the Lone Tree Creek Instream Flow Water Right reach is attached as **Exhibit 1**. **A. Upstream Terminus:** Lone Tree Creek Confluence with Spotwood Creek at: 1. UTM: Northing: 4536307.01; Easting: 506761.06 (NAD 1983 Zone 13 North) 2. Lat/Long: latitude 40° 58' 40.44"N and longitude 104° 55' 10.69"W B. **Downstream Terminus:** Meadow Springs Ranch property boundary at: 1. UTM: Northing: 4534028.44; Easting: 506135.59 (NAD 1983 Zone 13 North) 2. Lat/Long: latitude 40° 57' 26.57"N and longitude 104° 55' 37.53"W C. The Universal Transverse Mercator (UTM) of the upstream and downstream termini will be used as the legal description for the decree in this matter. The Lat/Long coordinates are provided as cross-reference locations only. The UTM and Lat/Long locations for the upstream and downstream termini were derived from CWCB GIS using the National Hydrography Dataset (NHD). **4. Source:** Lone Tree Creek, tributary to South Platte River. **5. A. Date of initiation of appropriation:** January 26, 2016. **B. How appropriation was initiated:** Appropriation and beneficial use occurred on January 26, 2016, by the action of the CWCB pursuant to sections 37-92-102(3) and (4) and 37-92-103(3), (4) and (10), C.R.S. (2016). **C. Date applied to beneficial use:** January 26, 2016. **6. Amount of water claimed:** Instream flow of 0.3 cfs (1/1 - 12/31), absolute. **7. Proposed Uses:** Instream flow to preserve the natural environment to a reasonable degree. **8. Names and addresses of owners or reputed owners of the land upon which any new or existing diversion structure will be located:** The notice required by section 37-92-302(2)(b), C.R.S. (2016), to the owners or reputed owners of the land upon which any new or existing diversion or storage structure is or will be constructed is not applicable in this case. This Application is for instream flow water rights, exclusive to the CWCB under the provisions of section 37-92-102(3), C.R.S. (2016). As an instream flow water right, the CWCB's appropriation does not require diversion structures or storage. *See Colo. River Water Conservation Dist. v. Colo. Water Conservation Bd.*, 594 P.2d 570, 574 (Colo. 1979); § 37-92-103(4)(c), C.R.S. (2016). As a surface water right, the CWCB's appropriation of instream flow water rights does not involve construction of a well. **9. Remarks:** This appropriation by the CWCB, on behalf of the people of the State of Colorado, is made pursuant to sections 37-92-102(3) & (4) and 37-92-103(3), (4) & (10), C.R.S. (2016). The purpose of the CWCB's appropriation is to preserve the natural environment to a reasonable degree. At its regular meeting on May 18, 2016, the CWCB determined, pursuant to section 37-92-102(3)(c), C.R.S. (2016), that the natural environment of Lone Tree Creek will be preserved to a reasonable degree by the water available for the appropriation to be made; that there is a natural environment that can be preserved to a reasonable degree with the CWCB's water right herein, if granted; and that such environment can exist without material injury to water rights.

**16CW3174, Colorado Water Conservation Board ("CWCB"), 1313 Sherman Street, Suite 718, Denver, CO 80203.** Telephone: (303) 866-3441. Please direct all future correspondence and pleadings regarding this Application to: Ema Schultz, Assistant Attorney General, Natural Resources and Environment Section, Colorado Department of Law, 1300 Broadway, 7<sup>th</sup> Floor, Denver, CO 80203. Telephone: (720) 508-6307. E-mail: Email: [ema.schultz@coag.gov](mailto:ema.schultz@coag.gov). APPLICATION FOR INSTREAM FLOW WATER RIGHTS TO PRESERVE THE NATURAL ENVIRONMENT TO A REASONABLE DEGREE IN LARIMER COUNTY, COLORADO. **2. Name of water right:** Boxelder Creek Instream Flow Water Right; **3. Legal Description:** The Boxelder Creek Instream Flow Water Right is located in the natural stream channel of Boxelder Creek from the confluence of the South & North Branches of Boxelder Creek to the confluence with an unnamed tributary, a distance of approximately 4.72 miles. A map depicting the approximate location of the Boxelder Creek Instream Flow Water Right reach is attached as **Exhibit 1**. **A. Upstream Terminus:** Confluence of South & North Branches of Boxelder Creek at: 1. UTM: Northing: 4533562.13; Easting: 482402.33 (NAD 1983 Zone 13 North) 2. Lat/Long: latitude 40° 57' 10.85"N and longitude 105° 12' 32.74"W B. **Downstream Terminus:** Confluence with an unnamed tributary at: 1. UTM: Northing: 4529230.45; Easting: 485243.56 (NAD 1983 Zone 13 North) 2. Lat/Long:

latitude 40° 54' 50.57"N and longitude 105° 10' 30.84"W C. The Universal Transverse Mercator (UTM) of the upstream and downstream termini will be used as the legal description for the decree in this matter. The Lat/Long coordinates are provided as cross-reference locations only. The UTM and Lat/Long locations for the upstream and downstream termini were derived from CWCB GIS using the National Hydrography Dataset (NHD). **4. Source:** Boxelder Creek, tributary to the Cache la Poudre River, tributary to the South Platte River. **5. A. Date of initiation of appropriation:** January 26, 2016. **B. How appropriation was initiated:** Appropriation and beneficial use occurred on January 26, 2016, by the action of the CWCB pursuant to sections 37-92-102(3) and (4) and 37-92-103(3), (4) and (10), C.R.S. (2016). **C. Date applied to beneficial use:** January 26, 2016. **6. Amount of water claimed:** Instream flow of 1.3 cfs (7/1 - 5/15), and 5.0 cfs (5/16 - 6/30), absolute. **7. Proposed Uses:** Instream flow to preserve the natural environment to a reasonable degree. **8. Names and addresses of owners or reputed owners of the land upon which any new or existing diversion structure will be located:** The notice required by section 37-92-302(2)(b), C.R.S. (2016), to the owners or reputed owners of the land upon which any new or existing diversion or storage structure is or will be constructed is not applicable in this case. This Application is for instream flow water rights, exclusive to the CWCB under the provisions of section 37-92-102(3), C.R.S. (2016). As an instream flow water right, the CWCB's appropriation does not require diversion structures or storage. *See Colo. River Water Conservation Dist. v. Colo. Water Conservation Bd.*, 594 P.2d 570, 574 (Colo. 1979); § 37-92-103(4)(c), C.R.S. (2016). As a surface water right, the CWCB's appropriation of instream flow water rights does not involve construction of a well. **9. Remarks:** This appropriation by the CWCB, on behalf of the people of the State of Colorado, is made pursuant to sections 37-92-102(3) & (4) and 37-92-103(3), (4) & (10), C.R.S. (2016). The purpose of the CWCB's appropriation is to preserve the natural environment to a reasonable degree. At its regular meeting on May 18, 2016, the CWCB determined, pursuant to section 37-92-102(3)(c), C.R.S. (2016), that the natural environment of Boxelder Creek will be preserved to a reasonable degree by the water available for the appropriations to be made; that there is a natural environment that can be preserved to a reasonable degree with the CWCB's water rights herein, if granted; and that such environment can exist without material injury to water rights.

**16CW3175 COMPLAINT FOR INJUNCTIVE RELIEF, PENALTIES AND COSTS. Plaintiffs: THE PEOPLE OF THE STATE OF COLORADO, *ex rel*, DICK WOLFE, State Engineer, and DAVID L. NETTLES, Division Engineer for Water Division 1. Attorneys for State and Division Engineers: Michael Toll and Philip Lopez, 1300 Broadway, 7<sup>th</sup> Floor, Denver, CO 80203. V. Defendants: BULLSEYE FEEDERS, LLC, a Colorado Limited Liability Company, 16098 Morgan CR O, Ft. Morgan, CO 80701; BULLSEYE HOLDINGS, LLC, a Foreign Limited Liability Company, 16098 Morgan CR O, Ft. Morgan, CO 80701 and KEVIN LAMB, an individual, Mailing address: PO Box 609, Queen Creek, AZ 85142.**

**16CW3176 City and County of Denver, acting by and through its Board of Water Commissioners ("Denver Water" or "Applicant"), 1600 West 12th Avenue, Denver, Colorado 80204, Email: [daniel.arnold@denverwater.org](mailto:daniel.arnold@denverwater.org), Telephone: 303-628-6460. APPLICATION FOR CONDITIONAL STORAGE RIGHT AND PLAN FOR AUGMENTATION, 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 THE CITY AND COUNTY OF DENVER, District Court, Water Division 1, Colorado, Weld County Courthouse, 901 9th Avenue, P.O. Box 2038, Greeley, Colorado 80632. I. Name, Mailing Address, Email Address and Telephone Number of Applicant(s): City and County of Denver, acting by and through its Board of Water Commissioners ("Denver Water" or "Applicant"), 1600 West 12th Avenue, Denver, Colorado 80204, Email: [daniel.arnold@denverwater.org](mailto:daniel.arnold@denverwater.org), Telephone: 303-628-6460. II. First Claim for Relief: Application for Storage Right, 1. Name of Structure: Operations Complex Redevelopment ("OCR") Cistern. 2. Legal Description: The OCR Cistern is a below ground water storage structure that will be generally located at Denver Water's new administration building in**

the southeast quarter (SE 1/4) of the northwest quarter (NW 1/4) of Section 4, Township 4 South, Range 68 West of the 6<sup>th</sup> P.M. in the City and County of Denver, State of Colorado. The location of the new Denver Water Administration building is illustrated on the map attached as Exhibit A. 3. Size of Cistern: 100,000 gallons (0.31 acre feet). 4. Source: On-site precipitation runoff that is tributary to the mainstem of the South Platte River. 5. Amount Claimed: 0.31 acre-feet, Conditional, with the right to successively refill so as to replenish the Cistern, up to 6.20 acre-feet in any single calendar year, along with the right to reuse. Zero acre-feet are claimed absolute. 6. Appropriation Date: 6.1. Date of Appropriation: November 30, 2016. 6.2. How Appropriation was Initiated: This appropriation was initiated in part by the execution of a design contract for the OCR on May 27, 2015. This appropriation was further initiated by the Board of Water Commissioner's adoption of a resolution on December 7, 2016 authorizing the filing of this application. 7. Place of Use: At the Denver Water Operations Complex as shown on **Exhibit A**. 8. Description of OCR Cistern and its Operations: Denver Water is currently engaged in the OCR project. The OCR involves the redevelopment of Denver Water's operations facilities and administration building located at 1600 West 12<sup>th</sup> Avenue, Denver, Colorado. Upon completion, the OCR will capture precipitation from approximately 70,000 square feet from above ground surface areas, including roofs and/or solar panels. Under this appropriation and when in priority, water collected from these surface areas will be captured and conveyed directly to the OCR Cistern. Precipitation stored in the OCR Cistern will be combined with municipal water and used for landscape irrigation. Precipitation stored in the OCR Cistern may also be applied to other uses identified in paragraph 9 below. 9. Beneficial Uses: The water captured and impounded in the OCR Cistern will be stored and then used directly for municipal irrigation, indoor-fixture flushing, fire protection, street sprinkling, environmental enhancement, replacement and substitution, and for the operation, maintenance, and equalization of the OCR non-potable water system as described below. Denver Water seeks the right to fully consume such water used by storage, and subsequent release, reuse, successive use, replacement, exchange, and disposition. 10. Owner of land on which the Denver Water Precipitation Harvesting System is located: Denver Water owns all land upon which the OCR Cistern will be located. **III. Second Claim for Relief: Application for Plan for Augmentation** 11. Name of Structure to be Augmented: OCR Cistern, as described above. 12. Statement of Plan for Augmentation: Denver Water will collect precipitation from above ground surface areas, including roofs and solar panels, and convey the collected precipitation directly to the OCR Cistern as described above. When the OCR Cistern storage right is in priority under the appropriation date claimed in Section II above, Denver Water will store the precipitation in the Cistern for later beneficial use and not make replacements. When the OCR Cistern storage right is out-of-priority, Denver Water will account for precipitation runoff stored in the OCR Cistern as 100% consumptive and make replacements in time, location and amount to the South Platte River and/or its tributaries. 13. Timing, Amount, and Location of Depletions: 13.1 Timing of Depletions: Denver Water will assume that depletions return to the South Platte River within 72 hours as storm water runoff. Corresponding replacements for out-of-priority depletions will be made within 72 hours, or such other amount of time as is necessary to protect senior water rights. 13.2. Amount of Depletions: The maximum amount of annual out-of-priority depletions under this plan for augmentation is 6.20 acre-feet. 13.3. Location of Depletions: Depletions will accrue to the South Platte River generally at the stormwater outfall on the northeast quarter (NE1/4) of the northeast quarter (NE1/4) of Section 5, Township 4 South, Range 68 West of the 6<sup>th</sup> P.M. in the City and County of Denver, State of Colorado, located approximately 395 feet west of the east line and 1368 feet south of the north line of section 5, on the east bank of the South Platte River between West 12<sup>th</sup> Avenue and West 13<sup>th</sup> Avenue as shown on **Exhibit B**. The UTM coordinates are approximately NAD 83 UTM 13N 498527.1mE, 4398509mN. 14. Replacement Supply: Denver Water owns water rights originally decreed in the South Platte River basin for direct flow irrigation uses and has changed the consumptive use portions of these rights, by decree, to all municipal uses. Denver Water also owns water rights in tributaries to the Colorado River, which Denver imports to the South Platte River basin for beneficial use. In addition, Denver Water owns water rights in not-nontributary Arapahoe and Upper Arapahoe Aquifer formations and water rights in the nontributary Arapahoe and Upper Arapahoe, Laramie-Fox Hills, and the Lower Arapahoe Aquifer formations. Water from these sources will be made available in the amounts

and at locations necessary to replace out-of-priority depletions pursuant to the plan for augmentation decreed herein. Water from these sources that is once or successively used through Denver Water's potable water system and returned to the South Platte River, and its tributaries will be made available in the amount and at locations, including, but not limited to, outfalls of the various wastewater treatment plants that discharge effluent attributable to Denver Water's service area, necessary to replace out-of-priority depletions pursuant to the plan for augmentation decreed herein. These water rights include, but are not limited to:

- 14.1. Beery Ditch, Case No. W-7739-74 WD1, appropriation date of June 15, 1861.
- 14.2. Four Mile Ditch, Case No. 80CW313 WD1, appropriation date of June 1, 1868.
- 14.3. Brown Ditch, Case No. 86CW014 WD1, appropriation date of November 30, 1862.
- 14.4. Nevada Ditch, Case No. 90CW172 WD1, appropriation dates of August 30, 1861 - Priority No. 4; December 30, 1865 - Priority No. 19.
- 14.5. Last Chance Ditch, Case No. 92CW014 WD1, appropriation dates of December 30, 1863 - Priority No. 14; - March 3, 1868 - Priority No. 39.
- 14.6. Pioneer Union Ditch, Case No. 91CW100 WD1, appropriation dates of December 10, 1861 - Priority No. 5; September 1, 1862 - Priority No. 11.
- 14.7. Hodgson Ditch, Case No. 91CW102, appropriation date of June 1, 1861 - Priority No. 3.
- 14.8. Harriman Ditch, Case No. 91CW103, appropriation dates of March 16, 1869 - Priority No. 23; May 1, 1871 - Priority No. 25; March 1, 1882 - Priority No. 30.
- 14.9. Robert Lewis Ditch, Case No. 91CW105, appropriation date of October 1, 1865 - Priority No. 19.
- 14.10. Simonton Ditch, Case No. 91CW106, appropriation date of December 25, 1860 - Priority No. 2.
- 14.11. Warrior Ditch, Case No. 91CW109 WD1, appropriation dates of December 1, 1861 - Priority No. 4; April 16, 1862 - Priority No. 8; October 31, 1864 - Priority No. 14.
- 14.12. Blue River Diversion Project, Water District No. 36, Summit County Case Nos. 1805 and 1806 and Consolidated Case Nos. 2782, 5016, and 5017, U.S. District Court, appropriation date of June 24, 1946.
- 14.13. Straight Creek Conduit of the Roberts Tunnel Collection System, Water District No. 36, C.A. No. 2371, appropriation date of January 21, 1957.
- 14.14. Fraser River and Williams Fork Diversion Projects, Water District No. 51, Grand County, C.A. No. 657, appropriation date of July 4, 1921. This source may be used as a replacement supply under this plan to the extent allowed by the 1940 Agreement except as otherwise modified.
- 14.15. Darling Creek Extension of the Williams Fork Diversion Project, Water District 51, Grand County, C.A. No. 1430, appropriation date of August 26, 1953.
- 14.16. Moffat Tunnel Collection System, Water District No. 51, Grand County, C.A. No. 1430, appropriation date of August 30, 1963.
- 14.17. Hamilton-Cabin Creek Ditch, Extension and Enlargement of Hamilton-Cabin Creek Ditch, Meadow Creek Reservoir, Water District No. 51, Grand County, C.A. No. 657, appropriation Date of July 2, 1932.
- 14.18. Laramie Fox Hills-1 Well, Case No. 88CW149 WD 1 and Permit Nos. 32363-F and 35393-F.
- 14.19. South Platte Gravel Pit Storage Right, Case No. 2001CW286 WD1 as amended in Case No. 2013CW3056 WD1, appropriation date of December 28, 2001.
- 14.20. Denver Metro Wells, Case No. 2003CW186 WD1, for right to withdraw nontributary and not-nontributary water from the Arapahoe, Upper Arapahoe, and Laramie-Fox Hills Aquifers.
- 14.21. Farmers and Gardeners Ditch Water Right, Case No. 2009CW084 WD1, appropriation date of March 15, 1863.
- 14.22. Lupton Lakes Storage Complex Water Right, Case No. 2007CW322 WD1, appropriation date of December 28, 2007.
- 14.23. South Reservoir Complex Enlargement Water Right, Case No. 2009CW264 WD1, appropriation date of December 29, 2009.
- 14.24. Lawn Irrigation Return Flows, Case No. 2004CW121 WD1, decree date of May 15, 2012.
- 14.25. OCR Cistern Storage Right, as decreed under this application.
- 14.26. Denver Water can also release water from the above-referenced sources stored in Antero Reservoir, Eleven Mile Reservoir, Cheesman Reservoir, Chatfield Reservoir, Soda Lakes Reservoirs, Harriman Reservoir, Ralston Reservoir, and Gross Reservoir, or discharged from wastewater treatment plants, including the Metro Wastewater Reclamation District Treatment Plants (Hite Treatment Plant and Northern Treatment Plant) or Littleton/Englewood ("Bi-City") Wastewater Treatment Plant.

15. Other Replacement Sources:

- 15.1. Additional Supplies of Augmentation Water: Pursuant to C.R.S. § 37-92-305(8)(c), the Court may authorize the Applicant to utilize additional or alternative sources of augmentation water for replacement in the plan for augmentation sought herein, including water leased by the Applicant, if such sources are part of a substitute water supply plan approved pursuant to C.R.S. § 37-92-308 or if such sources are decreed for such use.
- 15.2. Additional Water Rights Separately Decreed for Augmentation Use: If a water right is

decreed or lawfully available for augmentation use and not already approved for such use under this Application, Applicant may add the water right by notice, subject to a reasonable opportunity for Opposers to object on the grounds of injury. This paragraph shall apply to all separately decreed sources, whether they are permanent additions to this plan for augmentation or of limited duration. 15.3. Other Additional Water Rights: If a water right is not decreed or otherwise lawfully available for augmentation use, and Colorado statutes or other governing authority provide a mechanism for using such water right without the need of a decree or well permit, Applicant shall provide written notice to the Opposers of its request for approval of the State Engineer pursuant to C.R.S. § 37 92-308 or other applicable statute. Applicant may use such water rights in the plan for augmentation upon the State Engineer's approval of the administrative application for the term of such approval, unless such approval is reversed or modified on appeal or under retained jurisdiction. 16. Means of Replacement: 16.1. Augmentation – First Use: Sources identified in Paragraphs 0 through 0 above are available to the South Platte River to replace to a calling water right point of administration on the mainstem of the South Platte River above or below the point of depletion identified in paragraph 0. 16.2. Augmentation – Successive Uses. 16.2.1. Successive Uses. Each of the sources identified in Paragraphs 0 through 0 above can be reused and successively used to extinction absent prohibitions preventing such reuse. Currently, as a result of the ruling entered in Case No. 81CW405, reuse of the source identified in Paragraph 0 is limited. This Application does not modify the decree entered in Case No. 81CW405, but Denver Water reserves the right to reuse water from this source beyond the limitations of such ruling if such decree is modified to permit such usage. This Application also does not modify the decrees in any of the other cases identified in Paragraphs 0 through 0. 16.2.2. Locations. Denver Water will account for and identify water once used, reused or successively used through its municipal system that is returning to the South Platte River, and deliver such water from one or more of the following sources to replace depletions pursuant to the plan for augmentation decreed herein: 16.2.2.1. From the point of release to the South Platte River at the Littleton/Englewood Bi-City Wastewater Treatment Plant; 16.2.2.2. By deliveries from storage facilities identified in Paragraph 14; 16.2.2.3. From the Farmers and Gardeners Ditch Water Right point of diversion and alternate points of diversion decreed in 2009CW084 WD1; 16.2.2.4. LIRFs quantified under the decree entered in Case No. 2004CW121 WD1; 16.2.2.5. From the point of release into the South Platte River at the Metro Wastewater Reclamation District Hite Plant Outfall; 16.2.2.6. From the point of release into the South Platte River at the Metro Wastewater Reclamation District Northern Treatment Plant Outfall; and/or 16.2.2.7. By deliveries from storage (South Gravel Pit Complex, North Gravel Pit Complex, and Lupton Lakes Reservoir Complex) of fully consumable water or water decreed for augmentation having been stored in these facilities. 16.3. Location of Replacements: When a valid call senior to the date of this application is being administered on the South Platte River below the point of depletion identified in paragraph 0, Denver Water will deliver augmentation water to the South Platte River in an amount equal to out-of-priority depletions above the location where the calling water right, including an adjudicated exchange, is being administered on the South Platte River. 17. Proposed Terms and Conditions: 17.1. Transit Losses: Transit losses from the delivery of replacement water to the point of replacement shall be assessed by the Division Engineer pursuant to statute, from the point at which replacement(s) are introduced to the natural stream to the confluence of the South Platte River and the point of depletion identified in paragraph 0. 17.2. Operation of Plan for Augmentation: Denver Water will operate the plan for augmentation in accordance with the final decree entered in this matter so as to not injuriously affect the owner of or persons entitled to use water under a vested water right or a decreed conditional water right. 18. OCR Storage Right and Augmentation Plan Accounting: All measurable diversions, deliveries to and releases of water from the OCR Cistern shall be measured. Denver Water shall install and properly maintain such other measuring devices and recorders to determine measurable inflows, measurable outflows, and storage volume, such as a pressure transducer, metal tape, staff gauge, flow meters, flumes or other devices acceptable to the Division Engineer for the administration of the OCR Cistern storage right and needed to complete accounting required by this paragraph. Prior to diversion or storage of water, Denver Water shall provide the State and Division Engineers with actual stage-area-capacity curves or tables for the OCR Cistern. For ease of administration of this plan for

augmentation, water stored in the OCR Cistern is considered to be 100% depletive to the South Platte River. The amount of water stored in the OCR Cistern will be calculated on a daily basis. Denver Water shall account daily for OCR Cistern operations under this decree and shall submit its accounting to the Division Engineer monthly or more frequently if requested by the Division Engineer, and shall provide copies of accounting to any Opposer to this case upon request. Denver Water's accounting shall include the: (1) daily amount of water stored in the OCR Cistern in-priority; (2) daily amount of water stored in the OCR Cistern out-of-priority; (3) name, location and date of the calling water right on the South Platte River; (4) running totals on the first fill and successive refills; (5) source(s) of water used for replacement; (6) amount of water from each source used for replacement; (7) location from which replacement water is introduced to the stream; and (8) transit losses, if any, in conveying replacement water in the natural stream. Because the Cistern will be covered and located below ground, there is no need to account for evaporation losses.

**16CW3177, Applicants, the Kern Reservoir and Ditch Company and the Town of Windsor, 301 Walnut Street, Windsor, CO 80550.** Please send correspondence and pleadings to: Bradley C. Grasmick and Wesley S. Knoll, Lawrence Jones Custer Grasmick LLP, 5245 Ronald Reagan Blvd., Suite 1, Johnstown, CO 80534, (970) 622-8181; [brad@ljcgllaw.com](mailto:brad@ljcgllaw.com); [wes@ljcgllaw.com](mailto:wes@ljcgllaw.com). APPLICATION FOR GROUND WATER RIGHTS AND TO ADD WELLS TO THE PLAN FOR AUGMENTATION DECREED IN CASE NO. 02CW301, in **LARIMER AND WELD COUNTIES**. 2. Purpose of Application. Applicants seek to adjudicate a new ground water right for the Town of Windsor for the 15<sup>th</sup> and Walnut Greenway Well and the Tacincalla Community Park and Public Works Facility Well (collectively the "Wells") as described below. In addition, Paragraph 25 of the decree in Case No. 02CW301, District Court, Water Division No. 1 ("Kern Decree"), allows Applicants to add wells to the Plan for Augmentation by filing an application with the Water Court. By this application, Applicants intend to add the Wells to the Plan for uses described herein. The Wells will be owned and used by the Town of Windsor for irrigation as described below. 3. Names of Ground Water Rights and structures to be augmented. 3.1 15th and Walnut Greenway Well: 3.1.1 Well Permit Number: A well permit will be filed upon entry of a final decree of this court approving the addition of this well into the Kern Decree. 3.1.2. Legal Description of Well. The location of the well will be: SE1/4 NE1/4 of Section 19, Township 6 North, Range 67 West, 6th P.M. at a point 1,375 feet from the North Section Line and 560 feet from the East Section Line, Weld County, Colorado. 3.1.3. Source. Groundwater 3.1.4. Appropriation Date: The appropriation of these wells is made as of the date of filing this application. 3.1.5. Amount. 50 g.p.m. 3.1.6 Use. Irrigation of 1.08 Acres in the SE1/4 NE1/4 of Section 19, Township 6 North, Range 67 West, 6th P.M. 3.1.7. Statement of Plan for Augmentation. The Well will be augmented pursuant to the terms and conditions of the Kern Decree. In particular, pursuant to the Kern Decree, any well added to the Plan for Augmentation that is used for irrigation shall use the consumptive use factor of 83% and shall use the Glover methodology, or a similar method, for determining the timing and depletions from past and future pumping. The Glover parameters for the well are: X = 2,353 ft; B = 13,000 ft; Harm T = 25,940 gpd/ft; S = 0.2. Further, as set forth in Paragraph 25 of the Kern Decree, the out of priority depletions resulting from the past use of the Well shall be replaced. This well was constructed originally as a monitoring well and has not yet been put into production so there are currently no out of priority depletions associated with the well. Out of priority depletions from use of the Well that will occur after the court decree adding the Well to the Plan for Augmentation, whether or not the depletions result from pumping before or after the date the court allows the Well to be added to the Plan for Augmentation, shall be replaced by the Applicants under the terms and conditions of the Kern Decree and any additional terms and conditions ordered by the court in connection with adding the Well. 3.2 Tacincalla Community Park and Public Works Facility Well: 3.2.1. Well Permit Number: A well permit will be filed upon entry of a final decree of this court approving the addition of this well into the Kern Decree. 3.2.2. Legal Description of Well. The location of the well will be: SE1/4 SE1/4 Section 7, Township 6 North, Range 67 West, 6th P.M. at a point 1,060 feet from the South Section Line and 525 feet from the East Section Line, Weld County, Colorado. 3.2.3. Source. Groundwater 3.2.4. Appropriation Date: The appropriation of these wells is made as of the date of filing this application.

3.2.5. Amount. 450 g.p.m. 3.2.6. Use. Irrigation of 40 Acres in the SE1/4 of Section 7 and a portion of the S1/2 NE1/4 of Section 7, both in Township 6 North, Range 67 West, 6th P.M. 3.2.7. Statement of Plan for Augmentation. The Well will be augmented pursuant to the terms and conditions of the Kern Decree. In particular, pursuant to the Kern Decree, any well added to the Plan for Augmentation that is used for irrigation shall use the consumptive use factor of 83% and shall use the Glover methodology, or a similar method, for determining the timing and depletions from past and future pumping. The Glover parameters for the well are: X = 9,418 ft; B = 4,998 ft; Harm T = 32,078 gpd/ft; S = 0.2. Further, as set forth in Paragraph 25 of the Kern Decree, the out of priority depletions resulting from the past use of the Well shall be replaced. This well was constructed originally as a monitoring well and has not yet been put into production so there are currently no out of priority depletions associated with the well. Out of priority depletions from use of the Well that will occur after the court decree adding the Well to the Plan for Augmentation, whether or not the depletions result from pumping before or after the date the court allows the Well to be added to the Plan for Augmentation, shall be replaced by the Applicants under the terms and conditions of the Kern Decree and any additional terms and conditions ordered by the court in connection with adding the Well. 4. Names and addresses of owners or reputed owners of land/structures. Kern Reservoir and Ditch Company is the owner of the Kern Reservoir and Kern Lateral. The Town of Windsor is the owner of the land upon which the Wells are to be located and the land to be irrigated by the Well. The Town of Windsor owns all 100 shares in the Kern Reservoir. The Town's address is: Town of Windsor, 301 Walnut Street, Windsor, CO 80550. 5 pages, no exhibits.

**16CW3178 The Town of Castle Rock, Attn: Mark Marlowe, Water Utilities Director, 175 Kellogg Court, Castle Rock, Colorado 80109, (303) 660-1015 (Jeffrey J. Kahn, Madoline Wallace-Gross, Lyons Gaddis, P.O. Box 978, Longmont, CO 80502-0978, (303) 776-9900). APPLICATION FOR CONDITIONAL SURFACE WATER RIGHT AND CONDITIONAL REFILL WATER STORAGE RIGHT IN DOUGLAS AND JEFFERSON COUNTIES.** 2. **Name of structure: Chatfield Reservoir-Castle Rock Pump Station.** A. Background. Applicant seeks a surface water right from a pump station located in Chatfield Reservoir. Water diverted at the pump station will be piped to the Plum Creek Water Purification Facility for treatment and then into the Applicant's distribution system. B. Legal Description of Point of Diversion: The Chatfield Reservoir-Castle Rock Pump Station will be located at the point where the Chatfield Reservoir Outlet Manifold intersects the centerline of Chatfield Dam at a point whence the northwest corner of Section 1, T6S, R69W of the 6<sup>th</sup> P.M. Jefferson County, bears north 49° west a distance of 4,070 feet, which point is 2,670 feet from the north and 3,072 feet from the west section lines of said Section 1. C. Sources: South Platte River and Plum Creek. D. Date of Appropriation: April 27, 2016. E. How Appropriation was Initiated: Applicant initiated this appropriation by conducting engineering studies to determine the water availability for and the need for a direct flow water right from Chatfield Reservoir, passing a director's resolution evidencing the appropriation and filing this application. F. Date Applied to Beneficial Use: Not applicable. G. Amount Claimed: 30 c.f.s., conditional. H. Proposed Uses: Direct use for all municipal uses, industrial, augmentation, replacement and exchange, with the right to use, reuse and successively use the return flows to extinction. I. Place of Use: Lands within Applicant's water service area boundaries, as such boundaries currently exist or may exist in the future, and lands outside such boundaries by contract. J. Comments: Applicant intends to fully-consume this surface water right, and the Town is appropriating the return flows generated from the surface water right. 3. **Name of structure: Chatfield Reservoir-Castle Rock Refill.** A. Background. Applicant owns a 2000 acre-foot storage water right in Chatfield Reservoir decreed in Case No. 89CW169, District Court, Water Division No. 1. The Town seeks a conditional refill storage water right for Chatfield Reservoir. B. Legal Description of Chatfield Reservoir: The right abutment of the dam is located in Douglas County, in Sections 6 and 7, T6S, R68W of the 6th P.M. The left abutment of the dam is located in Jefferson County, in Section 1, T6S, R69W of the 6th P.M. C. Sources: South Platte River and Plum Creek. D. Date of Appropriation: April 27, 2016. E. How Appropriation was Initiated: Applicant initiated this appropriation by conducting engineering studies to determine the water availability for and the need for a refill water right from Chatfield Reservoir, passing a director's resolution evidencing the appropriation and filing this

application. F. Date Applied to Beneficial Use: Not applicable. G. Amount Claimed for the Refill Water Right: 2000 acre-feet, conditional. H. Surface Area at High Water Line: 5,000 acres. I. Length of Dam: 12,200 feet. J. Active Capacity of Applicant's Portion: 2,000 acre-feet. K. Dead Storage of Applicant's Portion: 0 acre-feet. L. Proposed Uses: Storage for all municipal uses, industrial, augmentation, replacement and exchange, with the right to use, reuse and successively use the return flows to extinction. M. Place of Use: Lands within Applicant's water service area boundaries, as such boundaries currently exist or may exist in the future, and lands outside such boundaries by contract. N. Comments: Applicant intends to fully-consume this storage water right, and the Town is appropriating the return flows generated from the storage water right. **4. Name and address of owner of land upon which any new diversion structure or storage structure, or modification to an 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. Army Corps of Engineers, 9307 South Wadsworth Blvd., Littleton, CO 80128.

**16CW3179** Upper South Platte Water Conservancy District, c/o David B. Wissel, President, P.O. Box 612, Fairplay, CO 80440, (719) 836-9848 ( Jeffrey J. Kahn, Madoline Wallace-Gross, Elizabeth Joyce, Lyons Gaddis, P.O. Box 978, Longmont, CO 80502-0978, 303-776-9900). APPLICATION FOR ABSOLUTE WATER STORAGE RIGHT IN **PARK, CLEAR CREEK, DOUGLAS, TELLER AND JEFFERSON COUNTIES.** 2. Name of reservoir: Spinney Mountain Reservoir. 3. Legal Description of reservoir: Spinney Mountain Reservoir is an existing on-channel reservoir located in the south half of Section 25, Township 12 South, Range 74 West, 6<sup>th</sup> P.M., in Park County, Colorado. UTM coordinates for the reservoir are NAD83, Zone 13, Easting 446141 meters, Northing 4313879 meters, from DWR's CDSS online records. The left abutment of the dam is located at a point whence the southwest corner of Section 36, Township 12 South, Range 74 West of the 6<sup>th</sup> P.M bears South 23° 26' West, 8314.3 feet in Park County, Colorado. **EXHIBIT A** shows the reservoir location in relation to USPWCD's service area. 4. Source: South Platte River. 5. Filling structures: Not applicable; on-channel reservoir. 6. Appropriation date: May 25, 2009. A. How appropriation was initiated: USPWCD initiated the appropriation by storing the water in priority for beneficial use within USPWCD's service area; entering into an agreement with Aurora for storage of water; forming the intent to appropriate. B. Date water applied to beneficial use: Water was diverted and stored for beneficial use between May 25, 2009 and May 30, 2009. 7. Amount claimed: 18 acre-feet, ABSOLUTE. 8. Beneficial uses: Augmentation, replacement, and exchange within USPWCD's service area boundaries, which includes all of Park County and portions of Douglas, Teller, Jefferson and Clear Creek Counties. 9. Surface area of high water line: 2,400 acres. A. Maximum height of the dam is 95 feet. B. Length of the dam is 4,125 feet. 10. Total capacity of reservoir: 48,651 acre-feet of active storage; 5,000 acre-feet of dead storage. 11. Ownership of lands: Spinney Mountain Reservoir is owned by City of Aurora, whose address is 15151 E. Alameda Parkway, Aurora, Colorado 80012.

**16CW3180, (Division 2 case no. 16CW3090) GREGORY JOSEPH HUDSON, SHERI LYNNE HUDSON, JONATHAN RONALD HUDSON, and MARCY LYN HUDSON.** Please send all correspondence to Henry D. Worley, Worley Law Office LLC, 611 North Weber, Suite 104, Colorado Springs, CO 80903. Application for Adjudication of Denver Basin Ground Water and for Approval of Plan for Augmentation IN **EL PASO COUNTY.** 1. **Applicants.** Gregory Joseph Hudson and Sheri Lynne Hudson, 20310 Black Forest Road, Colorado Springs, CO 80908, and Jonathan Ronald Hudson and Marcy Lyn Hudson, 18015 Woodhaven Drive, Colorado Springs, CO 80908; Attn: Marcy Hudson,; email: [mlhudson4@hotmail.com](mailto:mlhudson4@hotmail.com); phone: (951) 236-2765. 2. **Names of wells and permit, registration, or denial numbers:** Well permit 185701. 3. **Legal description of wells:** Well permit 185701 is constructed in the Dawson aquifer in the SW1/4 NW1/4 Section 5, T. 11 S., R. 65 W., 6<sup>th</sup> P.M. Applicants may construct up to five additional wells in the Dawson aquifer, and one well in each of the Denver, Arapahoe and Laramie-Fox Hills aquifers, plus all necessary additional and/or replacement well. 4. **Description of property:** The legal description of Applicants' 38.02 acre property at 20310 Black

Forest Road, Colorado Springs, CO 80908 is as follows: “A tract of land in the W1/2 W1/2 of Section 5, T. 11 S., R. 65 W., 6<sup>th</sup> P.M. described as follows: beginning at the west 1/4 corner of said Section 5, thence north 0001'14" east on the west section line 828.42 feet, north 8927'07" east 1314.60 feet to the east line of said W1/2 W1/2, south 0001'12" west on said east line 1259.45 feet, south 8928'22" west 1314.60 feet to said west section line, north 0001'14" east on said west section line 430.54 feet to point of beginning.” (the “Property”) A map showing the location of the Property is attached as Figure 1. **4. Sources:** not nontributary Dawson aquifer; nontributary Denver aquifer; nontributary Arapahoe aquifer; nontributary Laramie-Fox Hills aquifer. **4. A. Date of appropriation:** Not applicable. **4.B. How appropriation was initiated:** Not applicable. **4.C. Date water applied to beneficial use:** Not applicable. **5. Amount claimed:** Dawson aquifer - 15 gpm per well, 3,466 AF (34.7 AF/yr) absolute; Denver aquifer, 150 gpm per well, 2,699 AF (27.0 AF/yr); Arapahoe aquifer, 150 gpm per well, 1,780 AF (17.8 AF/yr), absolute; Laramie-Fox Hills aquifer - 150 g.p.m., 1151 AF (11.5 AF/yr), absolute. **6. Proposed uses:** all except municipal. **7. Name and address of owner of land on which wells are/will be located:** same as Applicants. **II. APPLICATION FOR APPROVAL OF PLAN FOR AUGMENTATION.** **8. Name of structures to be augmented:** Well permit 185701 and up to five additional Dawson aquifer wells to be located on the Property. No other water rights are or will be diverted from the wells. After entry of a decree, well permit 185701 will be re-permitted consistent with the provisions of the augmentation plan. **9. Previous decrees for water rights to be used for augmentation:** None. **10. Historic use:** Not applicable. **11. Statement of plan for augmentation:** Applicants seek approval of a plan for augmentation which will allow pumping of up to 0.8 AF annually from each of six wells in the Denver aquifer, or 1440 acre feet total over 300 years, including well permit 185701. Water will be used for indoor residential purposes, small-scale commercial purposes such as drinking and sanitary uses for home/detached offices, landscape and garden irrigation, livestock watering, dust suppression, and augmentation through use of non-evaporative wastewater systems. Applicants proposes to replace depletions during pumping with return flows from nonevaporative septic systems. The SEO has established an informal guideline of 0.2 acre foot annually for indoor residential uses. Waste water from indoor uses will be treated using a nonevaporative individual septic tank and leach fields; annual return flows from water so treated will no be less than 0.18 acre foot. Such return flows will accrue to Cherry Creek and its tributaries in the South Platte basin. This plan for augmentation will allow annual pumping not to exceed 0.8 AF/well/year over a 300 year period, at which time stream depletions will equal approximately 22.56% of annual pumping. By observing that pumping limitation, septic system return flows alone will equal or exceed the 0.18 acre foot of maximum stream depletions per well during the pumping period, regardless of the number of Dawson aquifer wells ultimately constructed. Applicants will replace estimated post-pumping depletions of 1440 acre feet with a portion of the nontributary Denver aquifer water decreed herein, 1480 acre feet of which will be reserved for that purpose. Applicants will reserve the right to replace such depletions with any other judicially acceptable source of augmentation water, upon judicial approval. **12. Miscellaneous provisions.** (1) There is one lien against the Applicants’ property; notice of which is being given to the lienor pursuant to C.R.S. 37-92-302(2)(b), copy of letter attached as Exhibit A. (2) This application is being filed in Water Divisions 1 and 2. After the period for filing statements of opposition has expired, Applicants will seek to consolidate the two cases in Division 1, where the Property is located. (3) Applicants reserve the right to make changes in the amounts claimed for appropriation and in the allowable amounts to be pumped annually under the augmentation plan, based on revisions in the information currently available to Applicants and the information contained in the Consultation Report and Determinations of Facts.

**16CW3181 The CITY OF LOUISVILLE, a Colorado municipal corporation,** In the South Platte River or its Tributaries **IN BOULDER COUNTY** APPLICATION:  FOR FINDING OF REASONABLE DILIGENCE Name, mailing address, email address, and telephone number of applicant(s) (if there are multiple applicants, and the space provided is not adequate to list all of the applicants, the names, addresses, telephone numbers and available email addresses must be provided as an attachment): Name of Applicant, Mailing Address, and Telephone Number: The City of Louisville, 749

Main Street Louisville, CO 80027, 303-666-6565 Attorney's Name and Address: Alan G. Hill, Yates Law Firm, LLC 303 East 17<sup>th</sup> Avenue, Suite 940 Denver, Colorado 80203 Phone Number: 303-722-2810 E-mail: ahill@yateslawfirmllc.com Atty. Reg. #: 11343 Name of structure: City of Louisville Pipeline Type:  well  spring  ditch  reservoir  other: pipeline Describe conditional water right (as to each structure) including the following information from previous decree: Date of Original Decree: 12/14/1988 Case No. 83CW318 Court: District Court, Water Division 1 List all subsequent decrees awarding findings of diligence: Date of Decree: 11/17/1995 Case No. 94CW212 Court: District Court, Water Division 1 Date of Decree: 10/16/2003 Case No. 01CW217 Court: District Court, Water Division 1 Date of Decree: 12/14/2010 Case No. 09CW148 Court: District Court, Water Division 1 Legal description: Provide a verbatim legal description from the most recent decree that adjudicated the location. Attach a legible 8 1/2 x 11 inch map to this application illustrating location of the structure. The intake is located on the south bank of South Boulder Creek at a point derived by beginning at the southeast corner of Section 25, T1S, R71W of the 6<sup>th</sup> P.M., Boulder County, Colorado and running thence north along the east line of said Section 25, a distance of 1,264.5 feet and thence westerly at an angle of 90°, a distance of 1,515 feet and terminates at Louisville Reservoir which is located in the S1/2, Section 6, T1S, R69W of the 6<sup>th</sup> P.M. , Boulder County, Colorado. Source of water: South Boulder Creek Appropriation Date: 06/13/1983 Amount: 1.12 cfs, conditional (in addition to the 6.615 cfs previously decreed as absolute for the Louisville Pipeline). Use: All municipal purposes, including irrigation, domestic commercial, and industrial. When not needed for immediate use, water diverted under this priority will. be stored in Louisville Reservoir. Depth: (if well) 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: (add additional sheets if necessary). If irrigation use, mark the location of proposed area to be irrigated on a USGS topographic map and attach to this application a legible 8 1/2 x 11 inch copy of the applicable portion of the map. *See attached Exhibits 4.A. and 4.B.* **[Exhibit 4.A. is appended hereto]**. If claim to make absolute in whole or in part: Date water applied to beneficial use: Amount: Use: The application shall include supporting evidence that applicant diverted water in-priority and applied such water to the beneficial uses claimed in the amounts claimed. (For example, diversion records, call records, capacity tables, etcetera.) Description of place of use where water is applied to beneficial use. Mark the location of area irrigated on a USGS topographic map and attach to this application a legible 8 1/2 x 11 inch copy of the applicable portion of the map. If actual location of the structure is different from the location in paragraph 3.C. above, provide the actual description. Mark the actual location of the structure on a USGS topographic map and attach to this application a legible 8 1/2 x 11 inch copy of the applicable portion of the map. Location information in UTM format (Preferred): UTM Zone must be 12 or 13; Units must be Meters; Datum must be NAD83; and Units must be set to true North. Include the source of the UTM coordinates, for example: GPS device, GIS system such as DWR AquaMap or CDSS MapViewer; scaled from USGS topographic map; or other source. In areas having generally recognized street addresses, also include street address, and if applicable, the lot, block, and subdivision. Attach a legible 8 1/2 x 11 inch map to this application illustrating location of the structure. UTM coordinates Easting 475911.97 Northing 4420200.00  Zone 12  Zone 13 Legal Description Using the Public Land Survey System (PLSS) (Optional; Please include both UTM and PLSS descriptions if known): Include perpendicular distances from section lines, and indicate 1/4 1/4, section number, township, range, meridian and county; mark the location of the structure on a USGS topographic map and attach to this application a legible 8 1/2 x 11 inch copy of the applicable portion of the map. In areas where section lines have not been established, a bearing and distance to an established government monument is acceptable. Include the source of PLSS information, for example: GIS system such as DWR AquaMap or CDSS MapViewer; field survey; or other source. In areas having generally recognized street addresses, also include street address, and if applicable, the lot, block, and subdivision. Legal Description: County Boulder SW1/4 of the SE 1/4 Section 25 Township 1 N Range 71 W Principal Meridian Sixth Distance from section lines (not from property lines) 1257 Feet from  S 1502 Feet from  E Source of PLSS information: Aquamap 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. The applicant must notify these persons that the applicant is applying for this water right, and certify to the Court that the applicant has done so by no later than 14 days after filing this Application. The certification form is on page 5 of this form. None Remarks or any other pertinent information: No new structures or modifications to existing diversion or storage structures are necessary or contemplated for this water right beyond those described in the original decree. **Exhibit 4.A.** The City of Louisville Pipeline is part of Louisville's municipal water system. Louisville is a growing city and during the last six years has done significant work on its water system. This work included the following items: Louisville has upgrade and made improvements to the Supervisory Controls and Data Acquisition (SCADA) system for the individual water treatment facilities. Louisville has expanded the reuse system to increase water supply to the City's Coal Creek Golf Course. Louisville has continued to obtain additional water resources to meet current and future demands. Louisville is a participant in the Windy Gap Firing Project. Louisville obtained a decree in Case No. 07CW310. Louisville has appeared in several Water Court cases as an objector in order to protect its water rights, including these conditional water rights, from injury by others. These cases include: 02CW292, 07CW231, 11CW297, 11CW298, 12CW005, 12CW87 and 12CW88. The estimated total expenditures for the activities listed above is at least \$9,300,000. Since work on one part of an integrated water system is evidence of diligence toward completion of all water rights within the entire water system, Louisville has been diligent in the development of these conditional rights, and seeks a decree of reasonable diligence for this conditional water storage right.

**16CW3182 The CITY OF LOUISVILLE, a Colorado municipal corporation.** Application for Finding of Reasonable Diligence, In the South Platte River or its Tributaries IN **BOULDER COUNTY**. Name, mailing address, email address, and telephone number of applicant(s) (if there are multiple applicants, and the space provided is not adequate to list all of the applicants, the names, addresses, telephone numbers and available email addresses must be provided as an attachment): Applicant Name, Mailing Address, and Telephone Number: The City of Louisville 749 Main Street Louisville, CO 80027 303-666-6565 Attorney's Name and Address: Alan G. Hill, Yates Law Firm, LLC 303 East 17<sup>th</sup> Avenue, Suite 940 Denver, Colorado 80203 Phone Number: 303-722-2810 E-mail: ahill@yateslawfirmllc.com Atty. Reg. #: 11343 Name of structure: Baseline Reservoir Exchange Type:  well  spring  ditch  reservoir  other: exchange Describe conditional water right (as to each structure) including the following information from previous decree: Date of Original Decree: 05/10/1988 Case No. 80CW451 Court: District Court, Water Division 1 List all subsequent decrees awarding findings of diligence: Date of Decree: 11/28/1995 Case No. 94CW076 Court: District Court, Water Division 1 Date of Decree: 10/16/2003 Case No. 01CW219 Court: District Court, Water Division 1 Date of Decree: 12/14/2010 Case No. 09CW149 Court: District Court, Water Division 1 Legal description: Provide a verbatim legal description from the most recent decree that adjudicated the location. Attach a legible 8 1/2 x 11 inch map to this application illustrating location of the structure. An exchange of water stored in Baseline Reservoir up Dry Creek to its divergence from South Boulder Creek, and up South Boulder Creek to Louisville's alternate points of diversion. Baseline Reservoir is located in Sections 2 and 4, T1S, R70W, and Sections 34 and 35, T1N, R70W of the 6<sup>th</sup> P.M., Boulder County, Colorado. Water from South Boulder Creek is delivered from Dry Creek (the New Dry Creek Carrier) with its headgate located at a point on the east bank of South Boulder Creek in the SW1/4 of Section 3, T1S, R70W of the 6<sup>th</sup> P.M. Louisville's alternate points of diversion are the Community Ditch and the Louisville Pipeline, which are described in more detail in the original decree entered in /Case No. 80CW451, on May 10, 1988. Source of water: South Boulder Creek Appropriation Date: 10/04/1978 Amount: 80.0 cfs, conditional [this amount is in addition to the 20.0 cfs previously decreed as absolute in Case No. 94CW76 (80CW451)]. Use: All municipal purposes in the present and future service area of Louisville and for irrigation. This use includes storage in Marshall Lake through Community Ditch, storage in Louisville Reservoir and/or Harper Reservoir, and direct flow diversions through the Community Ditch and/or the Louisville Pipeline.

The uses are described in more detail in the original decree entered in Case No. 80CW451 on May 10, 1988..Depth: (if well) 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: (add additional sheets if necessary). If irrigation use, mark the location of proposed area to be irrigated on a USGS topographic map and attach to this application a legible 8 1/2 x 11 inch copy of the applicable portion of the map. See attached Exhibits 4.A. and 4.B.[**Exhibit 4.A. appended hereto**]. If claim to make absolute in whole or in part: Date water applied to beneficial use: Amount: Use: The application shall include supporting evidence that applicant diverted water in-priority and applied such water to the beneficial uses claimed in the amounts claimed. (For example, diversion records, call records, capacity tables, etcetera.) Description of place of use where water is applied to beneficial use. Mark the location of area irrigated on a USGS topographic map and attach to this application a legible 8 1/2 x 11 inch copy of the applicable portion of the map. If actual location of the structure is different from the location in paragraph 3.C. above, provide the actual description. Mark the actual location of the structure on a USGS topographic map and attach to this application a legible 8 1/2 x 11 inch copy of the applicable portion of the map. Location information in UTM format (Preferred): UTM Zone must be 12 or 13; Units must be Meters; Datum must be NAD83; and Units must be set to true North. Include the source of the UTM coordinates, for example: GPS device, GIS system such as DWR AquaMap or CDSS MapViewer; scaled from USGS topographic map; or other source. In areas having generally recognized street addresses, also include street address, and if applicable, the lot, block, and subdivision. Attach a legible 8 1/2 x 11 inch map to this application illustrating location of the structure. UTM coordinates – Downstream Exchange Point Easting 483355.72 Northing 4427663.50 Zone 13 Source of UTM's (for example, hand-held Garmin GPS): Aquamap TM coordinates – Upstream Exchange Point Community Ditch Easting 476018 Northing 4420291 Zone 13 Source of UTM's (for example, hand-held Garmin GPS): Aquamap UTM coordinates – Upstream Exchange Point Louisville Pipeline Easting 475911.97 Northing 4420200.00 Zone 13 Source of UTM's (for example, hand-held Garmin GPS): Aquamap Legal Description Using the Public Land Survey System (PLSS) (Optional; Please include both UTM and PLSS descriptions if known): Include perpendicular distances from section lines, and indicate 1/4 1/4, section number, township, range, meridian and county; mark the location of the structure on a USGS topographic map and attach to this application a legible 8 1/2 x 11 inch copy of the applicable portion of the map. In areas where section lines have not been established, a bearing and distance to an established government monument is acceptable. Include the source of PLSS information, for example: GIS system such as DWR AquaMap or CDSS MapViewer; field survey; or other source. In areas having generally recognized street addresses, also include street address, and if applicable, the lot, block, and subdivision. **Downstream Exchange Point Legal Description:** County Boulder NE1/4 of the NW1/4 Section 2 Township 1 S Range 70 W Principal Meridian Sixth Distance from section lines (not from property lines) 424 Feet from N and 2377 Feet from W. Source of PLSS information: Aquamap **Upstream Exchange Point Community Ditch Legal Description:** County Boulder SE1/4 of the NE1/4 Section 25 Township 1 S Range 71 W Principal Meridian Sixth Distance from section lines (not from property lines) 1558 Feet from S and 1154 Feet from E Source of PLSS information: Aquamap **Upstream Exchange Point Louisville Pipeline Legal Description:** County Boulder SW1/4 of the SE1/4 Section 25 Township 1 S Range 71 W Principal Meridian Sixth Distance from section lines (not from property lines) 1257 Feet from S and 1502 Feet from E Source of PLSS information: Aquamap 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. The applicant must notify these persons that the applicant is applying for this water right, and certify to the Court that the applicant has done so by no later than 14 days after filing this Application. The certification form is on page 5 of this form. None Remarks or any other pertinent information: No new structures or modifications to existing diversion or storage structures are necessary or contemplated for this water right beyond those described in the original decree. [**Exhibit 4.A.**] The City of Louisville Pipeline is part of Louisville's municipal water system. Louisville

is a growing city and during the last six years has done significant work on its water system. This work included the following items: Louisville has upgrade and made improvements to the Supervisory Controls and Data Acquisition (SCADA) system for the individual water treatment facilities. Louisville has expanded the reuse system to increase water supply to the City's Coal Creek Golf Course. Louisville has continued to obtain additional water resources to meet current and future demands. Louisville is a participant in the Windy Gap Firming Project. Louisville obtained a decree in Case No. 07CW310. Louisville has appeared in several Water Court cases as an objector in order to protect its water rights, including these conditional water rights, from injury by others. These cases include: 02CW292, 07CW231, 11CW297, 11CW298, 12CW005, 12CW87 and 12CW88. The estimated total expenditures for the activities listed above is at least \$9,300,000. Since work on one part of an integrated water system is evidence of diligence toward completion of all water rights within the entire water system, Louisville has been diligent in the development of these conditional rights, and seeks a decree of reasonable diligence for this conditional water storage right.

**16CW3183 RED ROCKS BAPTIST CHURCH, 14711 W. Morrison Road, Morrison, CO 80465; (303) 922-8301;** Please send all pleadings and correspondence to Applicant's attorneys: Stephen H. Leonhardt, Esq. and Morgan L. Figuers, Esq; Burns, Figa & Will, P.C.; 6400 South Fiddler's Green Circle, Suite 1000; Greenwood Village, CO 80111; (303) 796-2626. APPLICATION FOR CHANGE OF WATER RIGHT, JEFFERSON COUNTY. 2. Summary of the Application: Red Rocks Baptist Church (RRBC or Applicant) is located on a 31.8-acre, more or less, parcel of land (Property) in the NW1/4 SW1/4 of Section 31, T4S, R69W, and the NE1/4 SE1/4 of Section 36, T4S, R70W, in Jefferson County, Colorado. The Property is generally shown on Figure 1. RRBC purchased the Property with ten inches of Hindry Ditch water rights in 2002. RRBC developed the Property, and in 2007, RRBC began irrigating the lawns, recreational areas, and landscaping surrounding church buildings on its Property using the Hindry Ditch water rights. In 2015, the Division Engineer determined that part of RRBC's Property was outside the decreed place of use for the Hindry Ditch water rights. RRBC is currently irrigating its Property pursuant to a substitute water supply plan (SWSP), approved for April 1, 2016 through March 31, 2017. RRBC seeks to change the place of use of its Hindry Ditch water rights to include the entire Property. No change in point of diversion is sought. RRBC also seeks to change the water rights to include storage. 3. Decreed water right for which change is sought: RRBC seeks to change the ten (10) Hindry Ditch Inches that it owns. 3.1 Name of structure: Hindry Ditch. 3.2 Date and description of original and all relevant subsequent decrees: 3.2.1. The Hindry Ditch water right was originally decreed in Civil Action 6832 (Arapahoe County District, February 4, 1884) with an appropriation date of April 15, 1862, for Priority No. 7 on Bear Creek, for a diversion of 9.15 cubic feet per second (cfs). (The Hindry Ditch was also decreed for Priority No. 20 on Bear Creek, for a diversion of 8.94 cfs. Priority No. 20 was abandoned in Case No. 84CW204 (Water Div. 1), and is not involved in this Application.) The original headgate location was reported to be on the north bank of Bear Creek, in the NW1/4 NW1/4 of Section 6, T5S, R69W. 3.2.2. The point of diversion was changed, and place of use confirmed, in Case Nos. 51268 and 51308 (District Court for the City and County of Denver, June 27, 1911) (also referred to as the "1911 Transfer Decree"), for 200 Hindry Ditch inches, out of Priority No. 7, to the headgate of the Ward Canal (a/k/a Ward Kendrick Ditch) (WDID 0900959). The diversion rate was reduced from 9.15 cfs to 5.21 cfs. 3.2.3. The locations of the Ward Canal, Bear Creek, and the Property are shown on the map attached as Figure 1. 3.3. Legal description of structure as described in most recent decree that adjudicated the location: The headgate of the Ward Canal is located on the north side of Bear Creek in the NE1/4 of Section 2, T5S, R70W, as decreed in Case Nos. 51268 and 51308, as shown on Figure 1. The UTM coordinates for the Ward Canal are UTM x = 484088 and UTM y = 4389144. (Applicant obtained all UTM coordinates described in this Application from the HydroBase database found at <http://cdss.state.co.us/OnlineTools/Pages/StructuresDiversions.aspx>. The UTM coordinates are included in this Application at the request of the Division Engineer to facilitate administration. In the event that any UTM coordinates are inaccurate, it shall not affect the rights to be adjudicated through this Application.) 3.4. Decreed source of water: Bear Creek, which is a tributary of the South Platte River.

3.5. Appropriation dates and decreed amount: RRBC owns ten (10) Hindry Ditch inches out of Priority No. 7, which is the equivalent of 0.26 cfs. A Hindry Ditch inch is equivalent to a miner's inch (0.026 cfs = 1 miner's inch). Priority No. 7 has an appropriation date of April 15, 1862, for 5.21 cfs, reduced from 9.15 cfs when the point of diversion was changed in Case Nos. 51268 and 51308. The amount is absolute.

3.6. Decreed uses: The Hindry Ditch water rights are decreed for irrigation. Case No. CA-6832.

3.7. Amount of water that Applicant intends to change: RRBC's ten (10) Hindry Ditch inches, which is the equivalent of 0.26 cfs.

4. Detailed description of proposed change: RRBC seeks to change the place of use of its ten (10) Hindry Ditch inches (0.26 cfs), to allow irrigation of up to 8 acres on its entire Property so that it can continue to irrigate the lawns, recreational areas, and landscaping surrounding the church buildings, as shown on Figure 1. It also seeks to change the use to include storage in a small pond (RRBC Pond) located on the Property and in Bear Creek Golf Course (BCGC) Pond No. 4.

4.1. Historical Use: The Hindry Ditch water right was originally used for agricultural irrigation on two parcels, including 200 acres out of a 630-acre parcel owned by Joseph Cykler in the: S1/2 of Section 31, S1/2 SW1/4 of Section 32, a part of NW1/4 SW1/4 of Section 32, T4S, R69W, and N1/2 N1/2 of Section 6, and 20 acres in NW1/4 NW1/4 of Section 5, T5S, R69W in Jefferson County, Colorado, as shown on Figure 2 (Cykler Property). In the 1911 Transfer Decree, 100 Hindry Ditch inches, including what are now RRBC's ten (10) Hindry Ditch inches, were changed to be diverted at the headgate of the Ward Canal to irrigate 200 acres (2 acres/inch) anywhere on the Cykler Property. The ten (10) Hindry Ditch inches owned by RRBC continued to be used for irrigation on and adjacent to the Cykler Property. RRBC's predecessor used the Hindry Ditch water rights to irrigate a driving range. The driving range occupied a portion of the current RRBC Property. Approximately 11.5 acres of the total 31.8-acre RRBC Property is within the Cykler Property, as shown on Figure 2.

4.2. Diversion Records: Historical diversion records for the Hindry Ditch right are attached as Exhibit 1.

4.3. Storage: RRBC intends to store a portion of the water from its Hindry Ditch water rights in the RRBC Pond located on its Property and/or in BCGC Pond No. 4.

4.3.1. The RRBC Pond is located in the NE1/4 of the NE1/4 of the SE1/4 of Section 36, T4S, R70W, in Jefferson County, Colorado, and the center of the existing pond is located approximately 518 feet from the east section line and 2,073 feet from the south section line of Section 36. RRBC will divert water from the Ward Canal into the RRBC Pond. RRBC intends to release this water from the RRBC Pond to irrigate its Property and to replace historic return flows. The RRBC Pond's total capacity is approximately 1.5 af and will be enlarged to approximately 3 af. The surface area of the high water line in the existing Pond is approximately 0.3 acres. The RRBC Pond is a dug hole on the Property and is not dammed. Its deepest point is approximately six feet from the bottom of the pond to the high water line. The planned enlargement would deepen the Pond to approximately nine feet at the deepest point.

4.3.2. BCGC Pond No. 4 is located in the SE1/4 of the SW1/4 of Section 28, T4S, R69W, approximately 1490 feet East of the West section line and 630 feet North of the South section line. BCGC Pond No. 4's total capacity is approximately 8 af, and the surface area of the high water line is approximately 2 acres.

4.4. Proposed terms and conditions.

4.4.1. RRBC's irrigation use will not exceed the historical consumptive use of its Hindry Ditch inches, nor will it exceed the historically irrigated acreage.

4.4.2. RRBC will replace the historical return flows from the decreed irrigation use of the water rights. The sources of return flow replacement include any sources available to RRBC, including but not limited to its Hindry Ditch inches. Replacements may be made from storage in RRBC Pond, storage in BCGC Pond No. 4, recharge on the RRBC Property, and/or storage or recharge at other locations on the Bear Creek Golf Course Property located in the S1/2 Section 28 and S1/2 Section 29, T4S, R69W.

4.5. No injury. The changes sought in this Application will not cause injury to other water rights.

4.6. Accounting and Operations: The Church will continue to divert its pro-rata interest in the Hindry Ditch Priority No. 7 water right (0.26 cfs, less ditch loss) from the Ward Canal for irrigation of up to 8 acres on the RRBC Property. The accounting will include the daily deliveries from the Ward Canal and will be submitted on a monthly basis to the Water Commissioner and the Division 1 office.

5. Names and addresses of owners or reputed owners of the land upon which any new diversion or storage structure or modification to any existing diversion or storage structure is or will be constructed, or upon which water will be stored: RRBC owns the RRBC Property. BCGC Pond No. 4 is located on the Bear Creek Golf Course, which is owned by Bear Creek

Development Corp., c/o Jeffrey N. Bradley, PO Box 465, Morrison CO, 80465. 6. Jurisdiction: The Court has jurisdiction over this Application pursuant to C.R.S. §§ 37-92-203, 37-92-302, and 37-92-305. Number of pages in Application: 7

**16CW3184 United States of America, Department of the Interior, Bureau of Land Management, Royal Gorge Field Office, 3028 E. Main St., Canon City, CO 81212. APPLICATION FOR WATER STORAGE RIGHT, PLAN FOR AUGMENTATION, AND APPROPRIATIVE RIGHT OF EXCHANGE IN PARK COUNTY. 2. General application description:**

Trout Creek Pond is an on-channel reservoir that was constructed in 1985 to provide fish and wildlife habitat in South Park. The reservoir has been historically operated to maintain full capacity at all times, with inflow from Trout Creek passed through the reservoir at all times to satisfy senior downstream water rights. Trout Creek Pond originally consisted of two natural ponds surrounded by natural wetland vegetation. After Trout Creek Pond was inadvertently drained and removed by another party, Trout Creek Pond was re-constructed and some of the natural surrounding wetland vegetation was inundated. The Colorado Division of Water Resources notified the BLM that the reservoir may be consuming water out-of-priority, because evaporation from the reservoir surface may exceed the evaporation and evapotranspiration from the prior natural e areas of standing water and wetlands that were inundated by the reservoir. An independent engineering study has determined that current evaporation exceeds historical evaporation only during the month of April. During May through October, the current evaporation and evapotranspiration results in a net credit to Trout Creek as compared to the historical evaporation and evapotranspiration, and will not require augmentation. This application claims a storage right for the 31.04 acre-foot Trout Creek Pond and a plan for augmentation to release water from Spinney Mountain Reservoir at times when the Trout Creek Pond storage right is not in priority during the month of April. An appropriative right of exchange from Spinney Mountain Reservoir to Trout Creek Pond is claimed for the replacement of depletions at Trout Creek Pond on Trout Creek by releases from Spinney Mountain Reservoir to the Middle Fork of the South Platte River. Application for Water Storage Right **3. Name of reservoir:** Trout Creek Pond **4. Location of reservoir:** Trout Creek Pond is located in the SW1/4 of the SW1/4 of Section 33, Township 10S, Range 76W, and the NW1/4 of the NW1/4 of Section 4, Township 11S, Range 76W, Sixth P.M. The outlet of the reservoir is located within the SW/4 SW/4, Section 33, Township 10S, Range 76W, Sixth P.M., at a point approximately 480 feet from the north section line and 980 feet from the west section line. **5. Description of reservoir. A. Surface area at full capacity:** 15.7 acres **B. Maximum dam height:** 2.1 feet from ground surface to bottom of spillway **C. Length of dam:** 1,344 feet **D. Total reservoir capacity (acre feet):** 31.04 acre feet **6. Source of water used to fill reservoir:** Trout Creek Pond is an on-channel reservoir that is filled by Trout Creek, which is tributary to the Middle Fork of the South Platte River/South Platte River. No ditches are used to fill the reservoir. **7. Description of appropriation. A. Date of appropriation:** December 31, 2016. **B. How appropriation was initiated:** Construction of reservoir, storage of water to full capacity, public notice of intent to appropriate water via filing this application with the Division 1 Water Court. **C. Date water placed to beneficial use:** December 31, 2016. **D. Amount Claimed:** 31.04 acre feet, absolute. Applicant seeks the right to fill and refill the pond, with the objective of keeping the water level in the pond stable at all times. **8. Uses of water:** Creation and maintenance of wetland habitat areas and open water habitat areas, including the creation and maintenance of forage, cover, breeding areas, and resting areas for various wildlife species, including shorebirds, waterfowl, mammals, fish and amphibians. Plan for Augmentation **9. Structure to be augmented:** Trout Creek Pond **10. Augmentation water source:** The Applicant will be entering contemporaneously into an intergovernmental agreement with City of Aurora for an augmentation water supply. But nothing in any decree issued as a result of this Application may modify any agreement between the BLM and the City of Aurora. The augmentation water supply will be from the following source: **A. Name:** Spinney Mountain Reservoir **B. Location:** Located on the channel of the South Platte River as follows: The dam for the Reservoir is located in the South 1/2 of Section 25, Township 12 South, Range 74 West of the 6<sup>th</sup> P.M. , in Park County Colorado; the left abutment of said dam is located at a point whence the Southwest corner of Section 36, Township 12

South, Range 74 West of the 6<sup>th</sup> P.M., bears South 23° 26' West, 8,314.3 feet in Park County Colorado.

**C. Water Rights:** Water stored in Spinney Mountain Reservoir pursuant to the decree in Case No. W-9242-78A, District Court, Water Division 1. This decree authorizes storage of the changed water right for the Trout Creek Ditch, which holds a July 1, 1862 priority for the entire flow of Trout Creek. The decree in Case No. W-9242-78A authorizes “all beneficial uses, including but not limited to irrigation, domestic, commercial, industrial, recreational, piscatorial, exchange, within and without the components of its system, reuse, successive use, total consumptive use, and all other beneficial uses.” This Application does not seek to change any of the water rights decreed in Case No. W-9242-78(A), Water Division 1, or any other water rights owned or operated by City of Aurora.

**11. Operation of plan of augmentation.**

**A. Calculation of out-of-priority evaporative losses.** The Applicant has calculated the net consumptive use of water, based upon comparison of historical and current evaporation and evapotranspiration losses. A table showing the net consumptive use of water by month is attached as Exhibit A. Because Trout Creek Pond is an on-channel reservoir, the evaporative depletions are considered to be instantaneous.

**B. Replacement water deliveries.** Applicant will replace its out-of-priority evaporative losses during April whenever there is a call on the river downstream of Trout Creek Pond with a priority date senior to December 31, 2016. Water will be released from Spinney Mountain Reservoir to cover the evaporative losses on a uniform daily basis unless otherwise approved by the water commissioner.

**C. Transit losses.** A review of Division 1 call records revealed that calls for water between Trout Creek Pond and Spinney Mountain Reservoir are very rare. Calls from senior water rights typically come from downstream of Spinney Mountain Reservoir. There will be no transit losses between Trout Creek Pond, where the water is consumed, and the downstream location at which augmentation water is released, at Spinney Mountain Reservoir. Accordingly, the augmentation plan will not calculate and replace transit losses. In the event a call does occur on Trout Creek, water will be supplied directly from the changed Trout Creek Ditch water rights described in Section 10.C. before the changed rights reach Spinney Mountain Reservoir.

**D. Accounting.** An accounting report will be submitted to the Division Engineer no later than December 1 annually. The report will contain the following: 1. Daily river call and location of call. 2. Summary of out-of-priority evaporation during April. 3. Timing, rate, and volume of augmentation water releases from Spinney Mountain Reservoir. 4. Net water balance.

**Appropriative Rights of Substitution and Exchange** In order to operate the proposed plan of augmentation, an exchange will be necessary for the release of water from Spinney Mountain Reservoir to cover depletions at Trout Creek Pond. The following exchange is claimed:

**12. Substitution and Exchange Description:**

**A. Legal description of the structures from which substitute water supplies will be released (exchange from points):** Located on the channel of the South Platte River as follows: The dam for the Reservoir is located in the South 1/2 of Section 25, Township 12 South, Range 74 West of the 6<sup>th</sup> P.M., in Park County Colorado; the left abutment of said dam is located at a point whence the Southwest corner of Section 36, Township 12 South, Range 74 West of the 6<sup>th</sup> P.M., bears South 23° 26' West, 8,314.3 feet in Park County Colorado.

**B. Legal descriptions of the structures where water will be stored by exchange for subsequent consumption by evaporation (exchange to points):** Trout Creek Pond: The on-channel outlet of the reservoir is located within the SW/4 SW/4, Section 33, T10S R76W, Sixth P.M., at a point approximately 650 feet from the north section line and 980 feet from the west section line.

**C. Exchange Reaches.** The claimed exchange reach is from the structure described in Section 12.A to the structure described in Section 12.B.

**D. Date of initiation of appropriation for the proposed exchanges:** December 31, 2016.

**E. How appropriation was initiated:** The BLM reached an agreement with City of Aurora to supply augmentation water for Trout Creek Pond. Subsequently, public notice of the proposed augmentation plan and exchange was provided by filing an application in District Court, Water Division 1.

**F. Physical exchange rate claimed:** 1.1 cfs, conditional

**13. Names and addresses of owners of land on which points of diversion, places of use, and structures referenced in this application are located:** United States of America – Department of Interior, Bureau of Land Management, Royal Gorge Field Office, 3028 E. Main St., Canon City, CO 81212. Aurora Water 15151 E. Alameda Parkway, Aurora, CO 80012. Attn. Brian Fitzpatrick.

**16CW3185 LOUIS K. KNIGHT AND PAMELA M. KNIGHT, 1979 Carlson Road, Parker, CO 80138-4454; (303) 720-851-1671;** Please send all pleadings and correspondence to Applicants' attorneys: Stephen H. Leonhardt, Esq. and Morgan L. Figuers, Esq; Burns, Figa & Will, P.C.; 6400 South Fiddler's Green Circle, Suite 1000; Greenwood Village, CO 80111; (303) 796-2626. APPLICATION FOR NOT NONTRIBUTARY UNDERGROUND WATER RIGHTS AND APPROVAL OF PLAN FOR AUGMENTATION, IN THE NOT NONTRIBUTARY LOWER DAWSON AND UPPER DAWSON AQUIFERS, **ELBERT COUNTY**. 2. Purpose of Application: Applicants seek to adjudicate the not nontributary Lower Dawson groundwater under their property (Subject Property) and obtain approval of a plan for augmentation to allow diversion of this water and previously decreed not-nontributary Upper Dawson groundwater beneath the Subject Property. 3. Subject Property: The Subject Property is 35.7 acres owned by Applicants, located at 1979 Carlson Rd., Parker, Colorado, 80138, Lot 5, Carlson Ranch, in Elbert County, which is generally located in part of the NE1/4, Section 26, T6S, R65W, of the 6th P.M., as described and shown on Exhibit 1 to the Application. Applicants own the Subject Property. 4. Source of Water: Applicants' groundwater in the Lower Dawson aquifer is not nontributary, as defined in C.R.S. § 37-90-103(10.7). Applicants previously adjudicated the not nontributary groundwater in the Upper Dawson aquifer, and nontributary groundwater in Denver, Arapahoe, and Laramie-Fox Hills aquifers, under the Subject Property in Case No. 10CW226 (Water Div. 1). 5. Estimated Average Annual Amount of Groundwater Available: Applicants claim the right to withdraw all of the groundwater legally available within the Lower Dawson aquifer underlying the Subject Property, C.R.S. § 37-90-137(4). 5.1. Applicants estimate that 4.28 af/year of not nontributary groundwater is available from the Lower Dawson aquifer (assuming 20% specific yield and 60 feet average saturated thickness). 5.2. Applicants may revise this estimate upward or downward, based on better or revised data, without amending this application or republishing the same. Applicants request that the Court retain jurisdiction to finally determine the amount of water available for appropriation and withdrawal, pursuant to C.R.S. § 37-92-305(11). 5.3. Applicants claim the right to withdraw more than the average annual amount estimated above pursuant to Rule 8A of the Statewide Nontributary Ground Water Rules, 2 CCR 402-7. 6. Proposed Use: The water will be used, reused, successively used to extinction, leased, sold, or otherwise disposed of for domestic, commercial, irrigation, residential, livestock watering, replacement, augmentation, and all other beneficial uses on or off the Subject Property. 7. Wells: There is one well on the Subject Property, permitted as an exempt well (Permit No. 189407). The UTM coordinates of the well are UTM x = 4372847.4 and UTM y = 532142.5 (Zone 13). (Applicant obtained all UTM coordinates described in this Application from the DWR Well Permit database found at <http://www.dwr.state.co.us/WellPermitSearch/default.aspx> and the HydroBase database found at <http://cdss.state.co.us/OnlineTools/Pages/StructuresDiversions.aspx>. The UTM coordinates are included in this Application at the request of the Division Engineer to facilitate administration. In the event that any UTM coordinates are inaccurate, it shall not affect the rights to be adjudicated through this Application.) Applicants seek to adjudicate this well to withdraw Lower Dawson aquifer groundwater from beneath the Subject Property. The well permit is attached as Exhibit 2 to the Application. 7.1. Source: Lower Dawson. The depth to bottom of well is approximately 402 feet. 7.2. Date of Appropriation: June 20, 1995. The appropriation was initiated by filing a well permit application. The water was applied to beneficial use for the permitted domestic uses. 7.3. Claimed Pumping Rate and Amount: Up to 15 gpm maximum pumping rate, and 4.28 af/year. 7.4. Use: The well serves one single-family dwelling, irrigates up to 1 acre of lawns and gardens, and waters domestic animals and livestock. Applicants seek to add commercial use of this well for drinking water, small animal watering and grooming, and sanitary use inside a business. 7.5. Other Well Permits: Applicants will apply for a new well permit for the existing well upon approval of a plan for augmentation, and will apply for permits prior to the construction of any other wells. 8. Statement of Plan for Augmentation: 8.1. Groundwater to be augmented: All of the Lower Dawson aquifer groundwater requested in this Application (4.28 af/year), and the Upper Dawson aquifer groundwater previously decreed in Case No. 10CW226 (5.3 af/year). 8.2. Water rights for augmentation: Return flows from the use of the not nontributary Lower Dawson aquifer groundwater decreed herein and of the Upper Dawson groundwater decreed in Case No.

10CW226, and direct discharge or return flows from the nontributary Laramie-Fox Hills aquifer under the Subject Property decreed in Case No. 10CW226. Applicants own 11.2 annual af of nontributary Laramie-Fox Hills aquifer groundwater, as decreed in Case No. 10CW226. 8.3. Return Flows: The Lower Dawson aquifer groundwater will serve one residence for in-house use (up to 1 af/year), irrigation of 1 acre of home lawns, gardens, and trees (up to 2 af/year), and commercial use including watering of dogs kept at an onsite small dog kennel (up to 1 af/year) through the existing well and/or a new well in the Upper Dawson aquifer. Applicants reserve the right to amend these amounts without amending or republishing the Application. Sewage treatment is through a non-evaporative septic system. Return flows associated with in-house and commercial use will be approximately 90%, and return flow associated with irrigation use will be 15%, of water used for those purposes. 8.4. Replacement of Depletions: During pumping, Applicants will replace actual depletions to the affected stream system pursuant to C.R.S. § 37-90-137(9)(c.5). Applicants estimate that depletions may occur to the Coal Creek stream system. Return flows accrue to Coal Creek, and those return flows are sufficient to replace actual depletions while the groundwater is being pumped. Application will reserve an equal amount of nontributary groundwater underlying Subject Property to meet post pumping augmentation requirements. Applicant reserves the rights to substitute the use of other nontributary groundwater, including return flows, for replacement of post-pumping depletions. 9. Ownership: Applicants own the Subject Property free and clear of all liens and encumbrances. 10. Jurisdiction: The Water Court has jurisdiction over the subject matter of this application pursuant to C.R.S. §§ 37-92-302(2) and 37-90-137(6). Number of pages in Application: 6.

**16CW3186 City of Westminster, 4800 West 92nd Avenue, Westminster, Colorado 80031 (303) 658-2400. APPLICATION FOR WATER RIGHTS OF THE CITY OF WESTMINSTER IN ADAMS, JEFFERSON AND WELD COUNTIES, COLORADO.**

2. Decreed water right for which change is sought: 1.038 shares in the Brighton Ditch Company, a Colorado mutual ditch company. A. Name of Structure: The Brighton Ditch. B. Date of original decree: The water rights associated with Westminster's share ownership in the Brighton Ditch Company were decreed in the Arapahoe County District Court, Case No. CA6009 on April 28, 1883, with appropriation dates of December 1, 1863, for 22.22 c.f.s. and November 1, 1871, for 22.58 c.f.s from the South Platte River for irrigation purposes. C. Legal description of structure: The Brighton Ditch headgate is located on the west bank of the South Platte River in the SE1/4 SE1/4 of Section 11, Township 1 South, Range 67 West of the 6th P.M., Adams County, Colorado. Westminster provides the following coordinates to help further identify the approximate relevant location utilizing the Universal Transverse Mercator (UTM) grid system projection based on the North American Datum of 1983 (NAD83), Zone 13 North: (512719 E, 4424883 N). D. Decreed source of water: The South Platte River. E. Appropriation Dates: December 1, 1863, for 22.22 c.f.s., absolute. November 1, 1871, for 22.58 c.f.s., absolute. F. Decreed uses: Irrigation. G. Amount of water that applicant intends to change: Westminster owns 1.038 shares in the Brighton Ditch Company ("Company") and intends to change its pro rata share of the Company's adjudicated water rights. 3. Detailed description of proposed change: A. Westminster is a municipal corporation of the State of Colorado. It owns and operates a municipal water and sewer utility system for the benefit of its citizens, and for the provision of water and sewer service to such extra-territorial customers as it may serve from time to time pursuant to its City Charter and contract. The Brighton Ditch Company is a Colorado mutual ditch company which distributes water diverted on the water rights of the Company to its stockholders. The water rights of the Company are decreed for direct flow irrigation use. There are 20 shares of capital stock in the Brighton Ditch Company. Westminster seeks to change the use of its pro rata share of water represented by 1.038 shares of capital stock in the Brighton Ditch Company, (the "Subject Water Rights"). In addition to the existing decreed use of direct flow irrigation, Westminster seeks to change the use of the Subject Water Rights to add decreed uses of direct flow and storage for all beneficial uses of the municipal water system of Westminster, as it currently exists or exists in the future, including, but not limited to, municipal, domestic, irrigation, commercial, industrial, recreation, fish and wildlife, augmentation, replacement, exchange and storage for these purposes, as well as the right to totally consume the consumable portion of the water either by first use, successive use, or disposition to third

parties, including, but not limited to, by existing or subsequent lease or agreement. The Subject Water Rights are currently the subject of a lease with Aggregate Industries, WCR, and are currently beneficially used pursuant to a duly approved Substitute Water Supply Plan. By this application, Westminster seeks to quantify the historical consumptive use of the Subject Water Rights on a parcel specific basis. Under the change of water rights, municipal return flows attributable to the Subject Water Rights will be quantified, and at times of a South Platte River call senior to December 31, 2016, used to offset any required returns necessary to prevent injury from the change of water right. Westminster claims the appropriation of historical return flows and will replace return flows associated with the historical use of the Subject Water Rights only for downstream calls senior to December 31, 2016. Westminster may use the Subject Water Rights, any other water rights owned or controlled by Westminster that are or have been determined to be fully consumable or usable for replacement purposes by this or any other decree, and/or municipal return flows from other sources of water, which water rights and/or return flows are fully consumable, to maintain required returns. Water derived from the exercise of the Subject Water Rights upon which any required return flows have been made or upon which municipal returns exceed historical irrigation returns will be fully consumable by Westminster, and may be used, reused, and successively used to extinction for all beneficial purposes identified herein, either by direct release or storage for later release with the right to totally consume the consumable portion of the water either by first use, successive use, or disposition to third parties, including, but not limited to, its existing lease with Aggregate Industries. Westminster seeks to store some or all of the Subject Water Rights in Wattenberg Lake, a lined storage structure currently under construction that can be physically filled by diversions from the Brighton Ditch and is owned by the City. Westminster further intends to exchange the water derived from the Subject Water Rights and stored in Wattenberg Lake in accordance with the decree entered in Case No. 99CW207, either directly into its municipal water supply system or into ditches and/or storage vessels associated with its municipal water supply system as described in said decree. 0.667 of the 1.038 shares owned by Westminster were historically used to irrigate the Broncucci Property, located in Section 25, Township 1 North, Range 67 West, 6<sup>th</sup> P.M., and the remaining 0.371 shares were historically used to irrigate the Haake Property, located in Sections 1 and 12, Township 1 South, Range 67 West, 6<sup>th</sup> P.M. A map identifying the approximate location of the Brighton Ditch headgate and the historically irrigated lands is attached as Exhibit 1. A summary of the relevant diversion records is attached as Exhibit 2. Westminster holds dry-up covenants for both the Broncucci and Haake properties. In addition to adjacent parcels, Westminster is the owner of the Broncucci property. Wattenberg Lake, the lined storage structure, will be located, in part, on the Broncucci property.

4. Conditional Appropriative Right of Exchange: Pursuant to the decree entered in Case No. 99CW207, Westminster has an appropriative right of exchange for water stored in Wattenberg Lake. By this application, Westminster additionally seeks a new conditional appropriative right of exchange for the Subject Water Rights. This exchange would involve diversions of the Subject Water Rights at the Brighton Ditch headgate located as described in Paragraph 2.C, above, and delivery of the diverted water directly from the Brighton Ditch and its augmentation structures (subject to agreement with the relevant owner) to Big Dry Creek. These releases would be conveyed down Big Dry Creek to the confluence with the South Platte River (the “Exchange-From Point”) and then exchanged upstream to various diversion structures on Clear Creek and Ralston Creek (the “Exchange-To Structures”).

A. Legal Description of the Exchange-To Structures:

1. The Farmers’ High Line Canal headgate is located on the north bank of Clear Creek in the SW1/4 of Section 27, Township 3 South, Range 70 West, 6<sup>th</sup> P.M., a short distance below the Ford Street Bridge across Clear Creek in the City of Golden, Jefferson County, Colorado (decreed as the Clear Creek point of diversion for the Farmers High Line Canal in Case No. 60052, District Court for the City and County of Denver, Division II, May 13, 1936). Westminster provides the following coordinates to identify the relevant location utilizing the Universal Transverse Mercator (UTM) grid system projection based on the North American Datum of 1983 (NAD83), Zone 13 North: (481286 E, 4400999 N). Water exchanged to the Farmers’ High Line Canal may be used directly, or stored in a storage vessel that can be filled via said Canal, including, but not limited to, Standley Lake.
2. The Croke Canal headgate is located on the north bank of Clear Creek in the NW1/4NE1/4 of Section 26, Township 3 South, Range 70 West, 6<sup>th</sup> P.M.,

Jefferson County, Colorado. Westminster provides the following coordinates to identify the relevant location utilizing the Universal Transverse Mercator (UTM) grid system projection based on the North American Datum of 1983 (NAD83), Zone 13 North: (483408 E, 4402089 N). Water exchanged to the Croke Canal may be used directly, or stored in a storage vessel that can be filled via said Canal, including, but not limited to, Standley Lake. 3. The Kershaw Ditch headgate is located on the North Bank of Clear Creek in the NE1/4 of the NW1/4 of Section 18, Township 3 South, Range 68 West of the 6<sup>th</sup> P.M., Adams County, Colorado. Westminster provides the following coordinates identify the relevant location utilizing the Universal Transverse Mercator (UTM) grid system projection based on the North American Datum of 1983 (NAD83), Zone 13 North: (496254 E, 4405228 N). Water exchanged to the Kershaw Ditch may be used directly, or stored in a storage vessel that can be filled via said Ditch, including, but not limited to, Jim Baker Reservoir. 4. The Manhart Ditch headgate is located on the North bank of Ralston Creek in the SW1/4 of Section 12, Township 3 South, Range 69 West of the 6<sup>th</sup> P.M., Jefferson County, Colorado. Westminster provides the following coordinates to identify the relevant location utilizing the Universal Transverse Mercator (UTM) grid system projection based on the North American Datum of 1983 (NAD83), Zone 13 North: (494178 E, 4405876 N). Water exchanged to the Manhart Ditch may be used directly, or stored in a storage vessel that can be filled via said Ditch, including, but not limited to, Jim Baker Reservoir. 5. The Lower Clear Creek Canal headgate is located on the north bank of Clear Creek at a point 1400 feet west and 1200 feet north of the SE corner of Section 4, Township 3 South, Range 68 West of the 6<sup>th</sup> P.M., Adams County Colorado. Westminster provides the following coordinates to identify the relevant location utilizing the Universal Transverse Mercator (UTM) grid system projection based on the North American Datum of 1983 (NAD83), Zone 13 North: (499883 E, 4407356 N). Water exchanged to the Lower Clear Creek Canal may be used directly, or stored in a storage vessel that can be filled via said Canal, including, but not limited to, West Gravel Lakes. B. Source of Substitute Supply: Water diverted from the South Platte River attributable to the Subject Water Rights. C. Legal Description of Exchange From Point: The confluence of Big Dry Creek with the South Platte River, located in the NW1/4 of the NW1/4 of Section 7, Township 1 North, Range 66 West of the 6<sup>th</sup> P. M. D. Date of Appropriation of Exchange: December 31, 2016. E. How Appropriation was Initiated: By formation of the intent to appropriate as set forth in City Council ordinances and in furtherance of that intent by the overt act of filing this application with the Water Court for a conditional appropriative right of exchange. F. Date Water Applied to Beneficial Use: N/A (conditional). G. Amount Claimed: 1.743 c.f.s., conditional. H. Use or Proposed Use: The use of the water diverted by exchange will be for direct flow and storage for all beneficial uses of the municipal water system of Westminster, as it currently exists or exists in the future, including, but not limited to, municipal, domestic, irrigation, commercial, industrial, recreation, fish and wildlife, augmentation, replacement, exchange and storage for these purposes, and may be used, reused, and successively used to extinction for all beneficial purposes identified herein, either by direct release or storage for later release, as well as the right to totally consume the consumable portion of the water either by first use, successive use, or disposition to third parties, including, but not limited to, by existing or subsequent lease or agreement. Westminster may also store the exchanged water in storage structures that can be filled from the ditches identified in Paragraph 4.A., above, including, but not limited to Standley Lake, Jim Baker Reservoir and the West Gravel Lakes. 5. Name(s) and address(es) of owner(s) of land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool. The applicant must notify these persons that the applicant is applying for this water right, and certify to the Court that the applicant has done so. Not applicable. The structures identified herein are existing structures. The Applicant does not seek a new diversion or storage structure, or modification of an existing diversion or storage structure. Moreover, by existing agreement, the Applicant has carriage rights in the relevant ditches identified in paragraph 4.A., above, and either owns the storage structure, or storage space in the storage structure, that can be filled from said ditches. Nothing herein is intended to revise or amend any such carriage agreement.

**16CW3187 Logan Well Users, Inc., P.O. Box 1172, Sterling, Colorado, 80751, (970)580-3832** C/O Lawrence Jones Custer Grasmick LLP, 5245 Ronald Reagan Blvd., Suite 1, Johnstown, CO, 80534, (970)622-8181. APPLICATION FOR WATER RIGHTS AND TO ADDWELLS TO AUGMENTATION PLAN in **LOGAN, MORGAN AND WASHINGTON COUNTIES**. Application for Water Rights

2. Name of Structure. McEndaffer Stock Well No. 4, (LWU No. 472). 2.1. Owner. Bret McEndaffer 412 Highland Park Drive, Sterling CO 80751. 2.2. Location. In the SW1/4 NW1/4 of Section 5, Township 6 North, Range 53 West of the 6<sup>th</sup> P.M., Logan County Colorado, 2,280 feet from the North section line and 60 feet from the West section line of said section 5. 2.3. Appropriation date. December 27, 2016. 2.4. Amount claimed. 200 g.p.m., conditional. 2.5. Source. Groundwater tributary to the South Platte River. 2.6. Use. Commercial, feedlot and stock watering.

3. Name of Structure. Island Cattle Company, LLC Well No. 1, (LWU No. 473). 3.1. Owner. Island Cattle Company, LLC, P.O. Box 663, Windsor, CO 80550. 3.2. Location. In the NW1/4 NE1/4 of Section 29, Township 8 North, Range 53 West of the 6<sup>th</sup> P.M., Logan County Colorado, 30 feet from the North section line and 1,470 feet from the East section line of said Section 29. 3.3. Appropriation date. December 27, 2016. 3.4. Amount claimed. 75 g.p.m., conditional. 3.5. Source. Groundwater tributary to the South Platte River. 3.6. Use. Commercial, feedlot and stock watering.

4. Name of Structure. Island Cattle Company, LLC Well No. 2, (LWU No. 474). 4.1. Owner. Island Cattle Company, LLC, P.O. Box 663, Windsor, CO 80550. 4.2. Location. In the NE1/4 NW1/4 of Section 29, Township 8 North, Range 53 West of the 6<sup>th</sup> P.M., Logan County Colorado, 30 feet from the North section line and 2,710 feet from the East section line of said Section 29. 4.3. Appropriation date. December 27, 2016. 4.4. Amount claimed. 75 g.p.m., conditional. 4.5. Source. Groundwater tributary to the South Platte River. 4.6. Use. Commercial, feedlot and stock watering.

5. Name of Structure. Island Cattle Company, LLC Well No. 3, (LWU No. 475). 5.1. Owner. Island Cattle Company, LLC, P.O. Box 663, Windsor, CO 80550. 5.2. Location. In the NW1/4NW1/4 of Section 29, Township 8 North, Range 53 West of the 6<sup>th</sup> P.M., Logan County Colorado, 45 feet from the North section line and 1,245 feet from the West section line of said Section 29. 5.3. Appropriation date. December 27, 2016. 5.4. Amount claimed. 75 g.p.m., conditional. 5.5. Source. Groundwater tributary to the South Platte River. 5.6. Use. Commercial, feedlot and stock watering.

6. Name of Structure. Island Cattle Company, LLC Well No. 4, (LWU No. 476). 6.1. Owner. Island Cattle Company, LLC, P.O. Box 663, Windsor, CO 80550. 6.2. Location. In the NW1/4 NW1/4 of Section 29, Township 8 North, Range 53 West of the 6<sup>th</sup> P.M., Logan County Colorado, 50 feet from the North section line and 190 feet from the West section line of said Section 29. 6.3. Appropriation date. December 27, 2016. 6.4. Amount claimed. 75 g.p.m., conditional. 6.5. Source. Groundwater tributary to the South Platte River. 6.6. Use. Commercial, feedlot and stock watering.

7. Name of Structure. Island Cattle Company, LLC Well No. 5, (LWU No. 477). 7.1. Owner. Island Cattle Company, LLC, P.O. Box 663, Windsor, CO 80550. 7.2. Location. In the NW1/4 NW1/4 of Section 29, Township 8 North, Range 53 West of the 6<sup>th</sup> P.M., Logan County Colorado, 1,280 feet from the North section line and 1,180 feet from the West section line of said Section 29. 7.3. Appropriation date. December 27, 2016. 7.4. Amount claimed. 75 g.p.m., conditional. 7.5. Source. Groundwater tributary to the South Platte River. 7.6. Use. Commercial, feedlot and stock watering.

8. Name of Structure. Island Cattle Company, LLC Well No. 6, (LWU No. 478). 8.1. Owner. Island Cattle Company, LLC, P.O. Box 663, Windsor, CO 80550. 8.2. Location. In the SW1/4 NW1/4 of Section 29, Township 8 North, Range 53 West of the 6<sup>th</sup> P.M., Logan County Colorado, 2,540 feet from the North section line and 1,190 feet from the West section line of said Section 29. 8.3. Appropriation date. December 27, 2016. 8.4. Amount claimed. 75 g.p.m., conditional. 8.5. Source. Groundwater tributary to the South Platte River. 8.6. Use. Commercial, feedlot and stock watering.

9. Name of Structure. Island Cattle Company, LLC Well No. 7, (LWU No. 479). 9.1. Owner. Island Cattle Company, LLC, P.O. Box 663, Windsor, CO 80550. 9.2. Location. In the SE1/4 NE1/4 of Section 29, Township 8 North, Range 53 West of the 6<sup>th</sup> P.M., Logan County Colorado, 2,610 feet from the North section line and 90 feet from the East section line of said Section 29. 9.3. Appropriation date. December 27, 2016. 9.4. Amount claimed. 75 g.p.m., conditional. 9.5. Source. Groundwater tributary to the South Platte River. 9.6. Use. Commercial, feedlot and stock watering.

10. Name of Structure. Island Cattle Company, LLC Well No. 8, (LWU No. 480). 10.1. Owner. Island

Cattle Company, LLC, P.O. Box 663, Windsor, CO 80550. 10.2. Location. In the NE1/4NE1/4 of Section 29, Township 8 North, Range 53 West of the 6<sup>th</sup> P.M., Logan County Colorado, 970 feet from the North section line and 975 feet from the East section line of said Section 29. 10.3. Appropriation date. December 27, 2016. 10.4. Amount claimed. 75 g.p.m., conditional. 10.5. Source. Groundwater tributary to the South Platte River. 10.6. Use. Commercial, feedlot and stock watering. 11. Name of Structure. Jim Horner Irrigation Well, (LWU No. 481). 11.1. Owner. Jim Horner, 11632 County Road 37, Sterling, CO 80751. 11.2. Location. In the SW1/4 NW1/4 of Section 6, Township 7 North, Range 52 West of the 6<sup>th</sup> P.M., Logan County Colorado, 3,540 feet from the South section line and 500 feet from the West section line of said Section 6. 11.3. Appropriation date. December 27, 2016. 11.4. Amount claimed. 50 g.p.m., conditional. 11.5. Source. Groundwater tributary to the South Platte River. 11.6. Use. Irrigation of 5 acres. 12. Name of Structure. Jim Horner Residential Well, (LWU No. 482). 12.1. Owner. Jim Horner, 11632 County Road 37, Sterling, CO 80751. 12.2. Location. In the SW1/4 NW1/4 of Section 6, Township 7 North, Range 52 West of the 6<sup>th</sup> P.M., Logan County Colorado, 2,200 feet from the North section line and 370 feet from the West section line of said Section 6. 12.3. Appropriation date. December 27, 2016. 12.4. Amount claimed. 15 g.p.m., conditional. 12.5. Source. Groundwater tributary to the South Platte River. 12.6. Use. Residential, home lawn and garden irrigation, domestic animal and livestock watering. 13. Name of Structure. Lousberg Grain & Feed Well. (LWU No. 483). 13.1. Owner. Lousberg Grain & Feed Inc., P. O. Box 689, Sterling, CO 80751. 13.2. Location. In the NE1/4 NW1/4 of Section 16, Township 7 North, Range 53 West of the 6<sup>th</sup> P.M., Logan County Colorado, 50 feet from the North section line and 1,860 feet from the East section line of said Section 16. 13.3. Appropriation date. December 27, 2016. 13.4. Amount claimed. 100 g.p.m., conditional. 13.5. Source. Groundwater tributary to the South Platte River. 13.6. Use. Commercial, feedlot and stock watering. 14. Name of Structure. Manuello's Inc. Well (LWU No. 484). 14.1. Owner. Manuello's Inc., P O Box 225, Sterling, CO 80751. 14.2. Location. In the NW1/4NE1/4 of Section 3, Township 8 North, Range 52 West of the 6<sup>th</sup> P.M., Logan County Colorado, 1,250 feet from the North section line and 2,850 feet from the East section line of said Section 3. 14.3. Appropriation date. December 27, 2016. 14.4. Amount claimed. 1,300 g.p.m., conditional. 14.5. Source. Groundwater tributary to the South Platte River. 14.6. Uses. Commercial, feedlot, fire protection and industrial to be added to existing decreed uses. 14.7. Prior decrees: W-639 for irrigation use and 03CW195 for augmentation use. 15. Name of Structure. CHS/High Plains CO-OP Well (LWU No. 485). 15.1. Owner. CHS Inc., 21443 County Road 34, Sterling, CO 80751. 15.2. Location. In the SE1/4 SW1/4 of Section 10, Township 8 North, Range 52 West of the 6<sup>th</sup> P.M., Logan County Colorado, 235 feet from the South section line and 2,310 feet from the West section line of said Section 10. 15.3. Appropriation date. December 27, 2016. 15.4. Amount claimed. 75 g.p.m., conditional. 15.5. Source. Groundwater tributary to the South Platte River. 15.6. Use. Commercial and industrial. 16. Name of Structure. Neeley Well, (LWU No. 486). 16.1. Owner. Colby and Amanda Neeley, 404 N King Street, Robinson, IL 62454. 16.2. Location. In the NE1/4 SE1/4 of Section 32, Township 8 North, Range 53 West of the 6<sup>th</sup> P.M., Logan County Colorado, 1,560 feet from the South section line and 460 feet from the East section line of said Section 32. 16.3. Appropriation date. December 27, 2016. 16.4. Amount claimed. 50 g.p.m., conditional. 16.5. Source. Groundwater tributary to the South Platte River. 16.6. Use. Residential, irrigation of 3.5 acres, domestic animal and livestock watering. 17. Name of Structure. Guenzi Residential Well, (LWU No. 487). 17.1. Owner. John Guenzi, 12967 US Highway 6, Merino, CO 80741. 17.2. Location. In the NW1/4 SW1/4 of Section 26, Township 8 North, Range 53 West of the 6<sup>th</sup> P.M., Logan County Colorado, 2,040 feet from the South section line and 201 feet from the West section line of said Section 26. 17.3. Appropriation date. December 27, 2016. 17.4. Amount claimed. 15 g.p.m., conditional. 17.5. Source. Groundwater tributary to the South Platte River. 17.6. Use. Residential, home lawn and garden irrigation, domestic animal and livestock watering. 18. Name of Structure. Amen/Fiscus Residential Well, (LWU No. 488). 18.1. Owner. Albert Amen, 10920 County Road 4, Merino, CO 80741. 18.2. Location. In the NE1/4 NE1/4 of Section 35, Township 6 North, Range 54 West of the 6<sup>th</sup> P.M., Logan County Colorado, 60 feet from the North section line and 140 feet from the East section line of said Section 35. 18.3. Appropriation date. December 27, 2016. 18.4. Amount claimed. 15 g.p.m.,

conditional. 18.5. Source. Groundwater tributary to the South Platte River. 18.6. Use. Residential, home lawn and garden irrigation, domestic animal and livestock watering. 18. Name of Structure. Rhodes Well, (LWU No. 489). 19.1. Owner. Lee Rhodes, 15652 County Road 26.9, Sterling, CO 80751. 19.2. Location. In the SW1/4 NE1/4 of Section 34, Township 8 North, Range 53 West of the 6<sup>th</sup> P.M., Logan County Colorado, 2,100 feet from the North section line and 1,773 feet from the East section line of said Section 34. 19.3. Appropriation date. December 27, 2016. 19.4. Amount claimed. 50 g.p.m., conditional. 19.5. Source. Groundwater tributary to the South Platte River. 19.6. Use. Residential, commercial and industrial. **Application to Add Wells to Augmentation Plan 20.** Augmentation Plan. Applicant operates an augmentation plan decreed in Case No. 03CW195. ¶49.6 of the decree in Case No. 03CW195 (Decree) allows the addition of wells to the plan subject to notice and terms and conditions. Applicant seeks to add the Wells in ¶¶1-19. Figure 1, attached, shows the location of the Wells. 21. Aquifer Parameters. The aquifer parameters and other information required by the Decree for each Well are set out in Table 1.

Table 1

Well	Name	Well Location				LID	Abv/ Bel	Aquifer Parameters <sup>3</sup>				
		Qtr/Qtr	Sec	Twn	Rge			W	B	X	Harm	Lag
472	Bret McEndaffer	SWN	5	6N	53W	x	a	15,780	8,300	7,480	260,90	R
473	Island Cattle Company	NWN	29	8N	53W		b	30,300	5,000	25,300	153,30	PD
474	Island Cattle Company	NEN	29	8N	53W		b	31,545	5,000	26,545	153,30	PD
475	Island Cattle Company	NWN	29	8N	53W		b	32,870	5,000	27,870	153,30	PD
476	Island Cattle Company	NWN	29	8N	53W		b	33,925	5,000	28,925	153,30	PD
477	Island Cattle Company	NWN	29	8N	53W		b	32,905	5,000	27,905	153,30	PD
478	Island Cattle Company	SWN	29	8N	53W		b	284,01	5,000	279,01	153,30	PD
479	Island Cattle Company	SENE	29	8N	53W		b	28,930	5,000	23,930	153,30	PD
480	Island Cattle Company	NENE	29	8N	53W		b	29,770	5,000	24,770	153,30	PD
481	Jim Horner	SWN	6	7N	52W	x	b	30,605	21,955	8,650	335,30	R
482	Jim Horner	SWN	6	7N	52W	x	b	30,120	21,780	8,340	335,30	R
483	Lousberg Grain &	NEN	16	7N	53W		a	22,700	2,745	19,955	130,80	PC
484	Manuello's Inc.	NWN	3	8N	52W		b	14,134	2,680	11,454	151,00	R
485	CHS Inc	SESW	10	8N	52W		b	16,745	10,460	6,285	432,80	R
486	Colby and Amanda	NESE	32	8N	53W		b	29,460	5,000	24,460	111,50	PD
487	John Guenzi	NWS	26	8N	53W		b	15,555	2,590	12,965	135,70	PD
488	Albert Amen	NENE	35	6N	54W		a	19,270	16,470	2,800	363,60	R
489	Lee Rhodes	SWNE	34	8N	53W		b	22,220	7,140	15,080	163,60	PD

- 1 LID = Located inside boundaries of Logan Irrigation District as of December 2008
- 2 Abv/Bel SIC = Location of depletions with respect to Sterling No. 1 Ditch headgate. Above - a, Below - b
- 3 **Aquifer Parameters**  
W = Width of aquifer on side of river where well is located (ft) X = Distance from the river to the location of structure (ft)  
Harm T = Harmonic Transmissivity of the aquifer in the vicinity of structure (gpd/ft)

S = 0.2

Lag to: R = River, PD = Pioneer Drain, PC =  
Pawnee Creek

22. Consumptive Use and Depletions. The consumptive use factors used will be those set out in the Decree at ¶52.3.4. Out of priority depletions from use of the Wells that have occurred prior to the date the court allows the Wells to be added to the plan will be replaced by Applicant. Out of priority depletions from use of the Wells that may occur after the court decree adding the Wells to the plan, whether or not the depletions result from pumping before or after the date the court allows the Wells to be added to the plan, will be replaced by the Applicant. 23. Water Rights to be used for Augmentation. All water rights decreed in Case Nos. 03CW195 and 07CW300. 24. Names and Address of Owners of the Structures. The names and addresses of the owners of the structures are set out above.

**16CW3188, Jmischella Enterprises, LLC, 599 Topeka Way, Suite 301, Castle Rock, CO 80109** (James Petrock, Petrock & Fendel, 700 17<sup>th</sup> Street, #1800, Denver, CO 80202), APPLICATION FOR UNDERGROUND WATER RIGHTS FROM NONTRIBUTARY AND NOT NONTRIBUTARY SOURCES IN THE NOT NONTRIBUTARY UPPER AND LOWER DAWSON AND DENVER AND NONTRIBUTARY ARAPAHOE AND LARAMIE-FOX HILLS AQUIFERS, DOUGLAS COUNTY, 2.72 acres generally located in the SE1/4SW1/4 of Section 3, T8S, R67W of the 6<sup>th</sup> P.M., Douglas County, as described and shown on Attachment A hereto ("Subject Property"). Estimated annual amounts: Upper Dawson: 0.16 acre-feet, Lower Dawson: 0.88 acre-feet, Denver: 0.68 acre-feet (reduced for Well Permit No. 239520), Arapahoe: 1.26 acre-feet, Laramie-Fox Hills: 0.62 acre-feet. Uses: domestic, commercial, industrial, irrigation, stockwatering, fire protection, augmentation, including storage, both on and off the Subject Property. Further, Applicant prays that this Court grant the application and for such other relief as seems proper in the premises. (5 pages).

**16CW3189, Black Paw Re, LLC, 1510 S. Clarkson Street, Denver, CO 80210** (James J. Petrock, Petrock & Fendel, 700 17<sup>th</sup> Street, #1800, Denver, CO 80202), APPLICATION FOR CHANGE OF WATER RIGHT, DOUGLAS COUNTY. Decree information for which change is sought: Case No. 99CW216, decreed on August 11, 2000. The property which is the subject of the decree is 72 acres located in the SW1/4 of Section 13 and the NW1/4 of Section 24, T7S, R68W of the 6<sup>th</sup> P.M. as shown on Attachment A (Subject Property). Proposed change: In the original decree, an augmentation plan was approved for the use of 35 acre-feet per year of not nontributary Denver aquifer groundwater for irrigation of a commercial tree farm. By this application, Applicant requests that the use of 7.5 acre-feet per year be changed to commercial and light industrial use, and that the remaining 27.5 acre-feet per year be changed to irrigation of a commercial tree farm, and irrigation and commercial use in a landscaping business. Applicant reserves the right to revise the uses and annual amount to be withdrawn pursuant to this change without having to amend the application or republish the same. Sewage treatment for commercial use will be provided by non-evaporative septic systems or through a central sewer system, and return flow from commercial and irrigation use will be approximately 90% and 15% of that use, respectively. Light industrial use is considered to be fully consumed. During pumping Applicant will replace actual depletions to the affected stream system pursuant to Section 37-90-137(9)(c), C.R.S. Pursuant to Case No. 99CW216, the actual depletion at 100 years of pumping is 3.2% of the annual amount withdrawn. Depletions occur to the Plum Creek stream systems and return flows accrue to that stream system in a sufficient amount to replace actual depletions while the subject groundwater is being pumped. No other provisions of the original decree will be changed, including reservation of an equal amount of nontributary groundwater underlying the Subject Property for replacement of post pumping depletions. Further, Applicant prays that this Court grant the application and for such other relief as seems proper in the premises. (4 pages).

**16CW3190 PRI #2, LLC, 6385 Corporate Drive, Ste. 200, Colorado Springs, Colorado 80919.** CONCERNING THE APPLICATION FOR APPROVAL OF PLAN FOR AUGMENTATION FOR

USE OF NOT NONTRIBUTARY GROUNDWATER AND APPROVAL OF WELL FIELD FOR CONTIGUOUS PARCELS OF LAND WITH OVERLAPPING CYLINDERS OF APPROPRIATION OF PRI #2, LLC, in **EL PASO COUNTY** Applicant's name and address: PRI #2, LLC, 6385 Corporate Drive, Ste. 200, Colorado Springs, Colorado 80919 Attorney's name and address: Alan G. Hill, Yates Law Firm, LLC, 303 East 17th Avenue, Suite 940, Denver, Colorado 80203, Telephone: 303-722-2810, email: ahill@yateslawfirmllc.com, Atty. Reg. #: 11343 Applicant owns certain groundwater rights underlying approximately 701 acres, more or less, located generally in Sections 30 and 31, Township 11 South, Range 65 West of the 6th P.M., in El Paso County ("701 acre parcel"), which were decreed in Case No. 94CW023(B), Water Division No. 1 (entered June 12, 1996), which amended an original decree in Case No. 85CW446, Water Division No. 1. A map depicting the 701 acres is attached as Exhibit A, and the legal description is attached as Exhibit B. No part of the 701 acres lies within a designated groundwater basin. The Applicant also owns approximately 640 acres, more or less, located generally in Section 36, Township 11 South, Range 66 West of the 6th P.M., in El Paso County ("640 acre parcel"). Applicant's predecessor-in-interest entered into a Groundwater Production Lease, No. OT-109328, with the State Board of Land Commissioners, pursuant to which Applicant leased the not nontributary and nontributary groundwater underlying the 640 acres, decreed in Case No. 04CW098, Water Division No. 1 (entered May 24, 2005) through February 27, 2048. On that date, all of the groundwater rights revert to the Applicant. A map depicting the 640 acres is attached as Exhibit C, and the legal description is attached as Exhibit D. No part of the 640 acres lies within a designated groundwater basin. Applicant seeks, in this application, to augment the depletions associated with operation of not nontributary Dawson aquifer wells located on the 701 acre parcel and the 640 acre parcel, through septic return flows, lawngrass irrigation return flows, and reservation of nontributary groundwater to augment post-pumping depletions. Applicant also seeks to have the Statewide Nontributary Ground Water Rules, 2 CCR 402-7, Rules 4.A.13) and 11.B apply to the contiguous parcels, and the withdrawal of water from the same aquifer underlying the 701 acre parcel and the 640 acre parcel determined to be a "Well Field" as defined in the Statewide Nontributary Ground Water Rules. The Water Court has jurisdiction over this application pursuant to sections 37-90-137(4) and -137(9), C.R.S. The Applicant intends to waive the 600 feet well spacing requirement for any wells to be located with the 701 acre and 640 acre parcels. **FIRST CLAIM FOR RELIEF Augmentation for Use of Not Nontributary Groundwater Names of Structures to be Augmented:** The Applicant has plans to develop the 701 acre and 640 acre parcels described in Exhibits B and C (Applicant's Property), to include various sized separate tracts or lots, with a maximum of 283 residential lots. In addition, open space and other landscape features will utilize Dawson aquifer groundwater. A well into the Dawson aquifer will be completed on each lot to serve the domestic and irrigation demands of that lot, as described and limited herein. Well permit applications have not been submitted at the time of this application for a plan for augmentation. Applicant has not determined the specific locations for all the wells required to withdraw groundwater from the Dawson aquifer; however, each well will be constructed within the Applicant's Property and each well will be designed so that it withdraws water from the Dawson aquifer. Applicant requests the right to locate the wells required to withdraw its entitlement from the Dawson aquifer at any point within the Applicant's Property without the necessity of republishing or petitioning the Court for the reopening of any decree. See 2 CCR 402-7, Rule 11. Applicant owns Applicant's Property described herein. To the extent Applicant's Property is not free and clear of all liens or encumbrances, Applicant shall provide certification of its compliance with the lienholder notice provisions set forth in C.R.S. § 37-92-302(2)(b) and § 37-90-137(4)(b.5)(I). **Previous Decrees for Water Rights To Be Used for Augmentation Source:** The decree in Case No. 94-CW-023(B), Water Division 1, adjudicating rights in nontributary and not nontributary ground water including the 701 acre parcel which are to be used as a sources of replacement water in this augmentation plan, is summarized as follows: Decree Entered: June 12, 1996. Court: District Court, Water Division 1. Type of Water Right: Vested property right to withdraw all groundwater underlying the property in specified aquifers, pursuant to §§ 37-90-137(4) and -137(9), C.R.S. Legal Description: The decreed ground water rights underlie parts of Sections 30 and 31, Township 11 South, Range 65 West of the 6th

P.M., El Paso County, consisting of 701 acres, more or less. Sources and Amounts of Ground Water Decreed:

<u>Aquifer</u>	<u>Type</u>	<u>Annual Ave. Amount</u>
Dawson	NNT	201 AF
Laramie-Fox Hills	NT	204AF

Decreed Uses: Reuse and successive uses for all beneficial purposes including municipal, domestic, industrial, commercial. irrigation, stock watering, recreation, fish and wildlife, fire protection, and sanitary purposes, including the right to use, reuse, and successively use such water to extinction. Further, such water may be stored for subsequent use and may be used for augmentation, exchange, and replacement purposes. The decree in Case No. 04-CW-098, Water Division 1, adjudicating rights in nontributary and not nontributary ground water including the 640 acre parcel which are to be used as a sources of replacement water in this augmentation plan, is summarized as follows: Decree Entered: May 24, 2005. Court: District Court, Water Division 1. Type of Water Right: Vested property right to withdraw all groundwater underlying the property in specified aquifers, pursuant to §§ 37-90-137(4) and -137(9), C.R.S. (4) Legal Description: The decreed ground water rights underlie Section 36, Township 11 South, Range 66 West of the 6th P.M., El Paso County, consisting of 640 acres, more or less. Sources and Amounts of Ground Water Decreed:

<u>Aquifer</u>	<u>Type</u>	<u>Annual Ave. Amount</u>
Dawson	NNT	515 AF
Denver	NNT	577 AF
Arapahoe	HT	239 AF
Laramie-Fox Hills	NT	182 AF

Decreed Uses: Reuse and successive uses for all beneficial purposes including municipal, domestic, industrial, commercial. irrigation, stock watering, recreation, fish and wildlife, fire protection, and sanitary purposes, including the right to use, reuse, and successively use such water to extinction. Further, such water may be stored for subsequent use and may be used for augmentation, exchange, and replacement purposes. **Statement and Description of Plan for Augmentation:** Source of Augmentation Water. The augmentation sources for this plan will be the fully augmented not nontributary groundwater in the Dawson aquifer and the nontributary groundwater in the nontributary Laramie-Fox Hills aquifer, including such nontributary groundwater underlying Applicant's Property, described in Exhibits B and D. Such sources may be available by direct discharge to the stream system, by percolation and return to the stream system after domestic use, irrigation, land application, and by rapid infiltration. The average amounts of groundwater available for augmentation purposes are those amounts decreed in the above-referenced decree, Case No. 94-CW-023(B), Water Division No. 1 and Case No. 04-CW-098, Water Division No. 1. Use and Estimated Demand. The Applicant's Property, shown on Exhibits A and C, will be developed over time with residential homesites. The development will consist of a maximum of 283 home sites on lots of varying acreages of land and each with its own Dawson aquifer well and nonevaporative wastewater discharge (septic) system. A preliminary engineering study indicates that full development of the property, employing standard in-house and lawn irrigation water use limitations, will require no more than approximately 198 acre-feet per year. Each site or lot owner will be allotted an average amount of withdrawal of 0.7 acre-feet, including irrigation of lawns. The supply for such demand will be the decreed water rights in the Dawson aquifer underlying the subject parcel, as depicted in Exhibit A. Total average Dawson aquifer amounts available for the development are 198 acre-feet per year, based on a projected 300-year life of the Dawson aquifer (716 acre-feet per year from the Dawson aquifer based on a 100-year aquifer life, 238.7 acre-feet per year based on a 300-year aquifer life). Augmentation and Replacement of Depletions. Stream Systems Affected: Cherry Creek, tributary to the South Platte River, and Monument Creek, tributary to the Arkansas River. Replacement of Depletions During Pumping Period. Assuming that the development will achieve return flows of 90% of the water used in-house and a minimum of 10% of the water used for irrigation purposes, the total combined return flows at full build-out will exceed the required augmentation amount. The domestic and lawnglass return flows will be adequate in quantity to replace depletions caused by the withdrawals of not nontributary

ground water from the Dawson aquifer. For the period addressed by this plan, stream depletions caused by the withdrawal of all not nontributary ground water will be adequately augmented by return flows of fully augmented not nontributary groundwater sources. Excess Return Flows: To the extent that lawn irrigation and domestic effluent returns exceed the quantities needed to fully augment all projected stream depletions, Applicant reserves the right to apply for alluvial wells in the Cherry Creek and Monument Creek basins to recapture and reuse such excess returns. Replacement of Depletions During the Post-Pumping Period. Applicant reserves the right to claim and demonstrate that the impact of post-pumping depletions are wholly de minimis and non-injurious and need not be replaced under the law. § 37-90-137(9), C.R.S. Assuming that such depletions may be determined to be injurious and replacement is required, Applicant will reserve for such purpose the nontributary groundwater in the Laramie-Fox Hills aquifer underlying the property, as such ground water is decreed in Case No. 94-CW-023(B), Water Division No. 1 and Case No. 04-CW-098, Water Division No. 1. Such quantity is sufficient to fully replace all water withdrawn under this plan for augmentation. Summary of Augmentation Plan. The planned development will require up to 198 acre-feet per year to be produced from the Dawson aquifer. Return flows from uses of such ground water will exceed the annual depletions and will, therefore, adequately replace all projected depletions. To the extent that a "short fall" in actual return flows occurs in any given time period during the first 300 years of operation, adequate nontributary ground water reserves exist to compensate for such short fall. **Administration of Plan for Augmentation:** The Applicant or any successor in interest shall install and maintain such measuring devices and maintain such accounting forms as necessary to demonstrate the adequacy of Applicant's augmentation efforts as a minimum requirement for administration of its augmentation obligations hereunder. Applicant shall make reports to the Division Engineer as required. **Application Filed in Water Divisions 1 and 2:** This Application is being filed in Water Divisions 1 and 2 because depletions from the pumping of the Dawson aquifer may occur in both the South Platte and the Arkansas River systems. The return flows set forth herein will accrue to tributaries of the South Platte River system where the majority of stream depletions will occur. Applicant requests that the total amount of depletions to both the South Platte River and the Arkansas River systems be replaced to the South Platte River as set forth herein, and for a finding that those replacements are sufficient. **Retained Jurisdiction:** Applicant requests the Court to retain jurisdiction for a period to be determined after the entry of the decree to protect against injury to other water rights. Applicant requests that any party or entity invoking such retained jurisdiction must make a prima facie case that injury to its water rights has been actually caused by Applicant's withdrawals or operation of this plan for augmentation. Further, Applicant requests that the Court retain jurisdiction to resolve any controversy which may arise with respect to well construction, well location(s), and amount, timing, and location of replacements hereunder. Finally, Applicant requests the Court to retain jurisdiction to allow Applicant to file a separate application for the recapture and reuse of the excess return flows. **SECOND CLAIM FOR RELIEF Well Field** Applicant claims the right to withdraw the annual entitlements of not nontributary and nontributary groundwater decreed in Case No. 94CW023(B) and Case No. 04CW098, Water Division No. 1, from wells located on the 701 acre parcel, and the 640 acre parcel, as described on Exhibits B and D. Applicant seeks the right to produce groundwater from two or more wells from the same aquifer, on contiguous parcels of land, or non-contiguous parcels of land that are permitted together under "The Statewide Nontributary Ground Water Rules," 2 CCR 402-7, Rules 4.A.13) and 11.B. Applicant may produce groundwater decreed in 94CW023(B) (701 acre parcel) from wells located on the 640 acre parcel, and may produce groundwater decreed in 04CW098 (640 acre parcel) from wells located on the 701 acre parcel. WHEREFORE, Applicant asks the Court to enter a decree in this matter: Granting the application sought herein. Specifically determining that Applicant's Dawson aquifer ground water withdrawals may be augmented with return flows from domestic and lawn irrigation uses of such ground water; Return flows from such uses will be adequate to replace any and all injurious stream depletions caused by pumping of such ground water; Applicant may withdraw not nontributary and nontributary groundwater underlying the 701 acre parcel from wells located on the 640 acre parcel, and may withdraw groundwater underlying the 640 acre parcel from wells located on the 701 acre parcel, consistent with "The Statewide Nontributary Ground Water Rules;" Granting this application

will not injuriously affect the owners or persons entitled to use water under vested water rights or decreed conditional water rights; Jurisdiction will be retained on the question of injury and as further requested herein; and this Court grant this and such other relief as it deems proper and necessary.

**16CW3191, L.G. Everist, Inc., c/o James A. Sittner, 7321 East 88<sup>th</sup> Avenue, Suite 200, Henderson, CO 80640** (c/o Timothy J. Flanagan, 1640 Grant Street, Denver, Colorado 80203). CONCERNING THE APPLICATION FOR WATER RIGHTS OF L.G. EVERIST, INC., AN IOWA CORPORATION **IN WELD COUNTY**. 2. **NAME OF RESERVOIR**: Everist's Brooks Farm Water Storage Reservoir complex (also known herein as the "Property" and/or the "Reservoir") will consist of one water storage cell, which will be surrounded and sealed by a "Soil-Bentonite Slurry-Trench Cutoff Wall" and/or any other impermeable barrier(s) including, but not limited to, earth-berms and/or clay liners that have been designed, constructed and utilized to circumscribe, line and seal the proposed gravel pit to be located on the Parcel so that the water storage reservoir thus created meet and/or exceed the criteria therefor set forth by the Office of the State Engineer in Paragraph 2.0 "Construction Standards" and Paragraph 3.0 "Performance Standards" in its "State Engineer Guidelines for Lining Criteria for Gravel Pits", August 1999 (which hereafter, for the purpose of this document may be referred to as a "Slurry wall"). Application is also made for two (2) conditional surface diversions to service this Reservoir. 3. **LOCATION**: A. **Legal Description**. The Reservoir is situated within a 68.0 acre, +/-, parcel of land, which legal description of said "Parcel" is Tract A, Block 1, Minor Plate of Brooks Farm First Subdivision, recorded October 3, 2002 as Reception No. 2993165 of the records of Weld County Clerk and Recorder, located in the Northwest Quarter (NW ¼) of Section Six (6), Township Two North (T2N), Range Sixty-seven West (R67W) of the Sixth Principal Meridian (6<sup>th</sup> P.M.), Town of Firestone, County of Weld, State of Colorado (see Figure 1.0), consisting of the following Water Storage Cell: a. **Everist's Brooks Farm Water Storage Cell (aka the "Water Storage Cell")**: i. **Surface Area**: 45.4 acres, +/-; ii. **Legal Description of the Centroid of Surface Area of the Cell**: A point in Tract A, Block 1, Minor Plate of Brooks Farm First Subdivision, recorded October 3, 2002 as Reception No. 2993165 of the records of Weld County Clerk and Recorder, located in the Northwest Quarter (NW ¼) of Section Six (6), Township Two North (T. 2 N.), Range Sixty-seven West (R. 67 W.) of the Sixth Principal Meridian (6<sup>th</sup> P.M.), Town of Firestone, County of Weld, State of Colorado, that is located 1057.8 feet south of said north section line and 718.1 feet east of said west section line, (see Figure 2.0).iii. **Volume**: 1,200 acre-feet, +/-; and iv. **Depth**: Maximum depth is 45 feet, +/- 4. **WATER SOURCE FOR RESERVOIR**: The source of water for the Reservoir will be Boulder Creek, Boulder Creek via Idaho Creek, and St. Vrain Creek. Water tributary to the South Platte River will be used directly to fill the Reservoir and/or to be retained in the Reservoir when water rights decreed herein are in priority or by exchange for releases from the Reservoir or from other direct flow sources. 5. **POINTS OF DIVERSION**: A. **Diversion No. 1 (aka, Everist's Brooks Farm Last Chance Ditch Diversion)**. The Applicant will utilize the existing river headgate structure and the capacity of the Last Chance Ditch (WDID 0500589) to divert water from St. Vrain Creek in the SE1/4 of the NW1/4 of Section 3, T2N, R68W, 6<sup>th</sup> P. M., Weld County, Colorado. The river headgate and the Last Chance Ditch are owned by the Last Chance Ditch Company. The point of diversion is located on the east side of the St. Vrain Creek at a point that is approximately 1,900 feet south of the north section line and approximately 2,000 feet east of the west section line of said Section 3. Once diverted into the Last Chance Ditch, the water can then be delivered through the Last Chance Ditch to the Applicant's Reservoir utilizing one or more of the Applicant's existing and/or proposed ditch headgates which service the Applicant's Property and proposed Reservoir (see Figure 1.0). B. **Diversion No. 2 (aka, Everist's Brooks Farm Rural Ditch Diversion)**. The Applicant will utilize the existing river headgate structure and the capacity of the Rural Ditch (WDID 0600551) to divert water from Boulder Creek at a point located in the NE1/4 of Section 20, T2N, R68W, 6<sup>th</sup> P. M., Weld County, Colorado. The River headgate and the Rural Ditch is owned by the Rural Ditch Company. The point of diversion is located on the is located on the east bank of Boulder Creek at a point that is approximately 1,400 feet west of the east section line and approximately 2,275 feet south of the north section line of said Section 20. Once diverted into the Rural Ditch, the water can then be delivered through the Rural Ditch to its

intersection with the Last Chance Ditch and then via the Last Chance Ditch and/or Everist's Rural Ditch Lateral to the Applicant's Reservoir utilizing one or more of the Applicant's existing and/or proposed ditch headgates which service the Applicant's Property and proposed Reservoir (see Figure 1.0). C. Ditches and/or Streams used to Fill Reservoir System. Applicant has entered into carriage agreements with the Rural Ditch Company dated March 29, 2005, June 10, 2005, May 20, 2013, and March 27, 2014, which allow for the diversion and carriage of water from Boulder Creek via the Rural Ditch system to its various water storage reservoirs, including its proposed Reservoir. Applicant's use of the Rural Ditch system is subject to the terms of its aforementioned carriage agreements. Also, Applicant has the right to utilize the excess capacity in the Last Chance Ditch System based on its pro rata share of its ownership of the Last Chance Ditch Company to carry water from the St. Vrain Creek to its proposed Reservoir (see Figures 1.0 and 2.0). 6. PRIORITY: A. Date of Appropriation. June 24, 2016. B. How Appropriation was initiated. By Applicant (i) filing an application to amend its existing "Construction Materials Regular 112 Operation Reclamation Permit" (Permit No. M-2001-017) on June 24, 2016, which amendment includes the aforementioned Parcel and proposed Reservoir and which amendment was approved by the State of Colorado's Department of Natural Resources, Division of Reclamation, Mining and Safety on October 21, 2016; and (ii) publication in Division 1 Resume. C. Date water applied to beneficial use. Not applicable, Application is for a Conditional Water Right. 7. AMOUNT CLAIMED: A. Everist's Brooks Farm Water Storage Reservoir. 1,200 acre-feet, Conditional, with the right of one fill and one refill per year; B. Diversion No. 1 (rate of diversion to storage). 50 cubic feet per second ("cfs") Conditional; and C. Diversion No. 2 (rate of diversion to storage). 50 cubic feet per second ("cfs") Conditional. 8. PROPOSED USE: A. Proposed Use. Applicant will use the water diverted into storage at its proposed Reservoir for industrial, commercial, and agricultural purposes, including but not limited to such beneficial uses as follows: (a) mining, dust suppression, fire protection, processing, reclamation and marketing of the various aggregates and related products produced, manufactured and/or sold from this Parcel including ready-mixed concrete, (b) irrigation for its ongoing agricultural operations, (c) water required for its proposed residential and/or mixed-use development on this Parcel (see "Brooks Farm Outline Development Plan, Town of Firestone" dated June 15, 2001, at Reception No. 2857772, in the records of Weld County, State of Colorado), and (d) substitution, augmentation, exchange and/or other replacement purposes at this Parcel as well as said uses and water storage at such other properties that are owned or controlled by the Applicant for its ongoing and proposed development and mining purposes (see Figure 3.0). Applicant may fully consume the water diverted after storage and subsequent release, reuse, successive use, further exchange and disposition to the point of extinction. 9. SURFACE AREA OF RESERVOIR: A. Surface Area. Approximately 45.4 acres, plus or minus. B. Maximum Height of Dam. Everist's Brooks Farm Water Storage Reservoir is being designed as a below grade structure. C. Maximum Depth. Maximum depth not to exceed 45.0 feet. 10. TOTAL CAPACITY OF RESERVOIR. A. Active Capacity. A total active capacity of 1,200 acre feet of Conditional storage is planned. This maximum volume, assumes no freeboard and no dead storage, and B. Dead Storage. The proposed design calls for a total of 0 acre feet of dead storage. 11. NAME AND ADDRESS OF OWNERS OF LAND ON WHICH STRUCTURES FOR THE WATER RIGHT IS LOCATED. A. Everist, the Applicant herein, owns the Parcel of land on which Everist's Brooks Farm Water Storage Reservoir is located; B. The Last Chance Ditch Company owns the Last Chance Ditch and the existing diversion structure on St. Vrain Creek which will be used to for Everist's Diversion No. 1. (Last Chance Ditch Company, Attention: Mr. Harold E. Nelson, Secretary/Treasurer, 11955 CR 15, Longmont, Colorado 80504); C. The Rural Ditch Company owns the Rural Ditch and the existing diversion structure on Boulder Creek which will be used to for Everist's Diversion No. 2. (Rural Ditch Company, Attention: Ms. Angie Swanson, Secretary/Treasurer, P. O. Box 1826, Longmont, Colorado 80502-1826.) 12. REMARKS: A. Attached is a General Location Map of the facilities that are subject to this Application (see Figure 1.0) as well as a more detailed configuration of the proposed Reservoir and Parcel on which it is situated (see Figure 2.0). B. Everist acquired the Brooks Farm Parcel (also known herein as the "Parcel") on May 19, 2016 (see "General Warranty Deed" recorded May 23, 2016, at Reception No. 4205406 in the records of Weld County, State of Colorado); C. This property will be mined and

reclaimed in accordance with Everist's Section 112(c) Permit granted by the Colorado Division of Reclamation, Mining and Safety (Permit No. M-2001-017 as amended) as well as the terms and conditions contained in the Applicant's "Submittal of Amended Outline Development Plan (ODP) and Conditional Use Permit (CUP)" as reviewed, approved and stipulated by the Town of Firestone. D. A Slurry Wall will be constructed around the proposed Reservoir in order to seal the Reservoir from the surrounding alluvial aquifer as noted in ¶2 above. E. LGE is a shareholder in both the Rural Ditch Company and the Last Chance Ditch Company, and it has the necessary carriage agreements and/or rights necessary to convey non-share water through these two ditches as necessary.

**\*\*Per Order, resume will be published by Division 2\*\***

**16CW3192. (Division 2's case number 16CW3098) Matthew Arvidson and Jenna Arvidson, 2310 Wakonda Way, Monument, CO 80132.** Name and Address of Attorneys. Chris D. Cummins, #35154, Ryan W. Farr, #39394, Monson, Cummins & Shohet, LLC, 319 North Weber Street, Colorado Springs, Colorado 80903, (719) 471-1212, E-mail: [cdc@fmcwater.com](mailto:cdc@fmcwater.com), [rwf@fmcwater.com](mailto:rwf@fmcwater.com). Application for Adjudication of Denver Basin Groundwater and for Approval of Plan for Augmentation of Matthew Arvidson and Jenna Arvidson in **EL PASO COUNTY**. I. Name and Address of Applicants. Matthew Arvidson and Jenna Arvidson, 2310 Wakonda Way, Monument, CO 80132. Name and Address of Attorneys. Chris D. Cummins, #35154, Ryan W. Farr, #39394, Monson, Cummins & Shohet, LLC, 319 North Weber Street, Colorado Springs, Colorado 80903, (719) 471-1212, E-mail: [cdc@fmcwater.com](mailto:cdc@fmcwater.com), [rwf@fmcwater.com](mailto:rwf@fmcwater.com). II. Summary of Application. Applicants seek to construct an additional non-exempt well on a portion of Applicants' Property to provide water service to an additional single family dwelling thereon, based on an anticipated subdivision of Applicants' property into two lots. Applicants currently utilize an exempt domestic well on their property, permitted as Division of Water Resources Permit No. 25919 that will be re-permitted pursuant to the plan for augmentation requested herein, upon entry of a decree and completion of the subdivision process. Applicants therefore seek to quantify the Denver Basin groundwater underlying the Applicants' Property, and for approval of a plan for augmentation for the use thereof of two wells serving two residential dwellings. III. Application for Underground Water Rights. A. Legal Description of Wells. 1. Property Description. All wells will be located on Applicant's property, located in the SE1/4 SE1/4 of Section 3, Township 11 South, Range 67 West of the 6<sup>th</sup> P.M., El Paso County, Colorado, which contains approximately 5.01 acres, more or less ("Applicants' Property") with the plan to subdivide into two lots of approximately 2.5 acres each. See attached **Exhibit A** for a more particular legal description of the Applicants' Property, and attached **Exhibit B** for a general location map. 2. Existing Well. There is currently a well constructed to the Dawson aquifer located in the SE1/4 of the SE1/4 of Section 3, Township 11 South, Range 67 West of the 6<sup>th</sup> P.M., El Paso County, Colorado, permitted under DWR Permit No. 25919 ("Arvidson Well No. 1"). 3. Proposed Additional Well. Applicants propose a second well to be located on the Applicants' Property at a specific location not yet determined ("Arvidson Well No. 2"), also to be constructed to the Dawson aquifer. B. Water Source. 1. Not-Nontributary. The ground water to be withdrawn from the Dawson aquifer of the Denver Basin underlying Applicants' Property is not-nontributary. Pursuant to § 37-90-137(9)(c.5), C.R.S., the augmentation requirements for wells in the Dawson aquifer will require the replacement of actual stream depletions. 2. Nontributary. The groundwater that will be withdrawn from the Denver, Arapahoe and Laramie-Fox Hills aquifers of the Denver Basin underlying the Applicants' Property is nontributary. C. Estimated Rates of Withdrawal and Ground Water Available. 1. Estimated Rates of Withdrawal. Pumping from the wells will not exceed 100 g.p.m. The actual pumping rates for each well will vary according to aquifer conditions and well production capabilities. The Applicants' request the right to withdraw ground water at rates of flow necessary to withdraw the entire decreed amounts. The actual depth of each well to be constructed within the respective aquifers will be determined by topography and actual aquifer conditions. 2. Estimated Average Annual Amounts of Ground Water Available. Applicants request a vested right for the withdrawal of all legally available ground water in the Denver Basin aquifers underlying the Applicants' Property. Said amounts may be withdrawn over the 300-year life of the aquifers as required by El Paso County, Colorado Land Development Code §8.4.7(C)(1) which is

more stringent than the State of Colorado’s 100-year life requirement pursuant to C.R.S. §37-90-137(4). Applicants’ estimate that the following values and average annual amounts are representative of the Denver Basin aquifers underlying Applicants’ Property:

<b>Aquifer</b>	<b>Sand Thickness (Feet)</b>	<b>Total Ground Water Storage (Acre Feet)</b>	<b>Annual Average Withdrawal – 100 Years (Acre Feet)</b>	<b>Annual Average Withdrawal – 300 Years (Acre Feet)</b>
Dawson (NNT)	422	423	4.23	1.41
Denver (NT)	387	330	3.3	1.10
Arapahoe (NT)	370	316	3.16	1.05
Laramie Fox Hills (NT)	189	143	1.43	0.48

Decreed amounts may vary based upon the State’s Determination of Facts. Pursuant to C.R.S. §37-92-305(11), the Applicants further request that the Court retain jurisdiction to finally determine the amount of water available for appropriation and withdrawal from each aquifer. D. Requested Uses. The Applicants request the right to use the ground water for beneficial uses upon the Applicants’ Property consisting of domestic, commercial, irrigation, stock water, recreation, wildlife, wetlands, fire protection, and also for storage and augmentation purposes associated with such uses. The Applicants also request that the nontributary water may be used, reused, and successively used to extinction, both on and off the Applicants’ Property subject, however, to the requirement of C.R.S. §37-90-137(9)(b), that no more than 98% of the amount withdrawn annually shall be consumed. Applicants may use such water by immediate application or by storage and subsequent application to the beneficial uses and purposes stated herein. Provided, however, Applicants shall only be entitled to construct a well or use water from the not-nontributary Dawson aquifer pursuant to a decreed augmentation plan entered by this Court, covering the out-of-priority stream depletions caused by the use of such not-nontributary aquifers in accordance with § 37-90-137(9)(c.5), C.R.S. E. Well Fields. Applicants request that they be permitted to produce the full legal entitlement from the Denver Basin aquifers underlying Applicants’ Property through any combination of wells. Applicants request that these wells be treated as a well field. F. Averaging of Withdrawals. Applicants request that they be entitled to withdraw an amount of ground water in excess of the average annual amount decreed to the aquifers beneath the Applicants’ Property, so long as the sum of the total withdrawals from all the wells in the aquifers does not exceed the product of the number of years since the date of issuance of the original well permit or the date of entry of a decree herein, whichever comes first, multiplied by the average annual volume of water which the Applicants are entitled to withdraw from the aquifers underlying the Applicants’ Property. G. Owner of Land Upon Which Wells are to Be Located. The land upon which the wells are and will be located is owned by Applicants. IV. Application for Approval of Plan for Augmentation. A. Structures to be Augmented. The structures to be augmented are Arvidson Well No. 1 as is currently constructed to the not-nontributary Dawson aquifer or as may be subsequently replaced and re-constructed, and as will be re-permitted pursuant to this plan for augmentation, and Arvidson Well No. 2, along with any replacement or additional wells associated therewith, as likewise may be constructed to the Dawson aquifer of the Denver Basin underlying the Applicants’ Property as requested and described herein. B. Water Rights to be Used for Augmentation. The water rights to be used for augmentation during pumping are the return flows resulting from the pumping of the not-nontributary Dawson aquifer from Arvidson Well Nos. 1 and 2, together with water rights from the nontributary Arapahoe and Laramie-Fox Hills aquifers for any injurious post pumping depletions. C. Statement of Plan for Augmentation. Applicants wish to provide for the augmentation of stream depletions caused by pumping of the not-nontributary Dawson aquifer by two wells proposed

herein for two residential lots. Water use criteria and their consumptive use component for replacement of actual depletions for the lots are as follows: 1. Use. Each well will pump a maximum of 0.7 acre feet of water per year per residence for a maximum total of 1.41 acre feet being withdrawn from the Dawson and Denver aquifer per year. Such use shall be a combination of household use, irrigation of lawn and garden, and the watering of horses or equivalent livestock. An example breakdown of this combination of use is household use of 0.25 acre feet of water per year per residence with the additional 0.45 acre feet per year per residence available for irrigation of approximately 8,100 square feet of lawn and garden and the watering of up to four horses or equivalent livestock on each of the two residential lots. 2. Depletions. Applicants' consultant has determined that maximum stream depletions over the 300 year pumping period for the Dawson aquifer amounts to approximately 22% percent of pumping. Maximum annual depletions for total residential pumping from both wells is therefore 0.349 acre feet, in year 300. Should Applicants pumping be less than the 0.7 acre feet per lot described herein, resulting depletions and required replacements will be correspondingly reduced. 3. Augmentation of Depletions During Pumping. Pursuant to C.R.S. §37-90-137(9)(c.5), Applicants are required to replace actual stream depletions attributable to pumping of the two residential wells. Applicants' consultant has determined that depletions during pumping will be effectively replaced by residential return flows from non-evaporative septic systems. The annual consumptive use for non-evaporative septic systems is 10% per year per residence. At a household use rate of 0.25 acre feet per residence per year, total of 0.5 acre feet, 0.45 acre feet is replaced to the stream system per year, assuming each house utilizes non-evaporative septic systems. The Applicants' existing residence on the subject property currently utilizes central sewer treatment from the Town of Monument, and should such use continue pumping from each of the subject wells will be reduced so that adequate replacement water for augmentation during pumping is provided through a single non-evaporative septic system. Applicants' consultant has calculated such reduced pumping to be approximately 0.9 acre feet total, or 0.45 acre feet per well, with outdoor irrigation and stockwater uses being reduced correspondingly. Thus, during pumping, stream depletions will be adequately augmented. 4. Augmentation for Post Pumping Depletions. For the replacement of any injurious post-pumping depletions which may be associated with the use of the Arvidson Well Nos. 1 and 2, Applicants will reserve up to 37.75 acre feet of water from the nontributary Arapahoe and 140 acre feet of water from the nontributary Laramie Fox Hills aquifer, less the amount of actual stream depletions replaced during the plan pumping period. Applicants also reserve the right to substitute other legally available augmentation sources for such post pumping depletions upon further approval of the Court under its retained jurisdiction. Even though this reservation is made, under the Court's retained jurisdiction, Applicants reserve the right in the future to prove that post pumping depletions will be noninjurious. The reserved nontributary Arapahoe and Laramie-Fox Hills groundwater will be used to replace any injurious post-pumping depletions. Upon entry of a decree in this case, the Applicants will be entitled to apply for and receive a new well permit for the Arvidson Well No. 1 and Arvidson Well No. 2 for the uses in accordance with this Application and otherwise in compliance with C.R.S. §37-90-137. V. Remarks. A. This Application was filed in both Water Divisions 1 and 2 because depletions from the pumping of the Dawson aquifer may occur in both the South Platte and the Arkansas River systems. The return flows set forth herein will accrue to tributaries of the Arkansas River system where the majority of such depletions will occur, and it is Applicants' intent to consolidate the instant matter with pending Division 2 application in Water Division 2 upon completion of publication. Applicants request that the total amount of depletions to both the South Platte River and the Arkansas River systems be replaced to the Arkansas River as set forth herein, and for a finding that those replacements are sufficient. B. Applicants request a finding that they have complied with C.R.S. §37-90-137(4), and that the ground water requested herein is legally available for withdrawal by the requested not-nontributary wells upon the entry of a decree approving an augmentation plan pursuant to C.R.S. §37-90-137(9)(c.5). C. The term of this augmentation plan is for 300 years, however the length of the plan for a particular well may be extended beyond such time provided the total plan pumping allocated thereto is not exceeded. Post pumping stream depletions accrue to a particular well or wells only to the extent related to that well's actual pumping. D. The Court will retain jurisdiction over this matter to provide for the adjustment of the annual amount of ground

water withdrawals to be allowed in order to conform to actual local aquifer characteristics from adequate information obtained from well drilling or test holes. E. Pursuant to C.R.S. §37-90-137, upon approval of the plan for augmentation requested herein and completion of the subdivision process allowing the second residence, Applicants will file an application with the State Engineer’s office to re-permit the existing Arvidson Well No. 1 on Applicants’ approximately 5.01 acre property for operation under the plan for augmentation. F. The Applicants request a finding that vested water rights of others will not be materially injured by the withdrawals of ground water and the proposed plan for augmentation. G. The well(s) shall be installed and metered as reasonably required by the State Engineer. Each well must be equipped with a totalizing flow meter and Applicants shall submit diversion records to the Division Engineer on an annual basis or as otherwise requested by the Division Engineer. The Applicants shall also provide accountings to the Division Engineer and Water Commissioner as required by them to demonstrate compliance under this plan of augmentation. H. The Applicants intend to waive the 600 feet well spacing requirement for any wells to be located upon the Applicants’ Property. I. Applicants will comply with any lienholder notice provisions set forth in C.R.S. §37-92-302(2)(b) and §37-90-137(4)(b.5)(I), and such notice will be sent within 14 days of the filing of this application.

**16CW3193 James J. DuBois, U.S. Department of Justice, Environment and Natural Resources Division, Natural Resources Section, 999 18th Street, South Terrace, Suite 370 Denver, CO 80202,** Atty. Reg. No. 13206, Phone Number: (303) 844-1375, FAX Number: (303) 844-1350, E-mail: james.dubois@usdoj.gov. **APPLICATION FOR ABSOLUTE WATER RIGHTS (SURFACE)**

**LARIMER COUNTY.** 1. Name, address, telephone number of applicant: United States of America, % Bureau of Reclamation, Eastern Colorado Area Office, 11056 West County Road 18E, Loveland, CO 80537-9711, (970) 962-4396. 2. Name(s) of Structure(s): A. Aspen Creek Siphon Inlet (siphon). B. Olympus Tunnel (tunnel). C. Dille Tunnel (tunnel). 3. Legal description of each point of diversion: A. Aspen Creek Siphon Inlet:

Required Description: <b>County: Larimer</b>	SW 1/4 of the	NW 1/4 of	Section 9	Township 4N	Range 73W	Principal Meridian 6th P.M.
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Source of PLSS information: AquaMap

B. Olympus Tunnel:

Required Description: <b>County: Larimer</b>	SE 1/4 of the	NW 1/4 of	Section 29	Township 5N	Range 72W	Principal Meridian 6th P.M.
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Source of PLSS information: AquaMap

C. Dille Tunnel:

Required Description: <b>County: Larimer</b>	NE 1/4 of the	NW 1/4 of	Section 9	Township 5N	Range 70W	Principal Meridian 6th P.M.
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Source of PLSS information: AquaMap

4. Source(s): A. Aspen Creek Siphon Inlet: Wind River, tributary to Big Thompson River, tributary to South Platte River. B. Olympus Tunnel: Big Thompson River, tributary to South Platte River. C. Dille Tunnel: Big Thompson River, tributary to South Platte River. 5. Date(s) of Appropriation: A. Aspen Creek Siphon Inlet: June 24, 1965 and September 12, 2013. B. Olympus Tunnel: June 6, 1956. C. Dille Tunnel: May 14, 1959 and June 13, 1996. 6. How Appropriation(s) was/were Initiated: A. Aspen Creek Siphon Inlet: Diversion and beneficial use. B. Olympus Tunnel: Diversion and beneficial use. C. Dille Tunnel: Diversion and beneficial use. 7. Date(s) Water Applied to Beneficial Use: A. Aspen Creek Siphon Inlet: 28 cfs: June 24, 1965. 88.63 cfs: September 12, 2013. B. Olympus Tunnel: June 6, 1956.

C. Dille Tunnel: 146 cfs: May 14, 1959. 254 cfs: June 13, 1996. 8. Amount(s) claimed in cubic feet per second (cfs): A. East Portal Dam, Aspen Creek Siphon Inlet: 28 cfs Absolute with a June 24, 1965 diversion date and an additional 88.63 cfs Absolute with a September 12, 2013 diversion date, for a total of 116.63 cfs. B. Olympus Tunnel: 578 cfs Absolute. C. Dille Tunnel: 146 cfs Absolute with a May 14, 1959 diversion date and an additional 254 cfs Absolute with a June 13, 1996 diversion date, for a total of 400 cfs. The hydropower operations described herein do not consumptively use water or deplete the water sources. The dates of use therefore reflect the dates on which the stated flow rates were diverted and placed to beneficial use for power generation. With the oversight of the Colorado Division of Water Resources, hydropower operations and use of the claimed sources have been ongoing since approximately the completion of the Colorado-Big Thompson Project. 9. List all uses or proposed uses: Hydroelectric Power. A. If irrigation, complete the following: N/A. B. If non-irrigation, describe purpose fully. Mark location of use on a USGS topographic map and attach to this application a legible 8½ x 11 inch copy of the applicable portion of the map. i. Aspen Creek Siphon Inlet (Figures 1 and 2): Diverts water from the Wind River to the Marys Lake Power Plant (Figure 3) and Estes Park Power Plant (Figure 4) for hydroelectric power generation. All Wind River water is returned without depletion to the Big Thompson River below Estes Park Power Plant at the NW 1/4 of the NW 1/4 of Section 30, Township 5 North, Range 72 West of the 6th P.M., Larimer County (Figure 5). ii. Olympus Tunnel (Figure 6): Diverts water from the Big Thompson River to Pole Hill Power Plant (Figure 7), Flatiron Power Plant (Figure 8), and/or the Big Thompson Power Plant (Figure 9) for hydroelectric power generation. All Big Thompson River water is returned without depletion to the Big Thompson River at the mouth of the Big Thompson Canyon via either the Big Thompson Power Plant at the NE 1/4 of the NW 1/4 of Section 10, Township 5 North, Range 70 West of the 6th P.M., Larimer County, or the Charles Hansen Feeder Canal Trifurcation Wasteway at the SE 1/4 of the SW 1/4 of Section 3, Township 5 North, Range 70 West of the 6th P.M., Larimer County. If the water is returned via the Charles Hansen Feeder Canal Trifurcation Wasteway, it enters the Big Thompson River immediately upstream of the Handy Ditch Diversion in the NE 1/4 of the NW 1/4 of Section 10, Township 5 North, Range 70 West of the 6th P.M., Larimer County (Figure 10). If the water is returned via the Big Thompson Power Plant, it enters the Big Thompson River immediately below the Big Thompson Power Plant in the NE 1/4 of the NW 1/4 of Section 10, Township 5 North, Range 70 West of the 6th P.M., Larimer County (Figure 11). iii. Dille Tunnel (Figure 12): Diverts water from the Big Thompson River to the Big Thompson Power Plant (Figure 9) for hydroelectric power generation. All Big Thompson River water is returned without depletion to the Big Thompson River at the mouth of the Big Thompson Canyon immediately below the Big Thompson Power Plant in the NE 1/4 of the NW 1/4 of Section 10, Township 5 North, Range 70 West of the 6th P.M., Larimer County (Figure 11). 10. Name(s) and address(es) of owner(s) or reputed owner(s) 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.

Name of Owner	Mailing Address
The United States owns all land upon which the existing diversion and use structures are located. See paragraph 1 above.	

11. Remarks or any other pertinent information: The hydropower operations described herein do not consumptively use water or deplete the water sources, and have been ongoing under the supervision of the State and Division Engineers since approximately the completion of the Colorado-Big Thompson Project.

**16CW3194 NORTHERN COLORADO WATER CONSERVANCY DISTRICT, (“Northern Water”)** c/o Carl Brouwer, 220 Water Avenue, Berthoud, Colorado 80513, E-mail: [cbrouwer@northernwater.org](mailto:cbrouwer@northernwater.org), Telephone: 1-800-369-7246. Attorneys: Douglas M. Sinor and William Davis Wert of TROUT RALEY, 1120 Lincoln Street, Suite 1600, Denver, Colorado 80203, Telephone: 303-861-1963, E-mail: [dsinor@troutlaw.com](mailto:dsinor@troutlaw.com) and [dwert@troutlaw.com](mailto:dwert@troutlaw.com). **APPLICATION FOR CHANGE OF CONDITIONAL WATER STORAGE RIGHT (ALTERNATE PLACE OF**

**STORAGE), IN LARIMER AND WELD COUNTIES, COLORADO.** 1. Name, mailing address, email address, and telephone number of applicant: See above. 2. Overview: This Application seeks to add an alternate place of storage (“Upper Galeton Reservoir”) for two conditional water storage rights decreed to Galeton Reservoir in consolidated Case No. 92CW130. The dam for Upper Galeton Reservoir would be located approximately three miles northwest of the dam location decreed for proposed Galeton Reservoir. This Application does not propose to change Galeton Reservoir as a decreed place of storage, to make any changes to the type or place of use or points of diversion for the Galeton Reservoir conditional water storage rights, or to change any aspect of the water rights decreed in Case No. 92CW130 other than to add Upper Galeton Reservoir as an alternate place of storage for the Galeton Reservoir conditional water storage rights. As described in detail in the original Decree in Case No. 92CW130, the Galeton Reservoir conditional water storage rights form a part of an integrated project known as the South Platte Water Conservation Project (“SPWCP”), which is being developed by Northern Water to deliver water to municipal and other users for beneficial use within the Northern Water boundaries. Water yielded from the SPWCP will also be used as supplemental irrigation water on irrigated lands within Northern Water’s boundaries, or will be used to irrigate previously non irrigated lands within Northern Water’s boundaries. Galeton Reservoir or Upper Galeton Reservoir will be used to store unappropriated water diverted from the Cache la Poudre and South Platte Rivers at the South Platte River Intake and Cache la Poudre River Intake and pumped to the reservoir through the SPWCP Pumping Station and Pipeline or, alternatively, diverted through the Riverside Canal Intake and pumped to the reservoir through the Riverside Pumping Station and Pipeline. The SPWCP is designed to then reposition that water by substitution and exchange at structures higher up in the Cache la Poudre River Basin in order to increase the amount of water available for beneficial uses within the boundaries of Northern Water. The SPWCP may also be used to recapture reusable return flows from other reusable sources and to deliver that water for further use within the boundaries of Northern Water via substitution and exchange as described in the 92CW130 Decree. The Galeton Reservoir conditional water storage rights involved in this change Application, as well as the other SPWCP water rights decreed in Case No. 92CW130, are integral components of the regional water supply project known as the Northern Integrated Supply Project (“NISP”). 3. Decreed conditional water storage rights for which change is sought: A. Name of structure: SPWCP Galeton Reservoir. B. Original Decree: i. Case No.: 92CW130. ii. Date of decree: November 28, 2005. iii. Court: Water Division No. 1. C. Subsequent Finding of Diligence: i. Case No.: 11CW241. ii. Date of Decree: October 17, 2013. iii. Court: Water Division No. 1. D. Decreed appropriation dates and amounts: i. December 11, 1992: 45,624 acre feet, conditional, with the right to fill and refill when in priority, subject to the limitation on refill set forth in paragraph 38 of the Decree in Case No. 92CW130. ii. August 8, 1997: 35,980 acre feet, conditional, with the right to fill and refill without limitation when in priority. E. Decreed Beneficial Uses: All beneficial uses including, but not limited to, municipal; irrigation; domestic; commercial; industrial; mechanical; manufacturing; recreation; generation of electrical energy; power; fire protection; watering of parks, lawns and golf courses; piscatorial; maintenance, preservation and enhancement of wildlife and aesthetic values; and lake and reservoir evaporation. The lands proposed to be irrigated include all irrigable lands located within the current and future boundaries of Northern Water. The proposed beneficial uses are to be accomplished by direct use, storage, exchange, augmentation and replacement. F. Legal description of reservoir location: As decreed, the axis of the main dam of proposed Galeton Reservoir, said dam axis being located in Sections 10, 11 and 15, T7N, R64W, 6th P.M., Weld County, Colorado, is as follows: Beginning at the Southeast Corner of Section 14 and considering the South line of said Section 14 as bearing South 89°54' West and with all bearing contained herein relative thereto; thence North 85°30' West, 9350 feet to the right terminus of the dam axis, then North 37°00' East, 11,400 feet to the left terminus of the dam axis. G. Physical characteristics of the reservoir: i. Surface area of reservoir at high water line: 2,800 acres. ii. Height of dam in feet: 62 feet. iii. Length of dam in feet: 11,400 feet. iv. Total capacity: 81,604 acre-feet. v. Active capacity: 81,604 acre-feet. vi. Dead storage: None. H. Rates of diversion for filling the reservoir: 400 cfs, conditional. I. Names and capacities of pipelines to fill the reservoir: i. SPWCP Pumping Station and Pipeline, 400 cfs. Subject to the limitations set forth in paragraph 38 of the Decree

in Case No. 92CW130, the SPWCP Pumping Station and Pipeline will pump water from the Pumping Station Forebay Reservoir, which will be filled with water diverted from the South Platte River through the South Platte River Intake at a maximum rate of 500 cfs, and from the Cache la Poudre River through the Cache la Poudre River Intake at a maximum rate of 500 cfs. ii. Riverside Pumping Station and Pipeline, 400 cfs. Subject to the limitations set forth in paragraph 38 of the Decree in Case No. 92CW130, the Riverside Pumping Station and Pipeline will pump water from the Riverside Pumping Station Forebay Reservoir, which will be filled with water diverted from the South Platte River through the Riverside Canal Intake at a maximum rate of 400 cfs. J. Legal descriptions of river points of diversion: i. The SPWCP Pumping Station and Pipeline is proposed to be located in the Southwest 1/4 of the Northwest 1/4 of the Southwest 1/4 of Section 6, T5N, R64W, 6th P.M., Weld County, Colorado. The legal descriptions of the points of diversion from the South Platte and Cache la Poudre Rivers are as follows: a. South Platte River Intake: Section 6, T5N, R64W, 6th P.M., Weld County, Colorado, at a point 1,000 feet East of the West Section line and 581 feet North of the South Section line of said Section 6. Alternatively, beginning at the West 1/4 corner of said Section 6, and considering the West line of the NW 1/4 of said Section 6 as bearing South 00°00'00" West and with all bearings contained herein relative thereto; thence South 26°33'57" East 2251.53 feet. b. Cache la Poudre River Intake: Section 6, T5N, R64W, 6th P.M., Weld County, Colorado, at a point 366 feet East of the West Section line and 1,181 feet North of the South Section line of said Section 6. Alternatively, beginning at the West 1/4 corner of said Section 6, and considering the West line of the NW 1/4 of said Section 6 as bearing South 00°00'00" West and with all bearings contained herein relative thereto; thence South 14°41'30" East 1469.24 feet. ii. The Riverside Pumping Station and Pipeline is proposed to be located in the West 1/2 of the Southwest 1/4 of Section 20, T5N, R63W, 6th P.M., Weld County, Colorado. The legal description of the point of diversion from the South Platte River is as follows: a. Riverside Canal Intake: Section 20, T5N, R63W, 6th P.M., Weld County, Colorado, at a point 270 feet East of the West Section line and 710 feet North of the South Section line of said Section 20. K. Sources: South Platte and Cache la Poudre Rivers and their tributaries.

4. Detailed description of proposed change of conditional water storage rights (alternate place of storage):

A. As an alternative to the Galeton Reservoir place of storage described in Section 3.F above and decreed in Case No. 92CW130, Applicant proposes to add Upper Galeton Reservoir as an alternate place of storage for the Galeton Reservoir conditional water storage rights. Upper Galeton Reservoir is depicted on the map attached to the Application as **Exhibit A**. i. Legal description of proposed Upper Galeton Reservoir alternate place of storage: The axis of the main dam of Upper Galeton Reservoir, said dam axis being located in Section 5, T7N, R64W, 6th P.M., Weld County, Colorado, and Sections 32, 33, 28, and 27, T8N, R64W, 6th P.M., Weld County, Colorado, is described as follows: Commencing at the Southwest corner of said Section 33 and assuming the South line of said Section 33 as bearing North 88°56'31" East being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/2011, a distance of 5,319.07 feet with all other bearing contained herein relative thereto; thence South 52°44'34" West a distance of 2,842.14 feet to the point of beginning; thence North 41°07'11" East a distance of 14,562.32 feet to a point which bears North 12°18'22" East a distance of 9,366.73 feet from the Southeast corner of said Section 33 and to the point of termination. Upper Galeton Reservoir will inundate portions of Section 5, T7N, R64W, 6th P.M., Weld County, Colorado, and portions of Sections 19, 20, 21, 22, 27, 28, 29, 30, 32, and 33, T8N, R64W, 6th P.M., Weld County, Colorado. B. Physical characteristics of Upper Galeton Reservoir: i. Surface area of reservoir at high water line: 2,450 acres. ii. Height of dam in feet: 95 feet. iii. Length of dam in feet: 14,562.32 feet. iv. Total capacity: 81,604 acre-feet. v. Active capacity: 81,604 acre-feet. vi. Dead storage: None. C. This Application seeks only to add Upper Galeton Reservoir as an alternate place of storage for the Galeton Reservoir conditional water storage rights. The Application does not propose to change Galeton Reservoir as a decreed place of storage. The Application does not propose any changes in the type or place of use or points of diversion for the Galeton Reservoir conditional water storage rights. This Application does not seek to change any water rights decreed in Case No. 92CW130 other than to add Upper Galeton Reservoir as an alternate place of storage for the Galeton Reservoir conditional water storage rights. D. Since the finding of diligence in Case No. 11CW241, Northern Water has continued to diligently develop the

conditional water storage rights that are the subject of this change Application, and water can and will be stored and put to beneficial use under the rights within a reasonable time to satisfy Northern Water's intended objective of implementing the SPWCP and NISP. 5. A list of 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: Timothy Lee and Judy Ann Adams, 43280 WCR 51, Ault, CO 80610; Patricia April Deplazes, 8030 County Road 15, Minot, ND 58703; Dillard Family LLC, PO Box 333, Galeton, CO 80622; Joe A. and Shirley A. Intermill, 43379 WCR 51, Ault, CO 80610; Jackie and Tina Loos, 24696 County Road 90, Ault, CO 80610; Judy A. May, 44033 WCR 49, Ault, CO 80610; Mountain Tower and Land LLC, 1224 W. Platte Ave., Fort Morgan, CO 80701; Timothy R. and Leanne R. Robel Revocable Trusts, 6525 W. 26th St., Greeley, CO 80634; James and E. Ann Turner, 12020 FM 3139, Dalhart, TX 79022. (7 pages)

**16CW3195 Arapahoe County Water and Wastewater Authority** ("ACWWA"), c/o Steve Witter, General Manager, 13031 East Caley Avenue, Centennial, Colorado 80111, Telephone: (303) 790-4830; **United Water and Sanitation District**, a quasi-municipal corporation and political subdivision of the State of Colorado, acting directly and by and through the United Water and Sanitation District ACWWA Enterprise ("United"), c/o Robert Lembke, 8301 E. Prentice Avenue, Suite 100, Greenwood Village, Colorado 80111, Telephone: (303) 775-1005. The above listed parties shall be collectively referred to as the "Applicants." **APPLICATION FOR CONDITIONAL WATER RIGHTS, APPROPRIATIVE RIGHTS OF SUBSTITUTION AND EXCHANGE, APPROPRIATION OF HISTORICAL RETURN FLOWS, AND CHANGE OF WATER RIGHTS IN ADAMS, ARAPAHOE, DENVER, LARIMER, MORGAN AND WELD COUNTIES.** Please send all pleadings and correspondence to: Brian M. Nazarenus, Esq., Sheela S. Stack, Esq., William D. Wombacher, Esq., RYLEY CARLOCK & APPLEWHITE, 1700 Lincoln Street, Suite 3500, Denver, Colorado 80203, (Attorneys for ACWWA), Tod J. Smith, Esq., LAW OFFICE OF TOD J. SMITH, LLC, 2919 Valmont Road, Suite 205, Boulder, Colorado 80301, (Attorneys for United). **2. Background.** On December 15, 2009, ACWWA entered into an Intergovernmental Agreement ("IGA") with East Cherry Creek Valley Water and Sanitation District ("ECCV") and United to provide for ACWWA's participation in ECCV's integrated system for the diversion, accretion, collection, storage, transmission, and treatment of ECCV's water rights ("Water Supply Project"). The Water Supply Project (a/k/a the "ACWWA Flow Project") is now designed to provide ECCV and ACWWA with a long-term, sustainable municipal water supply for its service area located in Arapahoe and Douglas Counties, Colorado. A map of ACWWA's service area is attached as **Exhibit 1**. At full build-out, ACWWA's projected water demand is approximately 10,275 acre-feet per year. The water appropriated herein is necessary to help ACWWA meet its projected water demand. The conditional water rights claimed herein and operation of the exchanges are necessary to replace out-of-priority depletions resulting from ACWWA's pumping of the ACWWA/ECCV Well Field in the Beebe Draw (the "ACWWA/ECCV Well Field") and/or historical return flow obligations owed to the South Platte River. A map showing the locations of the structures described in this Application is attached as **Exhibit 2**. United will construct structures described below as part of satisfying its contractual obligations to ACWWA for the Water Supply Project. **3. Description of Conditional Water Storage Rights.** 3.1. ACWWA Binder Reservoir Storage Right. 3.1.1. Name of Structure. Binder Reservoir (a/k/a the "Brighton Lateral Reservoir"). 3.1.2. Location. Binder Reservoir is an off-channel reservoir located in the N1/2 of Section 15, Township 1 North, Range 66 West of the 6th P.M., Weld County, Colorado. 3.1.3. Diversion Structures. 3.1.3.1. Brighton Lateral. Brighton Lateral will divert water from the east bank of the South Platte River, in either the NW1/4 of the NW1/4 or the NE1/4 of the NW1/4, both of Section 18, Township 1 South, Range 66 West of the 6th P.M., Weld County, Colorado. 3.1.3.2. Binder Pipeline. Binder Pipeline will divert water from the east bank of the South Platte River, in the NW1/4 of Section 18, Township 1 North, Range 66 West of the 6th P.M., Weld County, Colorado. 3.1.4. Source. South Platte River. 3.1.5. Amount Claimed. 750 acre-feet, conditional, with the right to one refill in the amount of 750 acre-feet per year, conditional. 3.1.6. Date of Appropriation. December

14, 2016. 3.1.7. How Appropriation was Initiated. The appropriation date is based upon the Resolution passed by the ACWWA Board of Directors on December 14, 2016. The Notice of Appropriation was posted on December 15, 2016, a copy of which is attached as **Exhibit 3**. 3.1.8. Date Water First Applied to Beneficial Use. Not applicable. 3.1.9. Uses. By this Application, ACWWA seeks a decree granting the right to use the ACWWA Binder Reservoir Storage Right as follows: 3.1.9.1. Use in ACWWA's Plans for Augmentation. ACWWA seeks to use the ACWWA Binder Reservoir Storage Right as a source of replacement water in the ACWWA Augmentation Plans approved in the decree entered in Case No. 10CW306 ("306 Decree") to replace depletions from the pumping of water from the ACWWA/ECCV Well Field for delivery to ACWWA's present and future service area in Arapahoe and Douglas Counties. In addition, ACWWA seeks to use the ACWWA Binder Reservoir Storage Right as a source of replacement water in any future plans for augmentation. 3.1.9.2. Use in ACWWA's Recharge Projects. ACWWA seeks to use the ACWWA Binder Reservoir Storage Right for recharge by delivering the water to the recharge facilities located in the Beebe Draw and on 70 Ranch pursuant to the terms and conditions of the 306 Decree. In addition, ACWWA seeks to use the ACWWA Binder Reservoir Storage Right for recharge by delivering the water to the recharge sites described in this Application, and any future recharge facility to which ACWWA is legally permitted to recharge water. 3.1.9.3. Use in ACWWA's Exchange. ACWWA seeks to use the ACWWA Binder Reservoir Storage Right either directly or following storage, as a source of substitute supply for the appropriative right of exchange approved in the decree entered in Case No. 09CW283 ("283 Decree"). ACWWA also seeks to use the ACWWA Binder Reservoir Storage Right as a source of substitute supply in the 2016 ACWWA Exchanges claimed in this Application. 3.1.9.4. Use to Meet Historical Return Flow Obligations. ACWWA seeks to use the ACWWA Binder Reservoir Storage Right to meet its historical return flow obligations for its existing, pending, and future acquired and changed water rights owed to the South Platte River or Cache la Poudre River. 3.1.9.5. Alternate Places of Storage. ACWWA also seeks to store the ACWWA Binder Reservoir Storage Right in the following surface storage facilities: 3.1.9.5.1. 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. 3.1.9.5.2. 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. 3.1.9.5.3. 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. 3.1.9.5.4. 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. 3.1.9.5.5. Any future storage facility in which ACWWA is legally permitted to store water. 3.1.9.6. All Municipal Uses. ACWWA seeks to use the ACWWA Binder Reservoir Storage Right via delivery by a pipeline or by exchange to ECCV's surface water treatment plant for treatment and subsequent direct delivery for all municipal uses, including, but not limited to, domestic, mechanical, manufacturing, commercial, and industrial, within ACWWA's present and future service area located in Arapahoe and Douglas Counties. 3.1.9.7. 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, exchange, augmentation, or otherwise, to extinction, all water exchanged, lawfully diverted and/or impounded pursuant to the decree entered in this case. 3.1.10. Total Capacity. Binder Reservoir has a planned total capacity of 3,800 acre-feet (with 4 feet of freeboard). 3.1.11. Name and Addresses of the Owner of Binder Reservoir and the Diversion Facility Used to Fill Binder Reservoir. Platte River Water Development Authority ("PRWDA"), 8301 E. Prentice Avenue, Suite 100, Greenwood Village, Colorado, 80111. 3.2. ACWWA Serfer Pit Storage Right. 3.2.1. Name of Structure. Serfer Pit 3.2.2. Location. Serfer Pit is located along the Cache la Poudre River, approximately 2.8 stream miles below the New Cache headgate, 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. 3.2.3. Diversion Structure. A temporary pump currently delivers water into Serfer Pit. A permanent pump and pipe to and from the Cache La Poudre River will be placed in the southwest corner of Serfer Pit, 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. 3.2.4. Source. Cache la Poudre River. 3.2.5. Amount Claimed. 100 acre-feet fill, conditional, with the right to one refill in the amount of 100 acre-feet per year, conditional. 3.2.6. Date of Appropriation. December 14, 2016. 3.2.6.1. How Appropriation was Initiated. The appropriation date is based upon the Resolution passed by the ACWWA Board of Directors on December 14, 2016. The Notice of Appropriation was posted on December 15, 2016, a copy of which is attached as **Exhibit 3**. 3.2.6.2. Date Water First Applied to Beneficial Use. Not applicable. 3.2.7. Uses. By this Application, ACWWA seeks a decree granting the right to use the ACWWA Serfer Pit Storage Right as follows: 3.2.7.1. Use in ACWWA's Plans for Augmentation. ACWWA seeks to use the ACWWA Serfer Pit Storage Right as a source of replacement water in the ACWWA Augmentation Plans approved in the 306 Decree to replace depletions from the pumping of water from the ACWWA/ECCV Well Field for delivery to ACWWA's present and future service area in Arapahoe and Douglas Counties. In addition, ACWWA seeks to use the ACWWA Serfer Pit Storage Right as a source of replacement water in any future plans for augmentation. 3.2.7.2. Use in ACWWA's Recharge Projects. ACWWA seeks to use the ACWWA Serfer Pit Storage Right for recharge by delivering the water to the recharge facilities located in the Beebe Draw and on 70 Ranch pursuant to the terms and conditions of the 306 Decree. In addition, ACWWA seeks to use the ACWWA Serfer Pit Storage Right for recharge by delivering the water to the recharge sites described in this Application, and any future recharge facility to which ACWWA is legally permitted to recharge water. 3.2.7.3. Use in ACWWA's Exchange. ACWWA seeks to use the ACWWA Serfer Pit Storage Right either directly or following storage, as a source of substitute supply for the appropriative right of exchange approved in the 283 Decree. ACWWA also seeks to use the ACWWA Serfer Pit Storage Right as a source of substitute supply in the 2016 ACWWA Exchanges claimed in this Application. 3.2.7.4. Use to Meet Historical Return Flow Obligations. ACWWA seeks to use the ACWWA Serfer Pit Storage Right to meet its historical return flow obligations for its existing, pending, and future acquired and changed water rights owed to the South Platte or Cache la Poudre Rivers. 3.2.7.5. Alternate Places of Storage. ACWWA seeks to store the water in the following surface storage facilities: 3.2.7.5.1. 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., Weld County, Colorado, and a portion of the NE1/4 of Section 10, Township 4 North, Range 63 West of the 6th P.M., Weld County, Colorado. 3.2.7.5.2. 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. 3.2.7.5.3. 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. 3.2.7.5.4. 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. 3.2.7.5.5. 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. 3.2.7.5.6. Binder Reservoir, 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. 3.2.7.5.7. 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. 3.2.7.5.8. Any future storage facility to which ACWWA is legally permitted to store water. 3.2.7.6. All Municipal Uses. ACWWA will use the ACWWA Serfer Pit Storage Right via delivery by a pipeline or by exchange to ECCV's surface water treatment plant for treatment and subsequent direct delivery for all municipal uses, including, but not limited to, domestic, mechanical, manufacturing, commercial, and industrial, within ACWWA's present and future service area located in Arapahoe and Douglas Counties. 3.2.7.7. Right of Reuse, Successive Use, and Disposition. ACWWA asks the Court to decree that it has the right to use, reuse, successively use and dispose of by sale, exchange, augmentation, or otherwise, to extinction, all water lawfully diverted and/or impounded pursuant to the decree entered in this case. 3.2.8. Name and Addresses of the Owner of Serfer Pit and the Diversion Facility Used to Fill Serfer Pit. United Water and Sanitation District, 8301 E. Prentice Avenue, Suite 100, Greenwood Village, Colorado 80111. 3.3. ACWWA

Highlands Reservoir Storage Right. 3.3.1. Name of Structure. Highlands Reservoir. 3.3.2. Location. Highlands Reservoir is 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. Water will be diverted from the South Platte River at the diversion facilities described below in paragraph 3.3.3. After water is diverted from the South Platte River it will be delivered to Highlands Reservoir through the delivery canals in the Farmers Reservoir and Irrigation Company's ("FRICO") Barr Lake system. 3.3.3. Names of the Diversion Facilities Used to Fill the Reservoir. 3.3.3.1. United Diversion Facility No. 3. The headgate is on the east bank of the South Platte River in the SW1/4 of Section 26, Township 1 South, Range 67 West of the 6th P.M., Adams County, Colorado. United Diversion Facility No. 3 delivers water to the United No. 3 Reservoir, from which water is delivered through the Beebe Pipeline to the Burlington Canal, immediately above Barr Lake. From Barr Lake the water will be delivered through FRICO delivery canals in the Beebe Draw to Highlands Reservoir. 3.3.3.2. Burlington Canal (a/k/a "Burlington/O'Brien Canal"). The Burlington Canal headgate is located on the east bank of the South Platte River, in the NE1/4 of the SW1/4 of Section 14, Township 3 South, Range 68 West of the 6th P.M., City and County of Denver, Colorado. 3.3.3.3. Beebe Seep Canal. Point(s) of diversion from the Beebe Seep Canal for delivery of water to storage in Highlands Reservoir may be located at one or more of the following locations, all of which will divert only surface water: 3.3.3.3.1. In the SE1/4 of Section 30, Township 1 North, Range 65 West of the 6th P.M., Weld County, Colorado. 3.3.3.3.2. In the SE1/4 of the NE1/4 of Section 30, Township 1 North, Range 65 West of the 6th P.M., Weld County, Colorado. 3.3.3.3.3. In the W1/2 of the NW1/4 of Section 29, Township 1 North, Range 65 West of the 6th P.M., Weld County, Colorado. 3.3.3.3.4. In the NE1/4 of the NW1/4 of Section 6, Township 1 South, Range 65 West of the 6th P.M., Adams County, Colorado. 3.3.4. Source of the Water. South Platte River. 3.3.5. Amount Claimed. 750 acre-feet, conditional, with the right to one refill in the amount of 750 acre-feet per year, conditional. 3.3.6. Date of Appropriation. December 14, 2016. 3.3.6.1. How Appropriation was Initiated. The appropriation date is based upon the Resolution passed by the ACWWA Board of Directors on December 14, 2016. The Notice of Appropriation was posted on December 15, 2016, a copy of which is attached as **Exhibit 3**. 3.3.6.2. Date Water First Applied to Beneficial Use. Not applicable. 3.3.7. Uses. By this Application, ACWWA seeks a decree granting the right to use the ACWWA Highlands Reservoir Storage Right as follows: 3.3.7.1. Use in ACWWA's Plans for Augmentation. ACWWA seeks to use the ACWWA Highlands Reservoir Storage Right as a source of replacement water in the ACWWA Augmentation Plans approved in the 306 Decree to replace depletions from the pumping of water from the ACWWA/ECCV Well Field for delivery to ACWWA's present and future service area in Arapahoe and Douglas Counties. In addition, ACWWA seeks to use the ACWWA Highlands Reservoir Storage Right as a source of replacement water in any future plans for augmentation. 3.3.7.2. Use in ACWWA's Recharge Projects. ACWWA seeks to use the ACWWA Highlands Reservoir Storage Right for recharge by delivering the water to the recharge facilities located in the Beebe Draw and on 70 Ranch pursuant to the terms and conditions of the 306 Decree. In addition, ACWWA seeks to use the ACWWA Highlands Reservoir Storage Right for recharge by delivering the water to the recharge sites described in this Application, and any future recharge facility to which ACWWA is legally permitted to recharge water. 3.3.7.3. Use in ACWWA's Exchanges. ACWWA seeks to use the water as a source of substitute supply in the 2016 ACWWA Exchanges claimed in this Application. 3.3.7.4. Use to Meet Historical Return Flow Obligations. ACWWA seeks to use the ACWWA Highlands Reservoir Storage Right to meet its historical return flow obligations for its other changed water rights owed to the South Platte River. 3.3.7.5. Alternate Places of Storage. ACWWA seeks to store the ACWWA Highlands Reservoir Storage Right in the following surface storage facilities: 3.3.7.5.1. 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. 3.3.7.5.2. 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. 3.3.7.5.3. Any future storage facility to which ACWWA is legally permitted to store water. 3.3.7.6. All Municipal Uses. ACWWA will use the ACWWA Highlands Reservoir Storage Right via delivery by a pipeline or by exchange to ECCV's

surface water treatment plant for treatment and subsequent direct delivery for all municipal uses, including, but not limited to, domestic, mechanical, manufacturing, commercial, and industrial, within ACWWA's present and future service area located in Arapahoe and Douglas Counties. 3.3.7.7. Right of Reuse, Successive Use, and Disposition. ACWWA asks the Court to decree that it has the right to use, reuse, successively use and dispose of by sale, exchange, augmentation, or otherwise, to extinction, all water lawfully diverted and/or impounded pursuant to the decree entered in this case. 3.3.8. Name and Addresses of the Owner of Highlands Reservoir and the Diversion Facility Used to Fill Highlands Reservoir. 3.3.8.1. Highlands Reservoir will be owned by the United Water and Sanitation District, 8301 East Prentice Avenue, Suite 100, Greenwood Village, Colorado 80111. 3.3.8.2. The land on which Highlands Reservoir will be located is currently owned by Highland Equities, L.L.C., 8301 East Prentice Avenue, Suite 100, Greenwood Village, Colorado 80111. 3.3.8.3. United Water and Sanitation District, 8301 East Prentice Avenue, Suite 100, Greenwood Village, Colorado 80111, holds a perpetual easement, granted by Henderson Aggregate, LTD, for United Diversion Facility No. 3. The diversion structure is owned by United Water and Sanitation District. 3.3.8.4. The Burlington Canal (a/k/a "Burlington/O'Brien Canal") and the Beebe Seep Canal are owned by FRICO, 80 South 27th Avenue, Brighton, Colorado 80601. 3.3.8.5. Barr Lake and the canals which will be used to deliver water to Highlands Reservoir are owned by FRICO. 3.3.8.6. The land on which the proposed diversion point from the Beebe Seep Canal, described in paragraph 3.3.3.3.1, above, may be located is owned by one or more of Edmundson Land, LLC, P.O. Box 932, Brighton, Colorado, 80601, and Public Service Company of Colorado, P.O. Box 1979, Denver, Colorado, 80201. 3.3.8.7. The land on which the proposed diversion point from the Beebe Seep Canal, described in paragraph 3.3.3.3.2, above, may be located is owned by one or more of Vicki and David Pelletier, 3851 E. Geddes Avenue, Centennial, Colorado 80122, and Weld County, Colorado, 1150 O Street, Greeley, Colorado 80631. 3.3.8.8. The land on which the proposed diversion point from the Beebe Seep Canal, described in paragraph 3.3.3.3.3, above, may be located is owned by one or more of Len Pettinger, 18437 County Road 8, Brighton, Colorado 80603, and Town of Lochbuie, Colorado, 703 County Road 37, Brighton, Colorado 80603. 3.3.8.9. The land on which the proposed diversion point from the Beebe Seep Canal, described in paragraph 3.3.3.3.4, above, may be located is owned by Mile High Duck Club, c/o Brown and Locke P.C., 1720 S. Bellaire Street, Suite 405, Denver, Colorado 80222. 4. Description of Conditional Direct Flow Water Rights. 4.1. ACWWA Binder Pipeline Water Right. 4.1.1. Name of Structure. Binder Pipeline. 4.1.2. Location. Binder Pipeline will be located upstream of the confluence of the South Platte River and Big Dry Creek. The proposed diversion structure will divert water from the east bank of the South Platte River, in the NW1/4 of Section 18, Township 1 North, Range 66 West of the 6th P.M., Weld County, Colorado. 4.1.3. Source. South Platte River. 4.1.4. Amount Claimed. 30 cfs. 4.1.5. Date of Appropriation. December 14, 2016. 4.1.5.1. How Appropriation was Initiated. The appropriation date is based upon the Resolution passed by the ACWWA Board of Directors on December 14, 2016. The Notice of Appropriation was posted on December 15, 2016, a copy of which is attached as **Exhibit 3**. 4.1.5.2. Date Water First Applied to Beneficial Use. Not applicable. 4.1.6. Uses. By this Application, ACWWA seeks a decree granting its right to use the ACWWA Binder Pipeline Water Right as follows: 4.1.6.1. Use in ACWWA's Plans for Augmentation. ACWWA seeks to use the ACWWA Binder Pipeline Water Right as a source of replacement water in the ACWWA Augmentation Plans approved in the 306 Decree to replace depletions from the pumping of water from the ACWWA/ECCV Well Field for delivery to ACWWA's present and future service area in Arapahoe and Douglas Counties. In addition, ACWWA seeks to use the ACWWA Binder Pipeline Water Right as a source of replacement water in any future plans for augmentation. 4.1.6.2. Use in ACWWA's Recharge Projects. ACWWA seeks to use the ACWWA Binder Pipeline Water Right for recharge by delivering the water to the recharge facilities located in the Beebe Draw and on 70 Ranch pursuant to the terms and conditions of the 306 Decree. In addition, ACWWA seeks to use the ACWWA Binder Pipeline Water Right for recharge by delivering the water to the recharge sites described in this Application, and any future recharge facility to which ACWWA is legally permitted to recharge water. 4.1.6.3. Use in ACWWA's Exchanges. ACWWA seeks to use the Binder Pipeline Water Right as a source of substitute supply in the 2016 ACWWA Exchanges

claimed in this Application. 4.1.6.4. Use to Meet Historical Return Flow Obligations. ACWWA seeks to use the ACWWA Binder Pipeline Water Right to meet its historical return flow obligations for its existing, pending, and future acquired and changed water rights owed to the South Platte or Cache la Poudre Rivers. 4.1.6.5. All Municipal Uses. ACWWA will use the ACWWA Binder Pipeline Water Right via delivery by a pipeline or by exchange to ECCV's surface water treatment plant for treatment and subsequent direct delivery for all municipal uses, including, but not limited to, domestic, mechanical, manufacturing, commercial, and industrial, within ACWWA's present and future service area located in Arapahoe and Douglas Counties. 4.1.6.6. Right of Reuse, Successive Use, and Disposition. ACWWA asks the Court to decree that it has the right to use, reuse, successively use and dispose of by sale, exchange, augmentation, or otherwise, to extinction, all water lawfully diverted and/or impounded pursuant to the decree entered in this case. 4.1.7. Name and Addresses of the Owner of Binder Pipeline. PRWDA, 8301 East Prentice Avenue, Suite 100, Greenwood Village, Colorado 80111, will be the owner of the Binder Pipeline and owns easements along the path where the pipeline will be located. 4.2. ACWWA Brighton Lateral Water Right. 4.2.1. Name of Structure. Brighton Lateral. 4.2.2. Location. The point of diversion for Brighton Lateral will be located in the NE1/4 of the NE1/4 of Section 32, Township 1 South, Range 66 West of the 6th P.M., Weld County, Colorado. Water may also be delivered to Brighton Lateral from the Burlington Canal. 4.2.3. Source. South Platte River. 4.2.4. Amount Claimed. 10 cfs, conditional. 4.2.5. Date of Appropriation. December 14, 2016. 4.2.5.1. How Appropriation was Initiated. The appropriation date is based upon the Resolution passed by the ACWWA Board of Directors on December 14, 2016. The Notice of Appropriation was posted on December 15, 2016, a copy of which is attached as **Exhibit 3**. 4.2.5.2. Date Water First Applied to Beneficial Use. Not applicable. 4.2.6. Uses. By this Application, ACWWA seeks a decree granting the right to use the ACWWA Brighton Lateral Water Right as follows: 4.2.6.1. Use in ACWWA's Plans for Augmentation. ACWWA seeks to use the ACWWA Brighton Lateral Water Right as a source of replacement water in the ACWWA Augmentation Plans approved in the 306 Decree to replace depletions from the pumping of water from the ACWWA/ECCV Well Field for delivery to ACWWA's present and future service area in Arapahoe and Douglas Counties. In addition, ACWWA seeks to use the ACWWA Brighton Lateral Water Right as a source of replacement water in any future plans for augmentation. 4.2.6.2. Use in ACWWA's Recharge Projects. ACWWA seeks to use the ACWWA Brighton Lateral Water Right for recharge by delivering the water to the recharge facilities located in the Beebe Draw pursuant to the terms and conditions of the 306 Decree. In addition, ACWWA seeks to use the ACWWA Brighton Lateral Water Right for recharge by delivering the water to the recharge sites described in this Application, and any future recharge facility to which ACWWA is legally permitted to recharge water. 4.2.6.3. Use in ACWWA's Exchange. ACWWA seeks to use the ACWWA Brighton Lateral Water Right as a source of substitute supply in the 2016 ACWWA Exchanges claimed in this Application. 4.2.6.4. Use to Meet Historical Return Flow Obligations. ACWWA seeks to use the ACWWA Brighton Lateral Water Right to meet its historical return flow obligations for its other changed water rights owed to the South Platte River or Cache la Poudre River. 4.2.6.5. All Municipal Uses. ACWWA will use the water via delivery by a pipeline or by exchange to ECCV's surface water treatment plant for treatment and subsequent direct delivery for all municipal uses, including, but not limited to, domestic, mechanical, manufacturing, commercial, and industrial, within ACWWA's present and future service area located in Arapahoe and Douglas Counties. 4.2.6.6. Right of Reuse, Successive Use, and Disposition. ACWWA asks the Court to decree that it has the right to use, reuse, successively use and dispose of by sale, exchange, augmentation, or otherwise, to extinction, all water lawfully diverted and/or impounded pursuant to the decree entered in this case. 4.2.7. Name and Addresses of the Owner of Brighton Lateral. New Brighton Lateral, LLC, 8301 E. Prentice Avenue, Suite 100, Greenwood Village, Colorado, 80111. **5. Claim for Conditional Recharge Water Rights or Plans for Augmentation.** 5.1. ACWWA Drouhard Recharge Right. 5.1.1. Name of Structure. Drouhard Recharge Site. 5.1.2. Recharge Location. The Drouhard Recharge Site is an off-channel recharge site located in the SE 1/2 of the SE1/4 of Section 30, Township 4 North, Range 66 West of the 6th P.M., Weld County, Colorado. 5.1.3. Points of Diversion. Water will be diverted from the South Platte River to the Drouhard Recharge Site from the

following locations: 5.1.3.1. Farmers Independent Ditch. The Farmers Independent Ditch headgate is located in the SW1/4 of the SW1/4 of Section 19, Township 3 North, Range 66 West of the 6th P.M., Weld County, Colorado. 5.1.3.2. Western Mutual Ditch. The Western Mutual Ditch headgate is located in the SE1/4 of the SW1/4 of Section 11, Township 3 North, Range 67 West of the 6th P.M., Weld County, Colorado. 5.1.3.3. Drouhard Pipeline. The Drouhard Pipeline is a bi-directional pipeline that will be located parallel to County Road 40.5 from the Drouhard Pond to Milliken Reservoir. The proposed diversion structure will divert water from the Milliken Reservoir in the NE1/4 of the SE1/4 of Section 26, Township 4 North, Range 67 West of the 6th P.M., Weld County, Colorado. 5.1.3.4. Milliken Reservoir. Water will be delivered from Milliken Reservoir through the bi-directional Drouhard Pipeline. 5.1.4. Amount Claimed. 20 cfs, conditional. 5.1.5. Date of Appropriation. December 14, 2016. 5.1.5.1. How Appropriation was Initiated. The appropriation date is based upon the Resolution passed by the ACWWA Board of Directors on December 14, 2016. The Notice of Appropriation was posted on December 15, 2016, a copy of which is attached as **Exhibit 3**. 5.1.5.2. Date Water First Applied to Beneficial Use. Not applicable. 5.1.6. Sources of Water for the Plan for Augmentation. 5.1.6.1. Drouhard Recharge Site. ACWWA will use the water rights described in **Exhibit 4** for recharge at the Drouhard Recharge Site. 5.1.6.2. Future Acquired Sources. ACWWA intends to acquire and/or lease additional water supplies in the future for use as a source of supply for the plan for augmentation described in this Application. ACWWA 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, or successor statute. 5.1.7. Recharge Accretions. Water recharged into the alluvial aquifer will naturally flow down-gradient for accretion to the South Platte River. The quantity, timing, and location of accretions will be calculated and accounted for by ACWWA. 5.1.8. Uses for the Recharge Accretions. Water accreted back to the South Platte River will be used for the purposes decreed for each source of water listed in **Exhibit 4**, which may include, but is not limited to, augmentation, storage and refill, recharge, replacement, and exchange. 5.2. ACWWA Brighton Lateral Recharge Right. 5.2.1. Name of Structure. Brighton Lateral. 5.2.2. Recharge Location. The point of diversion for Brighton Lateral will be located in the NE1/4 of the NE1/4 of Section 32, Township 1 South, Range 66 West of the 6th P.M., Weld County, Colorado. 5.2.3. Amount Claimed. 10 cfs, conditional. 5.2.4. Date of Appropriation. December 14, 2016. 5.2.4.1. How Appropriation was Initiated. The appropriation date is based upon the Resolution passed by the ACWWA Board of Directors on December 14, 2016. The Notice of Appropriation was posted on December 15, 2016, a copy of which is attached as **Exhibit 3**. 5.2.4.2. Date Water First Applied to Beneficial Use. Not applicable. 5.2.5. Sources of Water for the Plan for Augmentation. 5.2.5.1. Brighton Lateral. ACWWA will use the water rights described in **Exhibit 4** for recharge in Brighton Lateral. 5.2.5.2. Future Acquired Sources. ACWWA intends to acquire and/or lease additional water supplies in the future for use as a source of supply for the plan for augmentation described in this Application. ACWWA 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, or successor statute. 5.2.6. Recharge Accretions. Water recharged into the alluvial aquifer will naturally flow down-gradient for accretion to the South Platte River. The quantity, timing, and location of accretions will be calculated and accounted for by ACWWA. 5.2.7. Uses for the Recharge Accretions. Water accreted back to the South Platte River will be used for the purposes decreed for each source of water listed in **Exhibit 4**, which may include, but is not limited to, augmentation, storage and refill, recharge, replacement, and exchange. 5.3. ACWWA Brighton Lateral Recharge Site Right. 5.3.1. Name of Structure. Brighton Lateral Recharge Site. 5.3.2. Recharge Location. The Brighton Lateral Recharge Site is an off-channel recharge site located in the S1/2 of Section 15, Township 1 North, Range 66 West of the 6th P.M., Weld County, Colorado. 5.3.3. Points of Diversion. 5.3.3.1. Brighton Lateral. The point of diversion for Brighton Lateral will be located in the NE1/4 of the NE1/4 of Section 32, Township 1 South, Range 66 West of the 6th P.M., Weld County, Colorado. Water may also be delivered to Brighton Lateral from the Burlington Canal. 5.3.3.2. Burlington Canal. The Burlington Canal headgate is located on the east bank of the South Platte River, in the NE1/4 of the SW1/4 of Section 14, Township 3 South, Range 68 West of the 6th P.M., City and County of Denver, Colorado. 5.3.4.

Amount Claimed. 20 cfs, conditional. 5.3.5. Date of Appropriation. December 14, 2016. 5.3.5.1. How Appropriation was Initiated. The appropriation date is based upon the Resolution passed by the ACWWA Board of Directors on December 14, 2016. The Notice of Appropriation was posted on December 15, 2016, a copy of which is attached as **Exhibit 3**. 5.3.5.2. Date Water First Applied to Beneficial Use. Not applicable. 5.3.6. Sources of Water for the Plan for Augmentation. 5.3.6.1. Brighton Lateral Recharge Site. ACWWA will use the water rights described in **Exhibit 4** for recharge at the Brighton Lateral Recharge Site. 5.3.6.2. Future Acquired Sources. ACWWA intends to acquire and/or lease additional water supplies in the future for use as a source of supply for the plan for augmentation described in this Application. ACWWA 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, or successor statute. 5.3.7. Recharge Accretions. Water recharged into the alluvial aquifer will naturally flow down-gradient for accretion to the South Platte River. The quantity, timing, and location of accretions will be calculated and accounted for by ACWWA. 5.3.8. Uses for the Recharge Accretions. Water accreted back to the South Platte River will be used for the purposes decreed for each source of water listed in **Exhibit 4**, which may include, but is not limited to, augmentation, storage and refill, recharge, replacement, and exchange. **6. Claim for Appropriative Rights of Substitution and Exchange - 2016 ACWWA South Platte River (“SPR”) and St. Vrain Creek Exchange.** 6.1. Exchange-From Points. 6.1.1. SPR Reach 5. 6.1.1.1. Downstream End Point of South Platte River Reach 5 - Confluence of Beaver Creek and the South Platte River. Located in the NW1/4 of the SW1/4 of Section 4, Township 4 North, Range 55 West, of the 6th P.M., Morgan County, Colorado. ACWWA does not seek to exchange water up Beaver Creek. For purposes of the appropriative rights of exchange decreed herein, the confluence of Beaver Creek and the South Platte River is also the downstream end point of SPR Reach 5. SPR Reach 5 was decreed at paragraph 19.1.8 of the 306 Decree as an administrative reach of the South Platte River for ACWWA’s augmentation plans approved in the 306 Decree. SPR Reach 5 is located below the Bijou Canal headgate to the confluence of Beaver Creek and the South Platte River. The Bijou Canal headgate is located on the south bank of the South Platte River in the NE1/4 of the NE1/4 of Section 13, Township 4 North, Range 63 West, of the 6th P.M., Morgan County, Colorado, at a point approximately 95 feet west of the east section line and 604 feet south of the north section line of said section. 6.1.1.2. Fort Morgan Canal above the Lower Platte & Beaver. The location where return flow accretions and future recharge accretions from the Hofmeister farm will accrue to the South Platte River above the Lower Platte & Beaver headgate, located in the SW1/4 of the SW1/4 of Section 25, Township 4 North, Range 57 West of the 6th P.M., Morgan County, Colorado. 6.1.1.3. Fort Morgan Canal below the Lower Platte & Beaver. The location where return flow accretions and future recharge accretions from Glassey farm will accrue to the South Platte River below the Lower Platte & Beaver headgate, located in the NE1/4 of the SE1/4 of Section 21, Township 4 North, Range 56 West of the 6th P.M., Morgan County, Colorado. 6.1.1.4. Weldon Valley Ditch Central/ACWWA Augmentation Station. An augmentation station located where the Weldon Valley Ditch crosses the west line of the NE1/4 of Section 3, Township 4 North, Range 60 West of the 6th P.M., Morgan County, Colorado. This augmentation station returns water south via a pipeline to a channel that discharges to the South Platte River in the NE1/4 of the NE1/4 of said Section 3. 6.1.1.5. Weldon Valley Ditch Augmentation Station. An augmentation station located at the end of Weldon Valley Ditch in the SE1/4 of Section 7, Township 4 North, Range 58 West of the 6th P.M., Morgan County, Colorado. This augmentation station delivers water to the South Platte River below the Fort Morgan Canal headgate. 6.1.1.6. ACWWA 70 Ranch Recharge Project Quantification Point. The ACWWA70 Ranch Recharge Project was decreed at paragraphs 37-41 of the decree entered in Case Nos. 02CW404/03CW442 (“404/442 Decree”). The Quantification Point for recharge accretions from the ACWWA 70 Ranch Recharge Project is the farthest downstream point at which recharge accretions from the ACWWA 70 Ranch Recharge Project accrue to the South Platte River at the west section line of Section 23, Township 4 North, Range 62 West of the 6th P.M., Weld County, Colorado, as the section line intersects with the South Platte River. 6.1.2. SPR Reach 4. 6.1.2.1. Downstream End Point of South Platte River Reach 4 – Bijou Canal Headgate. SPR Reach 4 was decreed at paragraph 19.1.7 of the 306 Decree as an

administrative reach of the South Platte River for ACWWA's augmentation plans approved in the 306 Decree. SPR Reach 4 is located from the Empire Inlet Canal headgate, located in the SW1/4 of the SW1/4 of Section 19, Township 5 North, Range 63 West of the 6th P.M., Weld County, Colorado, to the Bijou Canal headgate, located on the south bank of the South Platte River, in the NE1/4 of the NE1/4 of Section 13, Township 4 North, Range 63 West, of the 6th P.M., Morgan County, Colorado, at a point approximately 95 feet west of the east section line and 604 feet south of the north section line of said section. 6.1.2.2. 70 Ranch Reservoir. Located in the SE1/4 of Section 34, Township 5 North, Range 63 West of the 6th P.M., Weld County, Colorado. The preliminarily designed outlet structure for 70 Ranch Reservoir will allow releases from 70 Ranch Reservoir by gravity flow back to the South Platte River at a point in the SE1/4 of Section 34, Township 5 North, Range 63 West of the 6th P.M., Weld County, Colorado. Water may also be released to the Hardin Seep Canal and delivered to the South Platte River through an existing return ditch in the NW1/4 of the NW1/4 of Section 2, Township 4 North, Range 63 West of the 6th P.M., Weld County, Colorado. 6.1.3. SPR Reach 3. 6.1.3.1. Downstream End Point of South Platte River Reach 3 – Empire Inlet Canal Headgate. SPR Reach 3 was decreed at paragraph 19.1.6 of the 306 Decree as an administrative reach of the South Platte River for ACWWA's augmentation plans approved in the 306 Decree. SPR Reach 3 is located from the Lower Latham Ditch headgate, located in the NW1/4 of the NE1/4 of Section 31, Township 5 North, Range 65 West of the 6th P.M., Weld County, Colorado, to the Empire Inlet Canal headgate, located in the SW1/4 of the SW1/4 of Section 19, Township 5 North, Range 63 West of the 6th P.M., Weld County, Colorado. 6.1.3.2. Confluence of Crow Creek and the South Platte River. Located in SE1/4 of the NE1/4 of Section 24, Township 5 North, Range 64 West of the 6th P.M., Weld County, Colorado. Prior to delivery to the confluence of Crow Creek and the South Platte River for exchange, ACWWA intends to divert certain sources of substitute supply, as described in **Exhibit 4**, from the Cache la Poudre River and deliver the substitute supplies from said Canal to Crow Creek in the NW1/4 of the SW1/4 of Section 25, Township 6 North, Range 64 West of the 6th P.M., Weld County, Colorado, where the substitute supplies will be conveyed to the confluence with the South Platte River. 6.1.3.3. Confluence of Lone Tree Creek and the South Platte River. Located in the SE1/4 of the SE1/4 of Section 6, Township 5 North, Range 64 West of the 6th P.M., Weld County, Colorado. Prior to delivery to the confluence of Lone Tree Creek and the South Platte River for exchange, ACWWA intends to divert certain sources of substitute supply, as described in **Exhibit 4**, from the Cache la Poudre River to Lone Tree Creek, in the NE1/4 of the NW1/4 of Section 15, Township 6 North, Range 65 West of the 6th P.M., Weld County, Colorado, where substitute supplies will be conveyed to the confluence with the South Platte River. 6.1.3.4. Confluence of the Cache la Poudre River and the South Platte River. Located in the SW1/4 of the SW1/4 (Lot 4) of Section 6, Township 5 North, Range 64 West of the 6th P.M., Weld County, Colorado, the centroid being 590 feet from the west section line and 4,760 feet from the north section line. ACWWA will deliver its sources of substitute supply to the confluence of the Cache la Poudre River and the South Platte River by: (1) conveying certain sources of substitute supply, as described in **Exhibit 4**, down the Cache la Poudre River to its confluence with the South Platte River; and/or (2) delivering certain sources of substitute supply, as described in **Exhibit 4**, to the confluence of Sand Creek and the Cache la Poudre River, which is located in the NW1/4 of the NW1/4 of Section 11, Township 5 North, Range 65 West of the 6th P.M., Weld County, Colorado, immediately above the confluence of the Cache la Poudre River with the South Platte River. From the confluence of Sand Creek and the Cache la Poudre River, the sources of substitute supply will be conveyed in the Cache la Poudre River to the exchange-from point at the confluence of the Cache la Poudre River and the South Platte River. 6.1.4. SPR Reach 2. 6.1.4.1. Downstream End Point of South Platte River Reach 2 – Lower Latham Headgate. SPR Reach 2 was decreed at paragraph 19.1.5 of the 306 Decree as an administrative reach of the South Platte River for ACWWA's augmentation plans approved in the 306 Decree. SPR Reach 2 is located from the Western Mutual Ditch headgate, located in the SE1/4 of the SW1/4 of Section 11, Township 3 North, Range 67 West of the 6th P.M., Weld County, Colorado, to the Lower Latham Ditch headgate, located in the NW1/4 of the NE1/4 of Section 31, Township 5 North, Range 65 West of the 6th P.M., Weld County, Colorado. 6.1.4.2. Strohauer Pond Accretions and Release. The point at which water recharged or discharged at the Strohauer Pond

Recharge Site accretes to the South Platte River is located in the NE1/4 of the NW1/4 of Section 31, Township 5 North, Range 65 West of the 6th P.M., Weld County, Colorado. 6.1.4.3. Milliken Reservoir Outlet Structures. Milliken Reservoir has several outlets capable of returning water to the South Platte River at the following locations: (1) the SE1/4 of the NW1/4 of Section 2, Township 3 North, Range 67 West of the 6th P.M., Weld County, Colorado; (2) the NW1/4 of the NW1/4 of Section 35, Township 4 North, Range 67 West of the 6th P.M., Weld County, Colorado; and (3) the SW1/4 of the NE1/4 of Section 26, Township 4 North, Range 67 West of the 6th P.M., Weld County, Colorado. In addition, the North Diversion structure of the reservoir located on the South Platte River downstream of the confluence with the St. Vrain River, in the NE1/4 of the SW1/4 of Section 26, Township 4 North, Range 67 West of the 6th P.M., Weld County, Colorado, can also operate as an outlet from Milliken Reservoir. 6.1.4.4. Confluence of St. Vrain Creek and the South Platte River. Located in the SW1/4 of the NE1/4 of Section 34, Township 4 North, Range 67 West of the 6th P.M., Weld County, Colorado. From this point, water will be exchanged up St. Vrain Creek to the St. Vrain Pipeline Diversion, described below. 6.1.4.5. St. Vrain Pipeline (a/k/a “United Diversion Facility No. 5”). The point of discharge from the St. Vrain Pipeline to the South Platte River will be located in one of the following locations: (1) at a point located upstream of the Highway 66 Bridge as it crosses the South Platte River, which will deliver water to the South Platte River in the SW1/4 of the SW1/4 of Section 19, Township 3 North, Range 66 West of the 6th P.M., Weld County, Colorado; (2) at a point upstream of the Highway 66 Bridge as it crosses the South Platte River, which will deliver water to the South Platte River in the SE1/4 of the SE1/4 of Section 24, Township 3 North, Range 67 West of the 6th P.M., Weld County, Colorado, or the SE1/2 of Section 25, Township 3 North, Range 67 West of the 6th P.M., Weld County, Colorado; or (3) at a point near the SW1/4 of the SE1/4 of Section 11, Township 3 North, Range 67 West of the 6th P.M., Weld County, Colorado. 6.1.4.6. Haren Recharge Accretions and Release. The point at which water recharged or discharged at the Haren Recharge Site accretes to the South Platte River is located in the SW1/4 of Section 8, Township 4 North, Range 66 West of the 6th P.M., Weld County, Colorado. 6.1.4.7. Drouhard Recharge Accretions and Release. The location at which water recharged or discharged at the Drouhard Recharge Site accretes to the South Platte River is located in the E1/2 of the SE1/4 of Section 24, Township 4 North, Range 67 West of the 6th P.M., Weld County, Colorado. 6.1.4.8. Brownwood Augmentation Station. Located in the NW1/4 of Section 25, Township 4 North, Range 67 West of the 6th P.M., Weld County, Colorado, approximately 4.6 miles down ditch from the Western Mutual Ditch headgate. 6.1.4.9. Farmers Independent Ditch Lower Augmentation Station. Located in the SE1/4 of the NE1/4 of Section 1, Township 4 North, Range 66 West of the 6th P.M., Weld County Colorado. 6.1.4.10. Farmers Independent Ditch Pipeline. Located in the NE1/4 of the SE1/4 of Section 36, Township 5 North, Range 66 West of the 6th P.M., Weld County, Colorado. 6.1.5. SPR Reach 1. 6.1.5.1. Downstream End Point of South Platte River Reach 1 – FIDCo Upper Augmentation Station. Located in the SE1/4 of the NE1/4 of Section 24, Township 3 North, Range 67 West of the 6th P.M., Weld County, Colorado. 6.1.5.2. Binder Reservoir. Located in the N1/2 of Section 15, Township 1 North, Range 66 West of the 6th P.M., Weld County, Colorado. Water from the Binder Reservoir will be released to the South Platte River via the Binder Pipeline at a location on the east bank of the South Platte River in the NW1/4 of Section 18, Township 1 North, Range 66 West of the 6th P.M., Weld County, Colorado. 6.1.5.3. Brighton Lateral Accretions. The most downstream location of accretions from Brighton Lateral to the South Platte River will be within either the NW1/4 of the NW1/4, or the NE1/4 of the NW1/4, both of Section 18, Township 1 North, Range 66 West of the 6th P.M., Weld County, Colorado. 6.1.5.4. Fulton Irrigating Ditch Augmentation Stations. ACWWA will use the following augmentation structures to deliver certain sources of substitute supply from the Fulton Irrigating Ditch to the South Platte River: (1) an existing augmentation structure located in the SW1/4 of the NW1/4 of Section 8, Township 1 North, Range 66 West of the 6th P.M., Weld County, Colorado, which delivers water to the South Platte River in the SE1/4 of the NW1/4 of Section 7, Township 1 North, Range 66 West of the 6th P.M., Adams County, Colorado; and (2) an augmentation structure to be constructed in Section 3 of the Fulton Irrigating Ditch, in the NE1/4 of the SE1/4 of Section 28, Township 2 North, Range 66 West of the 6th P.M., Weld County, Colorado, which delivers water to the South Platte River in the NW1/4 of the NE1/4 of Section

30, Township 2 North, Range 66 West of the 6th P.M., Weld County, Colorado. 6.1.5.5. United Reservoir No. 3 Discharge Point. The point of discharge from United Reservoir No. 3 to the South Platte River is located on the east bank of the South Platte River, in the SW1/4 of Section 26, Township 1 South, Range 67 West of the 6th P.M., Adams County, Colorado, located 1,636 feet east of the west line and 1,531 feet north of the south line of said Section 26. The Exchange-From Points are shown on the map attached to the Application as **Exhibit 2**. 6.2. Exchange-To Points. 6.2.1. SPR Reach 4. 6.2.1.1. 70 Ranch Reservoir Surface Diversion. The surface diversion facility for the 70 Ranch Reservoir will be located in the NW1/4 of the SE1/4 of Section 34, Township 5 North, Range 63 West of the 6th P.M., Weld County, Colorado. 6.2.2. SPR Reach 3. 6.2.2.1. Serfer Pit Inlet. Diversions from the Cache la Poudre River into Serfer Pit will be made at the NE1/4 of the NE1/4 of Section 24, Township 6 North, Range 68 West of the 6th P.M., Weld County, Colorado. 6.2.2.2. Powell Spillway. Pumping depletions that accrue to the South Platte River at the Powell Spillway will be replaced at the SE1/4 of the SW1/4 of Section 14, Township 5 North, Range 65 West of the 6th P.M., Weld County, Colorado. 6.2.3. SPR Reach 2. 6.2.3.1. Milliken Reservoir Diversion Points. Water will be diverted from the South Platte River at the following diversion facilities: 6.2.3.1.1. South Diversion. A point of diversion for Milliken Reservoir may be located adjacent to the Jay Thomas Ditch Diversion Dam, on the east bank of the South Platte River, in the NW1/4 of the NW1/4 of Section 11, Township 3 North, Range 67 West of the 6th P.M., Weld County, Colorado (referred to as the “South Diversion”). 6.2.3.1.2. North Diversion. A point of diversion for Milliken Reservoir may be located on the South Platte River, downstream of the confluence with the St. Vrain River, in the NE1/4 of the SW1/4 of Section 26, Township 4 North, Range 67 West of the 6th P.M., Weld County Colorado (referred to as the “North Diversion”). 6.2.3.1.3. Milliken Pumps. Currently, a pump is located in the SW1/4 of the SW1/4 of Section 35, Township 4 North, Range 67 West of the 6th P.M., Weld County, Colorado. A pump may also be constructed near the confluence of the South Platte and St. Vrain Rivers, in Section 34, Township 4 North, Range 67 West of the 6th P.M., Weld County, Colorado. 6.2.3.1.4. Western Mutual Ditch Headgate. The point of diversion for the Western Mutual Ditch Headgate is located on the South Platte River, in the SE1/4 of the SW1/4 of Section 11, Township 3 North, Range 67 West of the 6th P.M., Weld County, Colorado. Water will be delivered to Milliken Reservoir through an interconnect between the Western Mutual Ditch and Milliken Reservoir. 6.2.3.2. Western Mutual Ditch Headgate. Described in paragraph 5.2.3.1.4, above. 6.2.4. SPR Reach 1. 6.2.4.1. Farmers Independent Ditch Headgate. The Farmers Independent Ditch headgate is located on the east bank of the South Platte River, in the SW1/4 of Section 19, Township 3 North, Range 66 West of the 6th P.M., Weld County, Colorado. ACWWA will deliver water from the Farmers Independent Ditch headgate to the Drouhard Recharge Site. 6.2.4.2. Binder Pipeline. Binder Pipeline will divert water from the east bank of the South Platte River, in the NW1/4 of Section 18, Township 1 North, Range 66 West of the 6th P.M., Weld County, Colorado. Substitute supplies exchanged and conveyed through Binder Pipeline will be delivered to Binder Reservoir. 6.2.4.3. United Diversion Facility No. 3. United Diversion Facility No. 3 is located on the east bank of the South Platte River, in the SW1/4 of Section 26, Township 1 South, Range 67 West of the 6th P.M., Adams County, Colorado, located 1,636 feet east of the west line and 1,531 feet north of the south line of said Section 26. Substitute supplies exchanged and diverted at United Diversion Facility No. 3 will be delivered to United Reservoir No. 3. Water stored in United Reservoir No. 3 can be delivered to Barr Lake through the Beebe Pipeline pursuant to the decree entered in Case No. 02CW403 (“403 Decree”). Water stored in Barr Lake can be delivered to Milton Lake via the Beebe Draw. From Barr Lake the water can also be delivered through a drainage seep to and through Brighton Lateral to Binder Reservoir, or through the FRICO delivery canals in the Beebe Draw to Highlands Reservoir. Water can also be delivered from United No. 3 through the Beebe Pipeline to and through the Brighton Lateral to Binder Reservoir. 6.2.4.4. Burlington Canal Headgate. The Burlington Canal headgate is, pursuant to a changed point of diversion approved in the 403 Decree, located on the east bank of the South Platte River, in the NE1/4 of the SW1/4 of Section 14, Township 3 South, Range 68 West of the 6th P.M., City and County of Denver, Colorado. Substitute supplies exchanged and diverted at the Burlington Canal headgate will be delivered to Barr Lake. Water stored in Barr Lake can be delivered to Milton Lake via the Beebe Draw. From Barr Lake,

the water can also be delivered through a drainage seep to and through Brighton Lateral to Binder Reservoir, or through the FRICO delivery canals in the Beebe Draw to Highlands Reservoir. ACWWA may also deliver water to recharge facilities in the Beebe Draw pursuant to the terms and conditions of the ECCV Beebe Draw Recharge Project approved in the 404/442 and 306 Decrees. Water can also be delivered from the Burlington Canal through the Beebe Pipeline to and through the Brighton Lateral to Binder Reservoir. The Exchange-To Points are shown on the map attached to the Application as **Exhibit 2**.

6.3. Rates on the Appropriative Rights of Exchange. 6.3.1. Exchange Matrix. The maximum exchange rates in cubic feet per second for the conditional appropriative rights of exchange are set forth in the Exchange Matrix attached as **Exhibit 5**.

6.4. Date of Appropriation. December 14, 2016.

6.4.1. How Appropriation was Initiated. The appropriation date is based upon the Resolution passed by the ACWWA Board of Directors on December 14, 2016. The Notice of Appropriation was posted on December 15, 2016, a copy of which is attached as **Exhibit 3**.

6.4.2. Date Water First Applied to Beneficial Use. Not applicable.

6.5. Uses. Substitute supplies exchanged to the Exchange-To Points described above and discharged to the South Platte River may be:

6.5.1. Used by ACWWA to satisfy its replacement obligations in SPR Reaches 1, 2, 3, 4, 5, and the Beebe Draw.

6.5.2. Delivered into recharge facilities at 70 Ranch pursuant to the terms and conditions of the ACWWA 70 Ranch Recharge Project approved in the 306 Decree.

6.5.3. Used to replace depletions from the pumping of ACWWA's wells on 70 Ranch pursuant to the terms and conditions of the ACWWA 70 Ranch Augmentation Plan approved in the 306 Decree.

6.5.4. Used to augment depletions to the South Platte River from the ACWWA/ECCV Well Field under the ACWWA Beebe Draw Augmentation Plan approved in the 306 Decree or future augmentation plans if separately decreed.

6.5.5. Delivered to recharge facilities in the Beebe Draw pursuant to the terms and conditions of the ECCV Beebe Draw Recharge Project approved in the 404/442 and 306 Decrees.

6.5.6. Delivered to ECCV's Water Treatment Plant in the Beebe Draw, and then transported via a 31-mile pipeline to ACWWA's service area.

6.5.7. Used to meet ACWWA's historical return flow obligations for its existing, pending, and future acquired and changed water rights owed to the South Platte or Cache la Poudre Rivers.

6.5.8. Stored in the following surface storage facilities:

6.5.8.1. 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., Weld County, Colorado, and a portion of the NE1/4 of Section 10, Township 4 North, Range 63 West of the 6th P.M., Weld County, Colorado.

6.5.8.2. Serfer Pit, a lined off-channel reservoir located along the Cache la Poudre River, approximately 2.8 stream miles below the New Cache headgate, 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.

6.5.8.3. Milliken 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.

6.5.8.4. 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.

6.5.8.5. 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.

6.5.8.6. 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.

6.5.8.7. 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.

6.5.8.8. 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.

6.5.8.9. Any future storage facility to which ACWWA is legally permitted to store water.

6.6. Sources of Substitute Supply. **Exhibit 4** is a list of the sources of substitute supply claimed herein for the 2016 ACWWA South Platte River and St. Vrain Creek Exchange.

**7. Claim for Appropriative Rights of Substitution and Exchange - 2016 ACWWA Cache la Poudre River Exchange**.

7.1. Exchange-From Points.

7.1.1. Greeley No. 2 Canal Augmentation Stations. ACWWA will deliver water associated with its changed shares in the New Cache la Poudre Irrigating Company and Cache la Poudre Reservoir Company to the Cache la Poudre and South Platte Rivers from the following locations:

7.1.1.1. A proposed augmentation return structure contemplated for construction

near the Greeley Canal No. 2 headgate (the Headgate Augmentation Station); the turnout location off the Greeley Canal No. 2 would likely be within the NE1/4 of the SE1/4 of Section 11, Township 6 North, Range 68 West, of the 6th P.M., Larimer County, Colorado. 7.1.1.2. A proposed augmentation station (the Serfer Augmentation Station) in the SE1/4 of the SW1/4 of Section 12, Township 6 North, Range 68 West, of the 6th P.M., Larimer County, Colorado. Water turned out from the Greeley No. 2 Ditch at this station would be delivered directly to Serfer Pit, where it could be stored or passed through to the Cache la Poudre River. 7.1.1.3. Law Ditch Augmentation Station, located in NE1/4 of the SE1/4 of Section 15, Township 6 North, Range 67 West of the 6th P.M., Weld County, Colorado, delivers to the Cache la Poudre above the Greeley No. 3 Canal via the John Law Seepage Ditch. 7.1.1.4. A proposed augmentation station (the Orr Lateral Augmentation Station) located in NW1/4 of Section 32, Township 6 North, Range 66 West of the 6th P.M., Weld County, Colorado, on the Orr-Tollgate farm, to deliver to the Cache la Poudre above the Greeley No. 3 Canal. 7.1.1.5. Graham Seep Augmentation Station, located in the NW1/4 of the SE1/4 of Section 13, Township 6 North, Range 66 West of the 6th P.M., Weld County, Colorado. Water delivered through this station would enter the Cache la Poudre below the Greeley No. 3 Ditch headgate and above the Ogilvy Ditch headgate. 7.1.1.6. A proposed augmentation station (Carpenter Lateral Augmentation Station) in the SE1/4 of the NW1/4 of Section 19, Township 6 North, Range 65 West of the 6th P.M., Weld County, Colorado. It would deliver water to the Cache la Poudre River below the Greeley No. 3 Ditch headgate and above the Ogilvy Ditch headgate, via the Carpenter Lateral and Graham Seep. 7.1.1.7. Eaton Draw Augmentation Station, located in the NW1/4 of the NE1/4 of Section 17, Township 6 North, Range 65 West of the 6th P.M., Weld County, Colorado, and delivers to the Cache la Poudre River below the Greeley No. 3 Ditch headgate and above the Ogilvy Ditch headgate. 7.1.1.8. Lone Tree Creek Augmentation Station, located in the NE1/4 of the NW1/4 of Section 15, Township 6 North, Range 65 West of the 6th P.M., Weld County, Colorado, and delivers to the South Platte River just below the Cache la Poudre confluence via Lone Tree Creek. 7.1.1.9. Lower Sand Creek Augmentation Station, located in the SE1/4 of the NW1/4 of Section 27, Township 6 North, Range 65 West of the 6th P.M., Weld County, Colorado, and delivers to the Cache la Poudre River below the Ogilvy Ditch headgate via Sand Creek. 7.1.1.10. Galeton Draw Augmentation Station, proposed to be located in the NE1/4 of Section 7, Township 6 North, Range 64 West of the 6th P.M., Weld County, Colorado. It would deliver to the South Platte River via Lone Tree Creek. 7.1.1.11. Gill Augmentation Station, proposed to be located on or close to the section line dividing Sections 22 and 27 in Township 6 North, Range 64 West of the 6th P.M., Weld County, Colorado, could deliver water to the South Platte River via Crow Creek. 7.1.1.12. Lower Crow Creek Augmentation Station, located more or less on the quarter section line dividing the NW1/4 and SW1/4 of Section 25, Township 6 North, Range 64 West of the 6th P.M., Weld County, Colorado. It delivers to the South Platte River a short distance above the Empire Ditch headgate. 7.1.2. Whitney Irrigating Ditch. The Whitney Irrigating Ditch headgate is located on the north side of the Cache la Poudre River, near the NW corner of the SE1/4 of Section 19, Township 6 North, Range 67 West, in the 6th P.M., Weld County, Colorado. ACWWA may deliver water associated with its shares in the Whitney Irrigating Ditch Company to the Cache la Poudre and South Platte Rivers through augmentation stations pursuant to a future judicial or administrative proceeding. 7.1.3. Lake Canal Ditch. The Lake Canal Ditch headgate is located in the SE corner of Section 2, Township 7 North, Range 69 West of the 6th P.M., Larimer County, Colorado. ACWWA may deliver water associated with its shares in the Lake Canal Ditch Company to the Cache la Poudre and South Platte Rivers through augmentation stations pursuant to a future judicial or administrative proceeding. The Exchange-From Points are shown on the map attached to the Application as **Exhibit 2**. 7.2. Exchange-To Point. 7.2.1. Serfer Pit. Diversions from the Cache la Poudre River into Serfer Pit will be made at the NE1/4 of the NE1/4 of Section 24, Township 6 North, Range 68 West of the 6th P.M., Weld County, Colorado. The location of the Serfer Pit is shown on the map attached as **Exhibit 2**. 7.3. Rates on the Appropriative Right of Exchange. 7.3.1. Exchange Matrix. The maximum exchange rates in cubic feet per second for the 2016 ACWWA Cache la Poudre River Exchange are set forth in the Exchange Matrix attached as **Exhibit 6**. 7.4. Date of Appropriation. December 14, 2016. 7.4.1. How Appropriation was Initiated. The appropriation date is based upon the Resolution passed by the

ACWWA Board of Directors on December 14, 2016. The Notice of Appropriation was posted on December 15, 2016, a copy of which is attached as **Exhibit 3**. 7.4.2. Date Water First Applied to Beneficial Use. Not applicable. 7.5. Uses. Substitute supplies exchanged to Serfer Pit described above and discharged to the Cache la Poudre River may be: 7.5.1. Used by ACWWA to satisfy its replacement obligations in SPR Reaches 1, 2, 3, 4, 5, and the Beebe Draw. 7.5.2. Delivered into recharge facilities at 70 Ranch pursuant to the terms and conditions of the ACWWA 70 Ranch Recharge Project approved in the 306 Decree. 7.5.3. Used to replace depletions from the pumping of ACWWA's wells on 70 Ranch pursuant to the terms and conditions of the ACWWA 70 Ranch Augmentation Plan approved in the 306 Decree. 7.5.4. Used to augment depletions to the South Platte River from the ACWWA/ECCV Well Field under the ACWWA Beebe Draw Augmentation Plan approved in the 306 Decree or future augmentation plans if separately decreed. 7.5.5. Used as a source of substitute supply for the appropriative right of exchange approved in the 283 Decree, the exchanges claimed herein, or future exchanges if separately decreed. 7.5.6. Delivered to recharge facilities in the Beebe Draw pursuant to the terms and conditions of the ACWWA Beebe Draw Recharge Project approved in the 306 Decree. 7.5.7. Delivered to ECCV's Water Treatment Plant in the Beebe Draw, and then transported via a 31-mile pipeline to ACWWA's service area. 7.5.8. Used to meet ACWWA's historical return flow obligations for its existing, pending, and future acquired and changed water rights owed to the South Platte River or Cache la Poudre River. 7.5.9. Stored in the following surface storage facilities: 7.5.9.1. 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., Weld County, Colorado, and a portion of the NE1/4 of Section 10, Township 4 North, Range 63 West of the 6th P.M., Weld County, Colorado. 7.5.9.2. Milliken 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. 7.5.9.3. 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. 7.5.9.4. 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. 7.5.9.5. 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. 7.5.9.6. 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. 7.5.9.7. 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. 7.5.9.8. Any future storage facility to which ACWWA is legally permitted to store water. 7.6. Sources of Substitute Supply. **Exhibit 4** is a list of the sources of substitute supply claimed herein for the appropriative rights of exchange. 7.7. Substitute Water Supply Projections. ACWWA shall make projections of the yield of the 2016 ACWWA Exchanges pursuant to the procedures described in paragraph 45 of the 306 Decree. ACWWA shall incorporate the projected yield into the augmentation plans approved in the 306 Decree pursuant to the notice of use procedures described in paragraph 17.3 of that decree. The 2016 ACWWA South Platte River and St. Vrain Creek Exchange, the 2016 ACWWA Cache la Poudre Exchange, and the 2016 ACWWA Beebe Canal Exchange are collectively referred to in this Application as the "2016 ACWWA Exchanges." **8. Claim for Appropriative Rights of Substitution and Exchange - 2016 ACWWA Beebe Canal Exchange.** 8.1. Exchange-From Points. 8.1.1. Highlands Reservoir. Highlands Reservoir is located in the Beebe Draw, as described above in paragraph 3.3.2. Water will be released to the Beebe Seep Canal through the outlet works of Highlands Reservoir. The location of the outlet structure for Highlands Reservoir has not yet been finally determined. The preliminary design anticipates that Highlands Reservoir will be gravity drained under Weld County Road ("WCR") 39 into the existing drainage that has pipe crossings of the railroad and Interstate 76, and then flows west on the south side of WCR 4 to the Beebe Draw in the NW1/4 of the NE1/4 of Section 31, Township 1 North, Range 65 West of the 6th P.M., Weld County, Colorado. An inlet structure from the Beebe Seep Canal, the potential locations of which are described above in paragraph 3.3.3.3, may be designed to also deliver water from Highlands

Reservoir to the Beebe Seep Canal, and as an outlet structure it would also be an exchange-from point.

8.1.2. Milton Lake. Milton Lake is located in Sections 10, 11, 14, 15, 22, and 23, Township 3 North, Range 65 West of the 6th P.M., Weld County, Colorado. The Exchange-From Points are shown on the map attached to the Application as **Exhibit 2**.

8.2. Exchange-To Points.

8.2.1. Barr Lake. Barr Lake is located in portions of Sections 15, 21, 22, 23, 26, 27, 28, and 33, Township 1 South, Range 66 West, 6th P.M., Weld County, Colorado.

8.2.2. Toe of Barr Lake Dam. The toe of Barr Lake Dam is located in the NW1/4 of Section 23, Township 1 South, Range 66 West, 6th P.M., Weld County, Colorado, approximately 390 feet from the north section line and 930 feet from the west section line.

8.2.3. DeSanti Headgate. The headgate for the DeSanti Parcel is located on the DeSanti Parcel, which is located in the SE1/4 of Section 11, Township 1 South, Range 66 West, 6th P.M., Adams County, Colorado.

8.2.4. Highlands Reservoir Beebe Seep Canal Diversion(s). The Highlands Reservoir Beebe Seep Canal diversion points are located in the Beebe Draw, as described above in Paragraph 3.3.3.3. Water will be exchanged to these points from Milton Reservoir. The Exchange-To Points are shown on the map attached to the Application as **Exhibit 2**.

8.3. Rates on the Appropriative Right of Exchange.

8.3.1. Exchange Matrix. The maximum exchange rates in cubic feet per second for the conditional appropriative rights of exchange are set forth in the Exchange Matrix attached as **Exhibit 7**.

8.4. Date of Appropriation. December 14, 2016.

8.4.1. How Appropriation was Initiated. The appropriation date is based upon the Resolution passed by the ACWWA Board of Directors on December 14, 2016. The Notice of Appropriation was posted on December 15, 2016, a copy of which is attached as **Exhibit 3**.

8.4.2. Date Water First Applied to Beneficial Use. Not applicable.

8.5. Uses. Water diverted by exchange under the 2016 ACWWA Beebe Canal Exchange will be used to satisfy ACWWA's replacement obligations in the Beebe Draw and delivered to recharge facilities in the Beebe Draw pursuant to the terms and conditions of the ACWWA Beebe Draw Recharge Project approved in the 306 Decree.

8.6. Sources of Substitute Supply. **Exhibit 4** is a list of the sources of substitute supply claimed herein for the appropriative rights of exchange.

8.7. Substitute Water Supply Projections. ACWWA shall make projections of the yield of the 2016 ACWWA Exchanges pursuant to the procedures described in paragraph 45 of the 306 Decree. ACWWA shall incorporate the projected yield into the augmentation plans approved in the 306 Decree pursuant to the notice of use procedures described in paragraph 17.3 of that decree.

**9. ACWWA's Independent Claim to Appropriate Return Flows Associated with its Changed Shares in Fulton Irrigating Ditch Company ("ACWWA's Fulton Shares")**.

9.1. Name of Structure. Fulton Ditch, the decreed headgate location is near Section 9, between Sections 16 and 17, in Township 2 South, Range 67 West of the 6th P.M., Weld County, Colorado.

9.2. ACWWA's Fulton Shares. Pursuant to the decree entered in Case No. 10CW313 ("313 Decree"), ACWWA changed its water rights associated with 182 shares in Fulton Irrigating Ditch Company.

9.3. Claim to Appropriate Return Flows. When the calling water right downstream of the Fulton Ditch headgate is junior to December 29, 2016 or there is no call from downstream of the Fulton Ditch headgate, ACWWA seeks the right to use, reuse, successively use, and use to extinction, for all purposes described in paragraph 9.7, below, the historical return flow portion of its irrigation season delivery of ACWWA's Fulton Shares and the winter return flow portion of its previous irrigation season delivery of ACWWA's Fulton Shares.

9.4. Appropriation Information.

9.4.1. Date of Appropriation. December 29, 2016.

9.4.2. How Appropriation was Initiated. The appropriation date is based upon the date the Application in this case was filed.

9.4.3. Date water First Applied to Beneficial Use. Not applicable.

9.5. Source. South Platte River.

9.6. Amount Claimed. Any and all amounts of return flows determined to be attributable to ACWWA's Fulton Shares, conditional.

9.7. Claimed Uses.

9.7.1. Use in ACWWA's Plans for Augmentation. ACWWA seeks to use the water attributable to the return flows associated with ACWWA's Fulton Shares as a source of replacement water in the ACWWA/ECCV Augmentation Plan approved in the 306 Decree, for the pumping of water for delivery to ACWWA's present and future service area from the ACWWA/ECCV Well Field. ACWWA also seeks to use the water attributable to its return flows associated with ACWWA's Fulton Shares as a source of replacement water pursuant to the 70 Ranch Augmentation Plan approved in the 306 Decree. In addition, ACWWA seeks to use the water attributable to the return flows associated with ACWWA's Fulton Shares as a source of

replacement water in any future plans for augmentation. 9.7.2. Use in ACWWA's Recharge Projects. ACWWA seeks to use the water attributable to the return flows associated with ACWWA's Fulton Shares for recharge by delivering the water to the recharge facilities located in the Beebe Draw and on 70 Ranch pursuant to the terms and conditions of the 306 Decree. 9.7.3. Use in ACWWA's Exchanges and/or Storage. ACWWA seeks to use the water attributable to the return flows associated with ACWWA's Fulton Shares, either directly or following storage, as a source of substitute supply for the appropriate right of exchange pursuant to the 283 Decree. ACWWA seeks to store and exchange the water attributable to its return flows associated with ACWWA's Fulton Shares in Milliken Reservoir pursuant to the 283 Decree. ACWWA also seeks to store the water attributable to the return flows associated with ACWWA's Fulton Shares in 70 Ranch Reservoir and Serfer Pit. 9.7.4. All Municipal Uses. ACWWA seeks to use the water attributable to the return flows associated with ACWWA's Fulton Shares for all municipal uses via augmentation and exchange. ACWWA's municipal uses include, but are not limited to, domestic, mechanical, manufacturing, commercial, industrial, exchange, augmentation and replacement, recharge, substitute supply, including further exchange with other water systems and with other water users, and for all other beneficial uses within the present and future service area of ACWWA. 9.7.5. 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, exchange, augmentation, or otherwise, to extinction, all water exchanged, lawfully diverted and/or impounded pursuant to the decree entered in this case. **10. ACWWA's Claim to Appropriate Return Flows Associated with its Changed Shares in the Farmers Independent Ditch Company ("ACWWA's FIDCO Shares").** 10.1. Name of Structure. Farmers Independent Ditch, the decreed headgate of which is located on the east bank of the South Platte River, in the SW1/4 of Section 19, Township 3 North, Range 66 West of the 6th P.M., Weld County, Colorado. 10.2. ACWWA's FIDCO Shares. In the decree entered in Case No. 12CW73 ("73 Decree"), ACWWA changed the place and type of use of 20 shares of the Farmers Independent Ditch Company from irrigation to all municipal uses, including augmentation, replacement, exchange, storage, and recharge. 10.3. Claim to Appropriate Return Flows. When the calling water right downstream of the Farmers Independent Ditch headgate is junior to December 29, 2016 or there is no call from downstream of the Farmers Independent Ditch headgate, ACWWA seeks the right to use, reuse, successively use, and use to extinction, for all of the purposes described in paragraph 9.7, above, the historical return flow portion of its irrigation season delivery of ACWWA's FIDCO Shares and the winter return flow portion of its previous irrigation season delivery of ACWWA's FIDCO Shares. 10.4. Appropriation Information. 10.4.1. Date of Appropriation. December 29, 2016. 10.4.2. How Appropriation was Initiated. The appropriation date is based upon the date the Application in this case was filed. 10.4.3. Date Water First Applied to Beneficial Use. Not applicable. 10.5. Source. South Platte River. 10.6. Amount Claimed. Any and all amounts of return flows determined to be attributable to ACWWA's FIDCO Shares, conditional. 10.7. Claimed Uses. ACWWA's claimed uses for the water attributable to the return flows associated with ACWWA's FIDCO Shares are described above in paragraph 9.7. **11. ACWWA's Claim to Appropriate Return Flows Associated with its Changed Shares in the Weldon Valley Ditch Company ("ACWWA's Weldon Shares").** 11.1. Name of Structure. Weldon Valley Ditch, the decreed point of diversion of which is located on the North bank of the South Platte River, in the SW1/4 of the NW1/4 of the SE1/4 of Section 13, Township 4 North, Range 61 West of the 6th P.M., Weld County, Colorado. 11.2. ACWWA's Weldon Shares. In Case No. 11CW151/05CW58 ("151 Case"), ACWWA changed the place and type of use of 62.625 shares of the Weldon Valley Ditch Company from irrigation to all municipal uses, including augmentation, replacement, exchange, storage, and recharge. 11.3. Claim to Appropriate Return Flows. When the calling water right downstream of the Weldon Valley Ditch headgate is junior to December 29, 2016 or there is no call from downstream of the Weldon Valley Ditch headgate, ACWWA seeks the right to use, reuse, successively use, and use to extinction, for all of the purposes described in paragraph 9.7, above, the historical return flow portion of its irrigation season delivery of ACWWA's Weldon Shares and the winter return flow portion of its previous irrigation season delivery of ACWWA's Weldon Shares. 11.4. Appropriation Information. 11.4.1. Date of Appropriation. December 29, 2016. 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 ACWWA's Weldon Shares, conditional. 11.7. Claimed Uses. ACWWA's claimed uses for the water attributable to its return flows associated with its Weldon Shares are described in above in paragraph 9.7.

**12. Change in Use of ACWWA's Previously Changed Water Rights.** 12.1. Change in Use. Pursuant to Colo. Rev. Stat. Ann. § 37-92-305(3)(e), ACWWA seeks to change the previously-quantified water rights described below to allow such water to be used and stored as described below. 12.1.1. Fulton Irrigating Ditch Company Shares. In the 313 Decree, ACWWA originally changed 182 shares of Fulton Irrigating Ditch Company from irrigation use to municipal, augmentation, replacement, recharge, exchange, and substitution uses, either directly or following recharge and/or storage. 12.1.2. Farmers Independent Ditch Company Shares. In the 72 Decree, ACWWA originally changed 20 Farmers Independent Ditch shares from irrigation use to municipal, augmentation, replacement, recharge, exchange, and substitution uses either directly or following recharge and/or storage. 12.1.3. Weldon Valley Ditch Company Shares. In Consolidated Case Nos. 11CW151/05CW58, ACWWA changed 62.625 Weldon Valley Ditch shares from irrigation use to municipal, augmentation, replacement, recharge, exchange, and substitution uses either directly or following recharge and/or storage. 12.2. Surface Storage Structures and Locations. ACWWA may store its previously changed water rights in the following surface storage structures for subsequent delivery into ACWWA's or ECCV's municipal system or for use as a source of augmentation, replacement, recharge, exchange or substitute supply: 12.2.1. 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., Weld County, Colorado, and a portion of the NE1/4 of Section 10, Township 4 North, Range 63 West of the 6th P.M., Weld County, Colorado. 12.2.2. 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. 12.2.3. 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. 12.2.4. Any future storage facility to which ACWWA is legally permitted to store water.

(39 pages, 7 exhibits).

**16CW3196 East Cherry Creek Valley Water and Sanitation District, acting by and through the East Cherry Creek Valley Water and Sanitation District Water Activity Enterprise, Inc. ("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, acting directly and by and through the United Water and Sanitation District ACWWA Enterprise ("United"), c/o Robert Lembke, 8301 E. Prentice Avenue, Suite 100, Greenwood Village, Colorado 80111, Telephone: (303) 775-1005.** The above listed parties shall be collectively referred to as the "Applicants." **APPLICATION FOR CONDITIONAL WATER RIGHTS, APPROPRIATIVE RIGHTS OF SUBSTITUTION AND EXCHANGE, APPROPRIATION OF HISTORICAL RETURN FLOWS, AND CHANGE OF WATER RIGHTS IN ADAMS, ARAPAHOE, DENVER, LARIMER, MORGAN AND WELD COUNTIES.** Please send all pleadings and correspondence to: Brian M. Nazarenus, Esq., Sheila S. Stack, Esq., William D. Wombacher, Esq., RYLEY CARLOCK & APPLEWHITE, 1700 Lincoln Street, Suite 3500, Denver, Colorado 80203, (Attorneys for ECCV), Tod J. Smith, Esq., LAW OFFICE OF TOD J. SMITH, LLC, 2919 Valmont Road, Suite 205, Boulder, Colorado 80301, (Attorneys for United). **2. Background.** ECCV has developed an integrated system for the diversion, accretion, collection, storage, transmission, and treatment of its water rights. This integrated system, which is also referred to as the "Water Supply Project" or the "Northern Project," is designed to provide ECCV with a long-term, sustainable municipal water supply for its service area located in Arapahoe County. A map of ECCV's service area is attached as **Exhibit 1.** According to ECCV's Water Conservation Plan, at full build-out

ECCV will require, on average, up to approximately 16,000 acre-feet per year of raw water supply, and up to approximately 24,000 acre-feet in years when delivering water to its aquifer storage and recovery program. The water appropriated according to this decree is necessary to help ECCV meet those projected needs. The conditional water rights claimed herein and operation of the exchanges are necessary to replace out-of-priority depletions resulting from ECCV's pumping of the ACWWA/ECCV Well Field in the Beebe Draw (the "ACWWA/ECCV Well Field") and/or historical return flow obligations owed to the South Platte River. A map showing the locations of the structures described in this Application is attached as **Exhibit 2**. United will construct structures described below as part of satisfying its contractual obligations to ECCV for the Water Supply Project. **3. Description of Conditional Water Storage Rights.** 3.1. ECCV Binder Reservoir Storage Right. 3.1.1. Name of Structure. Binder Reservoir (a/k/a "Brighton Lateral Reservoir"). 3.1.2. Location. Binder Reservoir is an off-channel reservoir located in the N1/2 of Section 15, Township 1 North, Range 66 West of the 6th P.M., Weld County, Colorado. 3.1.3. Diversion Structures. 3.1.3.1. Brighton Lateral. Brighton Lateral will divert water from the east bank of the South Platte River, in either the NW1/4 of the NW1/4 or the NE1/4 of the NW1/4, both of Section 18, Township 1 South, Range 66 West of the 6th P.M., Weld County, Colorado. 3.1.3.2. Binder Pipeline. Binder Pipeline will divert water from the east bank of the South Platte River in the NW1/4 of Section 18, Township 1 North, Range 66 West of the 6th P.M., Weld County, Colorado. 3.1.4. Source. South Platte River. 3.1.5. Amount Claimed. 750 acre-feet, conditional, with the right to one refill in the amount of 750 acre-feet per year, conditional. 3.1.6. Date of Appropriation. December 8, 2016. 3.1.7. How Appropriation was Initiated. The appropriation date is based upon the Resolution passed by the ECCV Board of Directors on December 8, 2016. The Notice of Appropriation was posted on December 15, 2016, a copy of which is attached as **Exhibit 3**. 3.1.8. Date Water First Applied to Beneficial Use. Not applicable. 3.1.9. Uses. By this Application, ECCV seeks a decree granting the right to use the ECCV Binder Reservoir Storage Right as follows: 3.1.9.1. Use in ECCV's Plans for Augmentation. ECCV will use the ECCV Binder Reservoir Storage Right as a source of replacement water in the ACWWA/ECCV Augmentation Plans approved in the decrees entered in Case Nos. 02CW403 ("403 Decree") and 02CW404/03CW442 ("404/442 Decree") to replace depletions from the pumping of water from the ACWWA/ECCV Well Field for delivery to ECCV's present and future service area in Arapahoe County. ECCV will also use the ECCV Binder Reservoir Storage Right directly or as a source of substitute supply for the 70 Ranch Augmentation Plan pursuant to the terms and conditions of the 403/442 Decree. 3.1.9.2. Use in ECCV's Recharge Projects. ECCV seeks to use the ECCV Binder Reservoir Storage Right for recharge by delivering the water to the recharge facilities located in the Beebe Draw and on 70 Ranch pursuant to the terms and conditions of the 404/442 Decree, as amended by the decree entered in Case No. 10CW306 ("306 Decree"). In addition, ECCV seeks to use the ECCV Binder Reservoir Storage Right for recharge by delivering the water to the recharge sites described in this Application, and any future recharge facility to which ECCV is legally permitted to recharge water. 3.1.9.3. Use in ECCV's Exchange. ECCV will use the ECCV Binder Reservoir Storage Right for substitution and exchange as provided in the 404/442 Decree and the decree entered in Case No. 11CW285 ("285 Decree"). ECCV also seeks to use the ECCV Binder Reservoir Storage Right as a source of substitute supply in the 2016 ECCV Exchanges claimed in this Application. 3.1.9.4. Use to Meet Historical Return Flow Obligations. ECCV seeks to use the ECCV Binder Reservoir Storage Right to meet its historical return flow obligations for its existing, pending, and future acquired and changed water rights owed to the South Platte or Cache la Poudre Rivers. 3.1.9.5. Alternate Places of Storage. ECCV also seeks to store the ECCV Binder Reservoir Storage Right in the following surface storage facilities: 3.1.9.5.1. 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. 3.1.9.5.2. 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. 3.1.9.5.3. 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. 3.1.9.5.4. 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.

3.1.9.5.5. Any future storage facility in which ECCV is legally permitted to store water. 3.1.9.6. All Municipal Uses. ECCV will use the ECCV Binder Reservoir Storage Right via delivery by a pipeline or by exchange to ECCV's surface water treatment plant for treatment and subsequent direct delivery for all municipal uses, including, but not limited to, domestic, mechanical, manufacturing, commercial, and industrial, within ECCV's present and future service area located in Arapahoe County. 3.1.9.7. Right of Reuse, Successive Use, and Disposition. ECCV asks the Court to decree that it has the right to use, reuse, successively use and dispose of by sale, exchange, augmentation, or otherwise, to extinction, all water lawfully diverted and/or impounded pursuant to the decree entered in this case. 3.1.10. Total Capacity. Binder Reservoir has a planned total capacity of 3,800 acre-feet (with 4 feet of freeboard). 3.1.11. Name and Addresses of the Owner of Binder Reservoir and the Diversion Facility Used to Fill Binder Reservoir. Platte River Water Development Authority ("PRWDA"), 8301 E. Prentice Avenue, Suite 100, Greenwood Village, Colorado, 80111. 3.2. ECCV Serfer Pit Storage Right. 3.2.1. Name \_\_\_\_\_ of Structure. Serfer Pit. 3.2.2. Location. Serfer Pit is located along the Cache la Poudre River, approximately 2.8 stream miles below the New Cache headgate, 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. 3.2.3. Diversion Structure. A temporary pump currently delivers water into Serfer Pit. A permanent pump and pipe to and from the Cache La Poudre River will be placed in the southwest corner of Serfer Pit, in the NE1/4 of the NE1/4 of Section 24, Township 6 North, Range 68 West of the 6th P.M., Weld County, Colorado. 3.2.4. Source. Cache la Poudre River. 3.2.5. Amount Claimed. 100 acre-feet fill, conditional, with the right to one refill in the amount of 100 acre-feet per year, conditional. 3.2.6. Date \_\_\_\_\_ of \_\_\_\_\_ Appropriation. December 8, 2016. 3.2.6.1. How Appropriation was Initiated. The appropriation date is based upon the Resolution passed by the ECCV Board of Directors on December 8, 2016. The Notice of Appropriation was posted on December 15, 2016, a copy of which is attached as **Exhibit 3**. 3.2.6.2. Date Water First Applied to Beneficial Use. Not applicable. 3.2.7. Uses. By this Application, ECCV seeks a decree granting the right to use the ECCV Serfer Pit Storage Right as follows: 3.2.7.1. Use in ECCV's Plans for Augmentation. ECCV will use the ECCV Serfer Pit Storage Right as a source of replacement water in the ACWWA/ECCV Augmentation Plans approved in the 403 and 404/442 Decrees to replace depletions from the pumping of water from the ACWWA/ECCV Well Field for delivery to ECCV's present and future service area. ECCV will also use the ECCV Serfer Pit Storage Right directly or as a source of substitute supply for the 70 Ranch Augmentation Plan pursuant to the terms and conditions of the 404/442 Decree. 3.2.7.2. Use in ECCV's Recharge Projects. ECCV seeks to use the ECCV Serfer Pit Storage Right for recharge by delivering the water to the recharge facilities located in the Beebe Draw and on 70 Ranch pursuant to the terms and conditions of the 404/442 Decree, as amended by the 306 Decree. In addition, ECCV seeks to use the ECCV Serfer Pit Storage Right for recharge by delivering the water to the recharge sites described in this Application, and any future recharge facility to which ECCV is legally permitted to recharge water. 3.2.7.3. Use in ECCV's Exchange. ECCV will use the ECCV Serfer Pit Storage Right for substitution and exchange as provided in the 404/442 and 285 Decrees. ECCV also seeks to use the ECCV Serfer Pit Storage Right as a source of substitute supply in the 2016 ECCV Exchanges claimed in this Application. 3.2.7.4. Use to Meet Historical Return Flow Obligations. ECCV seeks to use the ECCV Serfer Pit Storage Right to meet its historical return flow obligations for its existing, pending, and future acquired and changed water rights owed to the South Platte River or Cache la Poudre River. 3.2.7.5. Alternate Places of Storage. ECCV seeks to store the water in the following surface storage facilities: 3.2.7.5.1. 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., Weld County, Colorado, and a portion of the NE1/4 of Section 10, Township 4 North, Range 63 West of the 6th P.M., Weld County, Colorado. 3.2.7.5.2. 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. 3.2.7.5.3. 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.

3.2.7.5.4. 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. 3.2.7.5.5. 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. 3.2.7.5.6. 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. 3.2.7.5.7. 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. 3.2.7.5.8. Any future storage facility to which ECCV is legally permitted to store water. 3.2.7.6. All Municipal Uses. ECCV will use the ECCV Serfer Pit Storage Right via delivery by a pipeline or by exchange to ECCV's surface water treatment plant for treatment and subsequent direct delivery for all municipal uses, including, but not limited to, domestic, mechanical, manufacturing, commercial, and industrial, within ECCV's present and future service area. 3.2.7.7. Right of Reuse, Successive Use, and Disposition. ECCV asks the Court to decree that it has the right to use, reuse, successively use and dispose of by sale, exchange, augmentation, or otherwise, to extinction, all water lawfully diverted and/or impounded pursuant to the decree entered in this case. 3.2.8. Name and Addresses of the Owner of the Storage Structure and the Diversion Facility Listed Above. United, 8301 W. Prentice Avenue, Suite 100, Greenwood Village, Colorado, 80111. 3.3. ECCV Highlands Reservoir Storage Right 3.3.1. Name of Structure. Highlands Reservoir. 3.3.2. Location. Highlands Reservoir is 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. Water will be diverted from the South Platte River at the diversion facilities described below in paragraph 3.3.3. After water is diverted from the South Platte River it will be delivered to the Highlands Reservoir through the delivery canals in the Farmers Reservoir and Irrigation Company's ("FRICO") Barr Lake system. 3.3.3. Names of the Diversion Facilities Used to Fill Highlands Reservoir. 3.3.3.1. United Diversion Facility No. 3. The headgate is on the east bank of the South Platte River in the SW1/4 of Section 26, Township 1 South, Range 67 West of the 6th P.M., Adams County, Colorado. United Diversion Facility No. 3 delivers water to the United No. 3 Reservoir, from which water is delivered through the Beebe Pipeline to the Burlington Canal, immediately above Barr Lake. From Barr Lake the water will be delivered through FRICO delivery canals in the Beebe Draw to Highlands Reservoir. 3.3.3.2. Burlington Canal (a/k/a the "Burlington/O'Brien Canal"). The Burlington Canal headgate is located on the east bank of the South Platte River, in the NE1/4 of the SW1/4 of Section 14, Township 3 South, Range 68 West of the 6th P.M., City and County of Denver, Colorado. 3.3.3.3. Beebe Seep Canal. Point(s) of diversion from the Beebe Seep Canal for delivery of water to storage in Highlands Reservoir may be located at one or more of the following locations, all of which will divert surface water only: 3.3.3.3.1. In the SE1/4 of Section 30, Township 1 North, Range 65 West of the 6th P.M., Weld County, Colorado. 3.3.3.3.2. In the SE1/4 of the NE1/4 of Section 30, Township 1 North, Range 65 West of the 6th P.M., Weld County, Colorado. 3.3.3.3.3. In the W1/2 of the NW1/4 of Section 29, Township 1 North, Range 65 West of the 6th P.M., Weld County, Colorado. 3.3.3.3.4. In the NE1/4 of the NW1/4 of Section 6, Township 1 South, Range 65 West of the 6th P.M., Adams County, Colorado. 3.3.4. Source of the Water. South Platte River. 3.3.5. Amount Claimed. 750 acre-feet, conditional, with the right to one refill in the amount of 750 acre-feet per year, conditional. 3.3.6. Date of Appropriation. December 8, 2016. 3.3.6.1. How Appropriation was Initiated. The appropriation date is based upon the Resolution passed by the ECCV Board of Directors on December 8, 2016. The Notice of Appropriation was posted on December 15, 2016, a copy of which is attached as **Exhibit 3**. 3.3.6.2. Date Water First Applied to Beneficial Use. Not applicable. 3.3.7. Uses. By this Application, ECCV seeks a decree granting the right to use the ECCV Highlands Reservoir Storage Right as follows: 3.3.7.1. Use in ECCV's Plans for Augmentation. ECCV will use the ECCV Highlands Reservoir Storage Right as a source of replacement water in the ACWWA/ECCV Augmentation Plans approved in the 403 and 404/442 Decrees to replace depletions from the pumping of water from the ACWWA/ECCV Well Field for delivery to ECCV's present and future service area in Arapahoe County. 3.3.7.2. Use in ECCV's Recharge Project. ECCV seeks to use the ECCV Highlands Reservoir Storage Right for recharge by delivering the water to the recharge facilities located in the Beebe

Draw pursuant to the terms and conditions of the 404/442 Decree, as amended by the 306 Decree. In addition, ECCV seeks to use the ECCV Highlands Reservoir Storage Right for recharge by delivering the water to the recharge sites described in this Application, and any future recharge facility to which ECCV is legally permitted to recharge water. 3.3.7.3. Use in ECCV's Exchanges. ECCV seeks to use the water as a source of substitute supply in the 2016 ECCV Exchanges claimed in this Application. 3.3.7.4. Use to Meet Historical Return Flow Obligations. ECCV seeks to use the ECCV Highlands Reservoir Storage Right to meet its historical return flow obligations for its other changed water rights owed to the South Platte River. 3.3.7.5. Alternate Places of Storage. ECCV seeks to store the ECCV Highlands Reservoir Storage Right in the following surface storage facilities: 3.3.7.5.1. 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. 3.3.7.5.2. 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. 3.3.7.5.3. Any future storage facility to which ECCV is legally permitted to store water. 3.3.7.6. All Municipal Uses. ECCV will use the ECCV Highlands Reservoir Storage Right via delivery by a pipeline or by exchange to ECCV's surface water treatment plant for treatment and subsequent direct delivery for all municipal uses, including, but not limited to, domestic, mechanical, manufacturing, commercial, and industrial, within ECCV's present and future service area located in Arapahoe County. 3.3.7.7. Right of Reuse, Successive Use, and Disposition. ECCV asks the Court to decree that it has the right to use, reuse, successively use and dispose of by sale, exchange, augmentation, or otherwise, to extinction, all water lawfully diverted and/or impounded pursuant to the decree entered in this case. 3.3.8. Name and Addresses of the Owner of the Storage Structure and the Diversion Facility Listed Above. 3.3.8.1. Highlands Reservoir will be owned by the United Water and Sanitation District, 8301 East Prentice Avenue, Suite 100, Greenwood Village, Colorado 80111. 3.3.8.2. The land on which Highlands Reservoir will be located is currently owned by Highland Equities, L.L.C., 8301 East Prentice Avenue, Suite 100, Greenwood Village, Colorado, 80111. 3.3.8.3. United Water and Sanitation District, 8301 East Prentice Avenue, Suite 100, Greenwood Village, Colorado, 80111 holds a perpetual easement, granted by Henderson Aggregate, LTD, for United Diversion Facility No. 3. The diversion structure is owned by United. 3.3.8.4. The Burlington Canal (a/k/a "Burlington/O'Brien Canal") and the Beebe Seep Canal are owned by FRICO, 80 South 27th Avenue, Brighton, Colorado, 80601. 3.3.8.5. Barr Lake and the canals which will be used to deliver water to Highlands Reservoir are owned by FRICO. 3.3.8.6. The land on which the proposed diversion point from the Beebe Seep Canal, described in paragraph 3.3.3.3.1, above, may be located is owned by one or more of Edmundson Land, LLC, P.O. Box 932, Brighton, Colorado, 80601 and Public Service Company of Colorado, P.O. Box 1979, Denver, Colorado, 80201. 3.3.8.7. The land on which the proposed diversion point from the Beebe Seep Canal, described in paragraph 3.3.3.3.2, above, may be located is owned by one or more of Vicki and David Pelletier, 3851 E. Geddes Avenue, Centennial, Colorado 80122 and Weld County, Colorado, 1150 O Street, Greeley, Colorado 80631. 3.3.8.8. The land on which the proposed diversion point from the Beebe Seep Canal, described in paragraph 3.3.3.3.3, above, may be located is owned by one or more of Len Pettinger, 18437 County Road 8, Brighton, Colorado 80603, and Town of Lochbuie, Colorado, 703 County Road 37, Brighton, Colorado, 80603. 3.3.8.9. The land on which the proposed diversion point from the Beebe Seep Canal, described in paragraph 3.3.3.3.4, above, may be located is owned by Mile High Duck Club, c/o Brown and Locke P.C., 1720 S. Bellaire St., Ste. 405, Denver, Colorado 80222. **4. Description of Conditional Direct Flow Water Rights.** 4.1. ECCV Binder Pipeline Water Right. 4.1.1. Name of Structure. Binder Pipeline. 4.1.2. Location. Binder Pipeline will be located upstream of the confluence of the South Platte River and Big Dry Creek. The proposed diversion structure will divert water from the east bank of the South Platte River, in the NW1/4 of Section 18, Township 1 North, Range 66 West of the 6th P.M., Weld County, Colorado. 4.1.3. Source. South Platte River. 4.1.4. Amount Claimed. 30 cfs, conditional. 4.1.5. Date of Appropriation. December 8, 2016. 4.1.5.1. How Appropriation was Initiated. The appropriation date is based upon the Resolution passed by the ECCV Board of Directors on December 8, 2016. The Notice of Appropriation was posted on December 15, 2016, a copy of which is attached as

**Exhibit 3.** 4.1.5.2. Date Water First Applied to Beneficial Use. Not applicable. 4.1.6. Uses. By this Application, ECCV seeks a decree granting the right to use the Binder Pipeline Water Right as follows: 4.1.6.1. Use in ECCV's Plans for Augmentation. ECCV will use the ECCV Binder Pipeline Water Right as a source of replacement water in the ACWWA/ECCV Augmentation Plans approved in the 403 and 404/442 Decrees to replace depletions from the pumping of water from the ACWWA/ECCV Well Field for delivery to ECCV's present and future service area in Arapahoe County. 4.1.6.2. Use in ECCV's Recharge Projects. ECCV seeks to use the ECCV Binder Pipeline Water Right for recharge by delivering the water to the recharge facilities located in the Beebe Draw pursuant to the terms and conditions of the 404/442 Decree, as amended by the 306 Decree. In addition, ECCV seeks to use the ECCV Binder Pipeline Water Right for recharge by delivering the water to the recharge sites described in this Application, and any future recharge facility to which ECCV is legally permitted to recharge water. 4.1.6.3. Use in ECCV's Exchanges. ECCV seeks to use the Binder Pipeline Water Right as a source of substitute supply in the 2016 ECCV Exchanges claimed in this Application. 4.1.6.4. Use to Meet Historical Return Flow Obligations. ECCV seeks to use the ECCV Binder Pipeline Water Right to meet its historical return flow obligations for its existing, pending, and future acquired and changed water rights owed to the South Platte or Cache la Poudre Rivers. 4.1.6.5. All Municipal Uses. ECCV will use the ECCV Binder Pipeline Water Right via delivery by a pipeline or by exchange to ECCV's surface water treatment plant for treatment and subsequent direct delivery for all municipal uses, including, but not limited to, domestic, mechanical, manufacturing, commercial, and industrial, within ECCV's present and future service area located in Arapahoe County. 4.1.6.6. Right of Reuse, Successive Use, and Disposition. ECCV asks the Court to decree that it has the right to use, reuse, successively use and dispose of by sale, exchange, augmentation, or otherwise, to extinction, all water lawfully diverted and/or impounded pursuant to the decree entered in this case. 4.1.7. Name and Addresses of the Owner of the Diversion Structure Listed Above. PRWDA, 8301 East Prentice Avenue, Suite 100, Greenwood Village, Colorado, 80111, will be the owner of the Binder Pipeline and owns easements along the path where the pipeline will be located. 4.2. ECCV Brighton Lateral Water Right. 4.2.1. Name of Structure. Brighton Lateral. 4.2.2. Location. The point of diversion for Brighton Lateral will be located in the NE1/4 of the NE1/4 of Section 32, Township 1 South, Range 66 West of the 6th P.M., Weld County, Colorado. Water may also be delivered to Brighton Lateral from the Burlington Canal. 4.2.3. Source. South Platte River. 4.2.4. Amount Claimed. 10 cfs, conditional. 4.2.5. Date of Appropriation. December 8, 2016. 4.2.5.1. How Appropriation was Initiated. The appropriation date is based upon the Resolution passed by the ECCV Board of Directors on December 8, 2016. The Notice of Appropriation was posted on December 15, 2016, a copy of which is attached as **Exhibit 3.** 4.2.5.2. Date Water First Applied to Beneficial Use. Not applicable. 4.2.6. Uses. By this Application, ECCV seeks a decree granting the right to use the ECCV Brighton Lateral Water Right as follows: 4.2.6.1. Use in ECCV's Plans for Augmentation. ECCV will use the ECCV Brighton Lateral Water Right as a source of replacement water in the ACWWA/ECCV Augmentation Plans approved in the 403 and 404/442 Decrees to replace depletions from the pumping of water from the ACWWA/ECCV Well Field for delivery to ECCV's present and future service area in Arapahoe County. 4.2.6.2. Use in ECCV's Recharge Projects. ECCV seeks to use the ECCV Brighton Lateral Water Right for recharge by delivering the water to the recharge facilities located in the Beebe Draw pursuant to the terms and conditions of the 404/442 Decree, as amended by the 306 Decree. In addition, ECCV seeks to use the ECCV Brighton Lateral Water Right for recharge by delivering the water to the recharge sites described in this Application, and any future recharge facility to which ECCV is legally permitted to recharge water. 4.2.6.3. Use in ECCV's Exchange. ECCV seeks to use the ECCV Brighton Lateral Water Right as a source of substitute supply in the 2016 ECCV Exchanges claimed in this Application. 4.2.6.4. Use to Meet Historical Return Flow Obligations. ECCV seeks to use the ECCV Brighton Lateral Water Right to meet its historical return flow obligations for its other changed water rights owed to the South Platte River or Cache la Poudre River. 4.2.6.5. All Municipal Uses. ECCV will use the water via delivery by a pipeline or by exchange to ECCV's surface water treatment plant for treatment and subsequent direct delivery for all municipal uses, including, but not limited to, domestic, mechanical, manufacturing, commercial, and industrial, within ECCV's present

and future service area located in Arapahoe County. 4.2.6.6. Right of Reuse, Successive Use, and Disposition. ECCV asks the Court to decree that it has the right to use, reuse, successively use and dispose of by sale, exchange, augmentation, or otherwise, to extinction all water lawfully diverted and/or impounded pursuant to the decree entered in this case. 4.2.7. Name and Addresses of the Owner of the Diversion Structure Listed Above. New Brighton Lateral, LLC, 1801 E. Prentice Avenue, Suite 100, Greenwood Village, Colorado, 80111. **5. Claims for Conditional Recharge Water Rights or Plans for Augmentation.** 5.1. ECCV Drouhard Recharge Right. 5.1.1. Name of Structure. Drouhard Recharge Site. 5.1.2. Recharge Location. The Drouhard Recharge Site is an off-channel recharge site located in the SE1/2 of the SE1/4 of Section 30, Township 4 North, Range 66 West of the 6th P.M., Weld County, Colorado. 5.1.3. Points of Diversion. Water will be diverted from the South Platte River to the Drouhard Recharge Site from the following locations: 5.1.3.1. Farmers Independent Ditch. The Farmers Independent Ditch headgate is located in the SW1/4 of the SW1/4 of Section 19, Township 3 North, Range 66 West of the 6th P.M., Weld County, Colorado. 5.1.3.2. Western Mutual Ditch. The Western Mutual Ditch headgate is located in the SE1/4 of the SW1/4 of Section 11, Township 3 North, Range 67 West of the 6th P.M., Weld County, Colorado. 5.1.3.3. Drouhard Pipeline. The Drouhard Pipeline is a bi-directional pipeline that will be located parallel to County Road 40.5 from the Drouhard Pond to Milliken Reservoir. The proposed diversion structure will divert water from Milliken Reservoir, in the NE1/4 of the SE1/4 of Section 26, Township 4 North, Range 67 West of the 6th P.M., Weld County, Colorado. 5.1.3.4. Milliken Reservoir. Water will be delivered from Milliken Reservoir through the bi-directional Drouhard Pipeline. 5.1.4. Amount Claimed. 20 cfs, conditional. 5.1.5. Date of Appropriation. December 8, 2016. How Appropriation was Initiated. The appropriation date is based upon the Resolution passed by the ECCV Board of Directors on December 8, 2016. The Notice of Appropriation was posted on December 15, 2016, a copy of which is attached as **Exhibit 3**. 5.1.5.2. Date Water First Applied to Beneficial Use. Not applicable. 5.1.6. Sources of Water for the Plan for Augmentation. 5.1.6.1. Drouhard Recharge Site. ECCV will use the water rights described in **Exhibit 4** for recharge at the Drouhard Recharge Site. 5.1.6.2. Future Acquired Sources. ECCV intends to acquire and/or lease additional water supplies in the future for use as a source of supply for the plan for augmentation described in this Application. ECCV will add future acquired sources to the plan for augmentation claimed in this Application pursuant to section 37-92-305(8)(c) of the Colorado Revised Statutes, or successor statute. 5.1.7. Recharge Accretions. Water recharged into the alluvial aquifer will naturally flow down-gradient for accretion to the South Platte River. The quantity, timing, and location of accretions will be calculated and accounted for by ECCV. 5.1.8. Uses for the Recharge Accretions. Water accreted back to the South Platte River will be used for the purposes decreed for each source of water listed in **Exhibit 4**, which may include, but are not limited to, augmentation, storage and refill, recharge, replacement, and exchange. 5.2. ECCV Brighton Lateral Recharge Right. 5.2.1. Name of Structure. Brighton Lateral. 5.2.2. Recharge Location. The point of diversion for Brighton Lateral will be located in the NE1/4 of the NE1/4 of Section 32, Township 1 South, Range 66 West of the 6th P.M., Weld County, Colorado. Water may also be delivered to the Brighton Lateral from the Burlington Canal. 5.2.3. Amount Claimed. 10 cfs, conditional. 5.2.4. Date of Appropriation. December 8, 2016. 5.2.4.1. How Appropriation was Initiated. The appropriation date is based upon the Resolution passed by the ECCV Board of Directors on December 8, 2016. The Notice of Appropriation was posted on December 15, 2016, a copy of which is attached as **Exhibit 3**. 5.2.4.2. Date Water First Applied to Beneficial Use. Not applicable. 5.2.5. Sources of Water for the Plan for Augmentation. 5.2.5.1. Brighton Lateral. ECCV will use the water rights described in **Exhibit 4** for recharge in the Brighton Lateral. 5.2.5.2. Future Acquired Sources. ECCV intends to acquire and/or lease additional water supplies in the future for use as a source of supply for the plan for augmentation described in this Application. ECCV will add future acquired sources to the plan for augmentation claimed in this Application pursuant to section 37-92-305(8)(c) of the Colorado Revised Statutes, or successor statute. 5.2.6. Recharge Accretions. Water recharged into the alluvial aquifer will naturally flow down-gradient for accretion to the South Platte River. The quantity, timing, and location of accretions will be calculated and accounted for by ECCV. 5.2.7. Uses for the Recharge Accretions. Water accreted back to the South Platte River will be used for

the purposes decreed for each source of water listed in **Exhibit 4**, which may include, but is not limited to, augmentation, storage and refill, recharge, replacement, and exchange. 5.3. ECCV Brighton Lateral Recharge Site Right. 5.3.1. Name of Structure. Brighton Lateral Recharge Site. 5.3.2. Recharge Location. The Brighton Lateral Recharge Site is an off-channel recharge site located in the S1/2 of Section 15, Township 1 North, Range 66 West of the 6th P.M., Weld County, Colorado. 5.3.3. Point of Diversion. 5.3.3.1. Brighton Lateral. The point of diversion for the Brighton Lateral will be located in the NE1/4 of the NE1/4 of Section 32, Township 1 South, Range 66 West of the 6th P.M., Weld County, Colorado. Water may also be delivered to the Brighton Lateral from the Burlington Canal. 5.3.3.2. Burlington Canal. 5.3.4. Amount Claimed. 20 cfs, conditional. 5.3.5. Date of Appropriation. December 8, 2016. 5.3.5.1. How Appropriation was Initiated. The appropriation date is based upon the Resolution passed by the ECCV Board of Directors on December 8, 2016. The Notice of Appropriation was posted on December 15, 2016, a copy of which is attached as **Exhibit 3**. 5.3.5.2. Date Water First Applied to Beneficial Use. Not applicable. 5.3.6. Sources of Water for the Plan for Augmentation. 5.3.6.1. Brighton Lateral Recharge Site. ECCV will use the water rights described in **Exhibit 4** for recharge at the Brighton Lateral Recharge Site. 5.3.6.2. Future Acquired Sources. ECCV intends to acquire and/or lease additional water supplies in the future for use as a source of supply for the plan for augmentation described in this Application. ECCV will add future acquired sources to the plan for augmentation claimed in this Application pursuant to section 37-92-305(8)(c) of the Colorado Revised Statutes, or successor statute. 5.3.7. Recharge Accretions. Water recharged into the alluvial aquifer will naturally flow down-gradient for accretion to the South Platte River. The quantity, timing, and location of accretions will be calculated and accounted for by ECCV. 5.3.8. Uses for the Recharge Accretions. Water accreted back to the South Platte River will be used for the purposes decreed for each source of water listed in **Exhibit 4**, which may include, but is not limited to, augmentation, storage and refill, recharge, replacement, and exchange. **6. Claim for Appropriative Rights of Substitution and Exchange- 2016 ECCV South Platte River and St. Vrain Creek Exchange**. 6.1. Exchange-From Points. 6.1.1. SPR Reach 5. 6.1.1.1. Downstream End Point of South Platte River Reach 5 - Confluence of Beaver Creek and the South Platte River. Located in the NW1/4 of the SW1/4 of Section 4, Township 4 North, Range 55 West, of the 6th P.M., Morgan County, Colorado. ECCV does not seek to exchange water up Beaver Creek. For purposes of the appropriative rights of exchange decreed herein, the confluence of Beaver Creek and the South Platte River is also the downstream end point of SPR Reach 5. SPR Reach 5 was decreed at paragraph 17.1.8 of the 404/442 Decree as an administrative reach of the South Platte River for the augmentation plans approved in the 403 Decree and the 404/442 Decree as amended by the 306 Decree. SPR Reach 5 is located below the Bijou Canal headgate to the confluence of Beaver Creek and the South Platte River. The Bijou Canal headgate is located on the south bank of the South Platte River, in the NE1/4 of the NE1/4 of Section 13, Township 4 North, Range 63 West, of the 6th P.M., Morgan County, Colorado, at a point approximately 95 feet west of the east section line and 604 feet south of the north section line of said Section 13. 6.1.1.2. Fort Morgan Canal above the Lower Platte & Beaver. The location where return flow accretions and future recharge accretions from the Hofmeister farm will accrue to the South Platte River above the Lower Platte & Beaver headgate, located in the SW1/4 of the SW1/4 of Section 25, Township 4 North, Range 57 West of the 6th P.M., Morgan County, Colorado. 6.1.1.3. Fort Morgan Canal below the Lower Platte & Beaver. The location where return flow accretions and future recharge accretions from Glassey farm will accrue to the South Platte River below the Lower Platte & Beaver headgate, located in the NE1/4 of the SE1/4 of Section 21, Township 4 North, Range 56 West of the 6th P.M., Morgan County, Colorado. 6.1.1.4. Weldon Valley Ditch Central/ACWWA Augmentation Station. An augmentation station located where the Weldon Valley Ditch crosses the west line of the NE1/4 of Section 3, Township 4 North, Range 60 West of the 6th P.M., Morgan County, Colorado. This augmentation station returns water south via a pipeline to a channel that discharges to the South Platte River in the NE1/4 NE1/4 of said Section 3. 6.1.1.5. Weldon Valley Ditch Augmentation Station. An augmentation station located at the end of Weldon Valley Ditch in the SE1/4 of Section 7, Township 4 North, Range 58 West of the 6th P.M., Morgan County, Colorado. This augmentation station delivers water to the South Platte River below the Fort Morgan Canal headgate.

6.1.1.6. ECCV 70 Ranch Recharge Project Quantification Point. The ECCV 70 Ranch Recharge Project was decreed at paragraphs 34-38 of the 404/442 Decree. The Quantification Point for recharge accretions from the ECCV 70 Ranch Recharge Project is the farthest downstream point at which recharge accretions from the ECCV 70 Ranch Recharge Project accrue to the South Platte River at the west section line of Section 23, Township 4 North, Range 62 West of the 6th P.M., Weld County, Colorado, as the section line intersects with the South Platte River.

6.1.2. SPR Reach 4. 6.1.2.1. Downstream End Point of South Platte River Reach 4 – Bijou Canal Headgate. SPR Reach 4 was decreed at paragraph 17.1.7 of the 404/442 Decree as an administrative reach of the South Platte River for the augmentation plans approved in the 403 Decree and the 404/442 Decree as amended by the 306 Decree. SPR Reach 4 is located from the Empire Inlet Canal headgate, located in the SW1/4 of the SW1/4 of Section 19, Township 5 North, Range 63 West of the 6th P.M., Weld County, Colorado, to the Bijou Canal headgate, located on the south bank of the South Platte River in the NE1/4 of the NE1/4 of Section 13, Township 4 North, Range 63 West, of the 6th P.M., Morgan County, Colorado, at a point approximately 95 feet west of the east section line and 604 feet south of the north section line of said Section 13.

6.1.2.2. 70 Ranch Reservoir. Located in the SE1/4 of Section 34, Township 5 North, Range 63 West of the 6th P.M., Weld County, Colorado. The preliminarily designed outlet structure for 70 Ranch Reservoir will allow releases from 70 Ranch Reservoir by gravity flow back to the South Platte River at a point in the SE1/4 of Section 34, Township 5 North, Range 63 West of the 6th P.M., Weld County, Colorado. Water may also be released to the Hardin Seep Canal and delivered to the South Platte River through an existing return ditch in the NW1/4 of the NW1/4 of Section 2, Township 4 North, Range 63 West of the 6th P.M., Weld County, Colorado.

6.1.3. SPR Reach 3. 6.1.3.1. Downstream End Point of South Platte River Reach 3 – Empire Inlet Canal Headgate. SPR Reach 3 was decreed at paragraph 17.1.6 of the 404/442 Decree as an administrative reach of the South Platte River for the augmentation plans approved in the 403 Decree and the 404/442 Decree as amended by the 306 Decree. SPR Reach 3 is located from the Lower Latham Ditch headgate, located in the NW1/4 of the NE1/4 of Section 31, Township 5 North, Range 65 West of the 6th P.M., Weld County, Colorado, to the Empire Inlet Canal headgate, located in the SW1/4 of the SW1/4 of Section 19, Township 5 North, Range 63 West of the 6th P.M., Weld County, Colorado.

6.1.3.2. Confluence of Crow Creek and the South Platte River. Located in SE1/4 of the NE1/4 of Section 24, Township 5 North, Range 64 West of the 6th P.M., Weld County, Colorado. Prior to delivery to the confluence of Crow Creek and the South Platte River for exchange, ECCV intends to divert certain sources of substitute supply, as described in **Exhibit 4**, from the Cache la Poudre River and deliver the substitute supplies from said Canal to Crow Creek in the NW1/4 of the SW1/4 of Section 25, Township 6 North, Range 64 West of the 6th P.M., Weld County, Colorado, where the substitute supplies will be conveyed to the confluence with the South Platte River.

6.1.3.3. Confluence of Lone Tree Creek and the South Platte River. Located in the SE1/4 of the SE1/4 of Section 6, Township 5 North, Range 64 West of the 6th P.M., Weld County, Colorado. Prior to delivery to the confluence of Lone Tree Creek and the South Platte River for exchange, ECCV intends to divert certain sources of substitute supply, as described in **Exhibit 4**, from the Cache la Poudre River to Lone Tree Creek, in the NE1/4 of the NW1/4 of Section 15, Township 6 North, Range 65 West of the 6th P.M., Weld County, Colorado, where substitute supplies will be conveyed to the confluence with the South Platte River.

6.1.3.4. Confluence of the Cache la Poudre River and the South Platte River. Located in the SW1/4 of the SW1/4 (Lot 4) of Section 6, Township 5 North, Range 64 West of the 6th P.M., Weld County, Colorado, the centroid being 590 feet from the west section line and 4,760 feet from the north section line. ECCV will deliver its sources of substitute supply to the confluence of the Cache la Poudre River and the South Platte River by: (1) conveying certain sources of substitute supply, as described in **Exhibit 4**, down the Cache la Poudre River to its confluence with the South Platte River; and/or (2) delivering certain sources of substitute supply, as described in **Exhibit 4**, to the confluence of Sand Creek and the Cache la Poudre River, which is located in the NW1/4 of the NW1/4 of Section 11, Township 5 North, Range 65 West of the 6th P.M., Weld County, Colorado, immediately above the Cache la Poudre River's confluence with the South Platte River. From the confluence of Sand Creek and the Cache la Poudre River, the sources of substitute supply will be conveyed in the Cache la Poudre River to the exchange-from point at the confluence of the Cache

la Poudre River and the South Platte River. 6.1.3.5. Ogilvy Ditch Augmentation Stations. ECCV will use the following augmentation structures to deliver certain sources of substitute supply from the Ogilvy Irrigating Ditch to the South Platte River: (1) an existing augmentation structure near where the Ogilvy Ditch bifurcates located in the NW1/4 of the NE1/4 of Section 9, Township 5 North, Range 64 West of the 6th P.M., Weld County, Colorado, which delivers water to the South Platte River in the NE1/4 of the NW1/4 of Section 15, Township 5 North, Range 64 West of the 6th P.M., Weld County, Colorado; and (2) the end of ditch augmentation structure which delivers water to Crow Creek in the SW1/4 of the SE1/4 of Section 12, Township 5 North, Range 64 West of the 6th P.M., Weld County, Colorado, which delivers water to the South Platte River in the NE1/4 of the SE1/4 of Section 24, Township 5 North, Range 64 West of the 6th P.M., Weld County, Colorado. 6.1.4. SPR Reach 2. 6.1.4.1. Downstream End Point of South Platte River Reach 2– Lower Latham Headgate. SPR Reach 2 was decreed at paragraph 17.1.5 of the 404/442 Decree as an administrative reach of the South Platte River for the augmentation plans approved in the 403 Decree and the 404/442 Decree as amended by the 306 Decree. SPR Reach 2 is located from the Western Mutual Ditch headgate, located in the SE1/4 of the SW1/4 of Section 11, Township 3 North, Range 67 West of the 6th P.M., Weld County, Colorado, to the Lower Latham Ditch headgate, located in the NW1/4 of the NE1/4 of Section 31, Township 5 North, Range 65 West of the 6th P.M., Weld County, Colorado. 6.1.4.2. Strohauer Pond Accretions and Release. The point at which water recharged or discharged at the Strohauer Pond Recharge Site accretes to the South Platte River is located in the NE1/4 of the NW1/4 of Section 31, Township 5 North, Range 65 West of the 6th P.M., Weld County, Colorado. 6.1.4.3. Milliken Reservoir Outlet Structures. Milliken Reservoir has several outlets capable of returning water to the South Platte River at the following locations: (1) the SE1/4 of the NW1/4 of Section 2, Township 3 North, Range 67 West of the 6th P.M., Weld County, Colorado; (2) the NW1/4 of the NW1/4 of Section 35, Township 4 North, Range 67 West of the 6th P.M., Weld County, Colorado; and (3) the SW1/4 of the NE1/4 of Section 26, Township 4 North, Range 67 West of the 6th P.M., Weld County, Colorado. In addition, the North Diversion structure of Milliken Reservoir, located on the South Platte River downstream of the confluence with the St. Vrain River in the NE1/4 of the SW1/4 of Section 26, Township 4 North, Range 67 West of the 6th P.M., Weld County Colorado, can also operate as an outlet from Milliken Reservoir. 6.1.4.4. Confluence of St. Vrain Creek and the South Platte River. Located in the SW1/4 of the NE1/4 of Section 34, Township 4 North, Range 67 West of the 6th P.M., Weld County, Colorado. From this point, water will be exchanged up St. Vrain Creek to the St. Vrain Pipeline Diversion, described below. 6.1.4.5. St. Vrain Pipeline (a/k/a “United Diversion Facility No. 5”). The point of discharge from the St. Vrain Pipeline to the South Platte River will be located in one of the following locations: (1) at a point located upstream of the Highway 66 Bridge as it crosses the South Platte River, which will deliver water to the South Platte River in the SW1/4 of the SW1/4 of Section 19, Township 3 North, Range 66 West of the 6th P.M., Weld County, Colorado; (2) at a point upstream of the Highway 66 Bridge as it crosses the South Platte River, which will deliver water to the South Platte River, in the SE1/4 of the SE1/4 of Section 24, Township 3 North, Range 67 West of the 6th P.M., Weld County, Colorado, or the SE1/2 of Section 25, Township 3 North, Range 67 West of the 6th P.M., Weld County, Colorado; or (3) at a point near the SW1/4 of the SE1/4 of Section 11, Township 3 North, Range 67 West of the 6th P.M., Weld County, Colorado. 6.1.4.6. Haren Recharge Accretions. The point at which water recharged at the Haren Recharge Site accretes to the South Platte River is located in the SW1/4 of Section 8, Township 4 North, Range 66 West of the 6th P.M., Weld County, Colorado. 6.1.4.7. Drouhard Recharge Accretions and Release. The location at which water recharged or discharged at the Drouhard Recharge Site accretes to the South Platte River is located in the E1/2 of the SE1/4 of Section 24, Township 4 North, Range 67 West of the 6th P.M., Weld County, Colorado. 6.1.4.8. Brownwood Augmentation Station. Located in the NW1/4 of Section 25, Township 4 North, Range 67 West of the 6th P.M., Weld County, Colorado, approximately 4.6 miles down ditch from the Western Mutual Ditch headgate. 6.1.4.9. Farmers Independent Ditch Lower Augmentation Station. Located in the SE1/4 of the NE1/4 of Section 1, Township 4 North, Range 66 West of the 6th P.M., Weld County Colorado. 6.1.4.10. Farmers Independent Ditch Pipeline. Located in the NE1/4 of the SE1/4 of Section 36, Township 5 North, Range 66 West of the 6th P.M., Weld County, Colorado. 6.1.5. SPR Reach 1.

6.1.5.1. Downstream End Point of South Platte River Reach 1– FIDCo Upper Augmentation Station. Located in the SE1/4 of the NE1/4 of Section 24, Township 3 North, Range 67 West of the 6th P.M., Weld County, Colorado. 6.1.5.2. Binder Reservoir. Located in the N1/2 of Section 15, Township 1 North, Range 66 West of the 6th P.M., Weld County, Colorado. Water from Binder Reservoir will be released to the South Platte River via the Binder Pipeline at a location on the east bank of the South Platte River, in the NW1/4 of Section 18, Township 1 North, Range 66 West of the 6th P.M., Weld County, Colorado. 6.1.5.3. Brighton Lateral Accretions. The most downstream location of accretions from Brighton Lateral to the South Platte River will be within either the NW1/4 of the NW1/4 or the NE1/4 of the NW1/4, both of Section 18, Township 1 North, Range 66 West of the 6th P.M., Weld County, Colorado. 6.1.5.4. Fulton Irrigating Ditch Augmentation Stations. ECCV will use the following augmentation structures to deliver certain sources of substitute supply from the Fulton Irrigating Ditch to the South Platte River: (1) an existing augmentation structure located in the SW1/4 of the NW1/4 of Section 8, Township 1 North, Range 66 West of the 6th P.M., Weld County, Colorado, which delivers water to the South Platte River, in the SE1/4 of the NW1/4 of Section 7, Township 1 North, Range 66 West of the 6th P.M., Adams County, Colorado; and (2) an augmentation structure to be constructed in Section 3 of the Fulton Ditch, in the NE1/4 of the SE1/4 of Section 28, Township 2 North, Range 66 West of the 6th P.M., Weld County, Colorado, which delivers water to the South Platte River, in the NW1/4 of the NE1/4 of Section 30, Township 2 North, Range 66 West of the 6th P.M., Weld County, Colorado. 6.1.5.5. United Reservoir No. 3 Discharge Point. The point of discharge from United Reservoir No. 3 to the South Platte River is located on the east bank of the South Platte River, in the SW1/4 of Section 26, Township 1 South, Range 67 West of the 6th P.M., Adams County, Colorado, located 1,636 feet east of the west line and 1,531 feet north of the south line of said Section 26. The Exchange-From Points are shown on the map attached to the Application as **Exhibit 2**.

6.2. Exchange-To Points. 6.2.1. SPR Reach 4. 6.2.1.1. 70 Ranch Reservoir Surface Diversion. The surface diversion facility for 70 Ranch Reservoir will be located in the NW1/4 of the SE1/4 of Section 34, Township 5 North, Range 63 West of the 6th P.M., Weld County, Colorado. 6.2.2. SPR Reach 3. 6.2.2.1. Serfer Pit Inlet. Diversions from the Cache la Poudre River into Serfer Pit will be made at the NE1/4 of the NE1/4 of Section 24, Township 6 North, Range 68 West of the 6th P.M., Weld County, Colorado. 6.2.2.2. Powell Spillway. Pumping depletions that accrue to the South Platte River at the Powell Spillway will be replaced at the SE1/4 of the SW1/4 of Section 14, Township 5 North, Range 65 West of the 6th P.M., Weld County, Colorado. 6.2.3. SPR Reach 2. 6.2.3.1. Milliken Reservoir Diversion Points. Water will be diverted from the South Platte River at the following diversion facilities: 6.2.3.1.1. South Diversion. A point of diversion for Milliken Reservoir may be located adjacent to the Jay Thomas Ditch Diversion Dam on the east bank of the South Platte River, in the NW1/4 of the NW1/4 of Section 11, Township 3 North, Range 67 West of the 6th P.M., Weld County, Colorado (referred to as the “South Diversion”). 6.2.3.1.2. North Diversion. A point of diversion for Milliken Reservoir may be located on the South Platte River downstream of the confluence with the St. Vrain River, in the NE1/4 of the SW1/4 of Section 26, Township 4 North, Range 67 West of the 6th P.M., Weld County Colorado (referred to as the “North Diversion”). 6.2.3.1.3. Milliken Pumps. A pump is currently located in the SW1/4 of the SW1/4 of Section 35, Township 4 North, Range 67 West of the 6th P.M., Weld County, Colorado. A pump may also be constructed near the confluence of the South Platte River and the St. Vrain River, in Section 34, Township 4 North, Range 67 West of the 6th P.M., Weld County, Colorado. 6.2.3.1.4. Western Mutual Ditch Headgate. The point of diversion for the Western Mutual Ditch headgate is located on the South Platte River, in the SE1/4 of the SW1/4 of Section 11, Township 3 North, Range 67 West of the 6th P.M., Weld County, Colorado. Water will be delivered to Milliken Reservoir through an interconnect between the Western Mutual Ditch and Milliken Reservoir. 6.2.3.2. Western Mutual Ditch Headgate. Described in paragraph 6.2.3.1.4, above. 6.2.4. SPR Reach 1. 6.2.4.1. Farmers Independent Ditch Headgate. The Farmers Independent Ditch headgate is located on the east bank of the South Platte River in the SW1/4 of Section 19, Township 3 North, Range 66 West of the 6th P.M., Weld County, Colorado. ECCV will deliver water from the Farmers Independent Ditch headgate to the Drouhard Recharge Site. 6.2.4.2. Binder Pipeline. Binder Pipeline will divert water from the east bank of the South Platte River in the NW1/4 of Section 18,

Township 1 North, Range 66 West of the 6th P.M., Weld County, Colorado. Substitute supplies exchanged and conveyed through the Binder Pipeline will be delivered to Binder Reservoir. 6.2.4.3. United Diversion Facility No. 3. United Diversion Facility No. 3 is located on the east bank of the South Platte River, in the SW1/4 of Section 26, Township 1 South, Range 67 West of the 6th P.M., Adams County, Colorado, located 1,636 feet east of the west line and 1,531 feet north of the south line of said Section 26. Substitute supplies exchanged and diverted at the United Diversion Facility No. 3 will be delivered to United Reservoir No. 3. Water stored in United Reservoir No. 3 can be delivered to Barr Lake through the Beebe Pipeline pursuant to the 403 Decree. Water stored in Barr Lake can be delivered to Milton Lake via the Beebe Draw. From Barr Lake the water can also be delivered through a drainage seep to and through the Brighton Lateral to Binder Reservoir, or through the FRICO delivery canals in the Beebe Draw to Highlands Reservoir. Water can also be delivered from United No. 3 through the Beebe Pipeline to and through the Brighton Lateral to Binder Reservoir. 6.2.4.4. Burlington Canal Headgate. The Burlington Canal headgate is, pursuant to a changed point of diversion approved in the 403 Decree, located on the east bank of the South Platte River in the NE1/4 of the SW1/4 of Section 14, Township 3 South, Range 68 West of the 6th P.M., City and County of Denver, Colorado. Substitute supplies exchanged and diverted at the Burlington Canal headgate will be delivered to Barr Lake. Water stored in Barr Lake can be delivered to Milton Lake via the Beebe Draw. From Barr Lake, the water can also be delivered through a drainage seep to and through the Brighton Lateral to Binder Reservoir, or through the FRICO delivery canals in the Beebe Draw to Highlands Reservoir. ECCV may also deliver water to recharge facilities in the Beebe Draw pursuant to the terms and conditions of the ECCV Beebe Draw Recharge Project approved in the 404/442 and 306 Decrees. Water can also be delivered from the Burlington Canal through the Beebe Pipeline to and through the Brighton Lateral to Binder Reservoir. The Exchange-To Points are shown on the map attached to the Application as **Exhibit 2**. 6.3. Rates on the Appropriative Rights of Exchange. 6.3.1. Exchange Matrix. The maximum exchange rates in cubic feet per second for the conditional appropriative rights of exchange are set forth in the Exchange Matrix attached as **Exhibit 5**. 6.4. Date of Appropriation. December 8, 2016. 6.4.1. How Appropriation was Initiated. The appropriation date is based upon the Resolution passed by the ECCV Board of Directors on December 8, 2016. The Notice of Appropriation was posted on December 15, 2016, a copy of which is attached as **Exhibit 3**. 6.4.2. Date Water First Applied to Beneficial Use. Not applicable. 6.5. Uses. Substitute supplies exchanged to the Exchange-To Points described above and discharged to the South Platte River may be: 6.5.1. Used by ECCV to satisfy its replacement obligations in SPR Reaches 1, 2, 3, 4, 5, and the Beebe Draw. 6.5.2. Delivered into recharge facilities at 70 Ranch pursuant to the terms and conditions of the ECCV 70 Ranch Recharge Project approved in the 404/442 Decree. 6.5.3. Used to replace depletions from pumping ECCV's wells on 70 Ranch pursuant to the terms and conditions of the ECCV 70 Ranch Augmentation Plan approved in the 404/442 Decree. 6.5.4. Used to augment depletions to the South Platte River from the ACWWA/ECCV Well Field under the ECCV Augmentation Plan approved in the 403, 404/442, and 306 Decrees, or future augmentation plans if separately decreed. 6.5.5. Delivered to recharge facilities in the Beebe Draw pursuant to the terms and conditions of the ECCV Beebe Draw Recharge Project approved in the 404/442 and 306 Decrees. 6.5.6. Delivered to ECCV's Water Treatment Plant in the Beebe Draw, and then transported via a 31-mile pipeline to ECCV's service area. 6.5.7. Used to meet its historical return flow obligations for ECCV's existing, pending, and future acquired and changed water rights owed to the South Platte River or Cache la Poudre River. 6.5.8. Stored in the following surface storage facilities: 6.5.8.1. 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., Weld County, Colorado, and a portion of the NE1/4 of Section 10, Township 4 North, Range 63 West of the 6th P.M., Weld County, Colorado. 6.5.8.2. Serfer Pit, a lined off-channel reservoir located along the Cache la Poudre River, approximately 2.8 stream miles below the New Cache headgate, 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. 6.5.8.3. Milliken 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. 6.5.8.4. 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. 6.5.8.5. 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. 6.5.8.6. 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. 6.5.8.7. 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. 6.5.8.8. 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. 6.5.8.9. Any future storage facility to which ECCV is legally permitted to store water. 6.6. Sources of Substitute Supply. **Exhibit 4** is a list of the sources of substitute supply claimed herein for the appropriate rights of exchange. **7. Claim for Appropriative Rights of Substitution and Exchange-2016 ECCV Cache la Poudre River Exchange**. 7.1. Exchange-From Points. 7.1.1. Greeley Canal No. 3 Return Structures. ECCV will deliver water associated with its change shares in the Greeley Irrigation Company to the Cache la Poudre and the South Platte Rivers from the following locations: 7.1.1.1. F Street Release Structure. Located in the SE1/4 of the SW1/4 of Section 34, Township 6 North, Range 66 West, Weld County, Colorado, at a point approximately 1,602 feet east of the west section line and 837 feet north of the south section line of Section 34. 7.1.1.2. 23rd Avenue Structure. Located in the NE1/4 of the SE1/4 of Section 1, Township 5 North, Range 66 West, Weld County, Colorado, at a point approximately 1,070 feet west of the east section line and 2,482 feet north of the south section line of Section 1. 7.1.1.3. 16th Street Structure. Located in the NW1/4 SE1/4 of Section 10, Township 5 North, Range 65 West, Weld County Colorado, at a point approximately 1,967 west of the east section line and 2,616 feet south of the north section line of Section 10. 7.1.2. Greeley No. 2 Canal Augmentation Stations. ECCV will deliver water associated with its changed shares in the New Cache la Poudre Irrigating Company and Cache la Poudre Reservoir Company to the Cache la Poudre and the South Platte Rivers from the following locations: 7.1.2.1. A proposed augmentation return structure contemplated for construction near the Greeley Canal No. 2 headgate (the Headgate Augmentation Station); the turnout location off the Greeley Canal No. 2 would likely be within the NE1/4 of the SE1/4 of Section 11, Township 6 North, Range 68 West of the 6th P.M., Larimer County, Colorado. 7.1.2.2. A proposed augmentation station (the Serfer Augmentation Station) in the SE1/4 of the SW1/4 of Section 12, Township 6 North, Range 68 West of the 6th P.M., Larimer County, Colorado. Water turned out from the Greeley No. 2 Ditch at this station would be delivered directly to Serfer Pit, where it could be stored or passed through to the Cache la Poudre River. 7.1.2.3. Law Ditch Augmentation Station, located in NE1/4 of the SE1/4 of Section 15, Township 6 North, Range 67 West of the 6th P.M., Weld County, Colorado, delivers to the Cache la Poudre above the Greeley No. 3 Canal via the John Law Seepage Ditch. 7.1.2.4. A proposed augmentation station (the Orr Lateral Augmentation Station), located in NW1/4 of Section 32, Township 6 North, Range 66 West of the 6th P.M., Weld County, Colorado, on the Orr-Tollgate farm, to deliver to the Cache la Poudre above the Greeley No. 3 Canal. 7.1.2.5. Graham Seep Augmentation Station is located in the NW1/4 of the SE1/4 of Section 13, Township 6 North, Range 66 West, 6th P.M., Weld County, Colorado. Water delivered through this station would enter the Cache la Poudre below the Greeley No. 3 Ditch headgate and above the Ogilvy Ditch headgate. 7.1.2.6. A proposed augmentation station (Carpenter Lateral Augmentation Station), to be located in the SE1/4 of the NW1/4 of Section 19, Township 6 North Range 65 West of the 6th P.M., Weld County, Colorado. It would deliver water to the Cache la Poudre below the Greeley No. 3 Ditch headgate and above the Ogilvy Ditch headgate, via the Carpenter Lateral and Graham Seep. 7.1.2.7. Eaton Draw Augmentation Station is located in the NW1/4 of the NE1/4 of Section 17, Township 6 North, Range 65 West of the 6th P.M., Weld County, Colorado, and delivers to the Cache la Poudre below the Greeley No. 3 Ditch headgate and above the Ogilvy Ditch headgate. 7.1.2.8. Lone Tree Creek Augmentation Station is located in the NE1/4 of the NW1/4 of Section 15, Township 6 North, Range 65 West of the 6th P.M., Weld County, Colorado, and delivers to the South Platte River just below the Cache la Poudre confluence via Lone Tree Creek. 7.1.2.9. Lower Sand Creek Augmentation Station is located in the SE1/4 of the NW1/4 of Section 27, Township 6 North,

Range 65 West of the 6th P.M., Weld County, Colorado, and delivers to the Cache la Poudre River below the Ogilvy Ditch headgate via Sand Creek. 7.1.2.10. Galetton Draw Augmentation Station is proposed to be located in the NE1/4 of Section 7, Township 6 North, Range 64 West of the 6th P.M., Weld County, Colorado. It would deliver to the South Platte River via Lone Tree Creek. 7.1.2.11. Gill Augmentation Station, proposed to be located on or close to the section line dividing Sections 22 and 27 in Township 6 North, Range 64 West of the 6th P.M., Weld County, Colorado, could deliver water to the South Platte River via Crow Creek. 7.1.2.12. Lower Crow Creek Augmentation Station is located more or less on the quarter section line dividing the NW1/4 and the SW1/4 of Section 25, Township 6 North, Range 64 West of the 6th P.M., Weld County, Colorado, and delivers to the South Platte River a short distance above the Empire Ditch headgate. The Exchange-From Points are shown on the map attached to the Application as **Exhibit 2**. 7.2. Exchange-To Point. 7.2.1. Serfer Pit. Diversions from the Cache la Poudre River into Serfer Pit will be made at the NE1/4 of the NE1/4 of Section 24, Township 6 North, Range 68 West of the 6th P.M., Weld County, Colorado. The location of the Serfer Pit is shown on the map attached as **Exhibit 2**. 7.3. Rates on the Appropriative Right of Exchange. 7.3.1. Exchange Matrix. The maximum exchange rates in cubic feet per second for the conditional appropriative rights of exchange are set forth in the Exchange Matrix attached as **Exhibit 6**. 7.4. Date of Appropriation. December 8, 2016. 7.4.1. How Appropriation was Initiated. The appropriation date is based upon the Resolution passed by the ECCV Board of Directors on December 8, 2016. The Notice of Appropriation was posted on December 15, 2016, a copy of which is attached as **Exhibit 3**. 7.4.2. Date Water First Applied to Beneficial Use. Not applicable. 7.5. Uses. Substitute supplies exchanged to Serfer Pit described above and discharged to the Cache la Poudre River may be: 7.5.1. Used by ECCV to satisfy its replacement obligations in SPR Reaches 1, 2, 3, 4, 5, and the Beebe Draw. 7.5.2. Delivered into recharge facilities at 70 Ranch pursuant to the terms and conditions of the ECCV 70 Ranch Recharge Project in the 404/442 Decree. 7.5.3. Used to replace depletions from pumping ECCV's wells on 70 Ranch pursuant to the terms and conditions of the ECCV 70 Ranch Augmentation Plan in the 404/442 Decree. 7.5.4. Used to augment depletions to the South Platte River from the ACWWA/ECCV Well Field under the ECCV Augmentation Plan pursuant to the 403, 404/442, and 306 Decrees, or future augmentation plans if separately decreed. 7.5.5. Used as a source of substitute supply for the appropriative right of exchange pursuant to the 285 Decree, the exchanges claimed herein, or future exchanges if separately decreed. 7.5.6. Delivered to recharge facilities in the Beebe Draw pursuant to the terms and conditions of the ECCV Beebe Draw Recharge Project in the 404/442 and 306 Decrees. 7.5.7. Delivered to ECCV's Water Treatment Plant in the Beebe Draw, and then transported via a 31-mile pipeline to ECCV's service area. 7.5.8. Used to meet its historical return flow obligations for ECCV's existing, pending, and future acquired and changed water rights owed to the South Platte River or Cache la Poudre River. 7.5.9. Stored in the following surface storage facilities: 7.5.9.1. 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., Weld County, Colorado, and a portion of the NE1/4 of Section 10, Township 4 North, Range 63 West of the 6th P.M., Weld County, Colorado. 7.5.9.2. Milliken 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. 7.5.9.3. 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. 7.5.9.4. 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. 7.5.9.5. 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. 7.5.9.6. Binder Reservoir, 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. 7.5.9.7. 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. 7.5.9.8. Any future storage facility to which ECCV is legally permitted to store water. 7.6. Sources of Substitute Supply. **Exhibit 4** is a list of the sources of substitute supply claimed herein for the appropriative rights of exchange. 7.7.

Substitute Water Supply Projections. ECCV shall make projections of the yield of the 2016 ECCV Exchanges pursuant to the procedures described in paragraph 16 of the 403 Decree and paragraph 68 of the 404/442 Decree. ECCV shall incorporate the projected yield into the augmentation plans approved in the 403 and 404/442 Decrees pursuant to the notice of use procedures described in paragraphs 19.2 and 17.3, respectively, of those decrees. **8. Claim for Appropriative Rights of Substitution and Exchange- 2016 ECCV Beebe Canal Exchange.** 8.1.Exchange-From Points. 8.1.1. Highlands Reservoir. Highlands Reservoir is located in the Beebe Draw as described above in paragraph 3.3.2. Water will be released to the Beebe Seep Canal through the outlet works of Highlands Reservoir. The location of the outlet structure for Highlands Reservoir has not yet been finally determined. The preliminary design anticipates that Highlands Reservoir will be gravity drained under Weld County Road (“WCR”) 39 into the existing drainage that has pipe crossings of the railroad and Interstate 76, and then flows west on the south side of WCR 4 to the Beebe Draw in the NW1/4 of the NE1/4 of Section 31, Township 1 North, Range 65 West of the 6th P.M., Weld County, Colorado. An inlet structure from the Beebe Seep Canal, the potential locations of which are described above in paragraph 3.3.3.3, may be designed to also deliver water from Highlands Reservoir to the Beebe Seep Canal, and as an outlet structure it would also be an exchange-from point. 8.1.2. Milton Lake. Milton Lake is located in Sections 10, 11, 14, 15, 22, and 23, Township 3 North, Range 65 West of the 6th P.M., Weld County, Colorado. The Exchange-From Points are shown on the map attached to the Application as **Exhibit 2**. 8.2. Exchange-To Points. 8.2.1. Barr Lake. Barr Lake is located in portions of Sections 15, 21, 22, 23, 26, 27, 28, and 33, Township 1 South, Range 66 West, 6th P.M., Weld County, Colorado. 8.2.2. Toe of Barr Lake Dam. The toe of Barr Lake Dam is located in the NW1/4 of Section 23, Township 1 South, Range 66 West, 6th P.M., Weld County, Colorado, approximately 390 feet from the north section line and 930 feet from the west section line of said Section 23. 8.2.3. DeSanti Headgate. The headgate for the DeSanti Parcel is located on the DeSanti Parcel, which is located in the SE1/4 of Section 11, Township 1 South, Range 66 West, 6th P.M., Adams County, Colorado. 8.2.4. Highlands Reservoir Beebe Seep Canal Diversion(s). The Highlands Reservoir Beebe Seep Canal diversion points are located in the Beebe Draw, as described above in paragraph 3.3.3.3. Water will be exchanged to these points from Milton Reservoir. The Exchange-To Points are shown on the map attached to the Application as **Exhibit 2**. 8.3. Rates on the Appropriative Right of Exchange. 8.3.1. Exchange Matrix. The maximum exchange rates in cubic feet per second for the conditional appropriative rights of exchange are set forth in the Exchange Matrix attached as **Exhibit 7**. 8.4. Date of Appropriation. December 8, 2016. 8.4.1. How Appropriation was Initiated. The appropriation date is based upon the Resolution passed by the ECCV Board of Directors on December 8, 2016. The Notice of Appropriation was posted on December 15, 2016, a copy of which is attached as **Exhibit 3**. 8.4.2. Date Water First Applied to Beneficial Use. Not applicable. 8.5. Uses. Water diverted by exchange under the 2016 ECCV Beebe Canal Exchange will be used to satisfy ECCV’s replacement obligations in the Beebe Draw and delivered to recharge facilities in the Beebe Draw pursuant to the terms and conditions of the ECCV Beebe Draw Recharge Project approved in the 404/442 and 306 Decrees. 8.6. Sources of Substitute Supply. **Exhibit 4** is a list of the sources of substitute supply claimed herein for the appropriative rights of exchange. 8.7. Substitute Water Supply Projections. ECCV shall make projections of the yield of the 2016 ECCV Exchanges pursuant to the procedures described in paragraph 16 of the 403 Decree and paragraph 68 of the 404/442 Decree. ECCV shall incorporate the projected yield into the augmentation plans approved in the 403 and 404/442 Decrees pursuant to the notice of use procedures described in paragraphs 19.2 and 17.3, respectively, of those decrees. The 2016 ECCV South Platte River and St. Vrain Creek Exchange, 2016 ECCV Cache la Poudre Exchange and 2016 ECCV Beebe Canal Exchange are collectively referred to in this Application as the “2016 ECCV Exchanges.” **9. ECCV’s Independent Claim to Appropriate Return Flows Associated with its Changed Shares in the Greeley Irrigation Company (“ECCV’s GIC Shares”).** 9.1. Name of Structure. Greeley Canal No. 3, the decreed headgate location of which is on the South side of the Cache la Poudre River, in the NW1/4 of the SE1/4 of Section 32, Township 6 North, Range 66 West of the 6th P.M., Weld County, Colorado. 9.2. ECCV’s GIC Shares. By the decree entered in Case No. 06CW40 (“40 Decree”), ECCV changed the place and type of use of 5.472 shares of the

Greeley Irrigation Company from irrigation to all municipal uses, including augmentation, replacement, exchange, storage, and recharge. 9.3. Claim to Appropriate Return Flows. When the calling water right downstream of the Greeley Canal No. 3 headgate is junior to December, 2016 or there is no call from downstream of the Greeley Canal No. 3 headgate, ECCV seeks the right to use, reuse, successively use, and use, to extinction, for all of the purposes described in paragraph 9.7, below, the historical return flow portion of its irrigation season delivery of ECCV's GIC Shares and the winter return flow portion of its previous irrigation season delivery of ECCV's GIC Shares. 9.4. Appropriation Information. 9.4.1. Date of Appropriation. December 29, 2016. 9.4.2. How Appropriation was Initiated. The appropriation date is based upon the date the Application in this case was filed. 9.4.3. Date Water First Applied to Beneficial Use. Not applicable. 9.5. Source. Cache la Poudre River. 9.6. Amount Claimed. Any and all amounts of return flows determined to be attributable to ECCV's GIC Shares, conditional. 9.7. Claimed Uses. 9.7.1. Use in ECCV's Plans for Augmentation. ECCV seeks to use the water attributable to the return flows associated with ECCV's changed GIC Shares as a source of replacement water in the ACWWA/ECCV Augmentation Plan approved in the 403, 404/442, and 306 Decrees, for pumping water for delivery to ECCV's service area from the ACWWA/ECCV Well Field. ECCV will follow the procedures in the 403 and 404/442 Decrees to add its return flows as a source of replacement supply. ECCV also seeks to use the water attributable to its return flows associated with ECCV's GIC Shares as a source of replacement water pursuant to the 70 Ranch Augmentation Plan approved in the 404/442 and 306 Decrees. ECCV will follow the procedures in paragraph 25.6.1 of the 404/442 Decree to add its return flows as a source of replacement supply. In addition, ECCV seeks to use the water attributable to the return flows associated with ECCV's GIC Shares as a source of replacement water in plans for augmentation that it may seek in the future. 9.7.2. Use in ECCV's Recharge Projects. ECCV seeks to use the water attributable to the return flows associated with ECCV's GIC Shares for recharge by delivering the water to the recharge facilities located in the Beebe Draw and on 70 Ranch pursuant to the terms and conditions of the 404/442 and 10CW306 Decrees. 9.7.3. Use in ECCV's Exchanges and/or Storage. ECCV seeks to use the water attributable to the return flows associated with ECCV's GIC Shares, either directly or following storage, as a source of substitute supply for the appropriative right of exchange approved in the 404/442 and 285 Decrees. ECCV seeks to store and exchange the water attributable to its return flows associated with ECCV's GIC Shares in Barr Lake, United Reservoir No. 3, and Milliken Reservoir pursuant to the decree entered in Case No. 11CW280 ("280 Decree"). ECCV also seeks to store the water attributable to the return flows associated with ECCV's GIC Shares in 70 Ranch Reservoir and the Serfer Pit. 9.7.4. All Municipal Uses. ECCV seeks to use the water attributable to the return flows associated with ECCV's GIC Shares for all municipal uses via augmentation and exchange. ECCV's municipal uses include but are not limited to domestic, mechanical, manufacturing, commercial, industrial, exchange, augmentation and replacement, recharge, substitute supply, including further exchange with other water systems and with other water users, and for all other beneficial uses within the present and future service area of ECCV. 9.7.5. 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, exchange, augmentation, or otherwise, to extinction all water exchanged, lawfully diverted and/or impounded pursuant to the decree entered in this case. **10. ECCV's Claim to Appropriate Return Flows Associated with its Changed Shares in the Farmers Independent Ditch Company ("ECCV's FIDCO Shares")**. 10.1. Name of Structure. Farmers Independent Ditch, the decreed headgate is located on the east bank of the South Platte River in the SW1/4 of Section 19, Township 3 North, Range 66 West of the 6th P.M., Weld County, Colorado. 10.2. ECCV's FIDCO Shares. In the decree entered in Case No. 12CW73 ("73 Decree"), ECCV changed the place and type of use of 17.5 shares of the Farmers Independent Ditch Company from irrigation to all municipal uses, including augmentation, replacement, exchange, storage, and recharge. 10.3. Claim to Appropriate Return Flows. When the calling water right downstream of the Farmers Independent Ditch headgate is junior to December, 2016 or there is no call from downstream of the Farmers Independent Ditch headgate, ECCV seeks the right to use, reuse, successively use, and use to extinction, for all of the purposes described above in paragraph 9.7, the historical return flow portion of its irrigation season

delivery of ECCV's FIDCO Shares and the winter return flow portion of its previous irrigation season delivery of ECCV's FIDCO Shares. 10.4. Appropriation Information. 10.4.1. Date of Appropriation. December 29, 2016. 10.4.2. How Appropriation was Initiated. The appropriation date is based upon the date the Application in this case was filed. 10.4.3. Date Water First Applied to Beneficial Use. Not applicable. 10.5. Source. South Platte River. 10.6. Amount Claimed. Any and all amounts of return flows determined to be attributable to ECCV's FIDCO Shares, conditional. 10.7. Claimed Uses. ECCV's claimed uses for the water attributable to the return flows associated with ECCV's FIDCO Shares are described above in paragraph 9.7. **11. ECCV's Claim to Appropriate Return Flows Associated with its Changed Shares in the Weldon Valley Ditch Company ("ECCV's Weldon Shares")**. 11.1. Name of Structure. Weldon Valley Ditch, the decreed point of diversion is located on the North bank of the South Platte River, in the SW1/4 NW1/4 SE1/4 of Section 13, Township 4 North, Range 61 West of the 6th P.M., Weld County, Colorado. 11.2. ECCV's Weldon Shares. In Case No. 11CW151/05CW58 ("151 Case"), which is currently pending before this Court, ECCV is seeking to change the place and type of use of 44 shares of the Weldon Valley Ditch Company from irrigation to all municipal uses, including augmentation, replacement, exchange, storage, and recharge. 11.3. Claim to Appropriate Return Flows. When the calling water right downstream of the Weldon Valley Ditch headgate is junior to December, 2016 or there is no call from downstream of the Weldon Valley Ditch headgate, ECCV seeks the right to use, reuse, successively use, and use to extinction, for all of the purposes described in paragraph 9.7, above, the historical return flow portion of its irrigation season delivery of ECCV's Weldon Shares and the winter return flow portion of its previous irrigation season delivery of ECCV's Weldon Shares. 11.4. Appropriation Information. 11.4.1. Date of Appropriation. December 29, 2016. 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 ECCV's Weldon Shares, conditional. 11.7. Claimed Uses. ECCV's claimed uses for the water attributable to the return flows associated with ECCV's Weldon Shares are described in paragraph 9.7, above. **12. Change in Use of ECCV's Previously Changed Water Rights**. 12.1. Change in Use. Pursuant to Colo. Rev. Stat. Ann. § 37-92-305(3)(e), ECCV seeks to change its previously-quantified water rights described below to allow such water to be used and stored as described below. 12.1.1. Farmers Independent Ditch Company Shares. In the 73 Decree, ECCV originally changed 17.5 Farmers Independent Ditch shares from irrigation use to municipal, augmentation, replacement, recharge, exchange, and substitution uses either directly or following recharge and/or storage. 12.1.2. Greeley Irrigation Company Shares. Pursuant to the 40 Decree, ECCV originally changed 5.472 Greeley Irrigation Company shares from irrigation use to municipal, augmentation, replacement, recharge, exchange, and substitution uses either directly or following recharge and/or storage. 12.1.3. Weldon Valley Ditch Company Shares. In the 151 Case, ECCV requests to change 44 Weldon Valley Ditch shares from irrigation use to municipal, augmentation, replacement, recharge, exchange, and substitution uses either directly or following recharge and/or storage. 12.2. Surface Storage Structures and Locations: ECCV may store its previously changed water rights in the following surface storage structures for subsequent delivery into ECCV's or ACWWA's municipal system or for use as a source of augmentation, replacement, recharge, exchange or substitute supply: 12.2.1. 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., Weld County, Colorado, and a portion of the NE1/4 of Section 10, Township 4 North, Range 63 West of the 6th P.M., Weld County, Colorado. 12.2.2. 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. 12.2.3. 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. 12.2.4. Any future storage facility to which ECCV is legally permitted to store water. (38 pages, 7 Exhibits).

**16CW3197 Mountain Mutual Reservoir Company**, 6949 Highway 73, Suite 15, Evergreen, Colorado

80439, **North Fork Associates, LLC**, 2686 South Yukon Court, Lakewood, Colorado 80227 and **X Brand Ranch, LLC**, c/o Susan Hickel-Carpenter, P. O. Box 135, Shawnee, Colorado 80475. (c/o David C. Lindholm, Esq., P. O. Box 18903, Boulder, Colorado 80308-1903). APPLICATION FOR CHANGE OF WATER RIGHT. **IN PARK COUNTY**. 2. Decreed Water Right for which Change is Sought: A. Name of Structure: Slaght Ditch. B. Date of Original Decree: May 22, 1913. Case No.: Civil Action 1678. Court: Park County District Court. C. Decreed Points of Diversion: The Decree entered in Civil Action 1678 established the point of diversion as a point on the North bank of the North Fork of the South Platte River, whence the Southwest corner of Section 22, Township 7 South, Range 73 West, 6th P.M. bears South 10° 15' East, a distance of 2,048 feet, more or less. Pursuant to a decree entered by the District Court for Water Division 1 in Case No. 82CW472, on October 3, 1983, the Maddox Reservoir Feeder Ditch was approved as an alternate point of diversion for the Slaght Ditch water right. The point of diversion of the Maddox Reservoir Feeder Ditch is located on the North bank of the North Fork of the South Platte River in the NE1/4 SE1/4 of Section 21, Township 7 South, Range 73 West, 6th P.M., approximately 2,060 feet North and 490 feet West of the Southeast Corner of Section 21. D. Decreed Source of Water: North Fork of the South Platte River. E. Appropriation Date: May 1, 1863. F. Total Amount Decreed to Structure: 2.0 cubic feet per second. Note: In Case No. 79CW339, 0.12 of a cubic foot per second of the Slaght Ditch water right was changed to augmentation, replacement and storage purposes. In Case No. 81CW253, the point of diversion for 0.008 of a cubic foot per second of the Slaght Ditch water right was changed to a new location, with the water continuing to be used for irrigation purposes. In Case No. 03CW238, 0.481 of a cubic foot per second was changed to augmentation, replacement, exchange and storage purposes. In Case No. 03CW239, 0.183 of a cubic foot per second was changed to augmentation, replacement and storage purposes. In Case No. 03CW426, 0.481 of a cubic foot per second was changed to augmentation, replacement and storage purposes, and alternate points of diversion were approved. G. Decreed Use: Irrigation. H. Amount of Water to be Changed: 0.727 of a cubic foot per second. 3. Detailed Description of Proposed Change. A. The Slaght Ditch water right described herein is decreed for and historically has been used for irrigation purposes. Applicants request that the type of use and the place of use of 0.727 of a cubic foot per second of the water right decreed to the Slaght Ditch be changed so as to allow the water to be used for augmentation, replacement, exchange and storage purposes by shareholders of the Mountain Mutual Reservoir Company, ("MMRC"). B. The Decree entered in Case No. 82CW472 determined that 1.872 cubic feet per second of the Slaght Ditch water right was historically used for irrigation purposes on 54.51 acres located in the S 1/2 of Section 22, Township 7 South, Range 73 West, 6th P.M., Park County. Maps depicting the point of diversion for the Slaght Ditch and Maddox Feeder Ditch, as well as the location of the 54.51 historically irrigated acres, are attached as Exhibits "A-1" and "A-2." A summary of diversion records for the Slaght Ditch during the period 1975 through 2000, is attached as Exhibit "B." C. The transfers approved by the Court in Case Nos. 03CW238, 03CW239 and 03CW426 were based on a ditch wide analysis of the Slaght Ditch. The Court determined that the average historical consumptive use yield for the Slaght Ditch water right is 1.79 acre feet per irrigated acre, or 82.0 acre feet per year for the 1.872 cubic feet per second referenced in the 82CW472 Decree. Paragraph No. 9 of the Decree in Case No. 03CW238 states that the determination "shall be *res judicata* in future proceedings involving the Slaght Ditch water right." Therefore, the average consumptive use yield for the 0.727 of a cubic foot per second of the Slaght Ditch water right that is the subject of this Application is 31.84 acre feet pursuant to C.R.S. §37-92-305(3)(e) and *Williams v. Midway Ranches*, 938 P.2d 515 (Colo. 1997). D. The use of the water for augmentation, replacement, exchange and storage purposes will be pursuant to the same terms and conditions as those decreed in Case No. 03CW238, and can be summarized as follows: (i) Only the historic consumptive use portion of the Slaght Ditch water right described herein shall be utilized for replacement, augmentation, exchange and storage purposes. The terms and conditions defining how the water is used in particular augmentation plans will be determined by subsequent decrees issued after publication of the details of each plan in the water resume, or with the approval of the State Engineer pursuant to C.R.S. §37-80-120 and §37-92-308. (ii) The Slaght Ditch water may be left in the stream system to offset depletions from water use by MMRC shareholders. To the extent the Slaght Ditch water

is not needed for immediate use, the water may be stored in Maddox Reservoir, located in the NE1/4 SW 1/4 of Section 22, Township 7 South, Range 73 West, 6th P.M., Park County. The water will be diverted at the headgate of the Maddox Reservoir Feeder Ditch. (iii) The maximum rate of diversion under the Slaght Ditch priority that is the subject of this Application will be 0.470 of a cubic foot per second. (iv) Diversions to storage and/or assignment for in-stream augmentation credit shall be limited to the period May 1 through October 31 of each year, and shall further be limited to those times and to such amounts of water that is physically and legally available for diversion at the historic Slaght Ditch headgates. If the May 1, 1863, priority decreed to the Slaght Ditch is not fully satisfied to the extent of 2.0 cubic feet per second, MMRC's diversions shall be limited to its pro-rata entitlement to the water then physically and legally available. (v) Maximum annual diversions shall be limited to 38.2 acre feet per year. During any consecutive ten year period, total diversions shall further be limited to 318 acre feet. (vi) Return flows historically occurred in the same month as diversions were made. Therefore, by discontinuing use of the Slaght Ditch water right for irrigation purposes, the historic pattern of return flows will be maintained. (vii) 0.257 cfs of MMRC's pro-rata entitlement to the May 1, 1863, priority decreed to the Slaght Ditch shall be abandoned to the North Fork of the South Platte River, upon expiration of the retained jurisdiction period of the Court. (viii) At such time as the Slaght Ditch water right that is the subject of this transfer begins to be used for augmentation purposes, a proportionate amount of historically irrigated lands under the Slaght Ditch will cease being irrigated. Irrigation on a maximum of 21.2 acres under the Slaght Ditch shall be discontinued under this decree. Dry-up may be accomplished as a result of development and construction on the land. The restriction on irrigation shall not prohibit future irrigation if the water involved has been transferred through an appropriate Court proceeding; if the irrigation is accomplished using water from a well or surface right covered by a decreed plan for augmentation or substitute water supply plan approved by the State Engineer, if the irrigation is from an exempt well permitted by the State Engineer, if the irrigation is with non-tributary or transbasin water, or if the water is supplied by a municipality, a water district or other governmental agency. 4. Name(s) and Address(es) of Owners or Reputed Owner(s) of the Land upon which any new Diversion or Storage Structure, or Modification to any Existing Diversion or Storage Structure is or will be Constructed or upon which Water is or will be Stored, Including any Modification to the Existing Storage Pool: Applicants, as described above. WHEREFORE, Applicants request the entry of a decree approving the change of water right requested in this application. (9 pages and three exhibits).

**16CW3198 Four Mile Fire Protection District (“District” or “Applicant”), APPLICATION FOR WATER STORAGE RIGHTS AND APPROVAL OF PLAN FOR AUGMENTATION IN BOULDER COUNTY.** Applicant, Four Mile Fire Protection District (“District” or “Applicant”), by and through its attorneys, Yates Law Firm, LLC, for its Application for Water Storage Rights and Approval of Plan for Augmentation, states as follows: The name and address of the Applicant is: Four Mile Fire Protection District 1740 Four Mile Canyon Drive Boulder, Colorado 80302 Please forward all correspondence or inquiries regarding this matter to: Alan G. Hill Yates Law Firm, LLC 303 East 17<sup>th</sup> Avenue, Suite 940 Denver, Colorado 80203 The purpose of this application is to adjudicate water storage rights and a plan for augmentation for four off-channel ponds (“Ponds” or “Reservoirs”) used as sources of water for firefighting and training by the Applicant. The Ponds are located on privately owned properties adjacent to Four Mile Creek, a tributary of Boulder Creek, in the mountains west of Boulder, Colorado. The property owners have authorized use of water from the Ponds for firefighting and training by the District. A map showing the location of the water rights and structures in the application is attached as Exhibit A. **FIRST CLAIM FOR RELIEF** Adjudication of Water Storage Rights\_Name of Reservoir: Black Swan Pond Prior Decree: Entered April 20, 1982, in Case No. 81CW413, District Court for Water Division No. 1, Colorado, adjudicating a storage water right with an appropriation date of May 1, 1969 in the amount of 0.3 acre-feet with the right to refill continuously when in priority for recreation, fish and wildlife propagation, and well recharge. Legal Description: Location of Reservoir: NE1/4 SW1/4 of Section 17, Township 1 North, Range 71 West of the 6th P.M. in Boulder County, Colorado at a point 2410 feet from the South section line and 1830 feet from the West section line. If off-channel reservoir,

name and capacity of ditch or ditches used to fill reservoir, and legal description of each point of diversion: Black Swan Feeder that diverts from the east bank of Four Mile Creek in the NE1/4 SW1/4 of Section 17, Township 1 North, Range 71 West of the 6th P.M. in Boulder County, Colorado at a point 2510 feet from the South section line and 1810 feet from the West section line. Source: Four Mile Creek Date of appropriation: May 1, 1969 How appropriation was initiated: Field investigation, engineering investigation, design work and commencement of construction. Date water applied to beneficial use: May 1, 1969 Sources filling the structure: Diversions from Four Mile Creek. Direct precipitation on the reservoir. Local runoff and tributary inflows to the reservoir. Amount Claimed: In acre feet: 0.3 acre feet, with the right of continuous and multiple refills when in priority. If off-channel reservoir, rate of diversion in cfs for filling the reservoir: Approximately one cfs. Use: Fire protection, including fire protection training, recreational, piscatorial, and augmentation. Surface area of high water line: 0.06 acres. Total capacity of reservoir in acre feet: 0.3 acre feet, all active capacity accessible via pumping. There is no dead storage in the reservoir. Name and address of owner of land on which structure for water right is located: Robert and Patricia Beebe 4451 Fourmile Canyon Drive Boulder, Colorado 80302 Name of Reservoir: Walsh Pond Prior Decree: None. Legal Description: Location of Reservoir: NE1/4 NW1/4 of Section 19, Township 1 North, Range 71 West of the 6th P.M., Boulder County, Colorado at a point 730 feet from the North Section line and 2270 feet from the West section line. If off-channel reservoir, name and capacity of ditch or ditches used to fill reservoir, and legal description of each point of diversion: Walsh Pond Feeder that diverts from the south bank of Four Mile Creek in the NE1/4 NW1/4 of Section 19, Township 1 North, Range 71 West of the 6th P.M., Boulder County, Colorado at a point 760 feet from the North section line and 2175 feet from the West section line. Source: Four Mile Creek Date of appropriation: September 1, 1973. How appropriation was initiated: Commencement of construction as evidenced by existence of the pond in an October 14, 1973 aerial photograph. Date water applied to beneficial use: October 14, 1973. Sources filling the structure: Diversions from Four Mile Creek. Direct precipitation on the reservoir. Local runoff and tributary inflows to the reservoir. Amount Claimed: In acre feet: 0.52 acre feet, with the right of continuous and multiple refills when in priority. If off-channel reservoir, rate of diversion in cfs for filling the reservoir: Approximately one cfs. Use: Fire protection, including fire protection training, recreational, piscatorial, and augmentation. Surface area of high water line: 0.13 acres. Total capacity of reservoir in acre feet: 0.52 acre feet, all active capacity accessible via pumping. There is no dead storage in the reservoir. Name and address of owner of land on which structure for water right is located: Mike and Layna Hester 5928 Fourmile Canyon Drive Boulder, Colorado 80302 Name of Reservoir: Kier Ponds Prior Decree: Entered January 20, 2005, in Case No. 02CW304, District Court for Water Division No. 1, Colorado, adjudicating a storage water right with an appropriation date of December 31, 1876 in the amount of 0.8 acre-feet with the right to fill and refill when water is legally available for recreation, fish habitat, fire protection, wildlife preservation and propagation and well recharge. Legal Description: Location of Reservoir: NW1/4 NW1/4 of Section 19, Township 1 North, Range 71 West of the 6th P.M. in Boulder County, Colorado. The Kier Ponds consist of an Upper Kier Pond located 1180 feet from the North section line and 550 feet from the West section line, and a Lower Kier Pond located 1160 feet from the North section line and 680 feet from the West section line. The ponds are connected by a short channel, are filled from the same diversion structure and are considered a single storage facility for purposes of this application. If off-channel reservoir, name and capacity of ditch or ditches used to fill reservoir, and legal description of each point of diversion: Kier Ponds Feeder that diverts from the south bank of Four Mile Creek in the NW1/4 NW1/4 of Section 19, Township 1 North, Range 71 West of the 6th P.M. at a point 1160 feet from the North section line and 450 feet from the West section line. Source: Four Mile Creek Date of appropriation: December 31, 1876. How appropriation was initiated: Field investigation, engineering investigation, design work and commencement of construction. Date water applied to beneficial use: December 31, 1876. Sources filling the structure: Diversions from Four Mile Creek. Direct precipitation on the reservoir. Local runoff and tributary inflows to the reservoir. Amount Claimed: In acre feet: 0.8 acre feet, with the right of continuous and multiple refills when in priority. If off-channel reservoir, rate of diversion in cfs for filling the reservoir: Approximately one cfs. Use:

Augmentation, and exchange and substitution. Surface area of high water line: 0.26 acres. Total capacity of reservoir in acre feet: 0.8 acre feet, all active capacity accessible via pumping. There is no dead storage in this reservoir. Name and address of owner of land on which structure for water right is located: Mark Hoge 6231 Fourmile Canyon Drive Boulder, Colorado 80302 Name of Reservoir: Sunset Pond Prior Decree: None. Legal Description: Location of Reservoir: SW1/4 NW1/4 of Section 21, Township 1 North, Range 72 West of the 6th P.M., Boulder County, Colorado at a point 2150 feet from the North section line and 185 feet from the West section line. If off-channel reservoir, name and capacity of ditch or ditches used to fill reservoir, and legal description of each point of diversion: Sunset Pond Feeder that diverts from the north bank of Four Mile Creek in the SW1/4 NW1/4 of Section 21, Township 1 North, Range 72 West of the 6th P.M., Boulder County, Colorado at a point 2225 feet from the North section line and 60 feet from the West section line. Source: Four Mile Creek Date of appropriation: September 1, 1973. How appropriation was initiated: Commencement of construction as evidenced by existence of the pond in an October 14, 1973 aerial photograph. Date water applied to beneficial use: October 14, 1973. Sources filling the structure: Diversions from Four Mile Creek. Direct precipitation on the reservoir. Local runoff and tributary inflows to the reservoir. Amount Claimed: In acre feet: 0.3 acre feet, with the right of continuous and multiple refills when in priority. If off-channel reservoir, rate of diversion in cfs for filling the reservoir: Approximately one cfs. Use: Fire protection, including fire protection training, recreational, piscatorial, and augmentation. Surface area of high water line: 0.06 acres. Total capacity of reservoir in acre feet: 0.42 acre feet, all active capacity accessible via pumping. There is no dead storage in this reservoir. Name and address of owner of land on which structure for water right is located: Lance Bieber 10571 Fourmile Canyon Drive Boulder, Colorado 80302 Applicant requests that the court enter a decree for the water storage rights claimed, and decrees the changed uses for the previously decreed water storage rights. SECOND CLAIM FOR RELIEF Approval of Plan for Augmentation Applicant seeks a decree approving a plan for augmentation to augment or replace out-of-priority diversions to storage in the Ponds that are otherwise not legally exempt from priority administration. Approval of the plan for augmentation would allow Applicant to keep the Ponds full of water for fire protection and other uses at times when curtailment or release would otherwise be required. Structures to be Augmented Diversions to storage in the four Ponds described in the First Claim for relief herein when diversions under the previously decreed storage water rights or new storage water rights are out of priority and required to be curtailed. Water Rights to be Used for Augmentation Lease from Pine Brook Water District. Applicant has entered into a short-term Water Lease Agreement with the Pine Brook Water District ("Pine Brook"), a special district of the State of Colorado, under which Pine Brook has agreed to provide fully consumable water under its water rights for augmentation use by the Applicant. The Applicant is currently negotiating a purchase or long-term lease of fully consumable water replacement water from Pine Brook. The augmentation water provided by Pine Brook by purchase or lease will be derived from the water rights described in the decree entered on May 8, 1984 in Case No. 81CW466, District Court for Water Division No. 1, Colorado. The fully consumable water rights owned by Pine Brook and described in the 81CW466 decree include the following: One (1) share of Farmers Ditch water. The average historic consumptive use of water represented by Pine Brook's one (1) share is 62.2 acre feet per year. The Farmers Ditch diverts from the North bank of Boulder Creek in former Water District No. 6 at a point in the NW1/4 of Section 36, Township 1 North, Range 71 West of the 6th P.M., Boulder County, Colorado. Thirty-four (34) shares of Boulder and White Rock Ditch and Reservoir Company water. The average historic consumptive use of water represented by Pine Brook's thirty-four (34) shares is 23.1 acre feet per year (11.3 acre feet attributable to direct flow water and 11.8 acre feet attributable to storage water). The Boulder and White Rock Ditch diverts water from the North bank of Boulder Creek in the SW1/4 SW1/4 of Section 30, Township 1 North, Range 70 West of the 6th P.M. near the Broadway Street Bridge in the City of Boulder, Boulder County, Colorado. An undivided three-fourths (3/4ths) interest in 3.59 cubic feet per second adjudicated to the Wellman, Nichols and Hahn Ditch out of Boulder Creek as transferred by decree of the water court in Water Division No. 1 in Case No. W-8461-77 dated August 8, 1978. Diversions of the subject water right by Pine Brook are limited to 85 acre-feet per year. Pine Brook's interest in the water rights described above were changed from

irrigation to municipal, including but not limited to domestic, stock watering, irrigation, and recreation for use either directly by Pine Brook or for replacement or exchange. The points of diversion for Pine Brook's interest in the Farmers Ditch, Wellman, Nichols and Hahn Ditch, and Boulder and White Rock Ditch direct flow rights were changed to allow diversion at the following alternate points of diversion: Well No. P.B. 13 (a/k/a Wittemyer Well No. 1-9295-F); adjudicated in Case No. W-6325, Water Division No. 1, and located in the SE1/4 SE1/4 of Section 21, Township 1 North, Range 71 West of the 6th P.M., Boulder County, Colorado at a point 1,040 feet North and 710 feet West of the SE corner of said Section 21. Pine Brook Four Mile Surface Diversion (a/k/a Wittemyer Pump and Pipeline) located in Section 21, Township 1 North, Range 71 West of the 6th P.M., Boulder County, Colorado. Boulder and White Rock Ditch headgate, located as described above. Anderson Ditch headgate, located on the south bank of Boulder Creek in the NE1/4 NE1/4 of Section 35, Township 1 North, Range 71 west of the 6th P.M., Boulder County, Colorado. Pine Brook's interests in the Farmers Ditch, Wellman, Nichols and Hahn Ditch, and Boulder and White Rock Ditch may be stored in the facilities of the Boulder and White Rock Ditch and Reservoir Company, the Anderson Ditch Company, and the Baseline Land and Reservoir Company. The stored water may be released from these storage facilities for replacement and exchange purposes. Pine Brook will make available water from its fully consumable water rights at the above points of diversions or reservoir outlets provided the location is upstream of the calling water right on Boulder Creek or the South Platte River. Water made available by Pine Brook from its fully consumable water rights will be subject to rate of flow and volumetric limits as well as all other relevant terms and conditions included in the 81CW466 Decree. Releases from District Ponds Water stored under the storage water rights described in the First Claim for Relief released from one or more of the Ponds. This will allow the District to make out of priority diversions to storage at one or more reservoirs while releasing water from other reservoirs to prevent injury to other water rights in the event that augmentation water is temporarily unavailable from Pine Brook. Additional or alternative augmentation sources added pursuant to C.R.S. § 37-92-305(8)(c). Statement of Plan for Augmentation *The plan for augmentation is intended to allow for out-of-priority diversions to storage in the District's Ponds as necessary to keep the Ponds full at all times so that water is available in sufficient amounts to fight wildfires and structure fires in the area.* The Four Mile Creek basin is populated with a low to moderate density of rural residences that are typically supplied by low capacity individual domestic wells. The Ponds are located along a seven-mile reach of Four Mile Creek and provide the only substantial supply of water that is locally available to fight wildfires and structure fires in the basin. Several of the Ponds are equipped with permanent pump and hydrant facilities that are used to rapidly fill fire truck tanks during a fire emergency. Water from the other Ponds is delivered into the tanks via on-board pumps and hoses on the fire trucks. Fighting of wildfires typically occurs through use of large dipping buckets suspended from helicopters that are lowered into the ponds and filled for aerial transport to the fire location. It is essential that the Ponds be kept full at all times so that adequate water supplies are available to fight fires with unpredictable occurrences. The Ponds are kept full by continuous diversions from Four Mile Creek that also keep the stored water free of algae and other aquatic growth that could foul the pumping facilities. These continuous diversions replenish water that is occasionally used for firefighting and training, and also replace water that is continuously lost to evaporation and seepage. Diversions in excess of the volume needed to keep the ponds full are returned immediately to Four Mile Creek via overflow outlet structures on each pond. To the extent that diversions to storage for firefighting, fire training, and the associated incidental evaporation and seepage are not legally exempt from priority administration, the proposed plan for augmentation will replace out-of-priority diversions to storage in the Applicant's Ponds in the time, amount, and location to prevent material injury to the vested water rights of others. When the storage water rights for the Ponds are in priority, then diversions to storage will not require replacement. The total combined annual diversions to storage necessary to replace evaporation from the four Ponds are estimated at approximately 1.4 acre-feet. Applicant's plan for augmentation will replace out-of-priority diversions as necessary to meet the lawful requirements of senior diverters at the time and location and to the extent that seniors would be deprived of their lawful entitlement. The operation of Applicant's plan for augmentation will not injuriously affect the owners of or persons entitled to use water rights under

vested water rights or decreed conditional water rights. WHEREFORE, Applicant prays for a decree adjudicating the water storage rights described herein, and approving the plan for augmentation described herein; finding that the proposed plan for augmentation is contemplated by law and approving the plan; finding that the owners and users of vested water rights and conditional water rights will not be adversely affected by depletions from the Ponds if the proposed augmentation plan is operated under the terms and conditions of a decree entered herein; and for such further relief as the court deems proper,

**16CW3199 EATON CATTLE COMPANY**, c/o Tershia d’Elgin, 2801 B Street #150, San Diego California 92102. Telephone Number: (619) 929-7630. Attorney: John J. Cyran, john@jjcyranlaw.com, phone: 303-746-3802, 1580 Lincoln Street, Suite 1200 Denver, CO 80203. **APPLICATION FOR CONDITIONAL WATER RIGHT, IN WELD COUNTY, COLORADO.** 1. Name, Mailing Address, and Telephone Number of Applicant: See above. 2. Name of Structure: The Headgate for the Big Bend Ditch, as decreed on April 28, 1883 in Civil Action No. 6009. 3. Location of Structure: The current location of the headgate for the Big Bend Ditch is the same as the headgate for the Big Bend Ditch, as that Ditch was decreed in Civil Action No. 6009. **Decreed Legal Description**: The headgate for the Big Bend Ditch is described in Civil Action No. 6009, entered on April 28, 1883 as being located in the NW1/4 of Section 19, Township 4 North, Range 66 West. **UTM Coordinates**: In December 2016, Eaton Cattle Company confirmed the UTM coordinates for the current location of the Big Bend Ditch headgate to be as follows: Northing: 515254 Easting: 484771.9 Nad 83, Zone 13 **Source Of UTM Coordinates**: Hand-Held GPS Device. **Accuracy of Location Displayed on GPS Device**: Within approximately 12 feet. 4. Source of Water: South Platte River 5. Dates of Appropriation: June 3, 2014, by conducting survey of pond and wildlife habitat area. 6. Uses: Wildlife irrigation of 40 acres for creation and maintenance of wildlife habitat, by direct irrigation of wildlife area, irrigation through temporary retention of such water in the habitat area through use of shallow berms, and flowing water through existing pond for replacement of evaporation. 7. Place of use: The legal description of the general place of use is as follows: Land below the Big Bend Ditch located in the NW1/4 of Section 19 and the SE1/4 of Section 18, Township 4 North, Range 66 West. 8. Amount: 9.0 cubic foot per second, CONDITIONAL. 9. Other Relevant Information: Applicant owns water rights in the Big Bend Ditch used for irrigation of crops on Applicant’s property. By this application, Applicant seeks an additional water right for the creation and maintenance of wildlife habitat located on Applicant’s property. Applicant envisions that water diverted under this water right will be diverted when in priority into the area on Applicant’s property identified in Exhibit A and used to irrigate such property, allowed to flow through an existing pond, and allowed to flood such area by use of retaining berms to such depth necessary to promote the growth of vegetation conducive to the creation of wildlife habitat. 10. Name and Address of Owner of Land upon which Any New or Existing Diversion Structures, or Modification to Existing Diversion Structure is or will be Constructed: All structures necessary for the operation of this water right will be located on property owned by Applicant. (3 Pages)

**16CW3200 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. The above listed parties shall be collectively referred to as the “Applicants.” **APPLICATION FOR CHANGE OF WATER RIGHTS AND CONDITIONAL APPROPRIATION OF RETURN FLOWS IN ADAMS, ARAPAHOE, DENVER AND WELD COUNTIES.** Please send all pleadings and correspondence to: Brian M. Nazarenus, 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). 2. Introduction. The purpose of this Application is to change the use of the decreed water rights associated with shares in the Western Mutual Ditch Company (collectively “Subject Water Rights”) that were acquired by Applicants for use as a source of replacement water to augment their out-of-priority depletions pursuant to the decrees entered in Case Nos. 02CW403, 02CW404/03CW442, and 10CW306, and as a source of substitute supply pursuant to the decrees entered in Case Nos. 09CW283 and 11CW285. 3. Summary of the Subject Water Rights. ACWWA and ECCV seek to change the use of a total of 99.5 shares out of 800 outstanding shares of the Western Mutual Ditch Company. 3.1. ACWWA’s Western Shares. ACWWA owns 40 shares out of a total 800 outstanding shares for the Western Mutual Ditch Company, as represented by Share Certificate Nos. 803 and 816 (“ACWWA’s Western Shares”). ACWWA’s Western Shares were historically used on the Hungenberg and Strohauer Farms described in paragraphs 5.1.1 and 5.2.1, below. 3.2. ECCV’s Western Shares. United owns, for the use and benefit of ECCV, 59.5 shares out of a total 800 outstanding shares for the Western Mutual Ditch Company, as represented by Share Certificate Nos. 735, 736, 740, 742, 751, 752, and 755 (“ECCV’s Western Shares”). ECCV’s Western Shares were historically used on the Bischoff, Cook, KCB-Smits, McCarthy, Owens, Peckham-Reifschneider, and Workman Farms described in paragraphs 5.2.1, 5.2.2, 5.2.3, 5.2.4, 5.2.5, 5.2.6, and 5.2.7, below. 4. Decreed Water Rights for Which Change is Sought and Structure Associated with the Decreed Water Rights. 4.1. Western Mutual Ditch. 4.1.1. Previous Decrees. Civil Action 6009, Water District No. 2, Larimer County District Court, State of Colorado, decreed April 28, 1883; Civil Action 54658, District Court, Water Division 1, State of Colorado, decreed August 2, 1918. 4.1.2. Decreed Point of Diversion. The diversion point for the Western Mutual Ditch is on the east bank of the South Platte River, approximately two miles northwest of Platteville. The headgate is located in the SE 1/4 of the SE 1/4 of the SW 1/4 of Section 11, Township 3 North, Range 67 West of the 6th P.M., Weld County, Colorado. 4.1.3. Source. South Platte River. 4.1.4. Appropriation Dates and Amounts.

<u>Date</u>	<u>Amount</u>
May 5, 1866	27.45 cfs
August 10, 1871	71.12 cfs
January 26, 1894	86.43 cfs

5. Historical Use. The Subject Water Rights were historically used to irrigate crops on lands depicted on the map attached as **Exhibit 1**. 5.1. ACWWA’s Western Shares. 5.1.1. Hungenberg Farm. The Hungenberg Farm is located in a portion of the SW1/4 of the NW1/4 of Section 13, Township 4 North, Range 66 West of the 6th P.M., Weld County, Colorado. Two (2) shares, represented by Share Certificate No. 816, were used historically to irrigate a mix of corn, beans, small vegetables, and wheat on approximately 17 acres. 5.1.2. Strohauer Farm. The Strohauer Farm is located in parts of Sections 5, 6, and 8, Township 4 North, Range 65 West of the 6th P.M., Weld County, Colorado. Thirty-eight (38) shares, represented by Share Certificate No. 803, were used historically to irrigate a mix of corn grain, corn silage, potatoes, sugar beets, onions, wheat, and small vegetables on approximately 266 acres. 5.2. ECCV’s Western Shares. 5.2.1. Bischoff Farm. The Bischoff Farm is located in a portion of the S1/2 of the NE1/4 of Section 19, Township 4 North, Range 66 West of the 6th P.M., Weld County, Colorado. Eight (8) shares, represented by Share Certificate No. 752, were used historically to irrigate a mix of corn silage, corn grain, and sugar beets on approximately 80 acres. 5.2.2. Cook Farm. The Cook Farm is located in a portion of the SW1/4 of the NW1/4 of Section 11, Township 4 North, Range 66 West of the 6th P.M., Weld County, Colorado. Four (4) shares, represented by Share Certificate No. 751, were used to historically irrigate a mix of corn and small grains on approximately 31 acres. 5.2.3. KCB-Smits Farm. The KCB-Smits Farm is located in a portion of the SW1/4 of Section 16, Township 4 North, Range 66 West of the 6th P.M., Weld County, Colorado. Sixteen (16) shares, represented by Share Certificate No. 736, were used to historically irrigate a mix of corn, potatoes, and sugar beets on approximately 150 acres. 5.2.4. McCarthy Farm. The McCarthy Farm is located in a portion of the SW 1/4 of Section 6, Township 4 North, Range 65 West of the 6th P.M., Weld County, Colorado. Eight (8) shares, represented

by Share Certificate No. 755, were used to historically irrigate a mix of corn, sugar beets, and potatoes on approximately 66 acres. 5.2.5. Owens Farm. The Owens Farm is located in a portion of the S1/2 of the SE1/4 of Section 17, Township 4 North, Range 66 West of the 6th P.M., Weld County, Colorado. Eight (8) shares, represented by Share Certificate No. 742, were used to historically irrigate a mix of corn, small vegetables, small grains, and alfalfa on approximately 65 acres. 5.2.6. Peckham-Reifschneider Farm. The Peckham-Reifschneider Farm is located in a portion of the S1/2 of the N1/2 of Section 14, Township 4 North, Range 66 West of the 6th P.M., Weld County, Colorado. Seven and one half (7.5) shares, represented by Share Certificate No. 740, were used to historically irrigate a mix of corn grain, corn silage, sugar beets, small vegetables, dry beans, and potatoes on approximately 110 acres. 5.2.7. Workman Farm. The Workman Farm is located in a portion of the N1/2 of the SW1/4 of Section 8, Township 4 North, Range 65 West of the 6th P.M., Weld County, Colorado. Eight (8) shares, represented by Share Certificate No. 735, were used to historically irrigate a mix of corn grain, corn silage, pasture grass, alfalfa, sugar beets, and sorghum on approximately 60 acres. 6. Proposed Change of ACWWA's Western Shares. 6.1. Change in Type of Use. All of the uses described below may occur directly, following storage, or by exchange. 6.1.1. Use in ACWWA's Plans for Augmentation. ACWWA seeks to use the water attributable to its Western Shares as a source of replacement water in the ACWWA/ECCV Augmentation Plan decreed in Case No. 10CW306 for pumping water for delivery to ACWWA's service area from the ACWWA/ECCV Well Field. ACWWA will follow the procedures decreed in Case No. 10CW306 to add its Western Shares as a source of replacement supply. ACWWA seeks to use its Western Shares directly or as a source of replacement water pursuant to the ACWWA 70 Ranch Augmentation Plan decreed in Case No. 10CW306. In addition, ACWWA seeks to use the water attributable to its Western Shares as a source of replacement water in plans for augmentation that it may seek in the future. 6.1.2. Use in ACWWA's Recharge Projects. ACWWA seeks to use the water attributable to its Western Shares for recharge by delivering the water to the recharge facilities located in the Beebe Draw and on the 70 Ranch pursuant to the terms and conditions of the decree entered in Case No. 10CW306. In addition, ACWWA seeks to use the water attributable to its Western Shares for recharge by delivering the water to the Strohauer and Haren Recharge Sites described in this Application, and any future recharge facility to which ACWWA is legally permitted to recharge water. 6.1.3. Use in ACWWA's Exchange and/or Storage. ACWWA seeks to use the water attributable to its Western Shares, either directly or following storage, as a source of substitute supply for the appropriate rights of exchange decreed in Case No. 09CW283, pending in Case No. 16CW3195, and any exchanges operated or adjudicated by ACWWA in the future. In addition, ACWWA seeks to store the water attributable to its Western Shares in United Reservoir No. 3, Milliken Reservoir (aka Gilcrest Reservoir), and the 70 Ranch Reservoir, and any future storage facility to which ACWWA is legally permitted to store water. 6.1.4. Use to Replace Return Flow Obligations. ACWWA seeks to use the water attributable to its Western Shares, either directly, following storage, or by exchange, to replace return flow obligations associated with agricultural water rights changed Case Nos. 10CW313 and 12CW73, pending changes in Consolidated Case No. 05CW58/11CW151 and Case No. 13CW3026, and changed in the future for which ACWWA's Western Shares may be used to replace return flow obligations. 6.1.5. All Municipal Uses. ACWWA seeks to use the water attributable to its Western Shares for all municipal uses via augmentation and exchange. ACWWA's municipal uses include but are not limited to domestic, mechanical, manufacturing, commercial, industrial, exchange, augmentation and replacement, recharge, substitute supply, including further exchange with other water systems and with other water users, and for all other beneficial uses within the service area of ACWWA, as it now exists or may exist in the future. 6.1.6. Right of Reuse, Successive Use, and Disposition. In addition to the uses described above, ACWWA claims the right, once all return flow obligations have been satisfied, to use, reuse, successively use and dispose of, by sale, exchange, augmentation, or otherwise, to extinction all consumptive use water exchanged, lawfully diverted and/or impounded pursuant to the decree entered in this case. 6.2. Change in Place of Use. ACWWA seeks to use the water attributable to its Western Shares on lands within ACWWA's present and future service area. 7. Proposed Change of ECCV's Western Shares. 7.1 Change in Type of Use. All of the uses described below may occur directly, following storage, or by

exchange. 7.1.1. Use in ECCV's Plans for Augmentation. ECCV seeks to use the water attributable to its Western Shares as a source of replacement water in the ACWWA/ECCV Augmentation Plan decreed in Case Nos. 02CW403, 02CW404/03CW442, and 10CW306, for pumping water for delivery to ECCV's service area from the ACWWA/ECCV Well Field. ECCV will follow the procedures decreed in Case Nos. 02CW403, 02CW404/03CW442 to add its Western Shares as a source of replacement supply. ECCV also seeks to use the water attributable to its Western Shares as a source of replacement water pursuant to the 70 Ranch Augmentation Plan decreed in Case Nos. 02CW404/03CW442, and 10CW306. ECCV will follow the procedures in paragraph 25.6.1 of the decree entered in Case Nos. 02CW404/03CW442 to add its Western Shares as a source of replacement supply. In addition, ECCV seeks to use the water attributable to its Western Shares as a source of replacement water in plans for augmentation that it may seek in the future. 7.1.2. Use in ECCV's Recharge Projects. ECCV seeks to use the water attributable to its Western Shares for recharge by delivering the water to the recharge facilities located in the Beebe Draw and on 70 Ranch pursuant to the terms and conditions of the decree entered in Case Nos. 02CW404/03CW442, and 10CW306. In addition, ECCV seeks to use the water attributable to its Western Shares for recharge by delivering the water to the Strohauer and Haren Recharge Sites described in this Application, and any future recharge facility to which ECCV is legally permitted to recharge water. 7.1.3. Use in ECCV's Exchanges and/or Storage. ECCV seeks to use the water attributable to its Western Shares, either directly or following storage, as a source of substitute supply for the appropriate rights of exchange decreed in Case Nos. 02CW404/03CW442, and 11CW285; pending in Case No. 16CW3196; and any exchanges operated or adjudicated by ECCV in the future. ECCV seeks to store and exchange the water attributable to its Western Shares in Barr Lake, United Reservoir No. 3, and Milliken Reservoir (a/k/a "Gilcrest Reservoir") as decreed in Case No. 11CW280. ECCV also seeks to store the water attributable to its Western Shares in 70 Ranch Reservoir and any future storage facility to which ECCV is legally permitted to store water. 7.1.4. Use to Replace Return Flow Obligations. ECCV seeks to use the water attributable to its Western Shares, either directly, following storage, or by exchange, to replace return flow obligations associated with agricultural water rights changed Case Nos. 06CW40 and 12CW73, pending changes in Consolidated Case No. 05CW58/11CW151 and Case No. 13CW3026, and changed in the future for which ECCV's Western Shares may be used to replace return flow obligations. 7.1.5. All Municipal Uses. ECCV seeks to use the water attributable to its Western Shares for all municipal uses via augmentation and exchange. ECCV's municipal uses include but are not limited to domestic, mechanical, manufacturing, commercial, industrial, exchange, augmentation and replacement, recharge, substitute supply, including further exchange with other water systems and with other water users, and for all other beneficial uses within the service area of ECCV, as it now exists or may exist in the future. 7.1.6. Right of Reuse, Successive Use, and Disposition. In addition to the uses described above, ECCV claims the right, once all return flow obligations have been satisfied, to use, reuse, successively use and dispose of, by sale, exchange, augmentation, or otherwise, to extinction, all consumptive use water exchanged, lawfully diverted and/or impounded pursuant to the decree entered in this case. 7.2. Change in Place of Use. ECCV seeks to use the water attributable to its Western Shares on lands within ECCV's present and future service area. 8. Delivery of ACWWA and ECCV's Western Shares. ACWWA and ECCV will deliver their Western Shares as described below. ACWWA and ECCV may also deliver the water attributable to their Western Shares through any other structure currently located on the Western Mutual Ditch or constructed in the future if approved by the Board of Directors for the Western Mutual Ditch Company. 8.1. Delivery Option 1. All of the farm headgate deliveries from the Owens, Bischoff, KCB-Smits Farms located at the upper end of the Western Mutual Ditch ("Upper Farms") will be delivered to the Haren Recharge Site. The upper portion of the Western Mutual Ditch is located above the point of diversion for the Haren Recharge Site. The Haren Recharge Site is located in the SW1/4 of Section 16, Township 4 North, Range 66 West of the 6th P.M., Weld County, Colorado. All of the farm headgate deliveries from the Cook, Peckham-Reifschneider, Hungenberg, McCarthy, Workman, and Strohauer Farms located at the lower end of the Western Mutual Ditch ("Lower Farms") will be delivered to the Strohauer Recharge Site. The lower portion of the Western Mutual Ditch is located below the point of diversion for the Haren Recharge

Site. The Strohauser Recharge Site will be constructed on the Strohauser Farm at the location described above in paragraph 5.1.2.

8.2. Delivery Option 2. All of the return flows associated with the Upper Farms will be delivered to the Haren Recharge Site. All of the consumptive use associated with the Upper Farms and all of the farm headgate deliveries from the Lower Farms will be delivered to the Strohauser Recharge Site.

8.3. Delivery Option 3. All of the consumptive use associated with the Upper Farms will be delivered through an augmentation station owned by Central at the Brownwood Spillway (“Brownwood Station”), located in the NW1/4 of Section 25, Township 4 North, Range 67 West of the 6th P.M., Weld County, Colorado, approximately 4.6 miles down ditch from the Western Mutual Ditch headgate, pursuant to agreements with Western Mutual Ditch Company and Central. All of the consumptive use associated with the Upper Farms may also be delivered to a diversion structure for Milliken Reservoir (a/k/a “Gilcrest Reservoir”), which will be located off of the Western Mutual Ditch on the east side of Milliken Reservoir, just upstream of the Brownwood Station. All of the return flows associated with the Upper Farms will be delivered to the Haren Recharge Site. All of the farm headgate deliveries from the Lower Farms will be delivered to the Strohauser Recharge Site.

8.4. Delivery Option 4. All of the consumptive use associated with the Upper Farms and Lower Farms will be delivered to a diversion structure for Milliken Reservoir. All of the return flows associated with the Upper Farms will be delivered to the Haren Recharge Site. All of the return flows associated with the Lower Farms will be delivered to the Strohauser Recharge Site.

9. ACWWA’s Return Flow Obligations. ACWWA shall meet its return flow obligations for its Western Shares by any of the following means: (1) recharge accretions from the Strohauser and Haren Recharge Sites and any other existing or future recharge facility to which ACWWA is legally permitted to recharge water ; (2) releases from augmentation structures located on the Western Mutual Ditch; (3) ACWWA may release water stored in United Reservoir No. 3, Milliken Reservoir (a/k/a “Gilcrest Reservoir”), the SerFer Pit, and/or any future 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) accretions from ACWWA’s 70 Ranch Recharge Project; (6) ACWWA may release water from the 70 Ranch Reservoir; and/or (7) ACWWA may deliver water from other fully consumable sources, either directly or by exchange, owned or controlled by ACWWA or any other available sources so long as the sources are decreed for augmentation purposes by the Water Court, or approved for replacement use under a Substitute Water Supply Plan approved by the State Engineer pursuant to sections 37-92-308 or 309 of the Colorado Revised Statutes, or successor statutes, or are otherwise lawfully available for such use.

10. ECCV’s Return Flow Obligations. ECCV shall meet its return flow obligations for its Western Shares by any of the following means: (1) recharge accretions from the Strohauser and Haren Recharge Sites and any other existing or future recharge facility to which ECCV is legally permitted to recharge water; (2) releases from augmentation structures located on the Western Mutual Ditch; (3) ECCV may release water stored in United Reservoir No. 3 Milliken Reservoir (a/k/a “Gilcrest Reservoir”), the SerFer Pit, and/or any future 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; (7) ECCV may release water from the 70 Ranch Reservoir; and/or (8) ECCV may deliver water from other fully consumable sources, either directly or by exchange, owned or controlled by ECCV or any other available sources so long as the sources are decreed for augmentation purposes by the Water Court, or approved for replacement use under a Substitute Water Supply Plan approved by the State Engineer pursuant to sections 37-92-308 or 309 of the Colorado Revised Statutes, or successor statutes, or are otherwise lawfully available for such use.

11. Integrated System. The Subject Water Rights will be used pursuant to and in accordance with the applicable terms and conditions of the plans for augmentation, exchanges,

and recharge projects decreed in Case Nos. 02CW403, 02CW404/03CW442, and 10CW306 and any applicable terms and conditions contained in the decrees for Case Nos. 09CW283, 10CW312, 11CW280, and 11CW285. Augmentation use of the Subject Water Rights shall be made only under and in compliance with the terms and conditions of any applicable decree or Substitute Water Supply Plan approved by the State Engineer pursuant to sections 37-92-308 or 37-92-309 of the Colorado Revised Statutes, or successor statutes.

12. ACWWA's Independent Claim to Appropriate Return Flows Associated with ACWWA's Western Shares.

12.1. Name of Structure. Western Mutual Ditch, the decreed point of diversion is described in paragraph 4.1.2, above.

12.2. ACWWA's Western Shares. ACWWA owns 40 shares out of a total 800 outstanding shares for the Western Mutual Ditch as further described in paragraphs 3.1 and 5.1, above.

12.3. Claim to Appropriate Return Flows. When the calling right downstream of the Western Mutual Ditch headgate is junior to December 30, 2016, or there is no call from downstream of the Western Mutual Ditch headgate, ACWWA seeks the right to use, reuse, successively use, and use to extinction, for all of the purposes described in paragraph 6.1, above, the historical return flow portion of its irrigation season delivery of ACWWA's Western Shares and the winter return flow portion of its previous irrigation season delivery of ACWWA's Western Shares.

12.4. Appropriation Information.

12.4.1. Date of Appropriation. December 30, 2016.

12.4.2. How Appropriation Was Initiated. The appropriation date is based upon the date the Application in this case was filed.

12.4.3. Date Water First Applied to Beneficial Use. Not Applicable.

12.5. Source. South Platte River.

12.6. Amount Claimed. Any and all amounts of return flows determined to be attributable to ACWWA's Western Shares, conditional.

12.7. Claimed Uses. For the same uses as described in paragraph 6.1, above.

13. ECCV's Independent Claim to Appropriate Return Flows Associated with ECCV's Western Shares.

13.1. Name of Structure. Western Mutual Ditch, the decreed point of diversion is described in paragraph 4.1.2, above.

13.2. ECCV's Western Shares. United owns, for the use and benefit of ECCV, 59.5 shares out of a total 800 outstanding shares for the Western Mutual Ditch, as further described in paragraphs 3.2 and 5.2, above.

13.3. Claim to Appropriate Return Flows. When the calling right downstream of the Western Mutual Ditch headgate is junior to December 30, 2016, or there is no call from downstream of the Western Mutual Ditch headgate, ECCV seeks the right to use, reuse, successively use, and use to extinction, for all of the purposes described in paragraph 7.1, above, the historical return flow portion of its irrigation season delivery of ECCV's Western Shares and the winter return flow portion of its previous irrigation season delivery of ECCV's Western Shares.

13.4. Appropriation Information.

13.4.1. Date of Appropriation. December 30, 2016.

13.4.2. How Appropriation was Initiated. The appropriation date is based upon the date the Application in this case was filed.

13.4.3. Date Water First Applied to Beneficial Use. Not Applicable.

13.5. Source. South Platte River.

13.6. Amount Claimed. Any and all amounts of return flows determined to be attributable to ECCV's Western Shares, conditional.

13.7. Claimed Uses. For the same uses as described in paragraph 7.1, above.

14. Bylaw Approval. The Subject Water Rights will not be used as a replacement supply in any plan for augmentation, exchange, or recharge project until the Applicants complete the Western Mutual Ditch Company's legally applicable requirements and procedures regarding approval of a change of water rights. This paragraph shall not prevent Applicants from using the shares as a part of a Substitute Water Supply Plan approved by the State Engineer pursuant to sections 37-92-308 or 37-92-309 of the Colorado Revised Statutes, or successor statutes, provided such Substitute Water Supply Plan complies with the Western Mutual Ditch Company's legally applicable requirements and procedures regarding approval of such plans.

15. Name and Addresses of the Owner of the Structures and Diversion Facilities Listed Above.

15.1. Western Mutual Ditch. Western Mutual Ditch Company, P.O. Box 282, LaSalle, Colorado, 80645.

15.2. Haren Recharge Site. Central Colorado Water Conservancy District, 3209 West 28th Street, Greeley, CO 80634 and United Water and Sanitation District, 8301 East Prentice Avenue, Suite 100, Greenwood Village, Colorado, 80111.

15.3. Strohauer Recharge Site. United Water and Sanitation District, 8301 East Prentice Avenue, Suite 100, Greenwood Village, Colorado, 80111.

15.4. Brownwood Station. Central Colorado Water Conservancy District, 3209 West 28th Street, Greeley, Colorado, 80634.

15.5. Gilcrest Reservoir (a/k/a "Milliken Reservoir"). The Jay Thomas Diversion Dam and the land at the point of diversion for Milliken Reservoir are owned by Public Service

Company, d/b/a Xcel Energy, Inc., 1800 Larimer Street, Denver, Colorado, 80202-1414. The portion of Gilcres Reservoir where the Subject Water Rights will be stored is owned by Milliken Reservoir Enterprise, LLC, 8301 East Prentice Avenue, Suite 100, Greenwood Village, Colorado, 80111. 15.6. St. Vrain Pipeline. United Water and Sanitation District, 8301 East Prentice Avenue, Suite 100, Greenwood Village, Colorado, 80111; Elverna Burchfield Trustee & Sherry Rose, 221 West Platte Avenue, Fort Morgan, Colorado, 80701; Public Service Company, d/b/a Xcel Energy, Inc., 1800 Larimer Street, Denver, Colorado, 80202-1414. 15.7. Brighton Lateral Pipeline. United Water and Sanitation District, 8301 East Prentice Avenue, Suite 100, Greenwood Village, Colorado, 80111. 15.8. United Diversion Facility No. 3. United Water and Sanitation District, 8301 East Prentice Avenue, Suite 100, Greenwood Village, Colorado, 80111. 15.9. Burlington Canal. The Farmers Reservoir and Irrigation Company, 80 South 27th Avenue, Brighton, Colorado, 80601. WHEREFORE, Applicants requests that the Court enter a decree granting the change of water rights, the conditional appropriation of return flows, and for such other relief, which it deems proper. (14 pages, 1 Exhibit).

**16CW3201 Greeley-Weld County Airport Authority, P.O. Box 727, Greeley, CO 80632. Telephone: 970-336-3000.** Please send correspondence and pleadings to: Bradley C. Grasmick and Ryan M. Donovan, Lawrence Jones Custer Grasmick LLP, 5245 Ronald Reagan Blvd., Suite 1, Johnstown, CO 80534, (970) 622-8181; [brad@ljcgllaw.com](mailto:brad@ljcgllaw.com) ; [ryan@ljcgllaw.com](mailto:ryan@ljcgllaw.com). APPLICATION FOR UNDERGROUND WATER RIGHTS, in WELD COUNTY. 2. Name of Structure to be Decreed: "Airport Well". 2.1. Airport Well. Well No. 15869-R-R. 2.1.1. Permit No.: 15869-R-R. 2.1.2. WDID: 0305186. 2.1.3. Depth: 55 feet. 2.1.4. Appropriation Date: October 1, 1935. 2.1.5. Point of diversion: NE1/4 of the NW1/4 of Section 35, Township 6 North, Range 65 West of the 6<sup>th</sup> P.M., Weld County, Colorado, at a point 394 feet from the North section line and 1421 feet from the West section line. 2.1.6. Source: Groundwater tributary to the Cache la Poudre River. 2.1.7. Beneficial Uses: Irrigation of 37 acres in the NE1/4 of the NW1/4 of Section 35, Township 6 North, Range 65 West of the 6<sup>th</sup> P.M. in Weld County. 3. Comments. The Airport Well is included in the augmentation plan administered by the Cache la Poudre Water Users Association decreed in Case No. W-7921 (75). 4. Amount Claimed. In accordance with the Airport Well Permit No. 15869-R-R, Applicant claims a maximum flow rate of 386 g.p.m. and an annual volume of 50 acre feet. 5. Name and Address of Owners of Structures. Applicant owns the structures and the land upon which the structures are located. The original format of this application is three (3) pages in length.

**16CW3202, 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 (hereinafter collectively referred to as "Central"), 3209 West 28<sup>th</sup> Street, Greeley, Colorado 80634. (970) 330-4540.** Please send correspondence and pleadings to: Bradley C. Grasmick and Ryan M. Donovan, Lawrence Jones Custer Grasmick LLP, 5245 Ronald Reagan Blvd., Suite 1, Johnstown, CO 80534, (970) 622-8181; [brad@ljcgllaw.com](mailto:brad@ljcgllaw.com) ; [ryan@ljcgllaw.com](mailto:ryan@ljcgllaw.com). APPLICATION FOR WATER RIGHTS AND FOR APPROVAL OF PLAN OF AUGMENTATION, in WELD AND MORGAN COUNTIES. 2. **Background**. This is a water court application for new (1) surface water rights; (2) groundwater rights; (3) recharge structures; and (4) approval of a plan for augmentation. The features of this water court application are components of Central's integrated water system. Applicant is seeking new surface and groundwater rights to be diverted from the South Platte River, including the alluvial aquifer, unnamed sloughs that are tributary to the South Platte River, seepage and tail waters, in Weld and Morgan Counties. Water diverted pursuant to these rights, as well as water diverted from an existing permitted well, will be put to numerous beneficial uses, either directly or following storage and recharge, including augmentation, recharge, replacement, exchange, irrigation, recreation, industrial, commercial, and domestic uses. Water diverted from the claimed surface rights and groundwater rights may be delivered to recharge structures claimed in this Application or other sites identified and added in the future. Other water rights owned, appropriated, leased, or otherwise controlled by Central may be delivered to the

recharge structures identified in this Application. The recharge credits generated by this project may be used to augment the groundwater rights claimed in this Application, as well as a source of augmentation and replacement in Central's existing decreed augmentation plans or future augmentation plans, or other augmentation plans. **APPLICATION FOR WATER RIGHTS 3. Name of New Underground Water Right: Walker Well Field No. 1.** 3.1. Source: South Platte River and its Alluvium including an unnamed slough tributary to the South Platte River. 3.2. Point of diversion: N 1/2 of the SE 1/4 of Section 13, Township 4 North, Range 61 West of the 6th P.M. in Weld County, and the N 1/2 of the SW 1/4 of Section 18, Township 4 North, Range 61 West of the 6<sup>th</sup> P.M. in Morgan County. 3.3. Date of appropriation: November 15, 2016. 3.4. How appropriation was initiated: Central Board of Directors adopting a resolution on November 15, 2016 evidencing intent to appropriate water rights; engineering analysis; filing of this Application. 3.5. Rate of Diversion: 50 c.f.s., conditional. 3.6. Uses: Augmentation, recharge, replacement, exchange, irrigation, recreation, industrial and commercial, municipal and domestic uses. Central hereby claims the right to divert, re-divert, store and totally consume the water being appropriated and use the same to extinction. 3.7. Places of Recharge: See ¶ 12 of this Application. **4. Name of New Underground Water Right: Walker Well Field No. 2** 4.1. Source: South Platte River and its Alluvium, including an unnamed slough tributary to the South Platte River. 4.2. Point of diversion: SW 1/4 of the SE 1/4 of Section 18, Township 4 North, Range 60 West of the 6th P.M. in Morgan County. 4.3. Date of appropriation: November 15, 2016 4.4. How appropriation was initiated: Central purchased the property upon which the Walker Well Field No. 2 is to be located at public auction on October 12, 2016; the Central Board of Directors adopting a resolution on November 15, 2016 evidencing intent to appropriate water rights; engineering analysis; filing of this Application. 4.5. Rate of Diversion: 50 c.f.s., conditional. 4.6. Uses: Augmentation, recharge, replacement, exchange, irrigation, recreation, industrial and commercial, municipal and domestic uses. Central hereby claims the right to divert, re-divert, store and totally consume the water being appropriated and use the same to extinction. 4.7. Places of Recharge: See ¶ 12 of this Application. **5. Name of New Underground Water Right: Walker Well Field No. 3** 5.1. Source: South Platte River and its Alluvium, including an unnamed slough tributary to the South Platte River. 5.2. Point of diversion: W 1/2 of the NW 1/4 of Section 17, Township 4 North, Range 60 West of the 6th P.M. in Morgan County, and the NW 1/4 of the SW 1/4 of Section 17 of Township 4 North, Range 60 West of the 6th P.M. in Morgan County, and the NE 1/4 of the SE 1/4 of Section 18, Township 4 North, Range 60 West of the 6th P.M. in Morgan County. 5.3. Date of appropriation: November 15, 2016. 5.4. How appropriation was initiated: Central purchased the property upon which Walker Well Field No. 3 is to be located at public auction on October 12, 2016; the Central Board of Directors adopting a resolution on November 15, 2016 evidencing intent to appropriate water rights; engineering analysis; filing of this Application. 5.5. Rate of Diversion: 50 c.f.s., conditional. 5.6. Uses: Augmentation, recharge, replacement, exchange, irrigation, recreation, industrial and commercial, municipal and domestic uses. Central hereby claims the right to divert, re-divert, store and totally consume the water being appropriated and use the same to extinction. 5.7. Places of Recharge: See ¶ 12 of this Application. **6. Name of New Underground Water Right: Walker Well Field No. 4** 6.1. Source: South Platte River and its Alluvium, including an unnamed slough tributary to the South Platte River. 6.2. Point of diversion: SE 1/4 of the NE 1/4 of Section 18, Township 4 North, Range 60 West of the 6th P.M. in Morgan County, and the N 1/2 of the SE 1/4 of Section 18 of the Township 4 North, Range 60 West of the 6th P.M. in Morgan County. 6.3. Date of appropriation: November 15, 2016. 6.4. How appropriation was initiated: Central purchased the property upon which Walker Well Field No. 3 is to be located at public auction on October 12, 2016; the Central Board of Directors adopting a resolution on November 15, 2016 evidencing intent to appropriate water rights; engineering analysis; filing of this Application. 6.5. Rate of Diversion: 50 c.f.s., conditional. 6.6. Uses: Augmentation, recharge, replacement, exchange, irrigation, recreation, industrial and commercial, municipal and domestic uses. Central hereby claims the right to divert, re-divert, store and totally consume the water being appropriated and use the same to extinction. 6.7. Places of Recharge: See ¶ 12 of this Application. **7. Name of New Underground Water Right: Orchard Well No. 63835-F** 7.1. Source: South Platte River and its Alluvium. 7.2. Point of diversion: NW 1/4 of the SE 1/4 of Section 13, Township 4 North, Range 61 West of the 6<sup>th</sup> P.M. in Weld

County, 1,502 feet from the South section line and 1,698 from the East section line. 7.3. Date of appropriation: November 15, 2016. 7.4. How appropriation was initiated: Central Board of Directors adopting a resolution on November 15, 2016 evidencing intent to appropriate water rights; engineering analysis; filing of this Application. 7.5. Rate of Diversion: 11.14 c.f.s. (5,000 g.p.m.) in accordance with Colorado Division of Water Resources Permit No. 63835. 7.6. Uses: Augmentation, recharge, replacement, exchange, irrigation, recreation, industrial and commercial, municipal and domestic uses. Central hereby claims the right to divert, re-divert, store and totally consume the water being appropriated and use the same to extinction. 7.7. Prior Decrees: Orchard Well No. 63835-F was decreed in Case No. 05CW331. Diversions of Orchard Well No. 63835-F pursuant to the project claimed in this Application will be delivered only to those recharge sites claimed in ¶ 12 below or otherwise included in the decree to be entered pursuant to this application and not to the sites decreed to the Orchard Recharge Project as described in Case No. 05CW331. 7.8. Places of Recharge: See ¶ 12 of this Application. **8. Name of New Water Right: Walker Diversion No. 1** 8.1. Source: South Platte River and its tributaries; tailwater, drain, and seep waters accumulating in Sections 13 and 14, Township 4 North, Range 61 West of the 6th P.M. 8.2. Point of diversion: North bank of the South Platte River located in the NW 1/4 of the SE 1/4 of Section 13, Township 4 North, Range 61 West of the 6th P.M., and the NE 1/4 of the SW 1/4 of Section 13, Township 4 North, Range 61 West of the 6th P.M. in Weld County. 8.3. Date of appropriation: November 15, 2016. 8.4. How appropriation was initiated: Central Board of Directors adopting a resolution on November 15, 2016 evidencing intent to appropriate water rights; engineering analysis; filing of this Application. 8.5. Rate of Diversion: 50 c.f.s., conditional 8.6. Uses: Augmentation, recharge, replacement, exchange, irrigation, recreation, industrial and commercial, municipal and domestic uses. Central hereby claims the right to divert, re-divert, store and totally consume the water being appropriated and use the same to extinction. 8.7. Places of Recharge: See ¶ 12 of this Application. **9. Name of New Water Right: Walker Diversion No. 2** 9.1. Source: South Platte River and its tributaries, including an unnamed slough; tailwater, drain, and seep waters accumulating in Sections 13, 24, and 25, Township 4 North, Range 61 West of the 6th P.M., and Sections 17, 18, 19, 20, 29, and 30, Township 4 North, Range 60 West of the 6th P.M. 9.2. Point of diversion: South bank of the South Platte River and an unnamed slough located in the SW 1/4 of the SE 1/4 of Section 18, Township 4 North, Range 60 West of the 6th P.M. in Morgan County. 9.3. Date of appropriation: November 15, 2016. 9.4. How appropriation was initiated: Central purchased the property upon which Walker Diversion No. 2 is to be located at public auction on October 12, 2016; the Central Board of Directors adopting a resolution on November 15, 2016 evidencing intent to appropriate water rights; engineering analysis; filing of this Application. 9.5. Rate of Diversion: 50 c.f.s., conditional 9.6. Uses: Augmentation, recharge, replacement, exchange, irrigation, recreation, industrial and commercial, municipal and domestic uses. Central hereby claims the right to divert, re-divert, store and totally consume the water being appropriated and use the same to extinction. 9.7. Places of Recharge: See ¶ 12 of this Application. **10. Name of New Water Right: Walker Diversion No. 3** 10.1. Source: South Platte River and its tributaries; tailwater, drain, and seep waters accumulating in Sections 13, 24, and 25, Township 4 North, Range 61 West of the 6th P.M., and Sections 17, 18, 19, 20, 29, and 30, Township 4 North, Range 60 West of the 6th P.M. 10.2. Point of diversion: East bank of the South Platte River located in the W 1/2 of the NW 1/4 of Section 17, Township 4 North, Range 60 West of the 6th P.M. in Morgan County. 10.3. Date of appropriation: November 15, 2016. 10.4. How appropriation was initiated: Central purchased the Property upon which Walker Diversion No. 3 is to be located at public auction on October 12, 2016; the Central Board of Directors adopting a resolution on November 15, 2016 evidencing intent to appropriate water rights; engineering analysis; filing of this Application. 10.5. Rate of Diversion: 50 c.f.s., conditional 10.6. Uses: Augmentation, recharge, replacement, exchange, irrigation, recreation, industrial and commercial, municipal and domestic uses. Central hereby claims the right to divert, re-divert, store and totally consume the water being appropriated and use the same to extinction. 10.7. Places of Recharge: See ¶ 12 of this Application. **11. Amount Claimed and Combined Diversion Rate**. The volume claimed from the water rights described in ¶¶ 3-10 of this Application is 30,000 AF, conditional. The combined diversion rate from Walker Well Field No. 1, Walker Well Field No. 2, Walker Well Field No. 3, and Walker Well Field No. 4 shall be 50 c.f.s.

The diversion rate for Well Permit No. 63835-F shall be 5,000 g.p.m. The combined diversion rate from Walker Diversion No. 1, Walker Diversion No. 2, and Walker Diversion No. 3 shall be 50 c.f.s.

**12. Recharge Ponds Included in this Application.** Water diverted pursuant to the water rights described in ¶¶ 3-10 of this Application will be delivered to recharge sites identified below and which may be identified and added in the future in order to divert and recharge the volume and flow rate claimed. Other water rights owned, appropriated, leased or otherwise controlled by Central may be diverted and recharged at the sites included in this Application. The initial recharge ponds are identified as follows:

**12.1. Peggram No. 1** 12.1.1. Location: SE 1/4 of Section 19, Township 4 North, Range 60 West of the 6th P.M. 12.1.2. Maximum Surface Area: 9.5 acres 12.1.3. Capacity: 47.5 acre-feet 12.1.4. Aquifer parameters: Timing and location of recharge accretions will be established via the application of the bounded alluvial aquifer approach developed by Glover. **12.2. Peggram No. 2** 12.2.1. Location: NE 1/4 and the SE 1/4 of Section 30, Township 4 North, Range 60 West of the 6th P.M. 12.2.2. Maximum Surface Area: 105 acres 12.2.3. Capacity: 525 acre-feet 12.2.4. Aquifer parameters: Timing and location of recharge accretions will be established via the application of the bounded alluvial aquifer approach developed by Glover. **12.3. Peggram No. 3** 12.3.1. Location: SE 1/4 of Section 30, Township 4 North Range 60 West of the 6th P.M. 12.3.2. Maximum Surface Area: 18 acres 12.3.3. Capacity: 90 acre-feet 12.3.4. Aquifer parameters: Timing and location of recharge accretions will be established via the application of the bounded alluvial aquifer approach developed by Glover. **12.4. Peggram No. 4** 12.4.1. Location: SE 1/4 of Section 30, Township 4 North, Range 60 West of the 6th P.M. 12.4.2. Maximum Surface Area: 17 acres 12.4.3. Capacity: 85 acre-feet 12.4.4. Aquifer parameters: Timing and location of recharge accretions will be established via the application of the bounded alluvial aquifer approach developed by Glover. **12.5. Empire** 12.5.1. Location: NW 1/4 of Section 29, Township 4 North, Range 60 West of the 6th P.M. 12.5.2. Maximum Surface Area: 56 acres 12.5.3. Capacity: 280 acre-feet 12.5.4. Aquifer parameters: Timing and location of recharge accretions will be established via the application of the bounded alluvial aquifer approach developed by Glover. **12.6. Olsen No. 1** 12.6.1. Location: SE 1/4 of Section 30, Township 4 North, Range 60 West of the 6th P.M. 12.6.2. Maximum Surface Area: 8 acres 12.6.3. Capacity: 40 acre-feet 12.6.4. Aquifer parameters: Timing and location of recharge accretions will be established via the application of the bounded alluvial aquifer approach developed by Glover. **12.7. Olsen No. 2** 12.7.1. Location: SE 1/4 of Section 30, Township 4 North, Range 60 West of the 6th P.M. 12.7.2. Maximum Surface Area: 10.3 acres 12.7.3. Capacity: 51.5 acre-feet 12.7.4. Aquifer parameters: Timing and location of recharge accretions will be established via the application of the bounded alluvial aquifer approach developed by Glover. **12.8. Seiber** 12.8.1. Location: NW 1/4 of Section 33, Township 4 North, Range 60 West of the 6<sup>th</sup> P.M. 12.8.2. Maximum Surface Area: 25 acres 12.8.3. Capacity: 125 acre-feet 12.8.4. Aquifer parameters: Timing and location of recharge accretions will be established via the application of the bounded alluvial aquifer approach developed by Glover. **12.9. Central** 12.9.1. Location: W 1/2 of Section 18, Township 4 North, Range 60 West of the 6th P.M. 12.9.2. Maximum Surface Area: 54 acres 12.9.3. Capacity: 270 acre-feet 12.9.4. Aquifer parameters: Timing and location of recharge accretions will be established via the application of the bounded alluvial aquifer approach developed by Glover. **12.10. Wiggins (Knievel)** 12.10.1. Location: W 1/2 of Section 15, Township 4 North, Range 60 West of the 6th P.M. 12.10.2. Maximum Surface Area 24.5 acres 12.10.3. Capacity: 122.5 acre-feet 12.10.4. Aquifer parameters: Timing and location of recharge accretions will be established via the application of the bounded alluvial aquifer approach developed by Glover.

**13. Names and Addresses of Owners of Structures.** Other than Central, the following entities own land or structures involved in this Application: 13.1. Peggram Recharge Ponds 1-4: B.J. and Frances E. Peggram Family Trust; 0372 County Road U, Wiggins, CO 80654. 13.2. Empire Recharge Pond: Empire Dairy, LLC, 1473 County Road S, Wiggins, CO 80654. 13.3. Olsen Recharge Ponds 1 and 2: James L. and Darlene M. Olsen; 19073 County Road 1; Wiggins, CO 80654. 13.4. Seiber Recharge Pond: Robert E. and Edith Seiber, 18374 County Road 2, Wiggins, CO 80654. 13.5. Wiggins (Knievel) Recharge Pond: David Knievel, 2381 I-76 Frontage Road, Wiggins, CO 80654. 13.6. Weldon Valley Ditch: Weldon Valley Ditch Company, 24951 Rd. 9.5, Weldona, CO 80653.

**AUGMENTATION PLAN**

**14. Augmented Underground Water Rights.** Diversions of groundwater from the water rights described in

¶¶ 3-7 of this Application (“Covered Water Rights”) deplete the South Platte River. The purpose of this plan is to replace out-of-priority diversions in time, location and amount to the extent necessary to ensure that senior water rights are not deprived of their lawful entitlement to water. Central will augment depletions that affect the South Platte River at times when there is a valid call for water senior to the priority date of the Covered Water Right. 15. **Statement of Plan.** Water may be diverted by the Covered Water Rights during times those water rights are in priority. Applicant shall not be required to augment diversions under the Covered Water Rights, including delayed impacts from Walker Well Fields 1-4 and Orchard Well No. 63835-F, if any, which impact the South Platte River during times the Covered Water Rights are in priority. To the extent diversion of the Covered Water Rights results in a delayed impact to the South Platte River, then recharge accretions from this Project or water supplies Central owns, leases, appropriates or otherwise controls which are in excess of what is necessary to augment depletions required to be replaced pursuant to the augmentation plans decreed in Case Nos. 02CW335 and 03CW99 (“Central Augmentation Water Rights”) may be used to replace those depletions to the extent there is a valid downstream call at the time those depletions affect the South Platte River. Central may also divert the Covered Water Rights at times they are out of priority and utilize excess recharge accretions from this Project or Central Augmentation Water Rights to augment those out of priority diversions. 16. **Water Rights to be used for Augmentation.** 16.1. Recharge Accretions under this Plan: Applicant will divert water pursuant to the water rights described in ¶¶ 3-10 of this Application to the recharge ponds described in ¶ 12 of this Application to generate accretions to the South Platte River. Recharge accretions may also be generated by delivering water rights owned, appropriated, leased or otherwise controlled by Central, now or in the future, to the sites described in ¶ 12 of this Application, up to the volume claimed in this Application, to generate accretions to the South Platte River. 16.2. Other Sources: Central operates augmentation plans decreed in Case No. 02CW335 and 03CW99. Water rights from these other plans which are in excess of what is needed to replace depletions pursuant to those decreed augmentation plans, as well as other water rights acquired by Central by purchase, lease, appropriation, or otherwise legally available to Central may be used to augment the Covered Water Rights. The original format of this application is 12 (twelve) pages in length.

**16CW3203 Segal Big Bend LLLP, 6064 South Beeler Street, Greenwood Village, CO 80111, 303-771-4687;** (P. Andrew Jones, #29076, Ryan M. Donovan, #44435, Lawrence Jones Custer Grasmick LLP, 5245 Ronald Reagan Blvd., Suite 1, Johnstown, CO 80534, Telephone: (970) 622-8181, E-mail: [paj@ljcgllaw.com](mailto:paj@ljcgllaw.com)); APPLICATION FOR SIMPLE CHANGE IN SURFACE POINT OF DIVERSION IN **WELD COUNTY**. 2. Decreed Water Right for which a Change is Sought. 2.1. Name of Structure: Segal West Pumping Station. 2.2. Prior Decree: Case No. 91-CW-060, entered February 16, 1992. 2.3. Legal Description of Decreed Surface Point of Diversion: N 1/2, Section 24, Township 4 North, Range 66 West, 6th P.M., Weld County at a point 1937 feet South and 30 feet East of the NW corner, Section 24. 2.4. Decreed Source of Water: Runoff and seepage water tributary to the South Platte River including irrigation waste water, drainage water, tail water and flood water. 2.5. Appropriation Date: July 1, 1963. 2.6. Total Amount Decreed to Segal West Pumping Station: 3.2 c.f.s. 2.7. Decreed Uses: Irrigation of approximately 305 acres in the N 1/2, Section 24, Township 4 North, Range 66 West, 6th P.M. (“Segal Big Bend Property”). 3. Description of Change in Surface Point of Diversion. 3.1. Legal Description of New Points of Diversion: Applicant is requesting approval to divert the 3.2 c.f.s. water right decreed to the Segal West Pumping Station at two existing decreed surface points of diversion on the Segal Big Bend Property: 3.1.1. Segal Center Pumping Station: N 1/2, Section 24, Township 4 North, Range 66 West, 6th P.M., Weld County at a point 490 feet South and 2630 feet East of the NW corner, Section 24; and 3.1.2. Segal East Pumping Station: N 1/2, Section 24, Township 4 North, Range 66 West, 6th P.M., Weld County at a point 149 feet South and 1300 feet West of the NE corner, Section 24. 3.1.3. Description of New Points of Diversion: The Segal Center Pumping Station and the Segal East Pumping Station (“New Points of Diversion”) were decreed as surface points of diversion in Case No. 91-CW-060. The information in §§ 2.4-2.7 of this Application is applicable to the New Points of Diversion. 3.2 Statement of Change: 3.2.1. The requested change will not result in diversion of water at the New Points

of Diversion at a greater flow rate than was decreed to the Segal West Pumping Station. Applicant is undertaking extensive irrigation system upgrades on the Segal Big Bend Property. As part of these upgrades, Applicant is requesting a decree allowing the diversion of the 3.2 c.f.s. water right decreed to, and which has been historically legally and physically available at, the Segal West Pumping Station at the New Points of Diversion. If Applicant is diverting water decreed for the Segal West Pumping Station at both of the New Points of Diversion simultaneously, then the combined additional diversion rates at the New Points of Diversion shall not exceed the 3.2 c.f.s. decreed to the Segal West Pumping Station. The New Points of Diversion are equipped with flow meters. 3.2.2. The requested change will not injuriously affect the owner(s) of other vested water rights. There are no intervening points of diversion between the Segal West Pumping Station and the New Points of Diversion. The Segal West Pumping Station and the New Points of Diversion are all decreed to irrigate the Segal Big Bend Property. No additional land will be irrigated as a result of the requested change. 4. Name and Address of Owners of Structures. Applicant owns the structures and the land upon which the structures are located. The application consists of 4 pages.

**16CW3204 BEW Operating, LP**, c/o Barth E. Whitham, 511 16th Street, Suite 700, Denver, Colorado 80202, **North Fork Associates, LLC**, 2686 South Yukon Court, Lakewood, Colorado 80227 and **Mountain Mutual Reservoir Company**, 6949 Highway 73, Suite 15, Evergreen, Colorado 80439. (c/o David C. Lindholm, Esq., P. O. Box 18903, Boulder, Colorado 80308-1903). APPLICATION FOR WATER STORAGE RIGHT, UNDERGROUND WATER RIGHT, APPROVAL OF A PLAN FOR AUGMENTATION AND EXCHANGE RIGHT. **IN JEFFERSON COUNTY**. APPLICATION FOR WATER STORAGE RIGHT: 1. Name of Reservoir: BEW Operating Pond. 2. Legal Description of Location of Dam: The center of the dam embankment is located in the SE 1/4 NE 1/4 of Section 11, Township 5 South, Range 70 West, 6th P.M., Jefferson County, at a point that is approximately 1,470 feet from the North section line and 700 feet from the East section line of said Section 11. This is an on-stream reservoir. 3. Source: An Unnamed Tributary of Turkey Creek. 4.A. Date of Appropriation: December 30, 2016. 4.B. How Appropriation was Initiated: By fieldwork and the filing of this Application. 4.C. Date Water Applied to Beneficial Use: N/A. 5. Amount Claimed: 2.0 acre feet, Conditional. 6. Uses: Livestock watering, augmentation, replacement, exchange, recreation, piscatorial, wildlife propagation and fire protection purposes. 7. Surface Area of High Water Line: 0.324 of an acre. 7.A. Maximum Height of Dam: 8.0 feet. 7.B. Length of Dam: 60 feet. 8. Total Capacity of Reservoir: 2.0 acre feet. 8.A. Active Capacity: 2.0 acre feet. 8.B. Dead Storage: 0 acre feet. 9. Name and address of owner of land on which the dam is located and land within the high water line: BEW Operating, LP, as described above. 10. Remarks or Other Pertinent Information: A map illustrating the location of the BEW Operating Pond is attached as Exhibit "A." APPLICATION FOR UNDERGROUND WATER RIGHT: 1. Name of Well and Permit, Registration or Denial Number: BEW Operating Well No. 1, (Unregistered). 2. Legal Description of the Well: BEW Operating Well No. 1 is located in the SE 1/4 NE 1/4 of Section 11, Township 5 South, Range 70 West, 6th P.M., Jefferson County. UTM coordinates are Northing 4,387,214 Meters; Easting 484,031 Meters. Zone 13S. Source of UTM is GPS Device. 3.A. Source of Water: Ground water that is tributary to Turkey Creek. 3.B. Depth of Well: 500 feet, (approximate). 4.A. Date of Appropriation: December 30, 2016. 4.B. How Appropriation was Initiated: By the filing of this Application. 4.C. Date Water Applied to Beneficial Use: N/A. 5. Amount Claimed: 15 gallons per minute, Conditional. 6. Uses: Livestock watering, maintenance of storage level in a reservoir, recreation, piscatorial and fire protection purposes. 7. Name and Address of Owner of Land on which the Well is Located: BEW Operating, LP, as described above. 8. Remarks: Upon approval of the plan for augmentation being requested herein, a well permit application for the BEW Operating Well No. 1 will be submitted to the State Engineer. APPLICATION FOR APPROVAL OF A PLAN FOR AUGMENTATION AND EXCHANGE RIGHT: 1. Names of Structures to be Augmented: BEW Operating Pond and BEW Operating Well No. 1, as described above. 2. Water Rights to be Used for Augmentation Purposes. a. BEW Operating, LP

("BEW Operating"), has entered into a contract with North Fork Associates, LLC to purchase 36.2 shares of the capital stock of the Mountain Mutual Reservoir Company, ("MMRC"). The 36.2 shares represent the right to receive 1.137 acre feet of augmentation water per year from the water rights and storage facilities MMRC holds for the benefit of its shareholders, as more particularly described below. b. The water rights which MMRC owns for the benefit of its shareholders (hereinafter referred to as the "Bear Creek/Turkey Creek water rights"), are summarized as follows: i. Harriman Ditch. 7.71 shares of the 400 shares of capital stock (1.93%), issued and outstanding in the Harriman Ditch Company. Said Company owns direct flow water rights decreed to the Harriman Ditch. Pursuant to the Decree entered in Civil Action No. 6832, on February 4, 1884, the Ditch was awarded the following direct flow priorities:

Appropriation Date	Priority Number	Source	Amount	MMRC Entitlement
April 15, 1868	21	Turkey Creek	10.75 cfs	0.2072 cfs
March 16, 1869	23	Bear Creek	7.94 cfs	0.1530 cfs
May 1, 1871	25	Bear Creek	25.54 cfs	0.4923 cfs
March 1, 1882	30	Bear Creek	12.87 cfs	0.2481 cfs

The Bear Creek headgate of the Harriman Ditch is located on the South bank of Bear Creek in the NE 1/4 NE 1/4, Section 2, Township 5 South, Range 70 West, 6th P.M., Jefferson County. 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, livestock watering, domestic and municipal purposes. ii. Warrior Ditch. 2.0 shares of the 160 shares of capital stock (1.25%), issued and outstanding in the Warrior Ditch Company. Said Company owns direct flow water rights decreed to the Warrior Ditch. Pursuant to the Decree entered in Civil Action No. 6832 on February 4, 1884, the Ditch was awarded the following direct flow priorities:

Appropriation Date	Priority Number	Source	Amount	MMRC Entitlement
Dec. 1, 1861	4	Bear Creek	12.33 cfs	0.1541 cfs
April 16, 1862	8	Turkey Creek	2.86 cfs	0.0358 cfs
Oct. 31, 1864	14	Bear Creek	25.47 cfs	0.3184 cfs
April 1, 1865	16	Bear Creek	11.49 cfs	0.1436 cfs

The headgates of the Warrior Ditch are the same as those of the Harriman Ditch, described above. The Ditch was originally decreed for irrigation purposes. iii. 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. Said Company owns storage water rights decreed to the Soda Lakes Reservoir Nos. 1 and 2. Pursuant to the Decree entered in Civil Action No. 91471 on September 24, 1935, the Soda Lake Reservoir Nos. 1 and 2 were adjudicated for 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. The date of appropriation awarded the structures was February 11, 1893. 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. iv. Meadowview Reservoir. The structure is located in the NE 1/4 SW 1/4 and the NW 1/4 SE 1/4 of Section 26, Township 5 South, Range 71 West, 6th P.M., Jefferson County. Meadowview Reservoir was awarded an absolute water right in Case No. 2009CW92 (2001CW294), in an amount of 20 acre feet, and a conditional water right in Case No. 94CW290, in an amount of 30 acre feet, for augmentation, replacement, exchange and substitution purposes. The source is water tributary to North Turkey Creek. Harriman Ditch and Warrior Ditch direct flow water and water available to MMRC in the Soda Lakes Reservoirs are also stored in

Meadowview Reservoir by exchange pursuant to the appropriative rights of substitution and exchange decreed in Case Nos. 94CW290, 2000CW060 and 2001CW293. c. The overall "firm" yield of consumptive use water available from the MMRC portfolio of Bear Creek/Turkey Creek water rights and storage facilities was quantified in the Decree entered by the District Court for Water Division 1 in Case No. 2001CW293, dated July 16, 2003. The terms and conditions under which the Bear Creek/Turkey Creek water rights are used for augmentation and replacement purposes are set forth in the Decrees in Case Nos. 94CW290 and 2001CW293, and are deemed to be *res judicata* in future proceedings involving such rights, pursuant to *Williams v. Midway Ranches*, 938 P.2d 515 (Colo. 1997). Reference is made to the Decrees in Case Nos. 94CW290 and 2001CW293 for more detailed information. 3. Statement of Plan for Augmentation, Covering all Applicable Matters under C.R.S. §37-92-103(9), §302(1)(2) and §305(8): a. BEW Operating is the owner of a ranch located in the E 1/2 of Section 11 and the W 1/2 of Section 12, Township 5 South, Range 70 West, 6th P.M., Jefferson County. The property encompasses approximately 293 acres. Two intermittent and unnamed tributaries, one of which connects to Turkey Creek less than a mile upstream of Bear Creek Lake, intersect the property. Historically, a small pond has existed on the property, which is described in this Application as the BEW Operating Pond. The Pond has been the primary source of water for livestock that graze on the property during a portion of each year. Livestock are moved to a different location during the winter. The general location and boundaries of the subject property are depicted on the attached Exhibit "A." b. BEW Operating plans to rebuild the BEW Operating Pond due to the fact that mining activities upstream of the Pond have resulted in siltation of the structure. Once rebuilt, BEW Operating intends to keep the BEW Operating Pond full at all times. The purpose of this plan for augmentation is to replace the net annual evaporation losses to Turkey Creek from the open water surface of the BEW Operating Pond, as well as to provide a dependable water supply for livestock that graze on the property and drink from the Pond. c. To the extent that the flow of water in the intermittent unnamed tributary on which the BEM Operating Pond is located does not provide a sufficient supply of water to keep the Pond full and satisfy the needs of the livestock, water from the BEW Operating Well No. 1 will be used to cover any shortfall. d. Evaporation losses from the BEW Operating Pond have been determined using the criteria described in the "General Administration Guidelines for Reservoirs," dated October 2011, published by the Colorado Division of Water Resources. Weather data from the Lakewood weather station has been used. e. The net annual evaporation rate at the location of the BEW Operating Pond has been determined to be 34.7 inches, based on a gross evaporation rate of 47.0 inches, an average effective annual precipitation of 11.1 inches and the fact that the surface of the Pond will be frozen in January and February. The depletion to the stream system associated with evaporation from the Pond, assuming a maximum surface area of 0.324 of an acre at all times, is 0.938 of an acre foot per year. f. The augmentation plan will also cover the watering of up to 45 yearling calves, which will be grazed on the property for a maximum of 180 days each year. Water requirements for the animals are assumed to be 8 gallons per animal per day, or a total of 0.199 of an acre foot per year. All water supplied to livestock is assumed to be consumed. g. Maximum stream depletions associated with watering livestock and replacing evaporation losses from the open water surface of the BEW Operating Pond are not anticipated to exceed 1.137 of an acre foot per year, or a maximum of 1.5 gallons per minute. The monthly distribution of such depletions in acre feet is as follows:

Jan	Feb	March	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Tot.
0	0	0.052	0.084	0.145	0.189	0.203	0.170	0.144	0.109	0.033	0.008	1.14

h. The required volume of augmentation water will be provided from the Bear Creek sources described in Paragraph No. 2, above. Due to the small volume of annual stream depletions projected to occur under this plan, instantaneous stream depletions may be aggregated and replaced by one or more releases from

storage of short duration, or by an assignment of MMRC's direct flow water rights at a higher than normal rate of delivery for a short time. i. The only water rights on Turkey Creek that divert water below the intersection of Turkey Creek and the unnamed tributary of Turkey Creek described in Paragraph No. 3(a), above, are the Warrior Ditch and the Harriman Ditch, which divert from a common headgate on Turkey Creek. During times when the exchanges decreed in Case Nos. 94CW290 and 2001CW293 can be operated, depletions to Turkey Creek will be augmented by either continuously leaving a portion of MMRC's Warrior Ditch and/or Harriman Ditch direct flow water rights in the stream or periodically releasing water stored in Soda Lakes Reservoirs to Turkey Creek. During times when the entire flow of Turkey Creek is being diverted at the Harriman/Warrior Ditch headgate, thereby preventing an upstream exchange from being operated, MMRC will leave a sufficient amount of its Bear Creek direct flow water rights in the Harriman/Warrior Ditch system to match the depletions then occurring under this augmentation plan. In the alternative, MMRC will deliver water stored in the Soda Lakes Reservoirs to the Harriman/Warrior Ditch system. j. In order to store water in the BEW Operating Pond during high flow events on the unnamed tributary of Turkey Creek upon which the Pond is located, BEW Operating asserts an appropriative right of substitute supply and exchange pursuant to C.R.S. §37-80-120 and §37-92-302(1)(a). The reach of the exchange shall extend from the confluence of Bear Creek and Turkey Creek at Bear Creek Lake in Section 5, Township 5 South, Range 69 West, 6th P.M., Jefferson County; thence up Turkey Creek to its confluence with an unnamed tributary of Turkey Creek in the SW 1/4 NE 1/4 of Section 12, Township 5 South, Range 70 West, 6th P.M.; thence up the unnamed tributary to its confluence with a second unnamed tributary in the NW 1/4 NW 1/4 of Section 12, Township 5 South, Range 70 West, 6th P.M.; and then up the second unnamed tributary to the BEW Pond in the SE 1/4 NE 1/4 of Section 11, Township 5 South, Range 70 West, 6th P.M. as described above. The exchange will operate to both fill the BEW Operating Pond and to replace depletions to the two unnamed tributaries of Turkey Creek as the depletions occur. The exchange will be administered with a priority date of December 30, 2016, at a maximum flow rate of 2.0 cubic feet per second. 4. Name(s) and Address(es) of Owners or Reputed Owner(s) of the Land upon which any new Diversion or Storage Structure, or Modification to any Existing Diversion or Storage Structure is or will be Constructed or upon which Water is or will be Stored, Including any Modification to the Existing Storage Pool: BEW Operating, LP, as described above. WHEREFORE, Applicants request the entry of a decree approving this Application, specifically determining that the source and location of delivery of augmentation water are sufficient to eliminate material injury to vested water rights. Applicants also request a determination that the BEW Operating Pond and the BEW Operating Well No. 1 can be operated without curtailment so long as out-of-priority stream depletions are replaced as proposed herein. BEW Operating further requests the entry of an Order directing the State Engineer to issue a permit for the BEW Operating Well No. 1. (9 pages and one exhibit).

## AMENDMENTS

**05CW226 FRONT RANGE ENERGY, LLC, c/o Daniel R. Sanders, Jr., 31375 Great Western Drive, Windsor, CO 80550, (970) 674-2910.** All pleadings should be sent to Applicant's attorneys in this matter: Zach C. Miller, Esq., Mave A. Gasaway, Esq., Eric Waeckerlin, Esq., Davis, Graham & Stubbs LLP, 1550 17<sup>th</sup> Street, Suite 500, Denver, CO 80202-1500, (303) 892-9400. **FOURTH AMENDMENT TO APPLICATION FOR UNDERGROUND WATER RIGHTS AND FOR APPROVAL OF PLAN FOR AUGMENTATION IN WELD COUNTY. INTRODUCTION AND FACTUAL BACKGROUND.** 2. Applicant Front Range Energy, LLC ("Applicant" or "Front Range") filed its initial Application for Underground Water Rights and for Approval of Plan for Augmentation ("Original Application") in this matter on August 31, 2005, claiming underground water rights associated with FRE Well No. 1, FRE Well No. 2 and FRE Well No. 3, to supply the primary water requirements of Applicant's ethanol production plant in the Town of Windsor, Weld County, Colorado ("Windsor Plant"). 3. Applicant filed a First Amendment to Application for Underground Water Rights and for Approval of Plan for Augmentation ("First Amended Application") on June 26, 2006, to add two additional wells: (a)

the Weitzel Well No. 1, originally permitted under Permit No. 12805-RR, which authorizes use of the well to irrigate the “Detienne Tract” of land on which this well is located, as decreed on September 4, 1973 by the Water Court, Water Division No. 1 in Case No. W-3044 (corrected), and Well Permit No. 64806-F, which authorizes the additional alternative use of the well for industrial, commercial and fire protection purposes related to operation of the Windsor Plant and for irrigation of approximately 1.0 acre of the Windsor Plant property; and (b) the Weitzel Siphon Well, originally permitted under Well Permit No. 64497-F, which authorizes use of the well to irrigate the Detienne Tract on which this well also is located, as decreed on September 4, 1973 by the Water Court, Water Division No. 1 in Case No. W-3044 (corrected), and Well Permit No. 64807-F, which authorizes the additional alternative use of the well for industrial, commercial and fire protection purposes related to operation of the Windsor Plant and for irrigation of approximately 1.0 acre of the Windsor Plant property. 4. Applicant filed a Second Amendment to Application for Underground Water Rights and for Approval of Plan for Augmentation (“Second Amended Application”) on June 22, 2007, to add a sixth well, FRE Well No. 4, for use as a supplemental source of supply to the Windsor Plant, and to authorize Applicant in the future to drill additional and/or replacement wells for the Weitzel Well No. 1 and Weitzel Siphon Well for use as an additional supplemental source(s) of water for Windsor Plant operations. 5. Applicant filed a Third Amendment to Application for Underground Water Rights and for Approval of Plan for Augmentation (“Third Amended Application”) on April 29, 2011, to clarify and confirm (a) that the originally decreed irrigation water rights associated with the Weitzel Well No. 1 and Weitzel Siphon Well, as decreed in Case No. W-3044 (corrected), are not and will not be changed, and (b) the initiation and appropriation of two new underground water rights associated with the Weitzel Well No. 1 and Weitzel Siphon Well, designated Weitzel Well No. 1 (Industrial) and Weitzel Siphon Well (Industrial), to allow for the alternate use of those wells as additional sources of water for the Windsor Plant industrial operations consistent with Well Permit No. 64806-F and Well Permit No. 64807-F, while preserving the historic permitted and decreed use of the wells to irrigate the Detienne Tract. 6. **NEW FOURTH AMENDMENT TO APPLICATION.** 6. This Fourth Amendment to Application for Underground Water Rights and Approval of Plan for Augmentation (“Fourth Amended Application”) is filed to reflect the fact the 2005 Water Lease between Front Range and the Town of Windsor (“Windsor Water Lease”), as described in more detail in Paragraphs 17-19 below, which serves as the source of replacement water supply for the plan for augmentation described below, has recently been amended. Specifically, the Windsor Water Lease was amended by Amendment to Water Lease dated November 7, 2016 (“2016 Lease Amendment”), to reduce the amount of replacement water that Windsor is annually obligated to provide under the Windsor Water Lease from 500 acre-feet to 435 acre-feet per year. As more specifically described in Paragraph 17 below, as a result of this 2016 Lease Amendment, the cumulative net depletions from the wells covered by this subject augmentation plan will now be limited to 435 acre-feet per year. This Fourth Amended Application also clarifies and confirms that, in addition to the senior Kern Reservoir water rights described in the original Application, Windsor may also use other water rights that it owns or otherwise has a right to use to satisfy its obligation to provide replacement water for this augmentation plan under the Amended Water Lease, so long as such rights meet the requirements described in paragraph 17 below, and may deliver its replacement water from alternative upstream locations, as described in Paragraph 18 below. In all other respects, the Application remains as stated following the Third Amendment in 2011. **APPLICATION FOR UNDERGROUND WATER RIGHTS.** 7. Names of Wells and Permit, Registration or Denial Numbers. A. FRE Well No. 1: Well Permit No. 64059-F. B. FRE Well No. 2: Well Permit No. 64691-F. C. FRE Well No. 3: Well Permit No. 64060-F. D. FRE Well No. 4: Well Permit No. 66611-F. E. Weitzel Well No. 1 (Industrial): Well Permit No. 64806-F. F. Weitzel Siphon Well (Industrial): Well Permit No. 64807-F. 8. Legal Descriptions of Wells. A. FRE Well No. 1: NW1/4 of the SE1/4 of Section 26, Township 6 North, Range 67 West, 6<sup>th</sup> P.M., Weld County, Colorado. B. FRE Well No. 2: SW1/4 of the NE1/4 of Section 26, Township 6 North, Range 67 West, 6<sup>th</sup> P.M., Weld County, Colorado. C. FRE Well No. 3: NW1/4 of the SE1/4 of Section 26, Township 6 North, Range 67 West, 6<sup>th</sup> P.M., Weld County, Colorado. D. FRE Well No. 4: NW1/4 of the SE1/4 of Section 23, Township 6 North, Range 67 West of the 6<sup>th</sup> P.M., Weld County,

Colorado. E. Weitzel Well No. 1 (Industrial): NW1/4 of the SE1/4 of Section 23, Township 6 North, Range 67 West of the 6<sup>th</sup> P.M., Weld County, Colorado. F. Weitzel Siphon Well (Industrial): NW1/4 of the SE1/4 of Section 23, Township 6 North, Range 67 West of the 6<sup>th</sup> P.M., Weld County, Colorado. The locations of these wells are further delineated in Figure 1 attached hereto. 9. Source of Water: For all six wells, groundwater tributary to the Cache la Poudre River. 10. Depths of Wells. A. FRE Well No. 1: 26 feet. B. FRE Well No. 2: 31 feet. C. FRE Well No. 3: 26 feet. D. FRE Well No. 4: 34 feet. E. Weitzel Well No. 1: 39 feet. F. Weitzel Siphon Well: 40 feet. 11. Dates and Methods of Appropriation. A. FRE Well No. 1: May 12, 2005, by formation of intent to appropriate and drilling of test holes. B. FRE Well No. 2: May 12, 2005, by formation of intent to appropriate and drilling of test holes. C. FRE Well No. 3: May 12, 2005, by formation of intent to appropriate and drilling of test holes. D. FRE Well No. 4: May 2, 2007, by formation of intent to appropriate and drilling of test holes. E. Weitzel Well No. 1 (Industrial): June 2, 2006, by formation of intent to appropriate and lease of the well for use in Windsor Plant operations. F. Weitzel Siphon Well (Industrial): June 2, 2006, by formation of intent to appropriate and lease of the well for use in Windsor Plant operations. 12. Dates Water First Applied to Beneficial Use. A. FRE Well No. 1: On or before June 1, 2006. B. FRE Well No. 2: On or before June 1, 2006. C. FRE Well No. 3: On or before June 1, 2006. D. FRE Well No. 4: On or before October 31, 2007. E. Weitzel Well No. 1 (Industrial): On or before September 30, 2006. F. Weitzel Siphon Well (Industrial): On or before September 30, 2006. 13. Amounts Claimed. A. Windsor Plant Uses: 600 gallons per minute (“gpm”), collective maximum cumulative pumping rate of FRE Well No. 1, FRE Well No. 2, FRE Well No. 3, FRE Well No. 4, Weitzel Well No. 1 (Industrial) and Weitzel Siphon Well (Industrial). B. Irrigation Uses: Use of the Weitzel Well No. 1 and/or Weitzel Siphon Well for continued irrigation of the Detienne Tract pursuant to Permit Nos. 12805-RR and 64497-F, respectively, shall continue to be subject to the decrees issued by the Water Court, Division 1 in Case No. W-3044 (corrected) and in Case No. W-7921 (75). 14. Proposed Uses. A. Windsor Plant Uses: Water pumped from FRE Well No. 1, FRE Well No. 2, FRE Well No. 3, FRE Well No. 4, Weitzel Well No. 1 (Industrial) and Weitzel Siphon Well (Industrial) is used for industrial, commercial and fire protection uses related to operation of the Windsor Plant, and for irrigation of approximately 1.0 acre of the Windsor Plant property. B. Irrigation Uses: Use of the Weitzel Well No. 1 and/or Weitzel Siphon Well for continued irrigation of the Detienne Tract pursuant to Permit Nos. 12805-RR and 64497-F, respectively, shall continue to be subject to the decrees issued by the Water Court, Division 1 in Case No. W-3044 (corrected) and in Case No. W-7921(75). 15. Names and Addresses of Owners of Land on which Points of Diversion and Places of Use are Located. Front Range Energy, LLC, c/o Daniel Sanders, 31375 Great Western Drive, Windsor, CO 80550. Owner of land on which FRE Well No. 4 is located (subject to easement to Applicant): Broe Land Acquisitions II, LLC, 252 Clayton Street, Fourth Floor, Denver, CO 80206. **APPLICATION FOR APPROVAL OF PLAN FOR AUGMENTATION**. 16. Names of Structures to be Augmented. The structures to be augmented by this proposed Plan for Augmentation (hereinafter, “Windsor Plan for Augmentation”) are FRE Well No. 1, FRE Well No. 2, FRE Well No. 3, FRE Well No. 4, Weitzel Well No. 1 (Industrial) and Weitzel Siphon Well (Industrial). These wells supply the water requirements of the Windsor Plant, which operates on a 24-hour, 7-day a week schedule for 365 days per year, except for periodic shut-downs for maintenance. The Plant utilizes a reverse osmosis water treatment system to purify the pumped groundwater supply to the standards required in the ethanol plant processing cycle and for use in the cooling and heating plants. The Plant has a maximum pumping capacity of no more than 600 gpm from all six wells at peak operation, and the cumulative net stream depletions, including outside irrigation use, will be limited to no more than 435 acre-feet/year, or an average of 36.25 acre-feet/month. 17. Water Rights to be Used for Augmentation. The Town of Windsor (the “Town” or “Windsor”) provides augmentation water to offset net out-of-priority depletions occurring in the Cache la Poudre River due to Front Range’s net consumptive use of groundwater pumped from FRE Well No. 1, FRE Well No. 2, FRE Well No. 3, FRE Well No. 4, Weitzel Well No. 1 (Industrial) and Weitzel Siphon Well (Industrial), pursuant to the March 28, 2005 Water Lease (“2005 Water Lease”) from Windsor to Front Range, which was recorded in the Weld County Clerk and Recorder’s Office on July 7, 2005, at Reception No. 3300821, as amended by the Amendment to Water Lease dated November 7, 2016, recorded in the Weld

County Clerk and Recorder's Office on December 12, 2016, at Reception No. 4260856 ("Amended Water Lease"). Under the Amended Lease, Windsor leased to Front Range for 99 years, year-round fully consumable water owned by the Town in an amount of 435 acre-feet annually for purposes of augmenting the above six wells for commercial, manufacturing and industrial uses related to operation of the Windsor Plant, and irrigation of 1.0 acre of the Windsor Plant property. To satisfy Windsor's obligation to deliver water under the Amended Water Lease, the Town has relied on senior rights to water in Windsor Lake (also known as Kern Reservoir [WDID #0303770]) represented by shares of stock the Town owns in the Kern Reservoir and Ditch Company ("KRDC"). Pursuant to the Final Decree issued by the Water Court, Water Division No. 1 in Case No. 02CW301, the senior rights represented by the Town's KRDC shares were converted from irrigation to municipal and other uses, including augmentation, making that water provided by the Town under the Amended Water Lease fully usable for augmentation of the net out-of-priority depletions caused by Front Range's pumping and use of water from FRE Well No. 1, FRE Well No. 2, FRE Well No. 3, FRE Well No. 4, Weitzel Well No. 1 (Industrial) and Weitzel Siphon Well (Industrial). Under the 2016 Amendment to the Windsor Water Lease, in addition to the above senior KRDC right, the Town may also, at its option, use and deliver water attributable to other water rights that Windsor now or hereafter owns or has a right to use to provide replacement water under this plan for augmentation, so long as such alternative water rights (1) are authorized by decree or a valid substitute water supply plan to be used for augmentation, (2) are allowed to be used for such use under the decree issued in this case, (3) are physically and legally available for such use at the time of delivery, (4) are sufficient to allow Front Range's wells covered by this plan to operate as though water under the above-described senior water right represented by Windsor's shares in KRDC had been delivered, and (5) the water represented by such rights can and will be delivered to the Cache la Poudre River in Section 34, Township 6 North, Range 67 West in the 6<sup>th</sup> P.M. at a point 2,890 feet from the North Section Line and 3,140 feet from the East Section Line. By this Fourth Amendment to its Application, Front Range seeks the right to use such alternative sources of supply in the plan for augmentation described below and decreed in this matter. 18. Plan for Augmentation. To meet the requirements of the subject Plan for Augmentation, the Town will deliver water from the outlet of Kern Reservoir through the Kern Lateral to the Cache la Poudre River in Section 34, Township 6 North, Range 67 West, which is approximately ½ mile upstream of the depletions caused by the Windsor Plant, or from Kyger Reservoir located in Section 13, Township 6 North, Range 68 West, and other locations at or above the Kern Lateral outfall to the extent such facilities can deliver the full amount of replacement water to the Cache la Poudre River at the same point in said Section 34, in sufficient amounts to offset net out-of-priority depletions to the Cache la Poudre River caused by Front Range's consumptive use of groundwater pumped from FRE Well No. 1, FRE Well No. 2, FRE Well No. 3, FRE Well No. 4, Weitzel Well No. 1 (Industrial) and Weitzel Siphon Well (Industrial), in an amount up to 435 acre-feet per year. Consumptive use of the wells is calculated from the measured plant effluent that is discharged by Front Range to the Cache la Poudre River in Section 35, Township 6 North, Range 67 West. Stream lagged depletions on a monthly basis will be calculated by applying unit response functions for each well, based on the alluvial aquifer properties into the Alluvial Water Accounting System ("AWAS") model. Monthly acre-foot volumes of net depletion are replaced by water provided by the Town under the Amended Lease. The replacement supply amount and timing is based on current depletions and estimated depletions that will occur during future operation of the wells. Meters have been installed on the six well pumps to measure the actual future pumping from the wells. The effluent from Plant operations returning to the Cache la Poudre River also is measured to calculate net depletions that must be replaced. 19. Pumping Limits and Augmentation. Use of FRE Well No. 1, FRE Well No. 2, FRE Well No. 3, FRE Well No. 4, Weitzel Well No. 1 (Industrial) and Weitzel Siphon Well (Industrial) are complementary such that their combined pumping for industrial, commercial, fire protection and irrigation uses associated with the Windsor Plant do not to exceed 600 gpm, and total net annual depletions from combined operations of all such wells will be limited to 435 acre-feet. As described above, net depletions from the consumptive use from FRE Well No. 1, FRE Well No. 2, FRE Well No.3, FRE Well No. 4, Weitzel Well No. 1 (Industrial) and Weitzel Siphon Well (Industrial) are augmented and replaced by water leased and delivered under the Amended Water Lease. Alternate use of

the Weitzel Siphon Well and Weitzel Well No. 1 for historic irrigation of the Detienne Tract, instead of in association with Windsor Plant operations, will continue to be subject to and consistent with the original permits issued for these wells (Permit Nos. 64497-F and 12805-RR), and depletions from these wells when pumped for irrigation will continue to be replaced according to the terms and conditions of the Cache La Poudre Water Users Association's Augmentation Plan decreed by the Water Court, Division No. 1, in Case No. W-7921(75). 20. Prior Statements of Opposition. All previous Statements of Opposition filed in this matter shall remain valid and apply to this Fourth Amended Application without the need to amend or renew such Statements, and any issues concerning relation back are reserved for trial. (10 pages)

**14CW3016 SYLVAN DALE RANCH, LLLP, Sylvan Dale Ranch, LLLP, C/O David Jessup, Susan Jessup, 2939 North County Road 31D, Loveland, CO 80538, (970) 667-3915.** Please forward all pleadings and correspondence to William R. Fischer and Donald E. Frick, Fischer, Brown, Bartlett & Gunn, P.C., 1319 E. Prospect Road, Fort Collins, Colorado 80525, (970) 407-9000. FIRST AMENDED APPLICATION FOR WATER RIGHTS, CHANGE OF WATER RIGHTS AND PLAN FOR AUGMENTATION IN LARIMER COUNTY. 2. Overview of Application. 2.1. Sylvan Dale Guest Ranch. Applicant owns and operates the Sylvan Dale Guest Ranch generally located off of US Highway 34, adjacent to the Big Thompson River in the SE1/4 of Section 3, Township 5 North, Range 70 West, 6<sup>th</sup> P.M. (the "Guest Ranch"). Beginning in about 1948 a series of five unlined ponds were constructed on the Guest Ranch and were historically used generally for piscatorial, fish habitat and recreation purposes. Water was historically diverted into and through the ponds via the Sylvan Dale Waterway, which diverted water from the Big Thompson River in the SW1/4 of the SE1/4 of Section 3, Township 5 North, Range 70 West, 6<sup>th</sup> P.M. Water from the Sylvan Dale Waterway provided freshening flows to and through the ponds, and replaces evaporation from the ponds, as generally shown on Exhibit A. All of the ponds on the Guest Ranch were destroyed by the September 2013 flood. Applicant intends to reconstruct some, but not all, of the ponds that were destroyed in the flood, but the exact configuration of the ponds has not been determined. With respect to the Guest Ranch, the purposes of this Application are to: (1) adjudicate a surface water right for the Sylvan Dale Waterway, as it will be reconstructed, and (2) obtain approval of a plan for augmentation to augment the evaporative depletions from the ponds, as they may be reconstructed. 2.2. Big Valley Ranch. Applicant also owns the Big Valley Ranch located generally in portions of Sections 12 and 13, Township 5 North, Range 70 West, 6<sup>th</sup> P.M. Applicant has historically diverted Colorado Big-Thompson Project delivered by exchange to two interconnected ponds (Big Pump Lake and Little Pump Lake) located adjacent to the Big Thompson River, as shown on Exhibit B, for irrigation purposes, in coordination with the District 4 Water Commissioner. These ponds were completely silted in as a result of the September 2013 flood, making irrigation of the Big Valley Ranch impossible from the ponds. With respect to the Big Valley Ranch, the purposes of this Application are to: (1) adjudicate a ground water right for the ponds, and (2) obtain approval of a plan for augmentation to augment the evaporative depletions from the ponds so as to allow the ponds to be dredged and used as they were historically. 3. Application for New Water Rights. 3.1. Name of Water Right: Sylvan Dale Waterway. 3.1.1. Point of Diversion: On the north bank of the Big Thompson River in the SW1/4 SE1/4 of Section 3, Township 5 North, Range 70 West, 6<sup>th</sup> P.M. 3.1.2. Source: Big Thompson River. 3.1.3. Date of Appropriation: On or before December 31, 1954. 3.1.4. How Appropriation was Initiated: By construction of the Sylvan Dale Waterway and associated ponds. 3.1.5 Date Water Applied to Beneficial Use: On or before December 31, 1954. 3.1.6. Amount Claimed: 10 cfs, of which 1.0 cfs is claimed absolute. Applicant reserves the right to make absolute any portion of the conditional water right diverted and put to beneficial use during the pendency of this application. To the extent not awarded absolute, Applicant claims the 1.0 cfs conditional. 3.1.7. Uses: Recreation, piscatorial, wildlife, fish habitat, replacement of pond evaporation. 3.2. Name of Water Rights: Big Pump Lake and Little Pump Lake. 3.2.1. Location: The center of Big Pump Lake is located in the SE1/4 of the NW1/4 of Section 12, Township 5 North, Range 70 West, 6<sup>th</sup> PM., at a point approximately 2,356 feet from the North section line and 2,278 feet from the West section line of said Section 12. The center of Little Pump Lake is

located in the SW1/4 of the NE1/4 of said Section 12, at a point approximately 2,325 feet from the North section line and 2,608 feet from the East section line of said Section 12. 3.2.2. Source: Surface and ground water, including seepage, tributary to the Big Thompson River. 3.2.3. Date of Appropriation: On or before December 31, 1954. 3.2.4. How Appropriation was Initiated: By filing of this application. 3.2.5. Date Water Applied to Beneficial Use: On or before December 31, 1954. 3.2.6. Amount Claimed: 5.0 gpm, absolute. 3.2.7. Uses: Recreation, piscatorial, wildlife, fish habitat, replacement of pond evaporation. 4. Application for approval of change of water rights. Applicant owns 2.5 shares in the Handy Ditch Company which by this amended application it seeks to change the use to permit the shares to be used for augmentation under the plan for augmentation requested herein. 4.1. From Previous Decrees: 4.1.1. Direct flow rights, by original appropriation, decreed to the Handy Ditch from the Big Thompson River. 4.1.1.1. Date entered: May 28, 1883, Court: District Court in and for Boulder County. 4.1.1.2. Decreed point of diversion: The Handy Ditch headgate located on the right bank of the Big Thompson River immediately downstream from the mouth of the Big Thompson Canyon in the SW1/4 of Section 3, Township 5 North, Range 70 West, 6<sup>th</sup> P.M., in Larimer County. 4.1.1.3. Source: Big Thompson River. 4.1.1.4. Appropriation dates and amounts: 4.1.1.4.1. February 28, 1878, Priority No. 39 for 31.2 cfs, of which Applicant's proportionate interest is 0.0866 cfs. 4.1.1.4.2. December 15, 1980, Priority No. 47 1/2 for 141.234 cfs, of which Applicant's proportionate interest is 0.392 cfs. 4.1.1.5. Direct flow rights transferred from the Big Thompson Ditch and Manufacturing Company to the Handy Ditch. 4.1.1.5.1. Date entered: May 28, 1883, Court District Court in and for Boulder County. 4.1.1.5.2. Decree point of diversion: In Section 15, Township 5 North, Range 69 West, 6<sup>th</sup> P.M., in Larimer County. 4.1.1.5.3. Source: Big Thompson River. 4.1.1.5.4. Appropriation dates and amounts: 4.1.1.5.4.1. April 1, 1863, Priority No. 2 for 34.02 cfs. 4.1.1.5.4.2. May 1, 1864, Priority No. 4, for 37.01 cfs. 4.1.1.5.4.3. March 1, 1867, Priority No. 10 1/2, for 9.75 cfs. 4.1.1.5.4.4. May 1, 1872, Priority No. 20, for 9.75 cfs. 4.1.1.5.5. Change in point of diversion from the Big Thompson Ditch and Manufacturing Company Ditch to the Handy Ditch. 4.1.1.5.5.1. Date entered: March 23, 1914, Court: District Court in and for Boulder County. 4.1.1.5.5.2. Decreed point of diversion: as set forth in ¶4.1.1.2 above. 4.1.1.5.5.3. Source: Big Thompson River 4.1.1.5.5.4. Appropriation dates and amounts: 4.1.1.5.5.4.1. April 1, 1863, Priority No. 2 for 1.39 cfs, of which Applicant's proportionate interest is 0.0038 cfs. 4.1.1.5.5.4.2. May 1, 1864, Priority No. 4 for 1.52 cfs, of which Applicant's proportionate interest is 0.0042 cfs. 4.1.1.5.5.4.3. March 1, 1867, Priority No. 10 1/2 for 2.69 cfs, of which Applicant's proportionate interest is 0.0074 cfs. 4.1.1.5.5.4.4. May 1, 1872, Priority No. 20, for 0.40 cfs, of which Applicant's proportionate interest is 0.0011 cfs. 4.1.1.6. Direct flow right transferred from the Big Thompson Irrigating Ditch to the Handy Ditch. 4.1.1.6.1. Date entered: May 28, 1883, Court District Court in and for Boulder County. 4.1.1.6.2. Decreed point of diversion: Section 19, Township 5 North, Range 68 West, 6<sup>th</sup> P.M., in Larimer County. 4.1.1.6.3. Source: Big Thompson River. 4.1.1.6.4. Appropriation date and amount: February 25, 1865, Priority No. 5 for 78 cfs. 4.1.1.6.5. Change in point of diversion from the Big Thompson Irrigating Ditch to the Handy Ditch. 4.1.1.6.5.1. Date entered: March 21, 1898, Court: District Court in and for Larimer County. 4.1.1.6.5.2. Decree point of diversion: as set forth in ¶4.1.1.2 above. 4.1.1.6.5.3. Source: Big Thompson River. 4.1.1.6.5.4. Appropriation date and amount: February 25, 1865, Priority No. 5 for 20 cfs, of which Applicant's proportionate interest is 0.055 cfs. 4.1.1.7. Storage rights in Welch Reservoir. 4.1.1.7.1. Dates entered: April 1, 1931, Case No. 9079, and November 14, 1939, Case No. 10077, Court: District Court in and for Boulder County. 4.1.1.7.2. Decree point of diversion: The Handy Ditch, as set forth in ¶4.1.1.2 above. Welch Reservoir is located in parts of Sections 3, 4, 9, and 10, Township 4 North, Range 69 West, 6<sup>th</sup> P.M. 4.1.1.7.3. Source: Big Thompson River. 4.1.1.7.4. Appropriation dates and amounts. 4.1.1.7.4.1. October 1, 1881, Welch Reservoir No. 1 for 1,901 acre-feet, of which Applicant's proportionate interest is 5.28 acre-feet. 4.1.1.7.4.2. November 25, 1888, Welch Reservoir No. 2 for 662 acre-feet, of which Applicant's proportionate interest is 1.83 acre-feet. 4.1.1.7.4.3. November 25, 1888, Welch Reservoir No. 5 for 26.5 acre-feet, of which Applicant's proportionate interest is 0.073 acre-feet. 4.1.1.7.4.4. April 17, 1902, Welch Reservoir Nos. 1, 2 and 5 (First Enlargement, for 1,263 acre-feet, of which Applicant's proportionate interest is 3.5 acre-feet. 4.1.1.7.4.5. February 1, 1904, Welch Reservoir Nos. 3 and 4, for 471 acre-feet, of which Applicant's proportionate interest is 1.3 acre-feet. 4.1.1.7.4.6.

June 1, 1921, Welch Reservoir Nos. 1, 2, 3, 4, and 5 (Second Enlargement), for 631 acre-feet, of which Applicant's proportionate interest is 1.75 acre-feet. 4.1.1.7.4.7. June 15, 1923, Welch Reservoir Nos. 1, 2, 3, 4, and 5 (Refill), for 4,955 acre-feet, of which Applicant's proportionate interest is 13.76 acre-feet. 4.1.1.8. Storage rights in Hertha Reservoir 4.1.1.8.1. Dates entered: April 1, 1931, Case No. 9079, and November 14, 1939, Case No. 10077, Court: District Court in and for Boulder County. 4.1.1.8.2. Decreed point of diversion: NE1/4 of Section 13, Township 4 North, Range 69 West, 6<sup>th</sup> P.M. Hertha Reservoir is located in parts of Sections 7 and 18, Township 4 North, Range 69 West, 6<sup>th</sup> P.M., and part of Section 13, Township 4 North, Range 70 West, 6<sup>th</sup> P.M. 4.1.1.8.3. Source: Dry Creek and Knaus Creek. 4.1.1.8.4. Appropriation dates and amounts: 4.1.1.8.4.1. November 9, 1909, for 539 acre-feet, of which Applicant's proportionate interest is 1.49 acre-feet. 4.1.1.8.4.2. May 18, 1925, (First Enlargement), for 1,543 acre-feet, of which Applicant's proportionate interest is 4.28 acre-feet. 4.1.1.8.4.3. June 15, 1923, (Refill), for 593 acre-feet, of which Applicant's proportionate interest is 1.49 acre-feet. 4.2. Historical Use: Irrigation on approximately 7.2 acres in the SW1/4 of the SE1/4 of Section 3 and the NW1/4 of the NE1/4 of Section 10, Township 5 North, Range 70 West, 6<sup>th</sup> P.M., as generally shown on Exhibit C hereto. A summary of diversion records is attached hereto as Exhibit D. 4.3. Proposed Change: Applicant seeks to change the subject water rights to allow them to be used for augmentation and replacement purposes associated with the augmentation plan sought herein. 5. Application for approval of plan for augmentation. 5.1. Name of structures to be augmented: Sylvan Dale Waterway, Big Pump Lake and Little Pump Lake, as described in ¶3 above. 5.2. Are there other water rights diverted from the structures? CBT water has and will be diverted by exchange from the Big Pump Lake and Little Pump Lake. 5.3. Previous decree for water right to be used for augmentation: n/a. 5.4. Historical use: n/a. 5.5. Statement of plan for augmentation, covering all applicable matters under CRS 37-92-103(9), 302(1)(2) and 305(8). Give full details of plan, including a description of all water rights to be established or changed by the plan: 5.5.1. General description of plan: 5.5.1.1. Sylvan Dale Guest Ranch. Water diverted from the Big Thompson River via the Sylvan Dale Waterway will be conveyed to and through a series of ponds providing freshening flows to the ponds and replacing any water lost from evaporation. Water will be diverted continuously throughout the year. The ponds have a surface area of not more than 5.0 acres, though the final configuration, size and number of ponds has yet to be determined. After flowing through the ponds the water from the Sylvan Dale Waterway will be returned to the Big Thompson River in the SE1/4 of Section 3, Township 5 North, Range 70 West, 6<sup>th</sup> P.M. There are no intervening water rights between the point of diversion from the Big Thompson River and the point of return to the river approximately 1,600 feet downstream. Of the water initially diverted from the Big Thompson River, the only net consumptive use of water is attributable to evaporation from the ponds. Thus, the proposed plan for augmentation will only replace the evaporation loss from the ponds. 5.5.1.2. Big Valley Ranch. Big Pump Lake and Little Pump Lake, following dredging, will intercept surface and ground water tributary to the Big Thompson River. The two lakes are hydraulically connected to the Big Thompson River via surface flow. The two lakes will have a surface area of approximately 2.6 acres. The plan for augmentation will replace out-of-priority depletions associated with evaporation from the ponds. 5.5.2. Sources of augmentation. Applicant has identified the following sources of water to be used for augmentation. Due to the relatively small amount of depletions to be augmented, Applicant proposes to reserve the right to aggregate replacements with the coordination of the water commissioner, and subject to the terms and conditions of any decree ultimately entered in this case. 5.5.2.1. City of Loveland. Prior to the September 2013 flood, Applicant obtained a short-term lease with the City of Loveland for fully consumable augmentation water sufficient to replace depletions associated with the plan for augmentation so as to prevent injury to vested water rights. Applicant is in the process of negotiating a lease with Loveland to obtain a long-term right to utilize fully consumable source or sources of water available to Loveland for the purpose of augmenting long-term depletions from the Sylvan Dale Waterway. If Applicant is unable to obtain such a lease from Loveland, Applicant will acquire the right to use other suitable source(s) of water suitable for augmenting the evaporation loss from the Ponds, and will seek to amend this application accordingly. 5.5.2.2. The 2.5 Handy Ditch shares as described in ¶4 above. 5.5.2.3. Additional sources. Applicant reserves the right to add sources to the plan for augmentation, including

sources available under temporary approval from the State Engineer pursuant to C.R.S. §37-92-308, -309, or sources separately decreed for augmentation purposes and subsequently added to the plan for augmentation. 6. Name and address of the owner of the land on which structures is or will be located, upon which water is or will be stored, or upon which water is or will be placed to beneficial use (other than Applicant): 6.1. City of Loveland, 200 North Wilson Avenue, Loveland, CO 80537. 6.2. Handy Ditch Company, 502 N 2<sup>nd</sup> St. Berthoud, CO 80513. 9 pages.

**15CW3169 CAC TIMNATH LLC c/o Michael Kuykendall, Catellus Development Corporation, 66 Franklin Street, Suite 200, Oakland, CA 94607, Telephone: 510-267-3428. Holland & Hart LLP, Attn: Mark E. Hamilton, Esq., mehamilton@hollandhart.com and Kylie Crandall, kjerandall@hollandhart.com, 600 East Main Street, Suite 104, Aspen, CO 81611-1991, (T) (970) 925-3476, (F) (866) 784-7682. FIRST AMENDED AND RESTATED APPLICATION FOR UNDERGROUND WATER RIGHTS, STORAGE WATER RIGHT, CHANGE OF WATER RIGHTS, AND PLAN FOR AUGMENTATION IN LARIMER COUNTY. FIRST CLAIM:** The Timnath Landing Pond Wells: (1) Timnath Landing North Pond Well. Location: NW1/4 SE1/4 of section 35, Township 7 North, Range 68 West of the 6th P.M., Larimer County, Colorado. Source: Ground water tributary to the Cache La Poudre River, tributary to the South Platte River. Well Permit: N/A at this time. Avg. Depth: 25 feet. Approp. Date: Dec. 23, 2015. Appropriation initiated by developing engineering plans to construct the ponds and filing the application in this matter. Amount: Rate: 0.75 c.f.s. maximum, conditional, in combination with all other Timnath Landing Ponds. Volume: 29.4 acre-feet maximum per year (any additional amount withdrawn will be immediately discharged to the stream system, without consumptive use or evaporative loss). Uses: aesthetic, recreation, piscatorial, fire-fighting, dust control, and construction. Surface Area: 8.4 acres. (2) Timnath Landing Middle Pond Well. Location: NE1/4 SE1/4, SW1/4 SE1/4 and the SE1/4 SE1/4 of section 35, Township 7 North, Range 68 West of the 6th P.M., Larimer County, Colorado. Source: Ground water tributary to the Cache La Poudre River, tributary to the South Platte River. Well Permit: N/A. Avg. Depth: 25 feet. Approp. Date: Dec. 23, 2015. Appropriation initiated by developing engineering plans to construct the ponds and filing the application in this matter. Amount: Rate: 0.75 c.f.s. maximum, conditional, in combination with all other Timnath Landing Ponds. Volume: 44.8 acre-feet maximum per year (any additional amounts withdrawn will be immediately discharged to the stream system, without consumptive use or evaporative loss). Uses: aesthetic, recreation, piscatorial, fire-fighting, dust control, and construction. Surface Area: 12.8 acres. (3) Timnath Landing South Pond Well. Location: SE1/4 SE1/4 of section 35, Township 7 North, Range 68 West of the 6th P.M., Larimer County, Colorado. Source: groundwater tributary to the Cache La Poudre River, tributary to the South Platte River. Well Permit: N/A. Avg. Depth: 25 feet. Approp. Date: Dec. 23, 2015. Appropriation initiated by developing engineering plans to construct the ponds and filing the application in this matter. Amount: Rate: 0.75 c.f.s. maximum, conditional, in combination with all other Timnath Landing Ponds. Volume: 52.64 acre-feet maximum per year (any additional amounts withdrawn will be immediately discharged to the stream system, without consumptive use or evaporative loss). Uses: aesthetic, recreation, piscatorial, fire-fighting, dust control, and construction. Surface Area: 15.04 acres. **SECOND CLAIM:** Timnath Landing Augmentation Pond. Location: NW1/4 of Section 35, Township 7 North, Range 68 West of the 6th P.M., Larimer County, Colorado, at a point 1885 feet from the N. section line, and 900 feet from the W section line, of said Section 35. Source: Water from Applicant's Lake Canal Ditch Shares (defined below in Third Claim). Names of ditches used to fill pond and capacity in c.f.s.: Lake Canal Ditch; 158.35 c.f.s. (total capacity of main ditch--Applicant has a 14.60 c.f.s. interest in Lake Canal Ditch water right). Location: the headgate of the Lake Canal Ditch is located on the north side of the Cache La Poudre River in the NE1/4 SE1/4 SE1/4, Section 2, Township 7 North, Range 69 West of the 6th P.M., Larimer County, Colorado. Avg. Depth: 35 feet. Approp. Date: Dec. 31, 2016. Appropriation initiated by developing engineering plans to construct an onsite augmentation pond and filing an amended application in this matter. Amount claimed: 394 acre-feet, conditional. Max. rate of diversion through filler ditch: 14.6 c.f.s. Uses: aesthetic, irrigation, recreation, piscatorial, fire-fighting, dust control, construction, and augmentation. Surface area of high water line: maximum of 12.0

acres. Total capacity: 394 acre-feet.. THIRD CLAIM: Applicant seeks approval of a change of water right for its proportionate interest in the Lake Canal Ditch (owned and operated by the Lake Canal Ditch Company) so that such interest may be used to augment out-of-priority depletions associated with Applicant's construction and operation of the Timnath Landing Pond Wells, and to fill the Timnath Landing Augmentation Pond, for the purposes described above. Water right to be changed: Lake Canal Ditch. Original Decree: Case No. CA-320; April 11, 1882; District Court, Larimer County, Colorado. Location: the headgate of the Lake Canal Ditch is located on the north side of the Cache La Poudre River in the NE1/4 SE1/4 SE1/4, Section 2, Township 7 North, Range 69 West of the 6th P.M., Larimer County, Colorado. See Figure 2 attached to the application. Source: Cache La Poudre River. Approp. Date: November 1, 1872. Amount: 158.35 c.f.s., absolute. Decreed Uses: Irrigation. Amount to be changed: 14.60 c.f.s. (approx. 181 acre-feet/yr. consumptive use). Remarks: Applicant owns 14.75 shares of the capital stock of the Lake Canal Ditch Company (the "Subject Lake Canal Shares"), which equates to a 14.60 c.f.s. interest in the Lake Canal Ditch water right confirmed in Case No. CA-320. Detailed description of proposed change. The Subject Lake Canal Shares represent 9.22% of the total 160 shares of capital stock in the Lake Canal Ditch Company. Applicant desires to change the Subject Lake Canal Ditch Shares to add the following uses as decreed uses: augmentation, and storage in the Timnath Landing Augmentation Pond for augmentation, aesthetic, irrigation, recreation, piscatorial, fire-fighting, dust control, and construction purposes. Using a 28-year study period from 1988 through 2015 (*see* Table 1 attached to application for Applicant's pro rata share of Lake Canal diversions), the Applicant's consulting engineers have quantified the historical diversions, consumptive use and return flows associated with irrigation of corn, alfalfa and pasture grass with the Subject Lake Canal Ditch Shares, which historical irrigation will be discontinued as a result of the construction of the Timnath Landing development. The historically irrigated lands consist of approximately 400 acres, 165 of which were irrigated exclusively with Lake Canal Ditch water, and the other 235 of which were irrigated both by Lake Canal Ditch water and onsite wells, as shown on Figure 3 attached to the application. The historic consumptive use credits from ditch irrigation were calculated to be approximately 181 acre-feet per year. Pursuant to the change of water right requested herein, when legally and physically available, the Subject Lake Canal Shares will be left in the Cache La Poudre River at the Lake Canal Ditch headgate or diverted through the Lake Canal Ditch and delivered by historic laterals to the Timnath Landing property and stored in the Timnath Landing Augmentation Pond for the uses described above or released back to the Cache La Poudre River to meet augmentation requirements and historical return flow obligations. FOURTH CLAIM: Applicant requests approval of the following plan for augmentation to replace out-of-priority depletions associated with Applicant's construction and operation of the Timnath Landing Pond Wells and replacement of return flows historically associated with irrigation of the Timnath Landing property with the Subject Lake Canal Ditch Shares. Structures to be Augmented: Timnath Landing Pond Wells (all described above in First Claim). Water rights to be used for augmentation: Subject Lake Canal Ditch Shares (described above in Third Claim), Timnath Landing Augmentation Pond (described above in Second Claim), and North Gray and South Gray Reservoirs, described as follows: (1) North Gray Reservoir: Location: NE1/4 SW1/4 NE1/4 of Section 34, Township 8 North, Range 68 West of 6th P.M., Larimer County, Colorado. Decreed Volumes and Appropriation Dates: 4/1/1882: 135 acre-feet; 11/1/1902: 140 acre-feet (1st enlargement); 11/15/1904: 57 acre-feet (2nd enlargement). Source: Box Elder Creek and unnamed draw; (2) South Gray Reservoir: location: SW1/4 NE1/4 SW1/4 of Section 34, Township 8 North, Range 68 West of 6th P.M., Larimer County, Colorado. Decreed Volumes and Appropriation Dates: 4/1/1882: 275 acre-feet; 11/1/1902: 236 acre-feet (1st enlargement); 11/16/1904: 222 acre-feet (2nd enlargement). Source: Box Elder Creek and unnamed draw. Future Acquired Sources. The Applicant may acquire and/or lease additional water supplies in the future for use as a source of supply for the plan for augmentation described in this Application. Any future acquired sources would be added pursuant to C.R.S. § 37-92-305(8)(c). Statement of Plan for Augmentation: The purposes of this plan for augmentation are: (1) to offset and replace out-of- priority depletions from construction-related uses of ground water, such as dust control, and evaporation from the Timnath Landing Pond Wells; and (2) to maintain return flow patterns associated with historical crop irrigation with Lake Canal Ditch water

upon the Timnath Landing property. Depletions from construction-related uses of ground water are estimated to be approximately 30 acre-feet per year during construction of the Timnath Landing project. Pond evaporation is estimated to be approximately 126 acre-feet per year when construction of the Timnath Landing Pond Wells is completed. Return flows from historical Lake Canal Ditch irrigation on the Timnath Landing property will be calculated using the South Platte Decision Support System model. A monthly schedule will be developed to meet all temporary and permanent replacement obligations to the Cache La Poudre River. When a call senior to December 23, 2015 is in effect, the Applicant will account for all out-of-priority depletions and will augment the same through one or combination of: (1) direct discharge of water available under the consumptive use credits from the Subject Lake Canal Shares; (2) release of water stored in the Timnath Landing Augmentation Pond; and/or (3) release of water stored in North or South Gray Reservoirs. Applicant, CAC Timnath, LLC, owns the land on which the Timnath Landing Pond Wells and the Timnath Landing Augmentation Pond will be located. The Lake Canal Company and Lake Canal Reservoir Company, Rosanna Harris, Secretary, 730 Ash Mesa Road, Delta, CO 81416, own the land where North Gray and South Gray Reservoirs are located.

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

YOU ARE HEREBY NOTIFIED that any party who wishes to oppose an application, or an amended application, may file with the Water Clerk, P. O. Box 2038, Greeley, CO 80632, a verified Statement of Opposition, setting forth facts as to why the application should not be granted, or why it should be granted only in part or on certain conditions. Such Statement of Opposition must be filed by the last day of **FEBRUARY 2017** (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 **\$158.00** 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.