

**DISTRICT COURT, WATER DIVISION 1, COLORADO
APRIL 2021 WATER RESUME PUBLICATION**

TO: ALL PERSONS INTERESTED IN WATER APPLICATIONS IN WATER DIV. 1

Pursuant to C.R.S. 37-92-302, you are notified that the following is a resume of all water right applications and certain amendments filed in the Office of the Water Clerk during the month of **APRIL 2021** for each County affected.

21CW12 DENNIS AND KAY MOORE, APPLICATION FOR UNDERGROUND WATER RIGHTS IN THE DENVER BASIN AQUIFERS IN ELBERT COUNTY 2215 Marge Ct, Parker, CO 80138; 303-646-3398; dennismoore@msn.com; All applicants listed have joint ownership of the parcel and/or joint consent to withdraw the water underlying the parcel(s), which is/are the subject of this application. All of the parcels of land claimed in this application are contiguous (that is, no part of land claimed in the application is physically separate from the rest of the land). The parcel of land consists of 3.88 acres, more or less, in Elbert County, located generally in SW 1/4 SW 1/4 S1, T7S, R65W of 6th PM, in Elbert County. The claim of Applicant(s) to the water underlying the parcel described previously is based on ownership of the parcel. The Applicant seeks to adjudicate the Denver Basin ground water underlying the Subject Property in all of the available aquifers. Applicant certifies that Applicant owns the Subject Property free and clear of all liens and encumbrances and that no other person or entity has a financial interest in the Subject Property. There is one well located on the property. Those wells are permitted under well permit No. 138929. The application is seeking to adjudicate the existing well located on the property.

21CW3043 DAVID AND TERRI COLABELLO, c/o Jordan Colabello, 532 Toledo St., Aurora, CO 80012; Email: jordan@trailerworlddenver.com; Telephone: (303) 329-3006. Please direct all correspondence concerning this Application to: Stuart B. Corbridge, Esq., and Alison I. D. Gorsevski, Esq., Vranesh and Raisch, LLP, 5303 Spine Road, Suite 202, Boulder, CO 80301; Email: sbc@vrlaw.com; adg@vrlaw.com; Telephone: (303) 443-6151. APPLICATION FOR UNDERGROUND WATER RIGHTS AND ADJUDICATION OF AVAILABLE GROUNDWATER IN THE DENVER, ARAPAHOE, AND LARAMIE-FOX HILLS DENVER BASIN AQUIFERS IN ADAMS COUNTY.

2. Summary of Application: David and Terri Colabello (“Applicants”), seek entry of a decree that adjudicates and finally vests their right to all of the legally and physically available groundwater in the Denver Basin aquifers underlying Applicants’ property and associated water use rights. The property is located in part of the SE1/4 of Section 36, Township 3 South, Range 65 West of the 6th P.M., County of Adams, State of Colorado (“Property”). The Property is comprised of five parcels located within the Town of Watkins, Colorado. The legal description of each of the parcels is attached as **Exhibit A**. Applicants are currently pursuing a land use approval for the Property through Adams County that would consolidate the above-described five parcels into two parcels, Lot 1 (Parcels A, B, and C) and Lot 2 (Parcels D and E). References to Lot 1 and Lot 2 should be construed as referencing the contiguous parcels comprising each respective lot. In total, the Property has an area of 4.28 acres, more or less, of which Lot 1 would have 3.46 acres, and Lot 2 would have 0.82 acres. A plat rendering showing the five parcels and intended boundaries of the Property is attached as **Exhibit B**. **3. Adjudication and Vesting of Available Groundwater and Associated Underground Water Use Rights in the Denver Basin Aquifers:** a. **Property Description:** See paragraph 2, above. b. **Property Ownership:** Applicants own the Property free and clear of all liens and encumbrances and no other person or entity has a financial or other lienholder interest in the Property. Accordingly, no notice of the Application to other owners or lienholders is required pursuant to Section 37-92-302(2), C.R.S., and Applicants certify compliance with the notice requirements of that section. c. **Water Sources:** All physically and legally available nontributary and not nontributary groundwater in all Denver Basin aquifers underlying the Property, consisting of: Denver aquifer (not nontributary); Upper Arapahoe aquifer (nontributary); Lower Arapahoe aquifer (nontributary), and Laramie-Fox Hills aquifer (nontributary). d. **Amounts of Groundwater Physically Underlying the Property:** Based on the total acreage of the Property and using the values and quantification methods set forth in the Statewide Nontributary Ground Water Rules, 2 CCR 402-7 (adopted January 24, 1986) (“Statewide Rules”) and the Denver Basin

Rules, 2 CCR 402-6 (adopted November 25, 1985) (“Denver Basin Rules”), the following amounts of groundwater are estimated as being physically available in each aquifer under the Property. i. *Lot 1 (3.46 acres)*:

Aquifer	Annual Amount (AF/yr, 100 years)
Denver (NNT)	1.58
Upper Arapahoe (NT)	0.87
Lower Arapahoe (NT)	0.40
Laramie-Fox Hills (NT)	0.83

ii. *Lot 2 (0.82 acres)*:

Aquifer	Annual Amount (AF/yr, 100 years)
Denver (NNT)	0.37
Upper Arapahoe (NT)	0.21
Lower Arapahoe (NT)	0.09
Laramie-Fox Hills (NT)	0.20

The estimated saturated thicknesses of the subject aquifers underlying the Property (in feet) are: Denver – 268.4; Upper Arapahoe – 148.5; Lower Arapahoe – 67.6; and Laramie-Fox Hills – 159.7. Applicants have estimated the specific yield value for each of the subject aquifers based on the presumptive values set forth in Rule 6.A of the Denver Basin Rules. Although Applicants have estimated the amounts of water available for withdrawal from the subject aquifers based on the estimated values for specific yield and saturated thickness, Applicants reserve the right to revise the available amounts upward or downward based on better or revised data, without the necessity of amending this Application or republishing the same. e. Pre-Senate Bill 213 Well Appropriation: There is a permitted Denver aquifer well that may meet the requirements of Section 37-90-137(5), C.R.S. (Permit No. 3292-F) located in the near vicinity of the Property. As appropriate in accordance with Rule 8.C of the Statewide Rules, the amount of water in the Denver aquifer underlying the Property that is legally available and adjudicated to Applicants will be reduced. At this time, Applicants estimate that the amount of water available in the Denver aquifer underlying the Property as shown in the tables, above, would be reduced by 64%; however, Applicants reserve the right to revise the available amount upward or downward based on better or revised data, without the necessity of amending this Application or republishing the same. f. Withdrawal of Not Nontributary Groundwater: The groundwater underlying the Property in the Denver aquifer is “not nontributary” as defined in Sections 37-90-103(10.7) and 97-90-137(9)(c), C.R.S., and the amount adjudicated to Applicants can only be withdrawn pursuant to a plan for augmentation. No plan for augmentation allowing withdrawal of the Denver aquifer groundwater is requested by this Application. g. Requested Uses: Subject to the requirements of any decreed plan for augmentation for the adjudicated Denver aquifer groundwater, and the two percent relinquishment requirement set forth in Rule 8 of the Denver Basin Rules and Section 37-90-137(9)(b), C.R.S., Applicants will use the groundwater adjudicated by this Application for their existing and future

beneficial uses, including but not limited to domestic and sanitary purposes within a residence and a commercial business, industrial, agricultural or other irrigation and landscaping purposes, commercial, fire protection, augmentation, substitution, and exchange, and any uses as may be approved through a permit issued pursuant to Section 37-90-137, *et seq.*, C.R.S., the Statewide Rules, and the Denver Basin Rules, as applicable. No appropriative right of exchange, decreed water exchange project, or decreed substitution is claimed in this Application. The nontributary groundwater (and any portion of the not nontributary Denver aquifer groundwater, if such use is included in a decreed plan for augmentation) will be used, reused, and successively used, and may be sold, leased, or otherwise disposed of for all uses, both on and off the Property. h. Allowed Withdrawals and Water Banking: Applicants claim the right to withdraw more than the allowed average annual amount adjudicated and decreed to each of the aquifers identified in paragraph 3.d, above, pursuant to Rule 8.A. of the Statewide Rules, and also claim the right to obtain additional permits for additional wells pursuant to Rule 12 of the Statewide Rules. The amounts estimated in paragraph 3.d are based on a presumptive 100-year aquifer life. Applicants also claim the right and seek decreed approval to withdraw the adjudicated amount for each aquifer over a longer period as required by any County regulations. i. Well locations and Well Fields: Pursuant to Rule 11 of the Statewide Rules, wells withdrawing the adjudicated groundwater will be located on the Property. Lot 1 and Lot 2 are divided by a platted road and are thus non-contiguous parcels. Applicants seek entry of a decree approving the withdrawal of the total allowed annual amount of withdrawal from each aquifer through one or more wells on the Property, subject to compliance with Rule 11.B of the Statewide Rules. Applicants may withdraw groundwater underlying Lot 1 and Lot 2 from a single well located on either parcel or through a well field located on the Property (including wells located on both lots) pursuant to Rules 4, 12, and 14 of the Statewide Rules. j. Estimated Rates of Withdrawal: The pumping rates for each well on the Property will vary according to aquifer conditions and well production capabilities. Applicants request the right to withdraw groundwater at rates of flow necessary to withdraw the entire decreed amounts. The depth of each well constructed into the identified aquifers will be determined by topography and actual aquifer conditions underlying the Property. k. Existing Wells: There is an existing Denver aquifer well operating under a residential exempt well permit (Permit No. 213311) on Lot 1. Applicants do not seek to adjudicate a water right for this existing well as part of this Application, but may continue to use this well, and as necessary will reduce the amount of groundwater adjudicated under the Property in the Denver aquifer. 4. WHEREFORE, Applicants request entry of a decree granting the Application herein and adjudicating the available groundwater underlying the Property and associated water use rights as final vested rights, except as to those issues for which jurisdiction of the Court would be specifically retained. Applicants request specific determinations that: a. Applicants have complied with the requirements of Section 37-90-137(4), C.R.S., that the claimed groundwater is physically and legally available for withdrawal under the Property subject to any augmentation and relinquishment requirements, and that jurisdiction will be retained with respect to the amounts of groundwater available for withdrawal as specified herein to provide for the adjustment of such amounts to conform to actual local aquifer characteristics pursuant to Section 37-92-305(1), CRS, and Rule 9.A of the Statewide Rules; b. The groundwater in the Denver aquifer is not nontributary groundwater, and the groundwater in the Upper and Lower Arapahoe aquifers and the Laramie-Fox Hills aquifer is nontributary groundwater. c. The groundwater adjudicated by this Application in the Denver aquifer may not be withdrawn until such time as a plan for augmentation has been approved by the Court in a subsequent application; d. Vested or conditionally decreed water rights of others will not be materially injured by the adjudication and decree of the physically and legally available groundwater underlying the Property and the withdrawal of the decreed nontributary groundwater. e. Applicants may withdraw the adjudicated groundwater over a period that is longer than 100 years. f. Name and Address of Owner of Land Upon Which Wells are to Be Located: Applicants; see paragraph 1. (9 pgs., 2 Exhibits)

21CW3044 CLIMAX MOLYBDENUM COMPANY, % Aaron Hilshorst, Henderson Mine, P.O. Box 68, Empire, Colorado 80438, Telephone: (720) 942-3420. **APPLICATION FOR SIMPLE CHANGE IN POINT OF DIVERSION in CLEAR CREEK COUNTY**. Please send all pleadings and correspondence to Brian M. Nazarenus, Esq., Sheela S. Stack, Esq., Nazarenus Stack & Wombacher, 5299

DTC Blvd, Suite 610, Greenwood Village, CO 80111. **2. Introduction.** Applicant Climax Molybdenum Company (“Henderson”) owns and operates the Henderson Mine located approximately ten miles west of Empire, Colorado, near the headwaters of the West Fork of Clear Creek. The Henderson Mine is an underground molybdenum mine, with several mining levels located at depths over 4,000 feet below the surface. The water supply for the Henderson Mine includes developed nontributary water collected in the underground levels of the mine, and surface water diverted from Butler Gulch and the West Fork of Clear Creek. The primary industrial water supply for the surface facilities at the Henderson Mine is diverted from Butler Gulch, a small tributary of West Fork Clear Creek. Supplemental water is also diverted as necessary from the mainstem of the West Fork. In addition, Henderson diverts surface water rights from Woods Creek, a tributary to West Fork Clear Creek, for industrial purposes associated with the URAD water treatment facility, which treats all of the mine and seepage waters associated with the Henderson and inactive URAD mines. A map depicting the general location of the Henderson Mine and relevant structures is attached as **Exhibit A**. By this application, Henderson seeks to relocate a diversion point on Woods Creek from the current decreed location, to a diversion location 616 feet upstream of the existing location. **3. Decreed Water Right for which Change is Sought.** 3.1. Name of Structure. Clear Water Diversion. 3.2. Date of Original Decree. The Clear Water Direct Flow Right was adjudicated in Case No. 98CW398 on November 8, 2000. 3.3. Legal Description of Point of Diversion. Located in an unsurveyed area which appears to be in the SE 1/4 of Section 30, Township 3 South, Range 75 West, 6th Principal Meridian, Clear Creek County, Colorado. The diversion point is located at a point whence the USLM Mineral Monument Rue bears N 18° 14’ 12” W a distance of 6,570 feet. 3.4. Decreed Source. Woods Creek, tributary to West Fork Clear Creek. 3.5. Date of Appropriation for the Clear Water Direct Flow Right. August 31, 1992. 3.6. Decreed Amount. 0.05 cfs (20 gpm), ABSOLUTE. 3.7. Decreed Uses. Industrial purposes associated with the Henderson Water Treatment Facility. **4. Description of Proposed Simple Change in Point of Diversion.** Applicant seeks to decree a simple change allowing for diversion of its Clear Water Direct Flow Right at a location 616 feet from the decreed location. 4.1. Changed Point of Diversion. Located in an unsurveyed area which is in the SW 1/4 of Section 30, Township 3 South, Range 75 West, 6th Principal Meridian, Clear Creek County, Colorado. The diversion point is located at approximately 39° 45’ 14” N and 105° 49’ 41” W. *See Exhibit A.* 4.2. Simple Change in Point of Diversion. The requested change meets the definition of simple change in a surface point of diversion as described in C.R.S. § 37-92-305(3.5). The proposed change does not include any other changes and there are no intervening surface diversion points, inflows, or instream flow rights between the current actual point of diversion and the changed point of diversion, which is on the Subject Property. As such, the requested change will not injuriously affect any vested water right or decreed conditional water rights. The requested change will also not result in any increased consumptive use because the Applicant will continue to divert the amount originally decreed for the original decreed purposes. **5. Name(s) and address(es) of owner(s) or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool.** All facilities involved in this Application are located on property owned by Henderson. WHEREFORE, Applicant requests that the Water Court enter a decree granting the claim for a simple change in point of diversion, and for such other relief which it deems proper. (4 pages, 1 exhibit).

21CW3045, (2013CW306, 2005CW30) ROXBOROUGH WATER AND SANITATION DISTRICT (“the District”), c/o Barbara Biggs, General Manager, 6222 North Roxborough Park Road, Littleton, CO 80125, 303-979-7286, barbara@roxwater.org, Please send pleadings to: Steven P. Jeffers, Esq. Mathew Machado, Esq., Lyons Gaddis Kahn Hall Jeffers Dworak & Grant, PC, 950 Spruce Street, Unit 1B, Louisville, CO 80027 **APPLICATION FOR FINDING OF REASONABLE DILIGENCE, IN DOUGLAS AND JEFFERSON COUNTIES.** **2. Name of structures and decreed conditional water right:** Roxborough-Meadow Ditch Exchange. The exchange will operate between Chatfield Reservoir and the High Line Canal or Strontia Springs Reservoir. The water exchanged to Strontia Springs Reservoir may then be diverted through Conduit 26 to Denver’s Foothills Water Treatment Plant (“FWTP”) or through

Aurora's Rampart Tunnel to Rampart Reservoir and the Roxborough Water Treatment Plant ("RWTP"). 3. **Description of conditional water right:** a. **Date of original decree, case no. and court:** The original decree was entered March 23, 2007, in Case No. 05CW30, District Court, Water Division No. 1. b. **Subsequent diligence decree:** A diligence decree was entered April 10, 2015, in Case No. 13CW3006, District Court, Water Division No. 1. c. **Legal descriptions:** i. The exchange-from point is Chatfield Reservoir. The right abutment of Chatfield Dam is located in Douglas County, in Sections 6 and 7, Township 6 South, Range 68 West of the 6th P.M. The left abutment of the dam is located in Jefferson County, in Section 1, Township 6 South, Range 69 West of the 6th P.M. ii. The exchange-to points are the Strontia Springs Reservoir and diversion dam and the High Line Canal. The Strontia Springs Reservoir is an existing structure with a diversion dam located on the South Platte River in the NW 1/4 of the NW 1/4 of Section 21, Township 7 South, Range 69 West, 6th P.M., with the right abutment located at a point whence the NE1/4 corner of said Section 21 bears N 78° 38'50" E 4,480.12 feet, in Douglas County. That location is 780 feet from the North line and 945 feet from the West section line. The decreed location of the High Line Canal headgate is on the southeast bank of the South Platte River in the NW 1/4 of the SE 1/4 of Section 33, Township 6 South, Range 69 West of the 6th P.M., in Douglas County, at a point where the SE corner of Section 33 bears South 37° 51' East a distance of 2,242 feet, or approximately 1700 feet from the South line and 1380 feet from the East section line. A map showing the general location of the structures is attached as **EXHIBIT A**. d. **Decreed source:** Water will be diverted from the South Platte River at the upstream diversion points in exchange for delivery at the downstream point of consumptive use water from the Meadow Ditch as changed in Case No. 05CW30, or other sources acquired or appropriated by Roxborough and approved by separate water court decree. e. **Decreed amount:** 10.0 cfs, **CONDITIONAL**. f. **Date of appropriation:** January 11, 2005. g. **Decreed uses:** Water diverted by exchange will be used for all municipal purposes (including domestic, irrigation, commercial and industrial), recreational, fish and wildlife propagation, irrigation, augmentation, replacement, substitution and exchange. 4. **Claim for diligence, including expenditures:** In furtherance of the conditional water right, Applicant has expended approximately \$196,361 during the diligence period (April 2015 to April 2021) on the following activities: a. On May 11, 2015, as a result of heavy precipitation in the area, a large sink hole developed in the dam for Lambert Reservoir No. 3, which acts as a fore bay for the Meadow Ditch and is used to store delayed return flows pursuant to the District's change decree. Between May 11 and May 29, 2015, the District removed a portion of the dam and modified the outlet structures to stabilize the area and prevent a dam failure. The District also regraded and reseeded the surrounding area to prevent further erosion. All work was done in coordination with the Water Commissioner and dam safety engineers. b. In 2016 and 2017, the District and Mr. Barenberg financed surveys and studies of alternative designs to reconstruct Lambert dam and reservoir at its original site, or to replace a portion of the storage capacity at the original site and build a dam upstream on Mr. Barenberg's property to store his portion of the water right. c. In 2018, the District was notified by the Water Commissioner that a breach had developed on Meadow Ditch. On April 25, 2018, the District placed a section of culvert in Meadow Ditch to repair the breach and prevent future recurrence. The District also removed vegetation impacting the headgate and flume, and regraded and reseeded the area to prevent erosion. All work was done in coordination with the Water Commissioner. d. In 2019 and 2021, the District completed a Feasibility Report with a 50% grant from the Colorado Water Conservation Board documenting conceptual design of the reconstruction of Lambert dam. e. Continued leasing water each year for irrigation use, and began negotiations in March 2021 to lease the water for irrigation by a new tenant, pending permanent change to municipal use. f. Between 2017 and April 2021, the District opposed or otherwise participated in Water Court Case Nos. 17CW3211 and 18CW3039 to protect Roxborough's interest in this conditional water right. 5. **If a claim to make absolute, date water applied to beneficial use:** Not applicable. 6. **Name(s) and address(es) of owner(s) of the land** upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored: a. The water may be stored in Chatfield Reservoir, which is owned and operated by the United States Army Corps of Engineers, whose address is 9307 S. Wadsworth Blvd., Littleton, Colorado 80128. b. Water may be diverted at the High Line Canal, Strontia Springs Reservoir and Conduit 26, which are owned by the City and County

of Denver, acting by and through its Board of Water Commissioners, whose address is 1600 W. 12th Avenue, Denver, CO 80204. c. Water may be diverted at the Aurora Rampart Tunnel, which is owned by the City of Aurora and operated by the City of Aurora Utilities, whose address is 15151 E. Alameda Parkway, Aurora, Colorado 80012. WHEREFORE, Applicant respectfully requests the Court enter a decree finding that Applicant has exercised reasonable diligence in the development of the conditional water right and continuing the conditional water right for an additional six years. 5 pages in application, excluding the exhibit.

21CW3046 COMPLAINT FILED PARKER WATER AND SANITATION DISTRICT NO RESUME TO POST

21CW3047 TOWN OF CASTLE ROCK, Attn: Mark Marlowe, Director of Castle Rock Water, 175 Kellogg Court, Castle Rock, CO 80109, (720) 733-6002, mmarlowe@crgov.com. Serve all pleadings on: Madoline Wallace-Gross, Anthony Basile, Lyons Gaddis, P.O. Box 978, Longmont, CO 80502-0978, mwg@lyonsgaddis.com; abasile@lyonsgaddis.com. (303) 776-9900. **APPLICATION FOR APPROVAL OF A PLAN FOR AUGMENTATION in DOUGLAS COUNTY. 2. Background.** Applicant owns Paintbrush Park Pond (“pond”), which is an on-channel pond on an unnamed tributary of East Plum Creek with 1.4 acres of surface area. Applicant seeks a plan for augmentation to replace evaporation depletions from the pond using fully reusable effluent, as fully detailed below. A map of the relevant structures is attached hereto as **EXHIBIT A. 3. Structure to be augmented.** Paintbrush Park Pond. The dam’s east abutment is located in the SW1/4 Section 33, T7S, R67W, 6th PM, 930 feet from the south section line and 780 feet from the west section line. **4. Water rights to be used for augmentation.** A. Augmentation Delivery Location: Plum Creek Water Reclamation Authority (“PCWRA”) Outfall, located in SW1/4 SW1/4 Section 21, T7S, R67W, 6th PM, 770 feet from the south section line and 100 feet from the west section line. B. Source of water: Applicant’s fully reusable effluent discharged from the PCWRA Outfall. Such effluent includes but is not limited to effluent derived from Applicant’s: i. Nontributary groundwater and fully-augmented not nontributary groundwater described in **EXHIBIT B.** ii. Deliveries from the Water Infrastructure System Efficiency (i.e., WISE) project described in **EXHIBITS C and D.** iii. Consumptive use credits from the High Line Ditch, Noe Ranch, Douglas Park and Ball Ditch water rights described in **EXHIBIT E** to the extent such credits were not fully-consumed in the first use pursuant to the decree in Case No. 12CW296. iv. Water diverted under Castle Rock Surface Diversion Nos. 1 and 2 water rights pursuant to the decree in Case No. 12CW296. v. Water diverted pursuant to the Chatfield Reservoir-Castle Rock Pump Station and Chatfield Reservoir-Castle Rock Refill water rights pursuant to the decree in Case No. 16CW3178. vi. Water diverted pursuant to the Plum Creek Diversion and Castle Rock Reservoir Nos. 1 and 2 pursuant to the decree in Case No. 17CW3211. vii. Water rights associated with the Box Elder Project pursuant to the decree in Case No. 19CW3231 (pending). viii. Other fully reusable source added to this decree pursuant to C.R.S. §37-92-308 or §37-92-309. 5. **Complete statement of plan for augmentation.** Applicant seeks a plan for augmentation to replace depletions to an unnamed tributary of East Plum Creek from evaporation from the on-channel pond described in ¶3. A. **Depletions.** Applicant seeks to replace evaporation depletions associated with an on-channel pond with a maximum surface area of 1.4 acres. Evaporation depletions associated with the pond are calculated as 2.4 acre-feet annually for each 1.0 acre of surface area assuming it is never frozen over. A table of the maximum monthly depletions for 1.4 acres of water surface area based on anticipated reconstruction follows (in acre-feet).

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual
0.10	0.12	0.15	0.28	0.40	0.51	0.51	0.45	0.36	0.26	0.13	0.09	3.36

B. **Replacements.** Applicant will replace depletions in time, place and amount to prevent injury using the sources described in ¶4 herein. Specifically, when the depletions accrue to the stream on a day that there is a call affecting Water District 8, then Applicant will release water from the Outfall to the stream to augment the evaporation depletions. The Outfall is upstream of the confluence of the unnamed tributary

and East Plum Creek. For the purposes of ¶ 5.A, Applicant assumed that the pond has the maximum 1.4 acre surface area. Applicant claims the right to make replacements based on the actual surface area for the pond and to make no replacements to the extent that the pond is frozen. C. **Free River Operations.** When the depletions accrue to the stream on a day that there is no call affecting Water District 8 (i.e., free river), then Applicant shall have no obligation to augment the evaporation depletions. Note that Applicant has not claimed a junior storage water right for the pond; thus, Applicant has not requested a priority. 6. **Owners of land upon which structures are or will be located.** Names and addresses of owners or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool. A. **Paintbrush Park Pond.** Owned by Applicant. B. **PCWRA Outfall.** Douglas County Board of County Commissioners, 100 Third Street, Castle Rock, CO 80104.

WHEREFORE, Applicant respectfully requests the Court enter a decree approving Applicant's plan for augmentation groundwater described herein. EXHIBIT LIST: A. Map of structures B. Table of Nontributary Groundwater C. List of WISE Sources (Denver) D. List of WISE Sources (Aurora) E. Consumptive Use Credits. Number of pages in application: 5, excluding exhibits.

21CW3048 JUDITH D. MOISEY ASAY, 8867 Bross Street, Arvada, Colorado 80007. **APPLICATION TO AMEND WATER COURT DECREE in PARK COUNTY.** Please send all pleadings and correspondence to: William D. Wombacher, Esq., Stacy L. Brownhill, Esq., NAZARENUS STACK & WOMBACHER LLC, 5299 DTC Blvd., Suite 610, Greenwood Village, Colorado 80111. 2. **Introduction.** The purpose of this Application is to amend the decree previously entered in Case No. 10CW23 ("10CW23 Decree") to revise a term and condition mandating operation of the subject well under a specific augmentation plan. Applicant is enrolling its well in the Indian Mountain Metropolitan District Water Service Plan, which is operated by the Headwater Authority of the South Platte pursuant to the decrees entered in Water Division 1 Case Nos. 02CW389 and 12CW50 ("HASP Plan"). Consequently, Applicant seeks to revise the terms of the 10CW23 Decree to permit augmentation to occur under the HASP Plan or any other augmentation plan capable of providing sufficient replacement water. 3. **Water Right for which Change is Sought.** a. **Name of Structure.** Moisey Well, Permit No. 68733-F, originally decreed conditional in Case No. 96CW513 and later decreed absolute in Case No. 10CW23. b. **Legal description.** NW1/4, Section 11, Township 9 South, Range 75 West, 6th P.M., Park County, Colorado, at a point approximately 2,500 feet from the South section line and 160 feet from the West section line (a/k/a Filing 26, Block 4, Lot 454, Indian Mountain Subdivision and 707 Mustang Road). c. **Well Permit Number.** 68733-F. d. **Source of Water.** Groundwater. e. **Date of Appropriation.** March 31, 1973. f. **Amount of Water.** 10 gpm, absolute, with a maximum annual diversion of 0.33 acre-feet. g. **Use.** Household use only in a single-family dwelling. The return flow from such uses shall be returned to the same stream system in which the well is located. 4. **Requested Change.** Applicant seeks to amend paragraph 16 of the 10CW23 Decree to allow the Moisey Well to be operated pursuant to the terms and conditions of any augmentation plan approved by the State and Division Engineers. WHEREFORE, Applicant requests this Court to enter a decree granting the requested change, and for such other relief it deems proper. (3 pages, 0 exhibits).

21CW3049 US AND THEM TRUST dated 9-7-2017, 32341 Little Bear Ct. Evergreen, CO 80439, groxanne1957@yahoo.com, (303) 548-6885. Please direct all correspondence concerning this Application to William A. Paddock, Mason H. Brown, and Sarah B. Wiedemann, Carlson, Hammond & Paddock, LLC, 1900 Grant Street, Suite 1200, Denver, Colorado 80203, (303) 861-9000. **APPLICATION PURSUANT TO § 37-92-305(3.6), C.R.S. FOR CORRECTION OF ESTABLISHED BUT ERRONEOUSLY DESCRIBED POINTS OF DIVERSION IN JEFFERSON COUNTY** 2. Decreed water rights for which correction is sought: A. Name of structures: Lorenz Wells No. 1 and 2. B. Date of original and all relevant subsequent decrees: Case No. W-6101, May 9, 1978, District Court, Water Division No. 1. C. Legal description of structure as described in most recent decree that adjudicated the location: **Lorenz Well No.1**, Well Permit No. 17236 is located in the SE 1/4 of SE 1/4 of Section 18, Township 6 South, Range 70 West of the 6th P.M., Jefferson County,

Colorado, at a point approximately 500 feet East and 250 feet North of the Southwest corner of the SE 1/4 of SE 1/4 of said Section 18. Lorenz Well No. 2 is located in the SE 1/4 of SE 1/4 of Section 18, Township 6 South, Range 70 West of the 6th P.M., Jefferson County, Colorado, at a point approximately 600 feet North and County, Colorado, at a point approximately 600 feet North and 800 feet East of the Southwest corner of the SE1/4 of SE1/4 of said Section 18. D. Decreed source of water: Groundwater. E. Appropriation Date: Lorenz Well No. 1: August 30, 1963; Lorenz Well No. 2: October 8, 1918. F. Total amount decreed to structures: Lorenz Wells No. 1 and 2: 0.003 c.f.s. G. Decreed use or uses: Domestic. 3. Detailed description of proposed correction to an established but erroneously described point of diversion: A. Complete statement of correction to an established but erroneously described point of diversion, including whether it is erroneously described. *See* §§ 37-92-305(3.6)(a) & (b), C.R.S. The Lorenz Wells No. 1 and 2 have been in the same physical location since prior to May 9, 1978, the date of entry of the decree adjudicating the water right. To the best of Applicant's information and belief, Lorenz Wells No. 2 has been in the same location since it was originally constructed prior to 1943. Lorenz Well No. 1 has been in the same physical location since its construction in August 1963. The Applicant had the location of the wells surveyed and based upon that survey determined that the decree in Case No. W-6101 contains erroneous descriptions of the points of diversion. Each well is located more than 200 feet from its decreed location. B. The legal description of the corrected point of diversion: Lorenz Well No. 1: located in the Southeast 1/4 of the Southeast 1/4 of Section 18, Township 6 South, Range 70 West of the 6th P.M., Jefferson County, Colorado, approximately 732 feet north and 405 feet east of the southwest corner of the Southeast 1/4 of the Southeast 1/4 of said section 18. Its latitude and longitude location is: Lat: 39°31' 26.322' N, Lon: -105° 15' 45.129' W. Its UTM description is UTM Zone 13S, Easting: 477438.25, Northing: 4374958.50. Lorenz Well No. 2: located in the Southeast 1/4 of the Southeast 1/4 of Section 18, Township 6 South, Range 70 West of the 6th P.M., Jefferson County, Colorado, approximately 1,015 feet north and 664 feet east of the southwest corner of the Southeast 1/4 of the Southeast 1/4 of said section 18. Its latitude and longitude location is: Lat. 39° 31' 28.109' N; Lon. -105° 15' 41.811' W. The location expressed in UTM is: UTM Zone 13s, Easting: 477510.10, Northing: 4375044.19. Survey drawings showing the location and legal descriptions of each well are attached as exhibits to this application. The source of the PLSS description is a filed survey as shown in the attached exhibits. The source of the UTM coordinates is WGS-84. In the event of a discrepancy between the UTM coordinates and the PLSS descriptions in this part 3.B., the Applicant is relying on the UTM coordinates as the most accurate description of the location of the wells. 4. The Us and Them Trust dated 9-7-2017 is the owner of the land upon which Lorenz Wells No. 1 and 2 are located.

21CW3050 MARGARET BOYNE, MOUNTAIN MUTUAL RESERVOIR COMPANY, and NORTH FORK ASSOCIATES, LLC; Margaret Boyne, 12251 El Pico Dr., Conifer, CO 80433; Email: maggie.boyne@healthtrustpg.com; Telephone: (303) 502-4929; Mountain Mutual Reservoir Company, 6949 Highway 73, Suite 15, Evergreen, CO 80439; Email: norm@hch20.com; Telephone: (303) 989-6932; and North Fork Associates, LLC, 2686 S. Yukon Ct., Denver, CO 80227; Email: 613blatch@gmail.com; Telephone: (303) 988-7111. Please direct all correspondence concerning this Application to: Aaron Ladd, Esq. and Kunal A. Parikh, Esq., Vranesh and Raisch, LLP, 5303 Spine Road, Suite 202, Boulder, CO 80301; Email: asl@vrlaw.com and kap@vrlaw.com; Telephone: (303) 443-6151. **APPLICATION FOR UNDERGROUND WATER RIGHT AND APPROVAL OF A PLAN FOR AUGMENTATION INCLUDING EXCHANGE IN JEFFERSON AND PARK COUNTIES**. 2. Summary of Claims: This Application includes two claims. Claim No. 1 seeks to adjudicate an underground water right for an existing exempt domestic well. Claim No. 2 seeks approval of a plan for augmentation including exchange. Applicant owns a 30-acre parcel of land presently known as 12251 El Pico Dr., Conifer, Colorado 80433, Jefferson County which will be subdivided into two lots, with one well on each lot (two wells total). One well is the existing exempt well subject to Claim No. 1 and the other well is a non-exempt well that will be operated for indoor use only pursuant to the plan for augmentation to be decreed through this Application. **CLAIM NO. 1: APPLICATION FOR UNDERGROUND WATER RIGHT** 3. Name of Well and Permit Number: Boyne Well No. 1, Well Permit No. 269301. a. Legal Description of the Wells: The Boyne

Well No. 1 is located in the SW1/4 SE1/4, Section 29, Township 6 South, Range 71 West of the 6th P.M. in Jefferson County, as shown on the map attached as **Exhibit A**, at a point described by the following UTM coordinates: Easting 468957, Northing 4371453, UTM Zone 13. b. Source of Water: Groundwater that is tributary to Elk Creek and tributary to the North Fork of the South Platte River at Pine, Colorado. c. Date of Appropriation: August 29, 2008. d. How Appropriation was Initiated: By constructing the well and applying water to beneficial use. e. Dates Water Applied to Beneficial Use: August 29, 2008. f. Amount Claimed: 7 gpm, ABSOLUTE. g. Depth: 1,002 feet. h. Uses: Ordinary household purposes inside a single-family dwelling. i. Name and Address of Owner of Land on which the Well is Located: Co-Applicant, Margaret Boyne. 4. Remarks: The Boyne Well No. 1 is an exempt well that will keep its exempt status. Senate Bill 20-0155, adopted on July 2, 2020, amended Section 37-92-602(3) to allow an existing exempt well permitted pursuant to Section 37-92-602(3)(b)(II)(A) to retain its exemption after the land on which the well is located has been divided, provided that the existing well is only used on a single lot of the divided land and remains the only well serving that lot. **CLAIM NO. 2: APPLICATION FOR APPROVAL OF A PLAN FOR AUGMENTATION AND EXCHANGE RIGHT** 5. Name of Structure to be Augmented: Boyne Well No. 2 will divert ground water on a separate lot to be subdivided from a parcel of land located in the SW1/4 SE1/4, Section 29, Township 6 South, Range 71 West of the 6th P.M. in Jefferson County. The rate of diversion for the well will not exceed 15 gallons per minute. An application to construct the well will be submitted to Division of Water Resources when the property described herein is developed and the well is needed. Boyne's property on which Boyne Well No. 2 will be located is shown on the map attached as **Exhibit A**. The exact location of the well will be determined as the property within the area described above is developed and described in the well permit issued for the well. 6. Water Rights to be Use for Augmentation Purposes: Boyne has entered into a contract with North Fork Associates, LLC to purchase 1.0 share of Mountain Mutual Reservoir Company ("MMRC") stock, which represents a firm annual yield of 0.032 of an acre-foot to satisfy present and anticipated future replacement needs associated with Boyne Well No. 2. a. The water rights associated with the MMRC share include the following: i. Slaght Ditch: In accordance with the Decree entered in Civil Action No. 1678 of Park County District Court, on May 22, 1913, the Slaght Ditch was awarded a direct flow priority of May 1, 1863, for 2.0 cubic feet per second for irrigation purposes. The source of water is the North Fork of the South Platte River. The point of diversion for the Slaght Ditch was originally established to be a point on the North bank of the North Fork of the South Platte River in the NE1/4 SE1/4, of Section 21, Township 7 South, Range 73 West, 6th P.M., approximately 2,060 feet North and 490 feet West of the SE Corner of Section 21. Pursuant to a Decree entered by the District Court for Water Division 1 in Case No. 82CW472, on October 3, 1983, the Maddox Reservoir Feeder Ditch was approved as an alternate point of diversion for the Slaght Ditch water right. The point of diversion of the Maddox Reservoir Feeder Ditch is located on the North bank of the North Fork of the South Platte River in the NW1/4 SW1/4, Section 22, Township 7 South, Range 73 West, 6th P.M., approximately 1,240 feet East and 1,740 feet North of the SW Corner of Section 22. In Case No. 79CW339, 0.12 of a cubic foot per second of the Slaght Ditch priority was changed to a new location, with the water continuing to be used for irrigation purposes. Of the remaining 1.872 cubic feet per second, 0.481 of a cubic foot per second was transferred by MMRC in Case No. 03CW238 and 0.727 was transferred in Case No. 16CW3197. ii. Mack Ditch No. 2: In accordance with the Decree entered in Civil Action No. 1678 of the Park County District Court, on May 22, 1913, the Mack Ditch No. 2 was awarded a direct flow priority of May 1, 1863, for 1.0 cubic foot per second for irrigation purposes. The source of water is the North Fork of the South Platte River. The point of diversion of the Mack Ditch No. 2 was originally established to be on the South bank of the North Fork of the South Platte River at a point in the NE1/4 SE1/4, Section 21, Township 7 South, Range 73 West, 6th P.M., Park County, Colorado whence the E1/4 Corner of said Section 21 bears North 43° East, a distance of 984 feet more or less. By an Order of the Park County District Court entered on October 17, 1927, the point of diversion was moved approximately 789 feet upstream to a point on the South bank of the North Fork of the South Platte River in the NE1/4 SE1/4, Section 21, Township 7 South, Range 73 West, 6th P.M., whence the E1/4 Corner of said Section 21 bears North 79 ° 30' East, a distance of 1,292 feet, more or less. In Case Nos. W-7503, W-7548, 80CW080, 80CW455, 81CW143, 81CW298, and 89CW081, at total of 0.1191 of a cubic foot per second of Mack

Ditch No. 2 water right was transferred out of the ditch for uses other than irrigation. Of the remaining 0.8809 of a cubic foot per second, 0.44045 of a cubic foot per second was transferred by MMRC in Case No. 03CW238. iii. Nickerson No. 2 Ditch: The Nickerson No. 2 Ditch, with a South Platte Priority No. 262 and North Fork Drainage Priority No. 24 has an appropriation date of May 1, 1872 as adjudicated by the District Court for Park County on May 22, 1913 in the amount of 0.65 of a cubic-foot-per-second. The headgate is located on the North bank of Deer Creek at a point whence the E1/4 Corner, Section 9, Township 7 South, Range 72 West of the 6th P.M., bears North 58°15' East, 2,320 feet and has historically irrigated approximately 35 acres adjacent to Deer Creek in the SE1/4 Section 9, NW1/4 Section 15, and NE1/4 Section 16, Township 7 South, Range 72 West of the 6th P.M. all in Park County. iv. Parmalee No. 1 Ditch: The Parmalee No. 1 Ditch, with a South Platte Priority No. 251 and North Fork Drainage Priority No. 14 has an appropriation date of May 1, 1867 as adjudicated by the District Court for Park County on May 22, 1913 in the amount of 0.52 of a cubic-foot-per-second. In that Decree the headgate was located on the North bank of Deer Creek at a point whence the S1/4 Corner of Section 32, Township 6 South, Range 72 West of the 6th P.M., bears South 70° 6' East, 1,210 feet. Water Division No. 1 District Court Case No. W-7434 changed the location of the headgate to the Nickerson No. 2 Ditch, as shown above. v. Carruthers No. 2 Ditch: The Carruthers No. 2 Ditch, with a South Platte Priority No. 250 and North Fork Drainage Priority No. 13 has an appropriation date of May 1, 1867 as adjudicated by the District Court for Park County on May 22, 1913 in the amount of 0.52 of a cubic-foot-per-second. In that Decree the headgate was located on the North bank of Deer Creek at a point whence the S1/4 Corner between Sections 31 and 32, Township 6 South, Range 72 West of the 6th P.M., bears North 85° 30' East, 1,398 feet. Water Division No. 1 District Court Case No. W-7434 changed the location of the headgate for 0.28 of a cubic-foot-per-second to the Nickerson No. 2 Ditch, as shown above. This 0.28 of a cubic-foot-per-second is included in this contract. b. Firm Yield of Slaght Ditch Rights: The Slaght Ditch and Mack Ditch No. 2 water rights described herein shall hereinafter be referred to collectively as "Slaght Ditch Rights." Allocation of yield to Slaght Ditch Rights is attached as **Exhibit B**. The Decree issued in Case No. 03CW238, dated October 24, 2006, quantified the historic consumptive use associated with the Slaght Ditch Rights. The terms and conditions under which these water rights are used for augmentation, replacement, exchange and storage purposes were also defined and approved in Case No. 03CW238, as follows: i. The Slaght Ditch Rights may be left in the stream system to offset depletions from water use by MMRC shareholders. The water may also be stored in the Lower Sacramento Creek Reservoir No. 1 or the Maddox Reservoir. ii. The maximum rate of diversion under the Slaght Ditch Rights is 0.5 of a cubic foot per second. iii. Diversions to storage and/or assignment for in-stream augmentation credit are limited to the period May 1 through October 31 of each year, and are further limited to those times when water is physically and legally available for diversion at the historic Slaght Ditch headgates on the North Fork of the South Platte River. If the May 1, 1867 priority is not fully satisfied to the extent of 2.0 cubic foot per second for the Slaght Ditch and 1.0 cubic foot per second for the Mack Ditch No. 2, MMRC's diversions are limited to its prorate entitlement to the water when physically and legally available. iv. Maximum annual diversions of the portion of the Slaght Ditch Rights changed in 03CW238 are limited to 41 acre-feet per year. During any consecutive ten-year period, the total diversions are further limited to 342 acre-feet. v. Pursuant to the Decree issued in Case No. 16CW3197, the historic consumptive use associated with an additional 0.727 cfs of the Slaght Ditch water right yields 31.8 acre-feet of consumptive use water. c. Firm Yield of Nickerson Ditch Rights: The Nickerson No. 2, Parmalee No. 1, and Carruthers No. 2 Ditches are referred to herein as the "Nickerson Ditch Rights." The Decree issued in Case No. 00CW174, dated October 11, 2002, quantified the historic consumptive use associated with the Nickerson Ditch Rights. The terms and conditions under which the Nickerson Ditch Rights are used for augmentation, replacement, exchange and storage purposes were also defined and approved in Case No. 00CW174, as follows: i. The Nickerson Ditch Rights may be left in the stream system to offset depletions from water use by MMRC shareholders. The water may also be stored in the Lower Sacramento Creek Reservoir No. 1, Maddox Reservoir and other MMRC reservoirs within the South Platte River Basin located above South Platte, Colorado; provided, however, that the details of storage in another reservoir will be published in the Water Court Resume, or such storage is approved by the State Engineer pursuant to Section 37-80-120 and 37-92-308, C.R.S. (2002). ii. The maximum rate of

diversion under the Nickerson Ditch Rights is 0.8 of a cubic foot per second. Diversions are limited to the May 1, 1867 priorities decreed to the Parmalee Ditch No. 1 and the Carruthers Ditch No. 2. iii. Diversions to storage and/or assignment for in-stream augmentation credit are limited to the period April 23 through October 31 of each year, and are further limited to those times when water is physically and legally available for diversion at the historic Nickerson Ditch No. 2 headgate on Deer Creek. If the May 1, 1867, priority is not fully satisfied to the extent of 0.8 of a cubic foot per second, the diversion rate is reduced to the flow, which is then physically and legally available. iv. Maximum monthly diversions under the Nickerson Ditch Rights are limited as follows: April, 2.0 acre-feet; May, 16.0 acre-feet; June, 19.0 acre-feet; July, 16.0 acre-feet; August, 10.0 acre-feet; September, 7.0 acre-feet; and October, 4.0 acre-feet. Maximum annual diversions are limited to 62 acre-feet per year. During any consecutive ten-year period, total diversions are further limited to 486 acre-feet. d. Maddox Reservoir: The Maddox Reservoir is located in the NE1/4 SW1/4, Section 22, Township 7 South, Range 73 West of the 6th P.M. in Park County. It was adjudicated on November 11, 1971 with an appropriation date of May 31, 1905. It is decreed for multiple purposes including irrigation, domestic, fish culture and recreation with a capacity of 54.0 acre-feet. It is filled by the Maddox Reservoir Feeder Ditch, which diverts from the North Fork of the South Platte River in the NE1/4, SE1/4, SW1/4, Section 22, Township 7 South, Range 73 West of the 6th P.M. and decreed as an alternate point of diversion for the Slaughter Ditch. Allocation of yield to Maddox Reservoir is attached as **Exhibit C**. e. Lower Sacramento Creek Reservoir: The Lower Sacramento Creek Reservoir Company, a Colorado corporation, owns and operates the Lower Sacramento Creek Reservoir No. 1. The Reservoir is located in the NE1/4 NW1/4, Section 32, and the SE1/4 SW1/4, Section 29, Township 9 South, Range 77 West, 6th P.M., Park County, Colorado. North Fork Associates owns 932 shares of a total of 3,700 shares in the Company (a 25.2% interest). The Reservoir has been constructed and is entitled to store water under the following decrees:

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

The water may be used for domestic, municipal, commercial, industrial, irrigation, fish and wildlife propagation, recreational and all other beneficial purposes, including exchange to compensate for depletions in the South Platte River and its tributaries. Other owners in the reservoir have transferred water rights to Lower Sacramento Creek Reservoir No. 1 in which Applicants have no interest. 7. Statement of Plan for Augmentation: Boyne is the owner of a 30-acre parcel of property located in the SW1/4 SE1/4, Section 29, Township 6 South, Range 71 West of the 6th P.M., Jefferson County. Boyne proposes to subdivide the property into two (2) lots. The Boyne Well No. 1 will remain exempt subject to the adjudication in Claim 1 of this Application and serve one lot. The other well, Boyne Well No. 2 will be a non-exempt well and will serve the other lot. This augmentation plan will replace out-of-priority depletions associated with Boyne Well No. 2, for indoor use, as described below. a. The water requirement for Boyne Well No. 2 is for a single-family dwelling, with an average occupancy of 3.5 persons per house. The estimated water requirements for Indoor Use for this well is 80 gallons per capita per day (gpcd) with 10% consumption based on subsurface discharge from individual septic tank-soil absorption systems. This plan will require 0.032 of an acre-foot of replacement water as is shown in Table 1 below.

Use	Water Requirements	Units	Quantity AF	CU Rate	Replacement Requirements		
					Total Ac-Ft	Summer Ac-Ft	Winter Ac-Ft
Single-Family In-house Use	80 gl/cap/dy(3.5 cap)	1	0.3140	10%	0.0314	0.0157	0.0157
Tran. Chg	0.13%/Mi	14	0.0006	100%	0.0006	0.0006	0.0006
Total			0.320		0.032	0.016	0.016

The monthly depletions are as follows in acre-feet:

Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct
0.002	0.003	0.002	0.003	0.002	0.003	0.002	0.003	0.003	0.002	0.003	0.002

b. The total consumptive use water requirement will be met with 0.032 of an acre-foot of the annual yield from the Slaght Ditch Rights as described above and 0.016 of an acre-foot of space in Maddox Reservoir. (See Exhibits “B” and “C” respectively). The calculated requirements of the direct flow water rights from May through October are a total of 0.031 of an acre-foot at the point of depletion on Elk Creek in the NE1/4 SE1/4, Section 27, Township 7 South, Range 71 West of the 6th P.M. The point of delivery of this water will be the headgate of the Slaght Ditch on the South Platte River in the NE1/4 SE1/4, Section 21, and the outlet of Maddox Reservoir in the SW1/4 SE1/4, Section 21, all in Township 7 South, Range 73 West of the 6th P.M. The total requirement at the points of exchange at the confluence of Elk Creek and the North Fork of the South Platte River in the NE1/4 SE1/4 Section 27, Township 7 South, Range 71 West is 0.0314 of an acre-foot of replacement water. MMRC also seeks the right to use the Nickerson Ditch Rights and/or Lower Sacramento Creek Reservoir as an alternate supply to make replacements pursuant to this augmentation plan. c. Due to the small volume of annual stream depletions projected to occur under this plan, instantaneous stream depletions may be aggregated and replaced by one or more releases of short duration. 8. Water Exchange Reach: Since the point of depletion associated with the augmented structures are upstream of the augmentation supplies, Applicants assert an exchange project right pursuant to Sections 37-92-103(9), 37-92-302(5), 37-92-305(3), 37-92-305(5), and 37-92-305(8)(a), C.R.S. The reach of the exchange shall extend from the confluence of Elk Creek and the North Fork of the South Platte River in the NE1/4 SE1/4, Section 27, Township 7 South, Range 71 West thence up Elk Creek to the confluence with an unnamed creek in the SW1/4 SW1/4, Section 32, Township 6 South, Range 71 West, thence up the unnamed creek to the point of depletion in the SW1/4 NE1/4, Section 32, Township 6 South, Range 71 West, all in the 6th P.M. In the event that there is a senior call between the source of the water and the point of depletion that precludes the exchange, the Applicants can have replacement water delivered via trucking to a point above the calling right or release water from an onsite container. The exchange project right will operate to replace depletions to the flow of water in the stream system as the depletions occur. The water exchange project right will be operated and administered with a priority date of April 22, 2021 at a maximum flow rate of 0.001 of a cubic foot per second and a maximum depletion in all reaches of 0.02 of a gallon per minute. WHEREFORE, Applicants request the entry of a decree approving this Application, specifically (1) granting the appropriations sought in this Application, (2) authorizing use of the augmentation supplies described in this Application, (3) determining that the source and location of delivery of augmentation water are sufficient to prevent material injury to vested water rights. The Applicants also request entry of an Order directing the State Engineer to issue well permits for the construction and use of, or any replacement well permits as applicable, for Boyne Wells No. 1 and 2. (12 pgs., 2 Exhibits)

21CW3051 (98CW462) COLORADO DIVISION OF PARKS AND WILDLIFE AND THE PARKS AND WILDLIFE COMMISSION, 6060 Broadway, Denver, CO 80216 (Please address all correspondence and inquiries regarding this matter to Ema I. G. Schultz 720-508-6307 and Tarn Udall 720-508-6266, Office of the Attorney General, 1300 Broadway, 7th Floor, Denver, CO 80203.) **APPLICATION TO MAKE WATER RIGHT ABSOLUTE OR IN THE ALTERNATIVE FOR FINDINGS OF REASONABLE DILIGENCE IN ADAMS, ARAPAHOE, AND DENVER COUNTIES, COLORADO.**

1. Name, mailing address, e-mail address, and telephone number of Applicant: Colorado Division of Parks and Wildlife (“CPW”), Attn: Ed Perkins, Water Rights Administrator, 6060 Broadway, Denver, Colorado 80216, 303-291-7466; ed.perkins@state.co.us. 2. **Description of structures and conditional water rights: A. The Gardeners’ Ditch Exchange.** i. Original decree: Case No. 98CW462, District Court, Water Division 1, entered on April 2, 2015. ii. Subsequent decrees: N/A. iii. Exchange reach: From the original point of diversion of the Gardeners’ Ditch water right, as measured at the 64th Avenue gage, then upstream on the South Platte River to the confluence of the South Platte River and Cherry Creek, then upstream to Cherry Creek Reservoir. *See Exhibit A.* The locations of the original point of diversion of the Gardeners’ Ditch and Cherry Creek Reservoir are described in more particularity as follows: a. Upstream terminus (exchange-to structure): The Cherry Creek Reservoir is an on-channel reservoir located in Sections 1, 2, 3, 10, 11, 12, 13, 14, 23, and 24, Township 5 South, Range 67 West of the 6th P.M.; Sections 35 and 36, Township 4 South, Range 67 West of the 6th P.M.; Sections 31 and 32, Township 4 South, Range 66 West of the 6th P.M., and Sections 7, 18, and 19, Township 5 South, Range 66 West of the 6th P.M., all in Arapahoe County, Colorado. b. Downstream terminus (exchange-from structure): The original decreed point of diversion for the Gardeners’ Ditch is a point on the west bank of the South Platte River located approximately south 2 degrees 15 minutes west a distance of 2,167 feet from the northeast corner of Section 11, Township 3 South, Range 68 West, 6th P.M., in Adams, County, Colorado. iv. Source of replacement water: CPW’s 0.6 cfs interest in the Gardeners’ Ditch water right, as originally decreed on September 19, 1907 in Case No. 37275 in the District Court for the City and County of Denver, and as changed by the final decree entered on April 2, 2015 in Case No. 98CW462, District Court, Water Division 1. v. Appropriation date: December 31, 1998. vi. Maximum rate of exchange: The maximum rate of exchange, including the amount necessary to meet non-diversion season return flow obligations, is 0.34 cfs conditional. The monthly maximums are set forth in the chart below:

Month	CPW’s Maximum Rate of Diversion by Exchange into Cherry Creek Reservoir (cfs)
April	0.12
May	0.16
June	0.34
July	0.30
August	0.19
September	0.07

vii. Uses: Replacement of return flows and evaporation, commercial, irrigation, recreational, piscatorial and augmentation purposes, whether released or credited for direct use or augmentation of such purposes. Augmentation use shall be pursuant to the plan for augmentation decreed in Case No. 01CW284, District Court, Water Division 1. Irrigation use of the exchanged water will be within Cherry Creek State Park. All other uses of the exchanged water, except augmentation under the augmentation plan decreed in Case No. 01CW284 and replacement of return flows, will be in Cherry Creek Reservoir. viii. Remarks: As provided in the original decree, the following terms and conditions will be included in any proposed or final decree: a. CPW will operate the exchange only when there are no dry points between the Cherry Creek Reservoir and the 64th Avenue gage, including the Burlington Ditch headgate, as determined by the Division

Engineer. CPW will operate its appropriate right of exchange only upon prior approval by the water commissioner for Water District 8 and Water District 2 noting the person(s), date, and time of that approval in the accounting form described in paragraph 2.5.13 of the final decree entered in Case No. 98CW462. In the event that Cherry Creek or the South Platte River cease to be a live and flowing stream downstream of Cherry Creek Reservoir at any point between the Reservoir and the original point of diversion of the Gardeners' Ditch described in paragraph 2.A.iii.b, above, this exchange will be terminated. b. Prior to operating the exchange each time CPW intends to operate the exchange, CPW shall verify with the water commissioner that the amount to be exchanged plus return flows are present and available to CPW at the 64th Avenue gage. CPW shall discontinue operation of the exchange if the return flow percentage requirements of the exchanged amount are not present at the 64th Avenue gage. The flow at the 64th Avenue gage will be recorded daily in the accounting. c. CPW shall maintain such measurement and control devices and keep such records as required by the final decree entered in Case No. 98CW462 and shall install such additional measurement devices and such additional records as the Division Engineer may require for administration of this right. d. The amount diverted by exchange is limited to the flow rate and volumetric amount legally and physically available pursuant to CPW's interest in the Gardeners' Ditch water right at the 64th Avenue gage and shall not exceed the monthly and annual amounts shown in the depletion table in paragraph 2.5.10 of the final decree entered in Case No. 98CW462. e. CPW shall limit operation of its exchange to times when there is exchange potential in the exchange reach. For purposes of this limitation, exchange potential shall exist when the operation of CPW's exchange would not deprive any water right within the exchange reach, including decreed exchanges, with a priority senior to CPW's exchange ("Intervening Senior") of water that such Intervening Senior is then legally entitled to exchange, divert, or store in priority. f. CPW shall operate the exchange only at such times as the exchange is in priority. g. The source of substitute supply shall be of a quality and continuity to meet the requirements of use to which senior appropriations have normally been put. h. CPW's exchange shall be administered as junior to all priorities filed in years prior to 1998. As among all rights decreed on applications filed in calendar year 1998, priorities shall be determined by historical dates of appropriation and shall not be affected by date of application or entry of decree. **3. Claim to make Gardeners' Ditch Exchange absolute:** A. Date water applied to beneficial use: June 1, 2020. B. Amount: 0.34 cfs. C. Uses: Replacement of return flows and evaporation, commercial, irrigation, recreational, piscatorial and augmentation purposes, whether released or credited for direct use or augmentation of such purposes, as described above in Paragraph 2.A.vii. **4. Outline of work completed toward diligence:** CPW has the right to use Cherry Creek Reservoir by virtue of a lease with the United States Army Corps of Engineers, which owns the land on which the Reservoir is located. 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 diligence period (April 2015 through April 2021) follows. This list is not intended to be exclusive and may be supplemented by additional evidence. A. CPW retains a consultant to manage the operation of and accounting for the Gardeners' Ditch Exchange and other CPW exchanges into Cherry Creek Reservoir and storage in and releases from Cherry Creek Reservoir. CPW has paid the consultant approximately \$1,000.00 - \$2,000.00 per year during the diligence period. B. CPW has remained an active member in the Upper Cherry Creek Water Association ("UCCWA") during the diligence period. CPW has paid a yearly membership fee to UCCWA for management of various Cherry Creek water resources and storage in Cherry Creek Reservoir, including operation of and accounting for the plan for augmentation decreed in Case No. 01CW284, District Court, Water Division 1. The use of the Gardeners' Ditch Exchange for augmentation purposes is pursuant to this plan for augmentation. The yearly membership dues paid by CPW to UCCWA are approximately \$15,000.00. C. A CPW staff member attends monthly UCCWA meetings about the coordination of the Cherry Creek water resources and Cherry Creek Reservoir. D. CPW has performed monthly reviews of the Water Court resume to determine whether filing of statements of opposition is necessary to protect its water rights in Water Division 1, including the Gardeners' Ditch Exchange. **5. Alternative claim for findings of reasonable diligence:** CPW claims to make the Gardeners' Ditch Exchange absolute by this application. In the event the Court declines to make the claimed right absolute, CPW requests the Court enter a finding of diligence and continue the conditional water right, in

its entirety, based upon the actions set forth in Paragraph 4 above. **6. Name of owners of land upon which structures are located:** U.S. Army Corps of Engineers, 9307 S. Wadsworth Boulevard, Littleton, CO 80128-6901. WHEREFORE, CPW respectfully requests this Court enter a decree finding that CPW has made the subject water right absolute or in the alternative has exercised reasonable diligence in the development of the conditional water right, and to continue the conditional water right in full force as decreed, and for such other relief as this Court deems just and proper. (6 pages)

21CW3052 MICHAEL JANECKO, 3920 Ogallala Rd., Longmont, CO 80503; Email: majanecko@gmail.com; Telephone: (303) 665-1496. Please direct all correspondence concerning this Application to: Aaron Ladd, Esq. and Kunal A. Parikh, Esq., Vranesh and Raisch, LLP, 5303 Spine Road, Suite 202, Boulder, CO 80301; Email: asl@vrlaw.com; kap@vrlaw.com; Telephone: (303) 443-6151. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN WELD COUNTY.** 2. Name of Structure: Greenhead Ranch Well – Permit No. 14524-R. 3. Description of Conditional Water Right: A. Original Decree: The Greenhead Ranch Well conditional water right was originally decreed in Case No. 14CW3141, Water Court for Water Division 1, on April 6, 2015. B. Legal Description: The Greenhead Ranch Well is located in the NE1/4 SW1/4 of Section 18, Township 4 North, Range 66 West, 6th P.M., Weld County, Colorado at a point described by the following UTM coordinate: Northing 4462194, Easting 515111, UTM Zone 13, NAD83 as shown in **Exhibit A**. C. Source: Ground water tributary to the South Platte River. D. Appropriation Date: November 25, 2014. E. Decreed Amount: 160 gallons per minute (“gpm”) conditional, up to 3.75 acre-feet annually. F. Uses: Irrigation of not more than 7 acres. G. Depth: 40 feet. 4. Detailed outline of what has been done towards completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures, during the previous diligence period: A. Inclusion in Plan for Augmentation: The Greenhead Ranch Well is located within the Groundwater Management Subdistrict (“GMS”) of the Central Colorado Water Conservancy District. The Greenhead Ranch was approved by the GMS Board for the inclusion in the GMS plan for augmentation, decreed in Case No. 15CW3021. The original GMS augmentation plan was decreed in Case No. 02CW335. Applicant has bought shares to augment the Greenhead Ranch Well water right through the GMS augmentation plan. Applicant has continued to pay dues for these augmentation shares during the diligence period in the amount of \$500/year. B. In determining whether reasonable diligence has been exercised to develop a conditional water right, a factor to be considered is the intervention of outside delaying factors. *Municipal Subdistrict, Northern Colorado Water Conservancy District v. Oxy USA, Inc.*, 990 P.2d 701 (Colo. 1999). In 2013 and 2015, the property on which the Greenhead Ranch Well is situated experienced significant flooding, which caused Applicant delay in implementing his plan to develop and use the subject water right. Applicant also applied significant time and effort in rehabilitation of the property following these flood events. Despite these unexpected events and resulting delay, Applicant still intends to complete his appropriation of the subject conditional water right and has made significant progress toward doing so. C. Recently, Applicant had the old pump for the Greenhead Ranch Well pulled and the well inspected to determine necessary rehabilitation work required to restore the functionality of the existing well structure. Subsequently, Applicant completed the recommended rehabilitation work, including cleanout of the well and installation of new casing. Applicant has incurred costs in the amount of approximately \$10,500 for such rehabilitation work. D. In addition, Applicant has contracted for installation of an electrical system and pumping system for the Greenhead Ranch Well at an expected cost of approximately \$14,000, which work will be completed once weather permits this spring, subject to the contractor’s availability. E. Applicant engaged in conservation easement discussions with Ducks Unlimited in 2018 for the property on which the Greenhead Ranch Well is located. F. Applicant has grown fowl-friendly food plots, consisting of wheat, and milo, and sustained pasture grass, during the diligence period. Applicant also has grown and donated hay crops in 2017 and controlled weeds in other years. G. Applicant also incurred in excess of \$3,000 in attorney’s fees related to the development of the Greenhead Ranch Well during the diligence period. 5. Absolute Claim: N/A. Applicant does not seek to make any portion of the Greenhead Ranch Well conditional water right absolute in this application. 6. Name(s) and address(es) of owner(s) 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: All lands upon which the Greenhead Ranch Well is to be located are owned by the Applicant herein. WHEREFORE, Applicant requests that the Court enter a decree finding that Applicant has been reasonably diligent under all the facts and circumstances concerning the development of the remaining conditional portions of the Greenhead Ranch Well, and continuing the same for another diligence period. (6 pgs., 1 Exhibit)

21CW3053 THE RITCHIE FAMILY LIVING TRUST, THE SODON FAMILY LIVING TRUST, MOUNTAIN MUTUAL RESERVOIR COMPANY, AND NORTH FORK ASSOCIATES, LLC; The Ritchie Family Living Trust, c/o Dwayne Ritchie and Marisa Ritchie, The Sodon Family Living Trust, c/o Derek Sodon and Michele Sodon, 512 Mary Beth Rd., Evergreen, CO 80439; Email: dwayneritchie@hotmail.com; Telephone: (310) 991-4080; Mountain Mutual Reservoir Company, 6949 Highway 73, Suite 15, Evergreen, CO 80439; Email: norm@hch20.com; Telephone: (303) 989-6932; and North Fork Associates, LLC, 2686 S. Yukon Ct., Denver, CO 80227; Email: 613blatch@gmail.com; Telephone: (303) 988-7111. Please direct all correspondence concerning this Application to: Aaron Ladd, Esq. and Kunal A. Parikh, Esq., Vranesh and Raisch, LLP, 5303 Spine Road, Suite 202, Boulder, CO 80301; Email: asl@vrlaw.com; kap@vrlaw.com; Telephone: (303) 443-6151. **APPLICATION FOR PLAN FOR AUGMENTATION INCLUDING EXCHANGE IN JEFFERSON COUNTY. APPLICATION FOR APPROVAL OF A PLAN FOR AUGMENTATION INCLUDING EXCHANGE** 2. Names of Structures to be Augmented: Ritchie/Sodon Wells No. 1-2 (“Subject Wells”). The Subject Wells are located on the Ritchie/Sodon Property which is approximately 40 acres lying in the NE1/4 SE1/4, Section 21, and the N1/2 SW1/4, Section 22, Township 5 South, Range 71 West of the 6th P.M., Jefferson County, Colorado. The Ritchie/Sodon Property is located in the drainage of Cub Creek, which is tributary to Bear Creek. The Ritchie/Sodon Property is designed for two single-family dwellings, an auxiliary dwelling unit, irrigation, horse watering and fire protection. The present and future water supply will be from the Subject Wells to be located on the property and the Subject Wells will divert at a maximum rate of 15 gallons per minute. The Ritchie/Sodon Property on which the Subject Wells will be located is shown on the map attached as **Exhibit A**. The exact location of the wells will be determined as the properties within the area described above are developed. 3. Water Rights to be Used for Augmentation: The Ritchie Family Living Trust and Sodon Family Living Trust (“Ritchie/Sodon”) have contracted with North Fork Associates, LLC to purchase 5.1 shares of Mountain Mutual Reservoir Company, (“MMRC”) stock, which represents a firm annual yield of 0.161 of an acre-foot to satisfy the present and anticipated future replacement needs associated with the Subject Wells, attached as **Exhibit B**. These shares were removed from Water Court Case No. 18CW3140, the application for which was dismissed. a. 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 NE1/4 NE1/4, Section 2, Township 5 South, Range 70 West, 6th P.M., Jefferson County, Colorado. The Turkey Creek headgate of the Harriman Ditch is located on the South bank of Turkey Creek near the Southwest corner of Section 6, Township 5 South, Range 69 West, 6th P.M., Jefferson County. The Ditch was originally decreed for irrigation, livestock watering, domestic and municipal purposes. ii. Warrior Ditch: 2.0 shares of 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

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 NE1/4 SW1/4 and the NW1/4 SE1/4 of Section 26, Township 5 South, Range 71 West, 6th P.M., Jefferson County. Meadowview Reservoir was awarded absolute water rights in Case No. 09CW92 (01CW294), in an amount of 20 acre-feet, and in Case No. 16CW3022 (94CW290), in an amount of 30 acre-feet, for augmentation, replacement, exchange and substitution purposes. The source is North Turkey Creek and 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, 00CW060 and 01CW293. b. 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 Decrees entered by the District Court for Water Division 1 in Case No. 01CW293, dated July 16, 2003, and Case No. 94CW290, dated October 16, 2006. 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. 01CW293 and 94CW290, 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. 01CW293 and 94CW290 for more detailed information. 4. Statement of Plan for Augmentation: Ritchie/Sodon are the owners of approximately 40 acres located in the NE1/4 SE1/4, Section 21, and the N1/2 SW1/2, Section 22, Township 5 South, Range 71 West of the 6th P.M., Jefferson County. Ritchie/Sodon propose to construct two single-family dwellings, an auxiliary dwelling unit and two wells on the property. a. The water requirements for the Subject Wells are for two single-family dwellings and an auxiliary dwelling unit with 10% consumption based on subsurface discharge from individual septic tank-soil absorption systems, and the irrigation of

2,000 square feet of turf based on the application of 1.25 af/ac with 80% consumption or 5,000 square feet of garden based on the application of 0.5 af/ac with 80% consumption, and up to three horses with 100% consumption. The total requirements are shown in Table 1 below.

Use	Water Requirements	Units	Quantity AF	CU Rate	Replacement Requirements		
					Total Ac-Ft	Summer Ac-Ft	Winter Ac-Ft
Single-family	80 gl/cap/dy(3.5 cap)	2	0.630	10%	0.0630	0.0315	0.0315
Aux. unit	80 gl/cap/dy(2.0 cap)	1	0.180	10%	0.0180	0.0090	0.0090
Turf irrig.* 2,000 sq. ft.	1.25 af/ac	0.046	0.057	80%	0.0459	0.0459	0.0000
Horses	10 gl/hd/dy	3	0.034	100%	0.0336	0.0168	0.0168
Total			0.93		0.161	0.1032	0.0585
*Garden irrig. 5,000 sq. ft.	0.50 af/ac	0.115	0.057	80%	0.0459	0.0459	

*Turf irrigation and Garden irrigation will not exceed 0.0459 acre-feet combined demand.

The monthly depletions are as follows in acre-feet:

Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct
0.010	0.010	0.010	0.010	0.010	0.017	0.017	0.017	0.017	0.017	0.017	0.010

This equates to a maximum stream depletion of 0.13 of a gallon per minute.

b. The required volume of augmentation water will be provided from the sources described in Paragraph No. 3, 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. 5. Water Exchange Project: Since the point of depletion associated with the Subject Wells are upstream of the augmentation supplies, Applicants assert an exchange project right pursuant to Sections 37-92-103(9), 37-92-302(1)(a), 37-92-302(5), 37-92-305(3), 37-92-305(5), and 37-92-305(8)(a), C.R.S. The total consumptive use water requirement will be met with 0.161 of an acre-foot of the annual firm yield of 39.0 acre-feet of the Bear Creek Rights. These requirements are needed at the point of depletion for the Subject Wells on Cub Creek in the NW1/4 SE1/4, Section 21, Township 5 South, Range 71 West of the 6th P.M. This is upstream of the points of replacement at the confluence of Bear Creek and Turkey Creek in the Section 5, Township 5 South, Range 69 West of the 6th P.M. The claimed exchange project right reach will be from the confluence of Bear Creek and Turkey Creek in the Section 5, Township 5 South, Range 69 West up Bear Creek to the confluence of Cub Creek in the SW1/4 NE1/4, Section 10, Township 5 South, Range 71 West, thence up Cub Creek to the point of depletion on Cub Creek in the NW1/4 SE1/4, Section 21, Township 5 South Range 71 West, all in the 6th P.M. In the event that there is a senior call between the

source of the water and the point of depletion that precludes the exchange, the Applicants can have replacement water delivered via trucking to a point above the calling right or release water from an onsite container. The exchange project right will operate to replace depletions to the flow of water in the stream system as the depletions occur. The water exchange project right will be operated and administered with a priority date of April 28, 2021, at a maximum flow rate of 0.001 of a cubic foot per second and a maximum depletion in all reaches of 0.13 of a gallon per minute. 6. Administration of Plan: Appropriate accounting forms will be established for reporting usage and determining required releases to be made pursuant to this augmentation plan throughout each year. 7. Names and address of owners or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool: The Co-Applicants, Ritchie/Sodon Property. WHEREFORE, Applicants request the entry of a decree approving this Application, specifically (1) authorizing the appropriations made herein; (2) authorizing use of the augmentation supplies described in this Application; and (3) determining that the source and location of delivery of augmentation water are sufficient to prevent material injury to vested water rights. The Applicants also request entry of an Order directing the State Engineer to issue well permits for the construction and use of the Subject Wells. (9 pgs., 2 Exhibits)

21CW3054 ORPHAN WELLS OF WIGGINS, LLC (“OWW” or “Applicant”); P.O. Box 37, Wiggins, CO 80654. Please send correspondence and pleadings to: Ryan M. Donovan and Rebecca E. Spence, Lawrence Custer Grasmick Jones & Donovan LLP, 5245 Ronald Reagan Blvd., Suite 1, Johnstown, CO 80534. Phone: (970) 622-8181; ryan@lcwaterlaw.com; rebecca@lcwaterlaw.com. **APPLICATION FOR CHANGE OF WATER RIGHT TO INCLUDE ALTERNATE POINT OF DIVERSION AND TO ADD WELL TO PLAN FOR AUGMENTATION DECREED IN CASE NO. 15CW3182, in WELD AND MORGAN COUNTIES.** 2. **Summary of Application**: OWW operates an augmentation plan decreed in Case No. 15CW3182 (referred to in this Application as the “15CW3182 Decree” or the “OWW Augmentation Plan”). The 15CW3182 Decree approved the OWW Recharge Project, which includes, among other components, a water right for a recharge well known as the OWW Recharge Well 1. Out of priority depletions from diversions through the OWW Recharge Well 1 are replaced daily pursuant to the OWW Augmentation Plan. The 15CW3182 Decree, at Paragraph 16, permits the addition of wells into the OWW Augmentation Plan, including alternate point of diversion wells for existing wells. In this Application, Applicant seeks approval to (1) change the use of the OWW Recharge Well 1 to add an alternate point of diversion, known as the “OWW Recharge Well 1 APOD,” and (2) add the OWW Recharge Well 1-APOD to the OWW Augmentation Plan. The OWW Recharge Well 1 – APOD water right will be diverted at an existing well owned by the Central Colorado Water Conservancy District (“Central”) and for which a water right was decreed in Case No. 16CW3202 (known as “Well 2O”). Applicant has entered into an agreement with Central to allow it to use Well 2O as an alternate point of diversion as described herein. Nothing in this Application is intended nor does it alter Central’s water rights for Well 2O decreed in Case No. 16CW3202. Applicant seeks approval to divert the maximum decreed flow rate and annual volume for the water right associated with the OWW Recharge Well 1 at either the OWW Recharge Well 1 or OWW Recharge Well 1 - APOD, either independently or simultaneously at both locations. Out of priority depletions from the diversions of the OWW Recharge Well 1-APOD will be replaced pursuant to the terms and conditions of the OWW Augmentation Plan and the terms of the decree entered in this case. **APPLICATION FOR CHANGE OF WATER RIGHT TO INCLUDE ALTERNATE POINT OF DIVERSION** 3. **Name of Structure for Which Change is Sought: OWW Recharge Well 1.** 3.1. Description of Change Requested: Applicant seeks approval to change the OWW Recharge Well 1 water right to allow such water right to be diverted at the OWW Recharge Well 1 – APOD, as described herein. The OWW Recharge Well 1 – APOD will divert at Central’s Well 2O, as decreed in Case No. 16CW3202. Applicant and Central have entered into an agreement permitting Applicant to use Well 2O in the manner described herein. Nothing in this Application is intended nor shall it be interpreted as amending or modifying any findings of fact, conclusions of law, or decree terms from 16CW3202. 3.2. Legal Description of Location of OWW Recharge Well 1-APOD: NE 1/4 SE 1/4 Section 18, Township 4,

Range 60 W of the 6th P.M., Morgan County, Colorado, located at a point 2,030 feet the South section line and 60 feet from the West Section line. UTM Coordinates (Meters, Zone: 13, NAD83) Easting: 573638, Northing: 4462569. 3.3. Source of Water for OWW Recharge Well 1-APOD: Alluvial groundwater tributary to the South Platte River and an unnamed slough tributary to the South Platte River. 3.4. Appropriation Date: April 2, 2015. 3.5. Diversion Rate and Volume: Up to 5,000 gpm (11.14 cfs), up to 6,000 acre-feet per year, conditional. The diversion rate of 5,000 gpm is the combined maximum diversion rate for the OWW Recharge Well 1 and OWW Recharge Well 1 – APOD. The annual volumetric limit of 6,000 acre-feet per year is the combined maximum annual volume for diversion from the OWW Recharge Well 1 and OWW Recharge Well 1 – APOD. 3.6. Uses: The OWW Recharge Well 1 – APOD will operate as a recharge well similar to the OWW Recharge Well 1, as described in paragraph 3.5 of the 15CW3182 Decree. Water diverted from OWW Recharge Well – APOD will be delivered by pipeline to the 27 recharge ponds described in Paragraph 3.7 of the 15CW3182 Decree, and be allowed to percolate from the recharge ponds into the underground aquifer and back to the South Platte River for augmentation and replacement of out of priority depletions for all wells augmented under the OWW Augmentation Plan. 3.7. Location of Recharge: 27 recharge ponds as described in Paragraph 3.7 of the 15CW3182 Decree, or other sites to be added to the OWW Augmentation Plan pursuant to notice as required by the terms of the 15CW3182 Decree. **4. Name and Address of Owners of Structures**: Applicant owns OWW Recharge Well 1 and Central, 3209 W 28th St, Greeley, CO 80634, owns Well 20. **APPLICATION TO ADD WELL TO PLAN OF AUGMENTATION** **5. Augmentation Plan Well Addition**: Paragraph 16 of the 15CW3182 Decree allows the addition of wells to the plan, including alternate point of diversion wells. Applicant seeks to add OWW Recharge Well 1 - APOD described in Paragraph 3 above to the OWW Augmentation Plan. **6. Proposed terms and conditions regarding the addition of OWW Recharge Well 1-APOD to the OWW Augmentation Plan**: 6.1. Timing of Well Depletions from OWW Recharge Well 1 – APOD. The timing of depletions from pumping the OWW Recharge Well 1 – APOD shall be determined using the unit response function, or URF, developed and decreed for Well 20 by Central in Case No. 16CW3202. In Case No. 16CW3202, Central developed daily URFs to calculate the daily timing of well depletions for each well location, including Well 20, at high (greater than 2,000 cfs) and low (less than 2,000 cfs) flow conditions, as determined by the mean daily flow at the Masters stream gage on the South Platte River. The URF for Well 20 as decreed in Case No. 16CW3202 is attached as **Exhibit 1**. The URF shall be used to compute the daily stream depletion for the OWW Recharge Well 1 - APOD in the same manner as described in Paragraph 22 of the 15CW3182 Decree. There are presently no depletions from pumping the OWW Recharge Well 1 – APOD. 6.2. Consumptive Use. All water pumped daily by the OWW Recharge Well 1 - APOD is considered 100% consumptive. 6.3. Measured Well Pumping and Flow Meter. Applicant shall determine well depletions from the OWW Recharge Well 1 – APOD based on well pumping measurements. Applicant shall install and maintain a totalizing flow meter on the OWW Recharge Well 1 - APOD in accordance with the terms of the 15CW3182 Decree. Said flow meter installed on the OWW Recharge Well 1 - APOD shall be a separate meter than that used by Central to make diversions from Well 20. 6.4. Water Rights to be used for Augmentation. All water rights decreed for augmentation in 15CW3182, including recharge accretions resulting from diversions of water from the OWW Recharge Well 1-APOD to the recharge ponds described in 3.7 of the 15CW3182 Decree and any future ponds added pursuant to the terms of that decree, and pursuant to the “OWW Augmentation Exchange” decreed in the 15CW3182 Decree. Replacement of depletions from the OWW Recharge Well 1 – APOD may be replaced pursuant to the OWW Augmentation Exchange 6.5. Replacement of Depletions from OWW Recharge Well 1 - APOD. Depletions from OWW Recharge Well 1 – APOD shall be calculated daily. Applicant will replace all out-of-priority depletions on a daily basis in accordance with the requirements of the 15CW3182 Decree. 6.6. Accounting. Accounting for the operation of the OWW Recharge Well 1 – APOD shall be in accordance with the terms of the 15CW3182 Decree and shall be incorporated into the accounting forms used for the OWW Augmentation Plan. The original format of this application is five pages in length plus one exhibit.

21CW3055 JOHN A. DURHAM, 10901 Brighton Road, Henderson, CO 80640, (303) 428-8243. C/O Bradley C. Grasmick, Rebecca E. Spence, Lawrence Custer Grasmick Jones & Donovan, LLP, 5245 Ronald

Reagan Blvd., Suite 1, Johnstown, CO, 80543. **APPLICATION FOR ABSOLUTE UNDERGROUND WATER RIGHT in ADAMS COUNTY. CLAIM FOR ABSOLUTE UNDERGROUND WATER RIGHT 2.** Description of New Water Right. 2.1. Name: Durham Well 2.1.1. Permit Number: 12537-R. 2.1.2. Location of Structure/Legal Description of Point of Diversion: Southeast 1/4 of the Northeast 1/4 of Section 9, Township 2 South, Range 67 West of the 6th P.M. in Adams County, at a point 2350 feet South and 405 feet West of the Northeast corner of said Section 9. 2.1.3. Source: Groundwater tributary to the South Platte River. 2.1.4. Appropriation Date: May 1, 1948. 2.1.5. Depth of Well: 30 feet. 2.1.6. Amount Claimed: 100 gpm, 2 acre-feet, absolute. 2.1.7. Plan for Augmentation: Applicant is a member of the Augmentation Plan operated by the Groundwater Management Subdistrict of the Central Colorado Water Conservancy District (“GMS”), Case No. 02CW335, and is authorized to pump the Durham Well for the claimed uses under Contract No. 1237. All out-of-priority depletions from the Durham Well shall be replaced pursuant to the Augmentation Plan. A corresponding water court application to add the new water right to the Durham Well to the Augmentation Plan was filed contemporaneously with this Application. 2.1.8. Uses: Domestic, irrigation. 2.1.8.1. Number Of Acres Historically Irrigated: 5 acres. 2.1.8.2. Number of Acres Proposed to be Irrigated: 5 acres. 3. Name and Address of Owners of Structure. Applicant owns the structures and the land upon which the structures are located.

21CW3056, CACHE LA POUDE WATER USERS ASSOCIATION, CITY OF FORT COLLINS, CITY OF GREELEY, COLORADO WATER TRUST, NORTHERN COLORADO WATER CONSERVANCY DISTRICT, CITY OF THORNTON, AND COLORADO WATER CONSERVATION BOARD. APPLICATION FOR APPROVAL OF A PLAN FOR AUGMENTATION TO AUGMENT STREAM FLOWS ON THE CACHE LA POUDE RIVER PURSUANT TO C.R.S. § 37-92-102(4.5) IN LARIMER AND WELD COUNTIES, COLORADO.

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2. General Description of Application. Applicants are seeking a decree for a plan for augmentation pursuant to C.R.S. § 37-92-102(4.5) for the purpose of preserving and improving the natural environment to a reasonable degree in the Cache la Poudre River (“Poudre River”) at locations downstream of the Cache la Poudre at Canyon Mouth Near Fort Collins gage (“Canyon Gage”) to the confluence with the South Platte River (“Poudre Flows Plan” or “Plan”). This Application is also based on the CWCB’s authority to acquire interests in water rights through contractual arrangements pursuant to C.R.S. § 37-92-102(3) and to file applications in Water Court, utilizing interests in the water rights it acquires, including applications for plans for augmentation. *Id.*; C.R.S. § 37-92-102(4.5). CWCB does not by this Application seek to appropriate an instream flow water right pursuant to C.R.S. § 37-92-102(3). This Application uses the following terminology: “Augmented Segments” are geographic segments of the Poudre River that Applicants intend to augment up to specific stream flow rates pursuant to the Plan. “Seed Water” is water attributable to the Seed Water Rights. “Seed Water Rights” are the specific water rights owned by Fort Collins, Greeley, and Thornton that are included in this Application, as identified in Paragraph 4, to be used for the augmentation of stream flows in all or portions of the Augmented Segments pursuant to the Plan. “Additional Augmentation Water” is water attributable to the Additional Augmentation Water Rights. “Additional Augmentation Water Rights” are specific water rights for additional or alternative sources of augmentation that will be added to the Plan after a decree is entered in this case pursuant to procedures authorized by C.R.S. § 37-92-305(8)(c) to be used for the augmentation of stream flows in the Augmented Segments pursuant to the Plan. “Augmentation Water” refers to both the Seed Water and Additional Augmentation Water. “Augmentation Water Rights” refers to both the Seed Water Rights and Additional Augmentation Water Rights. An “Introduction Point” is the upstream point on the river where Augmentation Water is delivered or introduced for the augmentation of stream flows in the Augmented Segments pursuant to the Plan. A “Terminal Point” is the downstream point on the river where Augmentation Water is no longer used for the augmentation of stream flows pursuant to the Plan.

3. Need for Augmentation of Stream Flows. Applicants will augment stream flows in six defined Augmented Segments, as set forth below:

Augmented Segment	Upper Boundary	Lower Boundary
A	Canyon Gage	Larimer and Weld Canal Diversion
B	Larimer and Weld Canal Diversion	Spring Creek Confluence
C	Spring Creek Confluence	New Cache la Poudre Ditch Diversion
D	New Cache la Poudre Ditch Diversion	County Road 17 Crossing
E	County Road 17 Crossing	59 th Avenue Bridge
F	59 th Avenue Bridge	South Platte River Confluence

A map showing the approximate locations of the Augmented Segments is Exhibit 1 to this Application. The legal description of the entire reach of the Augmented Segments is as follows. The Canyon Gage is in the NW1/4 of Section 15, Township 8 North, Range 70 West. (All legal locations herein are based on the 6th P.M and in Larimer or Weld County.) The Poudre River flows from the Canyon Gage through the following sections: Section 15, Township 8 North, Range 70 West; Sections 14, 13, 24, and 25, Township 8 North, Range 70 West; Sections 19, 30, 29, 32, 33, and 34, Township 8 North, Range 69 West; Sections 3, 2, 11, 12, and 13, Township 7 North, Range 69 West; Sections 18, 17, 20, 21, 28, 27, and 34, Township 7 North, Range 68 West; Sections 3, 2, 11, 14, 13, and 24, Township 6 North, Range 68 West; Sections 19, 20, 29, 28, 33, 34, 35, and 36, Township 6 North, Range 67 West; Sections 31, 32, 33, 34, 35, 26, and 36, Township 6 North, Range 66 West; Sections 31 and 32, Township 6 North, Range 65 West; Sections 5, 4, 9, 10, 11, 12, 3, 2, and 1, Township 5 North, Range 65 West; and Section 6, Township 5 North, Range 64 West. The confluence of the Poudre River and the South Platte River is in the SW1/4 of Section 6, Township 5 North, Range 64 West. The legal description of each Augmented Segment is as follows. The Canyon Gage is located in the NW1/4 of Section 15, Township 8 North, Range 70 West. The Larimer and Weld Canal Diversion is located in the SW1/4 of Section 34, Township 8 North, Range 69 West. The Spring Creek Confluence is located in the SW1/4 of Section 17, Township 7 North, Range 68 West. The New Cache la Poudre Ditch Diversion is located in the NE1/4 of Section 11, Township 6 North, Range 68 West. County Road 17 Crossing is located along the section line between Sections 28 and 29, Township 6 North, Range 67 West. The 59th Avenue Bridge is located along the section line between Sections 33 and 34, Township 6 North, Range 66 West. The South Platte River Confluence is located in the SW/14 of Section 6, Township 5 North, Range 64 West. Stream flow in the Augmented Segments will be augmented under the Poudre Flows Plan to preserve and improve the natural environment to a reasonable degree up to the rates of flow (in cubic feet per second (“cfs”)) set forth in the following table.

Augmented Segment	Winter (Nov 1 – Mar 31) Preserve	Winter (Nov 1 – Mar 31) Improve	Summer (Apr 1 – Oct 31) Preserve	Summer (Apr 1 – Oct 31) Improve
A	Up to 80	80 -150	Up to 114	114-260
B	Up to 80	80 - 150	Up to 114	114-260
C	Up to 30	30 - 54	Up to 40	40 – 54
D	Up to 10	10 - 35	Up to 10	10 – 40
E	Up to 15	15 - 30	Up to 15	15 – 30
F	Up to 15	15 - 30	Up to 15	15 – 30

These flow rates were quantified by Colorado Parks and Wildlife (“CPW”) in its *Flow Quantification Report for the Cache la Poudre River in Larimer and Weld Counties*, dated October 2020. The specific reach of the Poudre River wherein stream flow will be augmented at any specific time will depend on the specific Introduction Point and Terminal Point for each Augmentation Water Right included in the Poudre Flows Plan. At a regularly scheduled board meeting on January 25, 2021, the CWCB board determined that

using acquired water, including the Seed Water Rights, up to the above stream flow rates is appropriate to preserve and improve the natural environment to a reasonable degree. In addition to the other claims set forth in this Application, the CWCB seeks confirmation from the Court of this CWCB determination. **4. Seed Water Rights.** Applicants intend to include the following expressly identified water rights as Seed Water Rights in the Poudre Flows Plan pursuant to C.R.S. § 37-92-102(4.5)(b)(III). The CWCB has entered into Water Delivery Agreements with Fort Collins, Greeley, and Thornton, on the dates of March 9, 2021, March 30, 2021, and March 22, 2021, respectively, for the CWCB's use of the Seed Water Rights for augmentation. **4.1 Fort Collins' 2005CW323 Southside Ditch Companies Changed Water Rights.** Water rights, all sourced from the Poudre River, represented by certain shares owned by Fort Collins in the Arthur Irrigation Company, Larimer County Canal No. 2 Irrigating Company, and New Mercer Ditch Company, for which the historical consumptive use was quantified and which were changed in Case No. 2005CW323, Water Division No. 1, among other things, to include various new uses including augmentation use. The following information concerning these sources can be found in the decree entered in Case No. 2005CW323: the dates of the original decrees and all relevant subsequent decrees, the types of water rights, legal descriptions of each point of diversion and storage structure, the sources of water, the appropriation dates, the decreed amounts, and the decreed uses. A more complete description of these water rights is shown on Exhibit 2 to this Application. The locations of the points of diversion for the Arthur Ditch, Larimer County Canal No. 2, and New Mercer Ditch, and the reach where these water rights would be used in the Poudre Flows Plan, are shown on Exhibit 3 to this Application. **4.2 Greeley's 1999CW232 and 2015CW3163 Greeley Irrigation Company Changed Water Rights.** Water rights represented by shares owned by Greeley in the Greeley Irrigation Company ("GIC"). The historical consumptive use of shares in the GIC was quantified on a ditch-wide basis in Case No. 1996CW658, Water Division No. 1. In accordance with that ditch-wide quantification, Greeley changed the type, manner, and use of certain of its GIC shares in Case Nos. 1999CW232 and 2015CW3163. More specifically, Greeley changed these GIC shares to include alternate points of re-diversion and places of storage, and to include a number of additional uses beyond irrigation, including augmentation. A more complete description of the water rights to be included by Greeley in the Poudre Flows Plan is shown on Exhibit 4 to this Application. The locations of the points of diversion for the Greeley #3 Ditch and the Ogilvy Ditch, and the reach where these water rights would be used in the Poudre Flows Plan, are shown on Exhibit 3 to this Application. **4.3 Thornton's TNP Decree.** The *Findings of Fact, Conclusion of Law, Judgment and Decree on Remand* in Consolidated Cases No. 86CW401, 86CW402, 86CW403, and 87CW332 ("TNP Decree") changed Thornton's interests represented by shares in the Water Supply and Storage Company ("WSSC") for native water rights in the Poudre River basin and transmountain water rights as described in attached Exhibit 5 to this Application, which was Exhibit B to the TNP Decree ("WSSC Water Rights"). The TNP Decree also changed Thornton's interests represented by shares in the Jackson Ditch Company ("JDC") for native water rights in the Poudre River basin as described in attached Exhibit 6 to this Application, which was Exhibit C to the TNP Decree ("JDC Water Rights"). The TNP Decree quantified the historical consumptive use and changed Thornton's interest in the WSSC Water Rights and the JDC Water Rights to alternate types and places of use including among other things, augmentation in the Poudre River and South Platte River basins pursuant to the terms of the TNP Decree in paragraphs 11.3.1 and 11.3.2. The Poudre River Exchange in Case No. 86CW401, the WSSC Ditch Exchange in Case No. 86CW402, and the 1986 Appropriations in 86CW403 from the TNP Decree will not be part of or included in this Plan. The location of the point of diversion for the Larimer County Canal, the outlet for Lindenmeier Lake at Dry Creek, and the reach where these water rights would be used in the Poudre Flows Plan, are shown on Exhibit 3 to this Application. **5. Additional Augmentation Water Rights.** Applicants further seek that any decree entered in this case include procedures to allow the use of additional or alternative sources of Augmentation Water pursuant to C.R.S. § 37-92-305(8)(c) that will comply with the requirements of C.R.S. § 37-92-102(4.5). Specifically, Applicants seek a mechanism in the decree pursuant to C.R.S. § 37-92-305(8)(c) to add Additional Augmentation Water and Additional Augmentation Water Rights to the Plan after the decree is entered, provided they meet the requirements of C.R.S. § 37-92-102(4.5). **6. Complete Statement of the Plan. 6.1** Applicants, along with the Colorado Division of Parks and Wildlife, are parties to the Memorandum of

Agreement for Phase II of the Cache La Poudre River Instream Flow Augmentation Plan, dated February 8, 2020 (“Phase II MOA”), related to the Poudre Flows Plan. A copy is attached as Exhibit 7. The Phase II MOA sets forth the responsibilities of the parties, including to work cooperatively on filing this Application and to implement and operate the Poudre Flows Plan once in place. The CWCB has acquired a contractual interest in the Seed Water Rights pursuant to CWCB Rule 6 of the Rules Concerning the Colorado Instream Flow and Natural Lake Level Program, as noted in Paragraph 4. **6.2** Applicants intend to augment stream flow in the Augmented Sections through all or portions of the Poudre River from the Canyon Gage to its confluence with the South Platte River. The use of the Augmentation Water in this Plan will be pursuant to agreements between the owner(s) of the Augmentation Water Rights and the CWCB, including the Water Delivery Agreements identified in Paragraph 4. Applicants specifically intend to deliver Augmentation Water to the Poudre River at various Introduction Points and to measure that water as required by C.R.S. § 37-92-502(5)(a) and the terms and conditions of any decree entered in this case. Once Augmentation Water has been delivered to the stream at an Introduction Point, it will be used to augment stream flows in the applicable Augmented Section(s) downstream to the Terminal Point to preserve and improve the natural environment to a reasonable degree. The Poudre River is a free-flowing river subject to natural (including diurnal) variation, and the Augmentation Water will be subject to evaporation, transportation, and other losses (collectively, “transit losses”) as determined by the Division Engineer as it flows through the Augmented Segments in a manner consistent with other water flowing through the same reach. Subject to terms and conditions of C.R.S. § 37-92-102(4.5) that protect water rights, undecreed existing exchanges that have been administratively approved before the date of the Application, and the owners of structures from injury, the Augmentation Water will be shepherded downstream from the various Introduction Points to the various Terminal Points. The Introduction Points and Terminal Points will be identified for each Augmentation Water Right. Between the Introduction Points and Terminal Points, the CWCB will use the Augmentation Water to augment stream flow to preserve and improve the natural environment to a reasonable degree. State water officials must be capable of administering the water past intervening headgates. When an Augmentation Water Right reaches its Terminal Point, the Augmentation Water may be used, reused, and/or successively used for beneficial uses in accordance with the applicable underlying decree(s) or administrative approval(s) for the Augmentation Water Right, less any transit losses assessed by the Division Engineer that are incurred between the Introduction Point and Terminal Point. The Augmentation Water will be measured as required by C.R.S. § 37-92-502(5)(a) and the terms and conditions of any decree entered in this case. **6.3** Use of an Augmentation Water Right in this Plan is subject to the terms and conditions of any applicable decree to which the Augmentation Water Right is subject. C.R.S. § 37-92-102(4.5)(b)(V). **6.4** This Plan will include any terms and conditions necessary to prevent injury to the owners of vested water rights or decreed conditional water rights. C.R.S. § 37-92-102(4.5)(b)(VI). **6.5** This Plan will include any terms and conditions necessary to prevent injury to other water rights that result from any change in the time, place, or amount of water available for diversion or exchange to the extent that other appropriators have relied upon the stream conditions that resulted from the historical use of the Augmentation Water used in this Plan before their use in this Plan. Any decree for this Plan will recognize that junior appropriators are entitled to the continuation of stream conditions as the conditions existed at the time of the junior appropriation. C.R.S. § 37-92-102(4.5)(b)(VI). **6.6** This Plan will include any terms and conditions necessary to prevent injury to other water users’ undecreed existing exchanges of water to the extent the undecreed existing exchanges have been administratively approved before the date of the filing of this Application. C.R.S. § 37-92-102(4.5)(b)(VII). **6.7** the Augmentation Water used to augment stream flows in this Plan shall not be diverted within the Augmented Segments by an exchange, plan for substitution, plan for augmentation, or other means that cause a reduction of the Augmentation Water in the Augmented Segments between the Augmentation Water’s specific Introduction Point and Terminal Point. The Augmentation Water used in this Plan is subject to such reasonable transit losses as may be imposed by the Water Court or the State and Division Engineers. C.R.S. § 37-92-102(4.5)(b)(VIII). **6.8** If operation of this Plan requires the use of, or making of physical modifications to, an existing diversion structure within a stream reach to allow the Augmentation Water to bypass the structure, the operator of the Plan must have consent from the owner of the existing diversion structure and

bear all reasonable construction costs associated with any physical modifications and all reasonable operational and maintenance costs incurred by the owner of the structure that would not have been incurred in the absence of physical modifications to the structure. C.R.S. § 37-92-102(4.5)(b)(IX). **6.9** This Application does not include any claims for exchanges or changes of water rights. Because the Seed Water Rights meet the requirements of C.R.S. §37-92-102(4.5)(b)(III), no further change of the Seed Water Rights is required or claimed herein. **7.** Pursuant to Rule 6.c of the Rules Concerning the Colorado Instream Flow and Natural Lake Level Program, each source of Augmentation Water may be used in addition to and in combination with any other source of Augmentation Water and any other water, water right, or interest in water acquired by the CWCB, including any protected mitigation release made pursuant to C.R.S. § 37-92-102(8), in this reach of the Poudre River from the Canyon Gage to the confluence with the South Platte River, up to flow rates to meet the CPW flow recommendations to preserve and improve the natural environment, as set forth in the table contained in Paragraph 3, above, and as determined appropriate by the CWCB to preserve and improve the natural environment to a reasonable degree. **8. Name(s) and address(es) of owner(s) 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.** See Exhibit 8 to this Application.

21CW3057 EMPIRE DAIRY, LLC, 1473 County Road S, Wiggins, CO, 80654-9605. Matthew S. Poznanovic, Eric K. Trout, Hayes Poznanovic Korver LLC, 1999 Broadway, Suite 3200, Denver, CO, 80202. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE AND TO MAKE ABSOLUTE IN MORGAN AND WELD COUNTIES.** 2. Prior Decree Information: Applicant's water rights were decreed by the Court in Case No. 12CW18 on December 18, 2014. The period of diligence which is the subject of this application is from the date of the Case No. 12CW18 Decree. However, the case was not docketed with the next diligence filing date. As a result, the Court did not send a timely Notice to the Applicant to file for a finding of diligence pursuant to C.R.S. § 37-92-305(7). Notice was sent on January 27, 2021, in which the Court therefore extended the deadline for filing to April 30, 2021. 3. Description of Conditional Water Rights Decreed in Case No. 12CW18: 3.1. Empire Dairy Well No. 1 (Permit No. 76749-F, WDID No. 0110662) 3.1.1 Location: Empire Dairy Well No. 1 is located in the SW1/4 SW1/4 of Section 32, T4N, R60 W of the 6th PM at a point 1126 feet from the West section line and 540 feet from the South section line, Morgan County, Colorado. 3.1.2 Source: Groundwater tributary to the South Platte River. 3.1.3 Amount: 1000 gpm (conditional). 3.1.4 Date of Appropriation: January 31, 2012. 3.1.5 Uses: Empire Dairy Well No. 1 will be used for commercial, stock watering, dust suppression and all uses incidental to a commercial dairy operation located in the S1/2 and the S1/2 NW1/4 of Section 32, T4N, R60 W of the 6th PM and the N1/2 of Section 5, T3N, R60 W of the 6th PM all in Morgan County, Colorado. 3.2 Empire Dairy Well No. 2 (Permit No. 1397-R-R, WDID No. 0107627). 3.2.1 Location: Empire Dairy Well No. 2 is located in the SE1/4 SE1/4 of Section 33, T4N, R60 W of the 6th PM, Morgan County, at a point 50 feet North of the South Section line and 1260 feet West of the East Section line of said Section 33. 3.2.2 Source: Groundwater tributary to the South Platte River. 3.2.3 Amount: 3 cfs (conditional). 3.2.4 Date of Appropriation: January 31, 2012. 3.2.5 Use: Empire Dairy Well No. 2 was decreed in Case No. W-3687 with an appropriation date of June 30, 1946, Permit No. 1397, for the irrigation of 160 acres in the S1/2 of NE1/4 and the E1/2 of SE1/4, Section 33, T4N, R60 W, 6th PM, Morgan County, Colorado. Applicant may continue to use the well to irrigate the originally decreed acres pursuant to the water right decreed in Case No. W-3687. Pursuant to the water right decreed in Case No. 12CW18, Applicant may irrigate an additional 160.5 acres located in the N 1/2 of the NE 1/4 and the W 1/2 of the SE 1/4 of Section 33, T4N, R60 W, 6th PM, Morgan County, Colorado. **CLAIM TO MAKE ABSOLUTE** 4. The Empire Dairy Wells Nos. 1 and 2 have operated in every year following entry of the Case No. 12CW18 decree. At the time certified well meter tests were conducted on September 3, 2015, Empire Dairy Well No. 1 produced 604 gpm and Empire Dairy Well No. 2 produced 880 gpm (1.961 cfs). During 2019, Empire Dairy Well No. 1 pumped 42.8 acre-feet at the rate of 604 gpm, and during 2020, the well pumped 36.6 acre-feet at a rate of 604 gpm. Water pumped by Empire Dairy Well No. 1 was delivered into the

Empire Dairy water system and beneficially used for all decreed uses of commercial, stock watering, dust suppression, and all uses incidental to a commercial dairy operation at the decreed place of use. During 2019, Empire Dairy Well No. 2 pumped 194.8 acre-feet at the rate of 1.961 cfs, and during 2020, the well pumped 220.3 acre-feet at a rate of 1.961 cfs. Water pumped by Empire Dairy Well No. 2 was beneficially used for irrigation at the decreed place of use. Applicant requests that 604 gpm of the conditional water right for Empire Dairy Well No. 1 and 1.961 cfs of the conditional water right for Empire Dairy Well No. 2 be made absolute for all decreed uses, or in the alternative for findings of reasonable diligence. **CLAIM FOR A FINDING OF REASONABLE DILIGENCE** 5. This Application for Finding of Reasonable Diligence is filed pursuant to the Water Right Determination and Administration Act of 1969, Sec. 37-92-302, C.R.S. 6. During this diligence period, in continuing the development of the conditional water rights, Applicant has been engaged in the legal defense and protection of the water rights, has been diligent in the continued use and development of the water rights involved and has made a steady application of effort to complete the appropriations in a reasonably expedient and efficient manner. These activities include, but are not limited to, the following: 6.1 Applicant has operated Empire Dairy Wells Nos. 1 and 2 every year since the Case No. 12CW18 Decree was entered and has beneficially used water under the conditional water rights as described above. 6.2 Applicant has routinely maintained Empire Dairy Wells Nos. 1 and 2 and on September 3, 2015 and September 6, 2019 certified flow meter tests were performed for both wells at a cost of \$1,200. 6.3 Diversion records for the subject water rights are prepared, maintained, and provided to the Office of the Division Engineer, and consultant fees associated with accounting for the Case No. 12CW18 augmentation plan that includes the wells was in excess of \$108,000. 6.4 During the diligence period, legal counsel for Applicant has reviewed the resume of applications as published by the Water Clerk for Water Division 1 and advised Applicant whether Statements of Opposition need to be filed to protect the water rights. 6.5 Applicant has incurred additional expenses for legal and engineering work. 6.6 The work and expenditures listed above are illustrative and not exhaustive. Additional work and additional or revised expenditures may be claimed in support of this application. 7. Applicant is the owner of the land upon which the structures for the water rights are located. WHEREFORE, Applicant requests that this Court enter a decree finding that Applicant has made 604 gpm of the conditional water right for Empire Dairy Well No. 1 and 1.961 cfs of the conditional water right for Empire Dairy Well No. 2 absolute for all decreed uses described above, has exercised reasonable diligence in the development of the remaining conditional water rights, continuing the remaining conditional water rights for another diligence period, and for such other and further relief as the Court deems just and proper in the premises. 5 Pages.

21CW3058 ALEXIA HONEGGER AND PATRICK HONEGGER, 5101 Bluebell Trail, Elizabeth, CO 80107. Matthew S. Poznanovic, Eric K. Trout, Hayes Poznanovic Korver LLC, 1999 Broadway, Suite 3200, Denver, CO 80202. **APPLICATION FOR UNDERGROUND WATER RIGHTS FROM NONTRIBUTARY AND NOT-NONTRIBUTARY SOURCES AND APPROVAL OF PLAN FOR AUGMENTATION, IN THE NONTRIBUTARY DENVER, ARAPAHOE AND LARAMIE-FOX HILLS AQUIFERS AND THE NOT-NONTRIBUTARY UPPER AND LOWER DAWSON AQUIFERS, IN ELBERT COUNTY.** Subject Property: 35.25 acres generally located in the NW1/4, Section 9, Township 7 South, Range 64 West of the 6th P.M., also known as 5101 Bluebell Trail, Elizabeth, CO, 80107, Elbert County, State of Colorado, as shown on **Exhibit A** (“Subject Property”). Applicants are the sole owners of the Subject Property. Well Permits: There is one existing well on the Subject Property under Well Permit No. 211506, which will be re-permitted under the augmentation plan proposed in this application. Additional, well permits will be applied for prior to construction of wells. Source of Water Rights: The Upper and Lower Dawson aquifers are not-nontributary as defined in C.R.S. § 37-90-103(10.7), and the Denver, Arapahoe, and Laramie-Fox Hills aquifers are nontributary as defined in C.R.S. § 37-90-103(10.5). Estimated Amounts: Applicants estimate the following annual amounts may be available for withdrawal:

Aquifer	Annual Amount (acre-feet)
Upper Dawson (NNT)	5.71
Lower Dawson (NNT)	3.31
Denver (NT)	14.84
Arapahoe (NT)	16.91
Laramie-Fox Hills (NT)	9.13

Proposed Uses: Domestic, commercial, irrigation, stockwatering, fire protection, and augmentation purposes, including storage, both on and off the Subject Property. Jurisdiction: The Court has jurisdiction over the subject matter of this application pursuant to C.R.S. §§ 37-90-137(6), 37-92-203(1), 37-92-302(2). Summary of Plan for Augmentation: Groundwater to be Augmented: Approximately 1.5 acre-feet per year of Upper Dawson aquifer groundwater. Water Rights to be Used for Augmentation: Return flows from the use of not nontributary and nontributary groundwater and direct discharge of nontributary groundwater. Statement of Plan for Augmentation: The Upper Dawson aquifer groundwater will be used for domestic purposes, including in-house use, irrigation, commercial, stockwatering, and fire protection, through one or more wells, both on and off the Subject Property. Applicants reserve the right to amend the amount and uses without amending the application or republishing the same. Sewage treatment for in-house use will be provided by non-evaporative septic systems. Return flows from in-house use will be approximately 90% of that use, and return flows from irrigation use will be approximately 15% of that use. During pumping Applicants will replace actual depletions pursuant to C.R.S. § 37-90-137(9)(c.5). Depletions occur to the Running Creek stream system and return flows accrue to that creek system and are sufficient to replace actual depletions while the subject groundwater is being pumped. Applicants will reserve an equal amount of nontributary groundwater underlying the Subject Property to meet post pumping augmentation requirements. Applicants request the Court approve the above underground water rights and augmentation plan, find that Applicants have complied with C.R.S. § 37-90-137(4) and water is legally available for withdrawal, find there will be no material injury to the owners of or persons entitled to use water under any vested water right or decreed conditional water right, and grant such other and further relief as is appropriate. 3 pages.

21CW3059 EDWIN P. TAYLOR AND GREGORY L. HAINEY, 1016 Singing Hills Road, Parker, CO 80138. Matthew S. Poznanovic, Eric K. Trout, Hayes Poznanovic Korver LLC, 1999 Broadway, Suite 3200, Denver, CO 80202. **APPLICATION FOR APPROVAL OF PLAN FOR AUGMENTATION, IN THE NONTRIBUTARY LOWER DAWSON, DENVER, ARAPAHOE, AND LARAMIE-FOX HILLS AQUIFERS AND THE NOT NONTRIBUTARY UPPER DAWSON AQUIFER, IN ELBERT COUNTY.** Subject Property: 62 acres generally located in the NW1/4 NW1/4, Sections 11 and 20, Township 7 South, Range 65 West of the 6th P.M., also known as 1016 County Road 166, Elizabeth, CO 80107, Elbert County, State of Colorado, as shown on **Exhibit A** (“Subject Property”). Applicants are the sole owners of the Subject Property. Well Permits: There is one existing well on the Subject Property registered under Well Permit No. 39111, which will be re-permitted pursuant to the proposed augmentation plan in this application. Additional well permits will be applied for prior to construction of wells and only after approval of a plan for augmentation for additional wells. Source of Water Rights: The Upper Dawson Aquifer is not-nontributary as defined in C.R.S. § 37-90-103(10.7), and the Lower Dawson, Denver, Arapahoe, and Laramie-Fox Hills aquifers are nontributary as defined in C.R.S. § 37-90-103(10.5). Decreed Amounts: The following annual amounts were decreed in Case No. 2008CW133 (“08CW133 Decree”), are owned by the Applicants, and are available for withdrawal:

Aquifer	Annual Amount – 100 Years (acre-feet)	Annual Amount – 300 Years (acre-feet)	Total Amount (acre-feet)
Upper Dawson (NNT)	9.76	3.25	976
Lower Dawson (NT)	6.2	2.07	620
Denver (NT)	34.3	11.43	3,430
Arapahoe (NT)	29.5	9.83	2,950
Laramie-Fox Hills (NT)	17.2	5.73	1,720

Decreed Uses: The water withdrawn pursuant to the 2008CW133 Decree may be used, reused, and successively used and after use, leased, sold, or otherwise disposed of for domestic, commercial, irrigation, stock watering, recreational, fish and wildlife, fire protection, and any other beneficial purpose, to be used on or off the land described herein. This water will be produced for immediate application to said uses, for storage and subsequent application to said uses, for exchange purposes, for replacement of stream depletions resulting from the use of the water, and for augmentation purposes. Municipal use is allowed if such ground water is conveyed to a municipal water supplier. Jurisdiction: The Court has jurisdiction over the subject matter of this application pursuant to C.R.S. §§ 37-90-137(6), 37-92-203(1), 37-92-302(2). Summary of Plan for Augmentation: Groundwater to be Augmented: Approximately .55 acre-feet per year for 300 years of Upper Dawson Aquifer groundwater. Water Rights to be Used for Augmentation: Return flows from the use of not nontributary and nontributary groundwater and direct discharge of nontributary groundwater. Statement of Plan for Augmentation: The Upper Dawson Aquifer groundwater will be used for in-house use (0.3 acre-feet), 4,000 sq/ft of home lawn, garden, and trees (0.2 acre-feet), and stockwatering of up to 4 domestic animals (0.05 acre-feet) through existing Well Permit No. 39111, or new wells if needed. Applicants reserve the right to amend the amount and uses without amending the application or republishing the same. Sewage treatment for in-house use will be provided by non-evaporative septic systems. Return flow from in-house use will be approximately 90% of that use, and return flow from irrigation use will be approximately 15% of that use. During pumping Applicants will replace actual depletions pursuant to C.R.S. § 37-90-137(9)(c.5). Depletions occur to the Monument Creek stream system and return flows accrue to that creek system and are sufficient to replace actual depletions while the subject groundwater is being pumped. Applicants will reserve an equal amount of nontributary groundwater underlying the Subject Property to meet post-pumping augmentation requirements. Applicants request the Court approve the above augmentation plan, find that Applicants have complied with C.R.S. § 37-90-137(4) and water is legally available for withdrawal, find there will be no material injury to the owners of or persons entitled to use water under any vested water right or decreed conditional water right, and grant such other and further relief as is appropriate. 3 pages.

21CW3060 GREG AND TRINA LOENDORF, MOUNTAIN MUTUAL RESERVOIR COMPANY, AND NORTH FORK ASSOCIATES, LLC; Greg and Trina Loendorf, 7162 S. Platte Canyon Rd, Littleton, CO 80128; Email: gloendorf@comcast.net; Telephone: (303) 204-7374; Mountain Mutual Reservoir Company, 6949 Highway 73, Suite 15, Evergreen, CO 80439; Email: norm@hch20.com; Telephone: (303) 989-6932; and North Fork Associates, LLC, 2686 S. Yukon Ct., Denver, CO 80227; Email: 613blatch@gmail.com; Telephone: (303) 988-7111. Please direct all correspondence concerning this Application to: Aaron Ladd, Esq. and Kunal A. Parikh, Esq., Vranesh and Raisch, LLP, 5303 Spine Road, Suite 202, Boulder, CO 80301; Email: asl@vrlaw.com; kap@vrlaw.com; Telephone: (303) 443-6151. **APPLICATION FOR PLAN FOR AUGMENTATION INCLUDING EXCHANGE IN JEFFERSON COUNTY. APPLICATION FOR APPROVAL OF A PLAN FOR AUGMENTATION INCLUDING EXCHANGE 2.** Names of Structures to be Augmented: Loendorf Wells No. 1-3 (“Subject

Wells”). The Subject Wells are located on the Loendorf Property which is approximately 11 acres, lying in the N1/2 NE1/4, Section 29, Township 5 South, Range 70 West of the 6th P.M., Jefferson County. The Loendorf Property is located in the drainage of an unnamed stream, tributary to North Turkey Creek, tributary to Turkey Creek, which is tributary to Bear Creek. The Loendorf Property is in planning stages for up to three single-family dwellings, irrigation and fire protection. The present and future water supply will be from the Subject Wells located on the property and the Subject Wells divert at a maximum rate of 15 gallons per minute. The Loendorf Property on which the Subject Wells will be located is shown on the map attached as **Exhibit A**. The exact location of the wells will be determined as the properties within the area described above are developed and the Subject Wells are drilled. 3. Water Rights to be Used for Augmentation: Greg and Trina Loendorf (“the Loendorfs”), have contracted with North Fork Associates, LLC to purchase 4.1 shares of Mountain Mutual Reservoir Company (“MMRC”) stock, which represents a firm annual yield of 0.129 of an acre-foot to satisfy the present and anticipated future replacement needs associated with the Subject Wells, attached as **Exhibit B**. a. 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 NE1/4 NE1/4, Section 2, Township 5 South, Range 70 West, 6th P.M., Jefferson County, Colorado. The Turkey Creek headgate of the Harriman Ditch is located on the South bank of Turkey Creek near the Southwest corner of Section 6, Township 5 South, Range 69 West, 6th P.M., Jefferson County. The Ditch was originally decreed for irrigation, livestock watering, domestic and municipal purposes. ii. Warrior Ditch: 2.0 shares of 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

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 NE1/4 SW1/4 and the NW1/4 SE1/4 of Section 26, Township 5 South, Range 71 West, 6th P.M., Jefferson County. Meadowview Reservoir was awarded absolute water rights in Case No. 09CW92 (01CW294), in an amount of 20 acre-feet, and in Case No. 16CW3022 (94CW290), in an amount of 30 acre-feet, for augmentation, replacement, exchange and substitution purposes. The source is North Turkey Creek and 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, 00CW060 and 01CW293. b. 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 Decrees entered by the District Court for Water Division 1 in Case No. 01CW293, dated July 16, 2003, and Case No. 94CW290, dated October 16, 2006. 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. 01CW293 and 94CW290, 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. 01CW293 and 94CW290 for more detailed information. 4. Statement of Plan for Augmentation: The Loendorf’s propose to construct up to three single-family dwellings and up to three wells on the Loendorf Property to be augmented pursuant to this plan for augmentation for the following uses. a. The water requirements for the Subject Wells are for up to three single-family dwellings with 10% consumption based on subsurface discharge from individual septic tank-soil absorption systems and the irrigation of 1,500 square feet of turf based on the application of 1.25 af/ac with 80% consumption or 3,750 square feet of garden based on the application of 0.5 af/ac with 80% consumption. The total requirements are shown in Table 1 below.

Use	Water Requirements	Units	Quantity AF	CU Rate	Replacement Requirements		
					Total Ac-Ft	Summer Ac-Ft	Winter Ac-Ft
Single-family	80 gl/cap/dy(3.5 cap)	3	0.942	10%	0.0942	0.0471	0.0471
Turf irrig. 1,500 sq. ft.*	1.25 af/ac	0.0344	0.043	80%	0.0344	0.0344	0.0000
Total			1.0		0.129	0.082	0.047
Garden Irrig. * 3,750 sq. ft.	0.50 af/ac	0.086	0.043	80%	0.0344	0.0344	0.0000

* Combined Turf and Garden Irrigation will not exceed 0.0344 acre-feet combined demand.

The monthly depletions are as follows in acre-feet:

Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct
0.008	0.008	0.008	0.008	0.008	0.008	0.014	0.014	0.014	0.013	0.013	0.013

This equates to a maximum stream depletion of 0.10 of a gallon per minute. b. The required volume of augmentation water will be provided from the sources described in Paragraph No. 3, 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. c. During those times when one of the exchanges decreed in Case Nos. 94CW290 and 01CW293 can be operated, depletions to North Turkey Creek and Turkey Creek from the Subject Wells 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. During times when exchanges cannot be operated, depletions will be augmented by periodically releasing water from Meadowview Reservoir. 5. Water Exchange Reach: The total consumptive use water requirement will be met with 0.129 of an acre-foot of the annual firm yield of 39.0 acre-feet of the Bear Creek/Turkey Creek water rights. These requirements are needed at the point of depletion in the NE1/4 NE1/4, Section 29, Township 5 South, Range 70 West. This is upstream of the points of replacement at the confluence of Bear Creek and Turkey Creek in the Section 5, Township 5 South, Range 69 West of the 6th P.M. The point of depletion to North Turkey Creek and Turkey Creek that is associated with water usage from the Subject Wells is within the exchange reach described in the Decrees entered in Case Nos. 94CW290 and 01CW293. Therefore, no separate priority is required for the operation of this augmentation plan regarding such depletions that occur within the reach described in those cases. However, since depletions will also impact an unnamed tributary of North Turkey Creek that is located SW1/4 NW1/4 Section 28, Township 5 South, Range 70 West the following exchange project reach is claimed: from the confluence of North Turkey Creek and an unnamed stream in the SW1/4 NW1/4, Section 28, up the unnamed stream to the point of depletion in the NE1/4 NE1/4, Section 29, all in Township 5 South, Range 69 West, 6th P.M. In the event that there is a senior call between the source of the water and the point of depletion that precludes the exchange, the Applicants can have replacement water delivered via trucking to a point above the calling right or release water from an onsite container. The exchange project right will operate to replace depletions to the flow of water in the stream system as the depletions occur. The water exchange project right will be operated and administered with a priority date of April 30, 2021, at a maximum flow rate of 0.001 of a cubic foot per second and a maximum depletion in all reaches of 0.13 of a gallon per minute. 6. Administration of Plan: Appropriate accounting forms will be established for reporting usage and determining required releases to be made pursuant to this augmentation plan throughout each year. 7. Names and address of owners or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool: The Co-Applicants, the Loendorfs. WHEREFORE, Applicants request the entry of a decree approving this Application, specifically (1) authorizing the appropriations sought herein, (2) authorizing use of the augmentation supplies described in this Application and (3) determining that the source and location of delivery of augmentation water are sufficient to prevent material injury to vested water rights. The Applicants also request entry of an Order directing the State Engineer to issue well permits for the construction and use of the Subject Wells. (9 pgs., 2 Exhibits)

21CW3061, TOWN OF LOCHBUIE, (“Lochbuie”) c/o Town Administrator, 703 Weld County Road 37, Lochbuie, CO 80603, (303) 655-9308. Please direct all correspondence to Steven P. Jeffers and Matthew Machado, Lyons Gaddis Kahn Hall Jeffers Dworak & Grant, PC, 950 Spruce Street, Suite 1B, Louisville, CO 80027, Telephone: (720) 726-3671 sjeffers@lyongaddis.com, mmachado@lyongaddis.com. **APPLICATION FOR APPROVAL OF CHANGE OF WATER RIGHTS, CONDITIONAL EXCHANGE WATER RIGHT, APPROPRIATION OF RETURN FLOWS, AND PLAN FOR AUGMENTATION IN ADAMS and WELD COUNTIES, COLORADO** 2. Overview of

application: Lochbuie owns and operates a municipal water and sewer system for the benefit of its citizens and for the provision of water service to extra-territorial customers who may be served from time to time pursuant to contract. Lochbuie has acquired shares of stock in the Fulton Irrigating Ditch Company (“Fulton Ditch”), Burlington Ditch, Reservoir and Land Company (“Burlington”), and the Wellington Reservoir Company (“Wellington”) and seeks court approval to change those water rights to all municipal uses, including augmentation, replacement and exchange for use in the Town’s current and future augmentation plans as more fully described below. The water will continue to be diverted through the original ditch headgates, and will be delivered to Lochbuie’s raw water delivery system or returned to the South Platte River through existing or proposed augmentation stations. The water may be used directly or may be exchanged and re-diverted for beneficial use by Lochbuie through United Diversion No. 3, or by direct delivery into United Reservoir or the Beebe Draw. Once diverted through United Diversion No. 3, Lochbuie may store the water in United Reservoir for delivery to the South Platte River or to the Beebe Draw, or deliver the water directly to the Beebe Draw through the Beebe Pipeline, Burlington-O’Brien Canal, Barr Lake and FRICO delivery system, and storage in Barr Lake, Lake Henry (a/k/a “Henry Reservoir”), or Highlands Reservoir in space owned by Lochbuie or allocated to Lochbuie by agreement with the reservoir owners. Lochbuie will provide water to the South Platte River to replicate historical irrigation return flows as needed to prevent injury by delivery of a portion of the changed water rights, or delivery of other water rights owned or controlled by Lochbuie pursuant to the plan for augmentation in this case. Lochbuie claims the right to use, reuse, and successively use the water diverted to extinction for all changed purposes after meeting all return flow obligations, provided Lochbuie maintains dominion and control over such water. Lochbuie seeks approval of a plan for augmentation to allow replacement of return flows with the changed water rights, other water rights owned by Lochbuie, or additional sources acquired or leased in the future pursuant to Section 37-92-305(8)(c), C.R.S., and to appropriate all historical return flows from Lochbuie’s shares when not needed to satisfy a call from a downstream senior water right.

CLAIM FOR CHANGE OF WATER RIGHTS 3. **Decreed water rights for which change is**

sought: 3.1. **Fulton Ditch Water Rights.** 3.1.1. **Name of Structure:** Fulton Ditch 3.1.2. **Date of original and subsequent decrees, appropriation dates, amounts decreed to the structure, and amount being changed in this application:** Lochbuie is changing the water rights associated with 26.44 shares of stock owned by Lochbuie out of 7,185 shares outstanding in the Fulton Ditch, which represents approximately 0.37% of the outstanding shares. The shares represent a portion of the following water rights decreed to Fulton by the District Court of Arapahoe County by decree dated April 28, 1883 in Case No. 6009, summarized as follows:

Water Right	Appropriation Date	Decreed Amount (cfs)	Pro rata amount for 26.44 shares (cfs)
Priority No. 8	May 1, 1865	79.7	0.293
Priority No. 43	July 8, 1876	74.25	0.273
Priority No. 51	November 5, 1879	50.23	0.185

3.1.3. **Legal description of structure as described in most recent decrees that adjudicated the location:** The original decreed location is near Section 9, between Sections 16 and 17, T.2S., R.67W., 6th P.M., Adams County, Colorado. The actual headgate location is in the NE1/4 NE1/4 SE1/4 of Section 17, T.2S., R.67W., 6th P.M., Adams County, Colorado, according to the decree in Case No. 13CW3025, District Court in and for Water Division No. 1 entered on November 10, 2016. 3.1.4. **Decreed source:** South Platte River. 3.1.5. **Decreed use:** Irrigation. 3.2. **Burlington Ditch and Reservoir Water Rights.**

3.2.1. **Name of Structures:** Duggan Ditch, Burlington Ditch and Duck Lake. 3.2.2. **Date of original and subsequent decrees, appropriation dates, source, amounts decreed to the structure, and amount being changed in this application:** Lochbuie is changing the water rights associated with 8.0 shares of Burlington stock, used under the Brighton Lateral. Four shares are owned by Lochbuie, and the other 4 shares are owned by LOB, LLC subject to lien and right to use those shares by Lochbuie pursuant to agreement. These

8 shares represents approximately 0.433% of the 1,848.327 outstanding shares in Burlington, in the Little Burlington Division. The 8.0 shares represent a portion of the following water rights decreed to Burlington by the District Court of Arapahoe County by decrees dated April 28, 1883 in Case No. 6009, and July 8, 1893 in Case No. 6009, and by the Park County District Court by decree dated May 18, 1918 in Case No. 11200, summarized as follows:

Water Right	Source	Appropriation Date	Decree Date	Decreed Amount	Pro rata Amount for 8 Shares
Duggan Ditch	South Platte River	4/1/1864	4/28/1883	16.28 cfs out of 27.4 cfs	0.070 cfs
Burlington Ditch	South Platte River	11/20/1885	7/8/1893	200 cfs above Barr Lake	0.866 cfs
Burlington Ditch	First Creek	9/1/1886	7/8/1893	50 cfs	0.216 cfs
Burlington Ditch	Second Creek	11/15/1886	7/8/1893	250 cfs	1.082 cfs
Burlington Ditch	Third Creek	9/15/1887	7/8/1893	250 cfs	1.082 cfs
Duck Lake	Geneva Creek	9/15/1904	5/18/1918	750 acre-feet	3.25 cfs

3.2.3. Legal description of structure as described in most recent decrees that adjudicated the location:

The Burlington direct flow water rights are decreed for diversions from multiple streams. The Duggan Ditch headgate was initially decreed as being located on the bank of the South Platte River in Section 36, Township 2 South, Range 68 West, 6th P.M. By later decrees the point of diversion of the Duggan Ditch was transferred to the headgate of the Burlington Ditch. The Burlington Ditch headgate was located on the east bank of the South Platte River in the SW 1/4 of the NE 1/4, Section 14, Township 3 South, Range 68 West, of the 6th P.M., in Adams County, Colorado, at a point approximately 3,084 feet east of the West line and 2,327 feet south of the North line of Section 14; latitude 039°47'30.97"N, longitude 104°58'0.92"W. In Case No. 02CW403 the Court approved a change to a new point of diversion for the Burlington Ditch at the Globeville Area Flood Control Works, located at a point on the east bank of the South Platte River in the NE 1/4 of the SW 1/4 of Section 14, Township 3 South, Range 68 West, of the 6th P.M., in the City and County of Denver. The headgate is located at approximately latitude 039° 47' 24.69" N, longitude 104° 58' 9.97" W. The UTM coordinates are approximately NAD 1983 UTM Zone 13S 502616.89 mE 4404471.42 mN. The Burlington Ditch First Creek diversion is located in the NW 1/4 of Section 14, Township 2 South, Range 67 West of the 6th P.M. in Adams County. The Burlington Ditch Second Creek diversion is located in the NW 1/4 of the SW 1/4 of Section 6, Township 2 South, Range 66 West of the 6th P.M. in Adams County. The Burlington Ditch Third Creek diversion is located in the northeast quarter of the southeast quarter of Section 32, Township 1 South, Range 66 West of the 6th P.M. in Adams County. Duck Lake is located on Geneva Creek with the right abutment in Section 36, Township 5 South, Range 75 West of the 6th P.M. in Clear Creek County. The Burlington Ditch also diverts from a decreed alternate point of diversion known as the Metro Pump Station that discharges to the Burlington Ditch in Section 12, Township 3 South, Range 68 West of the 6th P.M. in Adams County, and at United Diversion No. 3. Water stored in Duck Lake is released and diverted at the Burlington Company's South Platte River headgates. 3.2.4. **Decreed Use:** Irrigation. 3.3. **Wellington Reservoir Water Rights.** 3.3.1. **Name of structures:** Duggan Ditch, Wellington Reservoir, Wellington Reservoir Enlargement, Mendenhall Feeder Ditch, Hicks Creek Feeder Ditch. The water rights are delivered through the Burlington Ditch. 3.3.2. **Date of original and subsequent decrees, appropriation dates, source, amounts decreed to the structure, and amount being changed in this application:** Lochbuie is changing 8.0 shares of Wellington stock used under the Brighton Lateral. Four shares are owned by Lochbuie, and 4 shares are

owned by LOB, LLC subject to lien and right to use by Lochbuie pursuant to agreement. These 8.0 shares represent approximately 0.435% of the 1,838.66 outstanding shares in Wellington. The 8.0 shares represent a portion of the following water rights decreed to the Duggan Ditch by the District Court of Arapahoe County on April 28, 1883 in Case No. CA 6009, and to the other structures by the District Court for Park County on June 21, 1922 in Case No. in CA 1839, summarized as follows:

Water Right	Source	Appropriation Date	Decree Date	Decreed Amount	Pro rata Amount for 8 shares
Duggan Ditch	South Platte River	4/1/1864	4/28/1883	7.987 cfs out of 27.4 cfs	0.035 cfs
Wellington Reservoir	Buffalo Creek	5/31/1892	6/21/1922	2,747.72 acre-foot	11.96 acre-foot
Wellington Reservoir Enlargement	Buffalo Creek	6/5/1920	6/21/1922	1652.00 acre-foot	7.19 acre-foot
Mendenhall Feeder Ditch	Mendenhall Creek	9/3/1892	6/21/1922	25 cfs	0.109 cfs
Hicks Creek Feeder Ditch	Hicks Creek	12/31/1921	6/21/1922	25 cfs	0.109 cfs

3.3.3. Legal description of structure as described in most recent decrees that adjudicated the location: The Duggan Ditch headgate was initially decreed on the bank of the South Platte River in Section 36, Township 2 South, Range 68 West, 6th P.M. By later decrees the point of diversion of the Duggan Ditch was transferred to the headgate of the Burlington Ditch. Wellington Reservoir and its First Enlargement are located on Buffalo Creek in Sections 29, 30, 31, and 32, Township 8 South, Range 71 West of the 6th P.M. in Jefferson County. Mendenhall Feeder Ditch is located in the northeast quarter of the southwest quarter of Section 30, Township 8 South, Range 71 West of the 6th P.M. in Jefferson County. Hicks Creek Feeder Ditch is located in the southeast quarter of the southeast quarter of Section 32, Township 8 South, Range 71 West of the 6th P.M. in Jefferson County. The Wellington Company storage rights are released from Wellington Reservoir, then diverted downstream at the Burlington Ditch South Platte River headgates. The Mendenhall and Hicks Creek Feeder Ditches are water rights used to fill Wellington Reservoir. Wellington also operates a well field located in the Southeast quarter of Section 32, Township 1 South, Range 66 West, 6th P.M. in Adams County. The wells' registration numbers are 11772-R, 04181-F and 04182-F. **3.3.4. Decreed Use:** Irrigation. **4. Detailed description of proposed changes:**

4.1 Change of type of use: Lochbuie seeks approval to change the type of use of the water rights, in addition the current decreed uses, to include all municipal uses, including, but not limited to, domestic, irrigation, commercial, stock watering, industrial, recreational, fire protection, fish and wildlife propagation, augmentation, replacement, substitution and exchange purposes, including replacement of well depletions and replacement of historical return flows to the South Platte River system. Lochbuie claims the right to fully consume the amount of historical consumptive use depletions by first use, reuse and successive use to extinction for all proposed purposes. Lochbuie proposes to use the changed water rights as a source of replacement water in the augmentation plans decreed in Case Nos. 10CW214 and 10CW216, and in any amendments to those plans, and future augmentation plans, and to lease, sell or otherwise dispose of any excess consumptive use water changed in this case. Lochbuie propose to use the changed water rights in this case as part of the exchange claimed in Case No. 19CW3148, and in other exchanges. The area to be irrigated includes continued irrigation of some or all of the historical farms, and residential lawns and gardens, commercial greenhouses, parks, schools, open spaces, greenways, and other landscaped areas within the Town's current and future service area. When Lochbuie does not take delivery of water, the respective company may divert the entire flow and deliver it to the other shareholders in the respective ditch

systems in the manner that occurred historically. The current Town service area includes portions of Sections 29, 30 and 31, T1N, R65W, and Sections 25, 35, and 36, T1N, R66W, 6th P.M. in Weld County, and Section 1, T1S, R66W and Section 6, T1S, R65W, 6th P.M. in Adams County. 4.2. **Change in manner and season of use:** Lochbuie seeks approval to change the water rights to include direct use and storage for subsequent use at any time of the year, provided the water is diverted during the historical season of diversion or storage under the subject water rights. A portion of the water from Lochbuie's shares, after deducting ditch losses, will be delivered directly to storage or to the Beebe Draw, or returned to the South Platte River and then diverted by exchange at the United Diversion No. 3 for delivery to the Beebe Draw or stored in the following structures:

4.2.1. **United Reservoir:** United Reservoir is located on the East side of the South Platte River in the S1/2 of Section 26 and N1/2 of Section 35, T1S, R67W, 6th P.M. in Adams County.

4.2.2. **Barr Lake:** Barr Lake is located upon the whole or part of Sections 15, 21, 22, 23, 26, 27, 28 and 33, T1S, R66W, 6th P.M., in Adams County, Colorado.

4.2.3. **Lake Henry:** Lake Henry is located in portions of the E1/2 of the NW1/4 and the W1/2 of the NE1/4 Section 31, T1N, R65W, 6th P.M., in Weld County, Colorado.

4.2.4. **Highlands Reservoir:** Highlands Reservoir is a proposed reservoir to be constructed in the NW1/4 of Section 32, Township 1 North, Range 65 West of the 6th P.M., in Weld County, Colorado. Lochbuie's water may be physically delivered and stored in any of those reservoirs, and after storage in one reservoir, the water may be transferred to any of the other reservoirs by physical delivery or by use of a book-over or paper exchange.

4.3. **Change in place of use:** Applicant seeks approval to change the place of use to include any location within Lochbuie's current or future service area, and any location outside Lochbuie's service area served by contract, and in all reservoirs where the water may be stored. A map showing the approximate location of the place of historical use is attached as **EXHIBIT A**. A map showing Lochbuie's current service area is attached as **EXHIBIT B**. A map showing the diversion and storage locations is attached as **EXHIBIT C**.

5. **Proposed terms and conditions to prevent injury from change of water rights.** Lochbuie will determine the amount of historical diversions, historical consumptive use and return flows for the shares changed in this case on a parcel-specific basis. Summaries of available diversion records for the respective ditch and reservoir water rights are attached as **EXHIBIT D**. Lochbuie proposes the following terms and conditions to prevent injury to other water rights as a result of the proposed changes:

5.1. **Diversion season:** Lochbuie will only take delivery of water from its shares during the historical delivery season, for use year around.

5.2. **Ditch losses:** Lochbuie will continue to divert water from its shares through the Fulton Ditch headgate and will bear actual ditch losses in the same percentage as all other shareholders in the Fulton Ditch, in accordance with the Fulton Ditch bylaws and policies. Lochbuie will bear actual ditch losses in the same percentage as all other shareholders in the Burlington Ditch and Brighton Lateral, in accordance with the relevant bylaws and policies of those companies.

5.3. **Delivery through ditches and augmentation stations:** Water from the shares will be measured and delivered from the Fulton Ditch directly to Lochbuie or into storage, or delivered to the South Platte River through one or more augmentation stations or other headgates on the Fulton Ditch in accordance with the bylaws of Fulton Ditch. Lochbuie's water from Burlington and Wellington systems will be measured and delivered from the Burlington Ditch or Brighton Lateral directly to Lochbuie or into storage, or delivered to the South Platte River through one or more augmentation stations or other headgates on the ditches in accordance with the bylaws of respective companies.

5.4. **Volumetric limits:** Water deliveries from Lochbuie's shares will be subject to maximum monthly, annual, and twenty-year volumetric limitations.

5.5. **Historical return flow obligations:** Lochbuie will replace historical return flows on a daily basis any time there is a call by a water right senior to the date of filing this application as may be needed to prevent injury. Return flows will be replaced with water from any of the shares in this case through augmentation stations or by release of such water after storage in United Reservoir; by delivery of nontributary ground water owned or controlled by Lochbuie, including water decreed in Case Nos. W-7806-74, 80CW158, 84CW385, 84CW027, and 84CW028; by release of water stored in United Reservoir pursuant to decree in Case No. 09CW268, by delivery of water rights being changed in Case No. 19CW3148, or delivery of any other available source pursuant to the plan for augmentation approved in this case.

5.6. **Accounting:** Lochbuie will separately account for its delivery of water pursuant to its shares in each company, replacement of return flows, exchange, storage and use of that water under this decree,

and incorporate the delivery of such water for replacement purposes in the accounting for the appropriate augmentation plan decrees. **CLAIM FOR CONDITIONAL EXCHANGE WATER RIGHT** 6. **Name of Exchange:** Lochbuie United Diversion Exchange No. 2. 7. **Structures to be used in exchange:** 7.1. Exchange-from point: The Burlington and Wellington water changed in this case and any other Burlington and Wellington shares changed in any future case may be released from several augmentation stations on the Brighton Lateral located within the reach from the Brighton Lateral headgate located in the SE 1/4 of Section 29, T1S, R66W, 6th P.M. in Weld County, down to the point where the United Augmentation Station returns water to the South Platte River at a delivery point in the NE 1/4 of the NW 1/4 of Section 18, T1N, R66W, 6th PM in Weld County. The downstream terminus of the exchange is at the delivery point of the United Augmentation Station. 7.2. Exchange-to point: United Diversion No. 3 is located on the East bank of the South Platte River in the SW 1/4 of Section 26, T1S, R67W of the 6th P.M., in Adams County, approximately 1,531 feet from the South line and 1,636 feet from the West line of said Section 26. 7.3 A map showing the location of the exchange points is attached as **EXHIBIT E**. 8. **Source:** South Platte River. 9. **Amount claimed:** 2.0 cfs, conditional. 10. **Date of Appropriation:** December 22, 2020. 11. **How appropriation was initiated:** Lochbuie entered into several Water Resource Credit Agreements with LOB, LLC to provide the shares to Lochbuie between 2018 and 2020, which were amended and replaced by subsequent agreements. The Town Board approved and signed the final Water Resource Credit Agreement with LOB, LLC dated August 4, 2020, and amended October 29, 2020, to provide water service for the Silver Peaks East subdivision (“SPE WRCA”), including Lochbuie’s right to acquire and use the Fulton, Burlington and Wellington shares in this case. Lochbuie obtained deeds for the water rights and assignments of the shares on December 22, 2020, and has obtained or is obtaining new stock certificates for these shares. Lochbuie began discussions with United regarding the location and for possible use of its augmentation station. Lochbuie filed this application in water court. 12. **Date water applied to beneficial use:** N/A. 13. **Uses:** Municipal purposes, including domestic, irrigation, industrial, commercial, stock watering, recreation, fire protection, fish and wildlife propagation, augmentation, replacement, substitution and exchange. Such water is intended for use as part of a unified municipal water system within the Town of Lochbuie and other locations served by the Town by contract. Water may be delivered for such uses to the Beebe Draw via the Beebe Pipeline, Burlington Ditch, O-Brien Canal, Barr Lake, Beebe Seep Canal and other FRICO system ditches, or delivered back to the South Platte River for such uses. The area to be irrigated includes residential lawns and gardens, commercial greenhouses, parks, schools, open spaces, greenways, and other landscaped areas. The current Town service area includes portions of Sections 29, 30 and 31, T1N, R65W, and Sections 25, 35, and 36, T1N, R66W, 6th P.M. in Weld County, and Section 1, T1S, R66W and Section 6, T1S, R65W, 6th P.M. in Adams County. Any water not used immediately may be stored in United Reservoir, Barr Lake, Lake Henry, or Highlands Reservoir. **CLAIM FOR APPROVAL OF AUGMENTATION PLAN** 14. **Description of augmentation plan:** 14.1 Structure to be augmented: Historical return flows from Lochbuie’s Fulton, Burlington and Wellington shares changed in this case. 14.2. Location of return flows: The return flows from Lochbuie’s Fulton shares historically accrued to the South Platte River between the Fulton Ditch headgate described in paragraph 3.1.3 and approximately the south line of Section 1, T2N, R67W, 6th P.M. in Weld County. The return flows from Lochbuie’s Burlington and Wellington shares historically accrued to the South Platte River between Sections 19 and 30, T1N, R67W, 6th P.M. 14.3. Water rights to be used for augmentation and statement of plan: In order to increase the supply of water available to Lochbuie for beneficial use from the shares changed in this case, Lochbuie may provide a substitute supply of water to replace historical return flows associated with the changed water rights from the sources described in paragraph 5.5 and from any other water supplies acquired or leased by Lochbuie in the future for use as a source of replacement water in this plan for augmentation pursuant to the procedures allowed by Section 37-92-305(8)(c), C.R.S. **CLAIM FOR APPROPRIATION OF RETURN FLOWS** 15. **Claim for return flows:** Lochbuie claims the right to retain and use for all changed purposes the historical return flow portion of the changed shares at any time of the year whenever there is no call for water rights below the historical return flow location, or that call is junior to the date of filing this application. 16. **Name of structures:** Fulton Ditch and Burlington Ditch. 17. **Location of structures:** The locations of the Fulton

Ditch and Burlington Ditch headgates are described in paragraphs 3.1.3 and 3.2.3. 18. **Source:** South Platte River. 19. **Amount claimed:** Lochbuie owns or has the right to use up to 26.44 shares in the Fulton Ditch and 8 shares each in the Burlington and Wellington systems. Lochbuie claims a rate and volume of all return flows associated with those shares to the extent available under this claimed appropriation, conditional. 20. **Date of Appropriation:** March 31, 2021. 21. **How appropriation was initiated:** By taking all actions described in in this case and filing the application in this case. 22. **Date water applied to beneficial use:** N/A. 23. **Uses:** The water is claimed for the same uses described in paragraphs 4.1 and 13. 24. **Notice to landowners:** Name and address of owners or reputed owners of the land upon which any new or existing diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool. 24.1 The Fulton Ditch is owned by the Fulton Irrigating Ditch Company, 25 South 4th Avenue, Brighton, CO 80601. 24.2. The Burlington Ditch is owned or operated by the Farmers Reservoir and Irrigation Company, and the Burlington Ditch, Reservoir and Land Company, 80 S. 27th Avenue, Brighton, CO 80601. 24.3 The address for the Brighton Lateral Ditch Company is P.O. Box 413, Brighton, CO 80601. 24.4. The United Diversion No. 3 is on land owned by Henderson Aggregate Ltd., c/o of Albert Frei & Sons (Registered Agent), 11521 Brighton Road, Henderson, CO 80640. Lochbuie owns a perpetual right to divert through that structure. 24.5. United Reservoir is on land owned by Bromley District Water Providers, LLC, c/o of Robert A. Lembke (Registered Agent), 8301 East Prentice Ave., Suite 100, Greenwood Village, CO 80111. Lochbuie owns a perpetual right to store water in United Reservoir with a contractual right to obtain additional storage space. 24.6 Barr Lake is on land owned by the Farmers Reservoir and Irrigation Company, Scott Edgar, General Manager, 80 South 27th Avenue, Brighton, CO 80601. 24.7. Lake Henry is on land owned by the Applicant. 24.8. South Weld Holdings owns the land upon which Highlands Reservoir will be located. The address for South Weld Holdings is c/o Josh Shipman, 8301 East Prentice Ave., #100, Greenwood Village, Colorado 80111. Lochbuie has a contractual right to acquire up to 25 acre-feet of storage capacity in Highlands Reservoir. 24.9 Fort Lupton augmentation station is owned by the City of Fort Lupton, 130 South McKinley Avenue, Fort Lupton, CO 80621. Lochbuie has a contractual right to use that structure. WHEREFORE, Lochbuie requests the Court enter a decree approving the change of water rights, conditional exchange water right, appropriation of return flows, and plan for augmentation described in this application. DATED: May 11, 2021. Number of pages in application: 13, excluding exhibits.

21CW3062, COLORADO HISTORICAL SOCIETY, 1200 Broadway, Denver, Colorado, 80003. Telephone (303) 866-3682. Please direct all future communications and pleadings to Jennifer Mele, First Assistant Attorney General, and Ema I.G. Schultz, Assistant Attorney General, 1300 Broadway, 7th Floor, Denver, Colorado. Telephone (720) 508-6282 (Mele), (720) 508-6307 (Schultz). Email jennifer.mele@coag.gov, ema.schultz@coag.gov **APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE IN CLEAR CREEK COUNTY, COLORADO. 2. Description of structures and conditional water right:** **Lebanon Mill Reservoir** a. **Original Decree:** Case No. 06CW37, Water Division 1, entered April 2, 2015. b. **Subsequent Decree:** Case No. 17CW3185, entered January 2, 2020. Change of the Lebanon Mill Reservoir water storage right to add an alternate place of storage in the GLRR Cistern (WDID 0703033), and to add additional uses for domestic and sanitary uses at the Georgetown Loop Railroad Visitor's Center. c. **Legal Description:** SW 1/4 of the SE 1/4 of Section 18, Township 4 South, Range 74 West of the 6th P.M. From the head-gate on the dam the Southwest corner of Section eighteen (18) Township four (4) South of Range seventy-four (74) West of the Sixth (6th) Principal Meridian bears South seventy-four degrees twenty-six minutes (74° 26') West three thousand five hundred thirty-nine and nine-tenths (3539.9) feet. UTM: 438848.05, 4394466.82 NAD 83, Zone 13N. This is an on-channel reservoir. A map is attached as Exhibit 1. d. **Source:** Clear Creek e. **Appropriation Date:** February 8, 2006 f. **Amount:** 1.65 acre-feet conditional, with right to continuous fill and refill up to 3.3 acre-feet annually, total. g. Surface area of high-water line. 16,553 sq ft (0.38 ac) 1) Maximum height of dam in feet: 8 feet. 2) Length of dam in feet: 90 feet. h. Total capacity of storage facility. 1.65 acre feet. i. **Uses:** Storage right for restoration of historical appearances, energy generation, renovation of Lebanon Mill and Dam

historical structures, along with water wheel, dam and mill to recreate operations at the Lebanon Mine site as an exhibit associated with the Georgetown Loop Railroad, augmentation, and fish and wildlife habitat. Energy generation use will be on site, by releasing a portion of the water from storage via a head gate located on the dam and conveyed down a chute to turn a hydroelectric turbine. Water used for energy generation will be returned to Clear Creek. Augmentation use shall be limited to replacing out of priority depletions resulting from the use of no more than two wells associated with the Georgetown Loop Railroad at or near the Lebanon Mine Reservoir and the Devil's Gate Visitor's Center, and in such event shall not be used for augmentation unless pursuant to a court approved augmentation plan or substitute water supply plan approved by the State Engineer. 1) Case No. 17CW3185. Added alternate place of storage in the GLRR Cistern (WDID 0703033), to be in the located NE 1/4 of the SE 1/4 of Section 18, Township 4 South, Range 74 West of the 6th P.M., Clear Creek County, Colorado, and additional uses for domestic and sanitary uses at the Georgetown Loop Railroad Visitor's Center. The point of diversion for the GLRR Cistern is at a point approximately 2,130 feet downstream of the decreed location for Lebanon Mill Reservoir. j. Notes. The decree in Case No. 17CW3185 reflects that total storage between the Lebanon Mill Reservoir and GLRR Cistern under the water storage right decreed in Case No. 06CW37 will not exceed 1.65 acre-feet, with right to continuous fill and refill up to 3.3 acre-feet annually. Diversions into the GLRR Cistern may occur only when water is physically and legally available under the Lebanon Mill Reservoir storage right. Water stored in the cistern will only be used for augmentation and domestic and sanitary uses and will not be used for restoration of historical appearances, energy generation, renovation of Lebanon Mill and Dam historical structures, along with water wheel, dam and mill to recreate operations at the Lebanon Mine site as an exhibit associated with the Georgetown Loop Railroad, or fish and wildlife habitat. **3. Outline of work completed toward diligence:** The diligence period for the Lebanon Mill Reservoir conditional water storage right described in paragraph 2 is April 2015 to April 2021. "When a project or integrated system is comprised of several features, work on one feature of the project or system shall be considered in finding that reasonable diligence has been shown in the development of water rights for all features of the entire project or system." § 37-92-301(4)(b), C.R.S. The Lebanon Mill Reservoir, GLRR Cistern, Lebanon Mill Well, decreed appropriative rights of exchange, and Georgetown Loop Well together constitute features of an integrated water supply system designed to provide a sufficient and reliable water supply at the Georgetown Loop Railroad. 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 follows. This list is not intended to be exclusive and may be supplemented by additional evidence. a. CHS has undertaken many actions in beginning the process of permitting the Lebanon Mill Dam. These actions include a physical and topographic survey of the Lebanon Mill Dam site with a surveyor and engineer. CHS engaged the services of ERO Resources Corporation to assist with development and permitting for Lebanon Reservoir. b. CHS initiated the permit process with the U.S. Army Corps of Engineers to obtain the necessary Clean Water Act Section 404 Permit. In this effort, CHS conducted an alternatives analysis. CHS hired an engineer to draft the hydrologic and hydraulic section of the permit application. CHS developed erosion and sediment plan sheets and drawings. CHS submitted its initial 404 Permit Application to the U.S. Army Corps of Engineers in December 2015. c. Following submission of the initial 404 Permit Application, CHS reviewed and responded to comments from the U.S. Army Corps of Engineers and revised key components of the application. ERO Resources Corporation also developed additional materials for the application. d. Public comment was received on the 404 Permit Application. CHS participated in meetings with commenters and with the U.S. Army Corps of Engineers in 2016. Following public comments, CHS drafted, revised, and finalized the preliminary design for Lebanon Mill Dam and submitted the design memo to the State Engineer's Dam Safety Division. CHS responded to the public comments, continued developing mitigation and sediment plans, conducted water sampling, and developed long term cost estimates for the project. e. In approximately May 2016, in response to an immediate need for the water to allow year-round operations at the Georgetown Loop Railroad Visitor Center, CHS and began planning the GLRR Cistern. f. In 2017, CHS continued its permitting effort with meetings with the U.S. Army Corps of Engineers and the Upper Clear Creek Water Association. On November 30, 2017, CHS filed its application in Case No. 17CW3185, which included adding the GLRR

Cistern as an additional place of storage for the Lebanon Mill Reservoir Water Right and adding uses to the Lebanon Mill Reservoir Water Right. The final decree in Case No. 17CW3185 was entered on January 2, 2020. g. As part of the 404 Permit efforts, during the diligence period CHS worked with the Colorado Department of Public Health and Environment to investigate potential water quality concerns related to the Lebanon Mill Dam and the location of the dam in relation to mine tailings. h. During the diligence period, CHS met with the Town of Silver Plume on multiple occasions to discuss potential use of the Town’s water and billing and delivery details. i. The Lebanon Reservoir is a key component of the appropriative rights of exchange decreed in Case No. 13CW3161. During the diligence period, CHS hired Applegate Group to serve as CHS’s expert witness and provide an expert report for Case No. 13CW3161. j. During the diligence period, CHS engaged the services of the Applegate Group to serve as engineering and water resources support for the Georgetown Loop Railroad water systems. Applegate Group evaluated Lebanon Mill Well pumping volumes and records for consistency with the relevant decrees. k. During the diligence period, CHS engaged the Applegate Group to design the GLRR Cistern and completed all permitting necessary for the GLRR Cistern. CHS built and began operating the GLRR Cistern in 2019. l. During the diligence period, CHS spent approximately \$800,719 in its efforts to investigate, plan, design, and permit the Lebanon Mill Dam and to plan, design, and construct the GLRR Cistern. m. During the diligence period, CHS paid engineers approximately \$61,000 for various water resources specific services. **4. Name of owners of land upon which structures are located: All structures are or would be located on land owned by the Applicant.**

21CW3063 GROUNDWATER MANAGEMENT SUBDISTRICT OF THE CENTRAL COLORADO WATER CONSERVANCY DISTRICT (“GMS” OR “APPLICANT”), c/o Bradley C. Grasmick, Rebecca E. Spence, Lawrence Custer Grasmick Jones & Donovan, LLP 5245 Ronald Reagan Blvd., Suite 1, Johnstown, CO, 80534 (970)622-8181. **APPLICATION TO ADD WELL TO AUGMENTATION PLAN in ADAMS COUNTY.** 2. **Augmentation Plan.** Applicant operates an augmentation plan decreed in Case No. 02CW335 (“GMS Plan”). ¶14.5 of the decree in Case No. 02CW335 (Decree) allows the addition of wells to the plan subject to notice and terms and conditions. 3. **Structures to be Added and Augmented (“Added Well”).** 3.1. Name of Structure to be Added and Augmented: Durham Well; Well Permit No. 12537-R; WDID No. 0205764 (“Durham Well”). 3.1.1. Name and Address of Owner of Well: John Durham, 10901 Brighton Road, Henderson, CO 80640; 303-905-8374. 3.1.2. Location of Well: SE 1/4 NE 1/4 of Section 9, Township 2 South, Range 67 West of the 6th P.M., Adams County, Colorado, at a point 2350 feet South and 450 feet West of the NE Corner of said Section 9. 3.1.3. GMS Contract No.1237: Irrigation use approved January 21, 2020. **See Exhibit 1. 3.1.4. rior Decrees; Remarks:** A decree was entered in Case No. W-4422 on August 11, 1975 with an appropriation date of May 1, 1948 for stock watering, pheasant watering, and irrigation of 5 acres of land located in the SE 1/4 of the NE 1/4 of Section 9, Township 2 South, Range 67 West of the 6th P.M. in Adams County, Colorado. **See Exhibit 2.** 4. **Proposed Terms and Conditions.** 4.1. Consumptive Use Factors. The terms and conditions for the Added Well will be the same as for the other Member Wells in the Decree. The consumptive use factor will be 60% for flood irrigated acres, 80% for sprinkler irrigated acres and 100% for industrial and commercial uses. The method for determining future well depletions will be those set out in the Decree at ¶17.3.3.2. The Added Well will be subject to all the terms and conditions for operation as for other Member Wells in the Decree. 4.2. Net Stream Depletions. Depletions resulting from the use of groundwater and accretions resulting from deep percolation of groundwater applied for irrigation will be lagged back to the South Platte River using the Glover alluvial aquifer method and the following aquifer characteristics:

Distance to River (ft)	Distance to Boundary (ft)	Transmissivity (gpd/ft)	Specific Yield
3,596	11,112	41,857	0.2

5. A report from White Sands Water Engineers supporting this application is attached as **Exhibit 3**. 6. Names and addresses of owners of land on which structure is located: John Durham, 10901 Brighton Road, Henderson, CO 80640; 303-905-8374.

21CW3064 AMY TERRY, 5586 S. Sycamore St, Littleton, CO 80120 (303) 882-3954. Please send all correspondence to: Kara N. Godbehere; Lyons Gaddis Kahn Hall Jeffers Dworak & Grant, P.C.; P.O. Box 978, Longmont, CO 80502-0978. **APPLICATION FOR UNDERGROUND WATER RIGHTS FROM NONTRIBUTARY AND NOT NONTRIBUTARY SOURCES AND FOR APPROVAL OF PLAN FOR AUGMENTATION IN THE NONTRIBUTARY ARAPAHOE AND LARAMIE-FOX HILLS AND THE NOT NONTRIBUTARY DENVER AQUIFERS IN DOUGLAS COUNTY.** **2.** Well Permits: Well permits will be applied for prior to construction of the wells. **3.** Legal Description of Wells and Subject Property: The wells which will withdraw groundwater from the nontributary Upper Arapahoe and Laramie-Fox Hills aquifers and the not nontributary Denver aquifer will be located at any location on approximately 18 acres of land located in the part of the SE/4 SW/4 of Section 11, Township 7 N, Range 68W of the 6th P.M., as more particularly described and shown on Attachment A ("Subject Property"). There is an existing exempt Denver aquifer well with Permit No. 35474-A located on the Subject Property which Applicant understands must be re-permitted if the property is subdivided. **4.** Source of Water Rights: The source of the groundwater to be withdrawn from the Denver aquifer is not nontributary as described in 37-90-103(10.7) C.R.S.. The groundwater to be withdrawn from the Upper Arapahoe and Laramie-Fox Hills aquifers is nontributary groundwater as described in 37-90-103(10.5), C.R.S.. **5.** Estimated Amounts and Rates of Withdrawal: The wells on the Subject Property will withdraw the subject amounts of groundwater at rates of flow necessary to efficiently withdraw the entire decreed amounts. Applicant will withdraw the subject groundwater through wells to be located at any location on the Subject Property. Applicant waives any 600 foot spacing rule as described in Section 37-90-137(2), C.R.S. for wells located on the Subject Property. The estimated average annual amounts of withdrawal available from the subject aquifers as indicated below, are based upon the Denver Basin Rules, 2 C.C.R. 402-6. Applicant estimates the following annual amounts are representative of the Denver, Upper Arapahoe and Laramie-Fox Hills aquifers underlying the Subject Property:

<u>Aquifer</u>	Saturated Thickness	Annual Amount
Denver	266 feet	8.1 acre-feet
Upper Arapahoe	296 feet	9.1 acre-feet
Laramie-Fox	171 feet	4.6 acre-feet

The average annual amounts available for withdrawal from the subject aquifers will depend on the hydrogeology and the legal entitlement of the Applicant and this application represents a claim to all nontributary and not nontributary groundwater underlying the Subject Property. Applicant reserves the right to continue using the existing well with Permit No. 35474-A, subject to compliance with the terms of its existing or subsequently issued permit/s and the terms and conditions of any decree ultimately entered in this case. **6.** Well Fields: Applicant requests that this Court determine that Applicant has the right to withdraw all of the legally available groundwater lying below the Subject Property, through the wells requested herein (including the existing well with Permit No. 35474-A), which may be located anywhere on the Subject Property, and any additional wells which may be completed in the future as Applicant's well fields. As additional wells are constructed, applications will be filed in accordance with 37-90-137(10), C.R.S.. Applicant also requests that the water decreed herein be withdrawn in combination with the same type of water underlying contiguous parcels through wells to be located on the contiguous parcels or through wells to be located on the Subject Property. **7.** Proposed Use: Applicant will use all water withdrawn from the subject aquifers in a water system to be used, reused, successively used, leased, sold, or otherwise disposed of for the following beneficial purposes: domestic, industrial, commercial, irrigation, livestock

watering, recreational, fish and wildlife, and fire protection uses. Said water will be produced for immediate application to said uses, both on and off the property, for storage and subsequent application to said uses, for exchange purposes, for replacement of depletions resulting from the use of water from other sources, and for augmentation purposes. **8.** Jurisdiction: The Water Court has jurisdiction over the subject matter of this application pursuant to 37-92-302(2), and 37-90-137(6), C.R.S.. **9.** Description of plan for augmentation: **A.** Groundwater to be augmented: All of the Denver aquifer groundwater requested herein as described in paragraph 5 above over a 100 year period. Applicant reserves the right to increase or decrease this amount without amending this application or republishing the same. **B.** Water rights to be used for augmentation: Return flows from the use of not nontributary and nontributary groundwater and direct discharge of nontributary ground water. **C.** Statement of plan for augmentation: Applicant may use the Denver aquifer water to serve the Subject Property over a 100 year period through individual wells or central water system wells for domestic, commercial, irrigation, and stockwatering use at rates of flow necessary to withdraw the entire annual amount. For purposes of this application, in-house use will require approximately 0.4 acre-feet per year, per lot, and irrigation and stockwatering use will require approximately 0.35 acre-feet per year. Applicant may also use the water for the other uses described herein. Applicant reserves the right to amend these values without amending or republishing the same, based on final planning considerations for the Subject Property. Sewage treatment for in-house use will be provided by a non-evaporative septic system and return flows from in-house and irrigation use will be approximately 90% and 15% of those uses, respectively. Stockwatering uses will be considered to be 100% consumptively used. Before any other type of sewage treatment is proposed in the future, including incorporation of the lots into a central sewage collection and treatment system, Applicant, or successors and assigns, will amend this decree prior to such change and thereby provide notice of the proposed change to other water users by publication procedures required by then existing law. During pumping from wells completed into the Denver aquifer, Applicant will replace actual depletions to the affected stream system pursuant to 37-90-137(9)(c.5), C.R.S.. Applicant estimates that depletions from such pumping may occur to the Plum Creek stream system. Return flows from use of the subject water rights via that stream system will accrue to the South Platte River system, and those return flows are sufficient to replace actual depletions while the subject groundwater is being pumped. **D.** After the entire amount decreed herein has been withdrawn or after pumping ceases, Applicant will demonstrate that any depletions which may occur to the stream systems are non-injurious and need not be replaced. However, if the Court finds that such depletions need to be replaced, Applicant will reserve an adequate amount of nontributary groundwater underlying the Subject Property to meet augmentation requirements. **10.** Remarks: **A.** Applicant claims the right to withdraw more than the average annual amounts estimated in paragraph 5 above pursuant to Rule 8A of the Statewide Rules, 2 C.C.R. 402-7. **B.** Although Applicant has estimated the amounts of water available for withdrawal from the subject aquifers based on estimates of relative values for specific yield and saturated thickness, Applicant requests the right to revise the estimates upward or downward, based on better or revised data, without the necessity of amending this application or republishing the same. WHEREFORE, Applicant prays that this Court enter a Decree: **11.** Granting the application herein and awarding the water rights claimed herein as final water rights; **12.** Specifically determining that: **A.** Applicant has complied with 37-90-137(4), C.R.S., and water is legally available for withdrawal by the wells proposed herein; **B.** The groundwater underlying the Subject Property in the Denver aquifer is not nontributary and the groundwater in the Upper Arapahoe and Laramie-Fox Hills aquifers is nontributary groundwater; **C.** Vested or conditionally decreed water rights of others will not be materially injured by the withdrawals of groundwater and the plan for augmentation proposed herein; and **D.** No findings of diligence are required to maintain these water rights. FURTHER, Applicant prays that this Court grant such other relief as seems proper in the premises. Number of pages in 5, excluding exhibits.

*****AMENDED 20CW3201, EAST BOULDER DITCH COMPANY**, c/o Richard L. Belt, 1800 Larimer Street, Suite 1300, Denver, CO, 80202, 303-294-2198, Richard.L.Belt@xcelenergy.com. Please serve all pleadings on: Jeffrey J. Kahn, Anthony J. Basile, Lyons Gaddis, P.O. Box 978, Longmont, CO 80502-0978, Telephone: (303) 776-9900. **AMENDED APPLICATION FOR SIMPLE CHANGE IN SURFACE POINT OF DIVERSION PURSUANT TO § 37-92-305(3.5), C.R.S. in BOULDER COUNTY.**

2. Background: Applicant, in cooperation with the City of Boulder (“City”), is seeking to relocate the headgate of the East Boulder Ditch two hundred feet upstream of the existing location. The relocation of the headgate is part of a habitat improvement project by the City which includes allowing fish passage through this stretch of the stream. This Amended Application corrects the PLSS description of the new point of diversion as set forth in section 4.B. below, as well as supplements the information in section 3.B.

3. Decreed Water Right for Which Change is Sought:

A. Name of Structure: East Boulder Ditch.

B. Date of Original and Subsequent Decrees: The East Boulder Ditch water right was originally adjudicated by decree CA1371, dated June 2, 1882, Boulder County District Court. The following decrees changed portions of the East Boulder Ditch water right and/or abandoned portions of the East Boulder Ditch water right: CA9594, dated May 21, 1937 by the Boulder County District Court (application of Public Service Company (“PSCO”)); 82CW305 dated May 12, 1986 by the District Court for Water Division No. 1, (“Water Court”) (application of the City of Louisville); and 85CW276 dated April 15, 1987 (application of PSCO). The following decrees, all entered by the Water Court, include the East Boulder Ditch as an alternate point of diversion for other water rights: W-8346, W-8347, W-8348 (all originally dated August 28, 1979) and all associated subparts and companion cases; 80CW469 dated July 16, 1982; 80CW468, dated April 25, 1985 (and amended August 5, 1993) (all applications by the City of Lafayette); W-9308-78 dated July 19, 1985 (*nunc pro tunc* August 22, 1984), 85CW133 date December 28, 1988, and 85CW277 dated June 25, 1987 (applications by PSCO). In addition, the following decrees identify the East Boulder Ditch as a point of diversion for water storage rights: CA6672 (Pancost-Leggett Reservoir) dated June 21, 1926; and CA12111 (Valmont Reservoir Enlargement), dated September 28, 1953 both entered by the Boulder County District Court.

C. Legal Description of Structure: The headgate of the East Boulder Ditch is located in the NW 1/4 of Section 3, Township 1 South, Range 70 West of the 6th P.M. on the east bank of South Boulder Creek.

D. Decreed Source of Water: South Boulder Creek.

E. Appropriation Date for the East Boulder Ditch Water Right: April 1, 1862.

F. Total Decreed Amount in Cubic Feet per Second (cfs): The total remaining amount of the East Boulder Ditch water right to be diverted at the East Boulder Ditch is 22.592 cfs as determined in 85CW276. In addition, there are water rights which identify the East Boulder Ditch as an alternate point of diversion and as diversion point for storage rights, including those water rights identified in the decrees specified in section 3.B. above.

G. Decreed Uses: Irrigation (pursuant to the original decree in CA1371); and industrial/mechanical (including the generation for electrical energy), augmentation, exchange, fish farming, fire protection, dust control and domestic, both after direct diversion and after storage and those uses of the water rights for which the East Boulder Ditch is decreed as an alternate point of diversion (pursuant to the subsequent decrees specified in section 3.B. above).

H. Amount Applicant Intends to Change: Applicant seeks to change all of the water rights decreed to be diverted at the East Boulder Ditch. These water rights include the 22.592 cfs of the East Boulder Ditch specified in section 3.F. above with all water rights decreed for diversion at the East Boulder Ditch including those identifying the East Boulder Ditch as an alternate point of diversion and as a diversion point for storage rights, including those water rights identified in the decrees specified in section 3.B. above.

4. Detailed Description of Proposed Change in Surface Point of Diversion:

A. As part of the project described in section 2. above, the replacement headgate location will move approximately two hundred feet upstream. See map attached as **Exhibit A**. No other change of water right is sought. There is neither any intervening surface diversion or inflow, nor a decreed in-stream flow right between the new point of diversion and the existing point of diversion.

B. New Point of Diversion: To be located in the SE 1/4 of the NW 1/4 of Section 3, Township 1 South, Range 70 West of the 6th P.M. in Boulder County, Colorado of which the UTM coordinates are: Easting 481527.97 and Northing 4427317.14 in Zone 13. See map attached as **Exhibit A**.

C. As stated above, Applicant seeks to the change the surface point of diversion for all water rights that are adjudicated to the East Boulder Ditch, including the water rights for which East Boulder Ditch is listed as an alternate

point of diversion and as a point of diversion for water storage rights. **5. Owners of Land Upon Which Structures are Located:** City of Boulder, P.O. Box 791, Boulder, Colorado 80306-0791 Number of pages in application: 4, excluding the exhibit.

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

YOU ARE HEREBY NOTIFIED that any party who wishes to oppose an application, or an amended application, may file with the Water Clerk, P. O. Box 2038, Greeley, CO 80632, a verified Statement of Opposition, setting forth facts as to why the application should not be granted, or why it should be granted only in part or on certain conditions. Such Statement of Opposition must be filed by the last day of **JUNE 2021** (forms available on www.courts.state.co.us or in the Clerk's office) and must be filed as an Original and include **\$192.00** filing fee. A copy of each Statement of Opposition must also be served upon the Applicant or Applicant's Attorney and an affidavit or certificate of such service of mailing shall be filed with the Water Clerk.