

**DISTRICT COURT, WATER DIVISION 1, COLORADO
FEBRUARY 2024 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 **FEBRUARY 2024** for each County affected. (This publication can be viewed in its entirety on the state court website at: www.courts.state.co.us)

2023CW20 (15CW14) WAYNE LANDWEHR, 27245 CR 62.75, Gill, CO 80624. 970-396-7189. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN WELD COUNTY.** Date of original decree: 11-13-17 in case 15CW14, WD1. 1. Gill Seep Ditch. UTM coordinates: Northing 4477470.81 Easting 538516.45, Zone 13. NW 1/4 S34 T6N R64W 6th PM Weld County at start of seep ditch, then along seep ditch to approximately the intersection of CR 55 and CR 62 3/4 where it is diverted into an existing pond on applicant’s property. Source: runoff, return flows, seepage, drainage, and wastewater from lands to northwest that flow into the Gill Seep Ditch. 2. Landwehr Pond. NW 1/4 S34, T6N, R64W 6th PM. Source: Gill Seep Ditch. Date of appropriation: April 1, 2015. Amount: 3 cfs, Conditional. Uses: Irrigation of 160 acres owned by applicant in the N1/2, N1/4, S34 and the S1/2, S1/4, S27, T6N, R 64W of the 6th PM, storage, wildlife habitat, fire protection, all conditional. All wildlife habitat use shall occur within the Landwehr Pond.

2024CW3013 DAVID J KOSTROSKI, 11214 E State Hwy 86, Franktown, CO 80116. James J. Petrock, Eric K. Trout, Hayes Poznanovic Korver LLC, 700 17th Street, Suite 1800, Denver, CO 80202. **APPLICATION FOR UNDERGROUND WATER RIGHTS FROM NONTRIBUTARY AND NOT-NONTRIBUTARY SOURCES IN THE NONTRIBUTARY LOWER DAWSON, DENVER, ARAPAHOE AND LARAMIE-FOX HILLS AQUIFERS, AND THE NOT-NONTRIBUTARY UPPER DAWSON AQUIFER IN DOUGLAS COUNTY.** Subject Property: A parcel totaling 56.15 acres generally located in the SW1/4 of Section 9, Township 8 South, Range 65 West of the 6th P.M., also known as 11214 E State Highway 86, Franktown, Douglas County, State of Colorado, identified as Kostroski West Parcel on **Exhibit A** (“Subject Property”). Lien Holder Certification: Applicant is the sole owner of the Subject Property and there are no mortgage or lien holders, therefore no notice is required under C.R.S. § 37-92-302(2)(b). Well Permits: There is one existing exempt Upper Dawson Aquifer domestic use well on the Subject Property under Well Permit No. 18670. This well will continue operating under its existing permit. Additional well permits will be applied for prior to construction of 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). Estimated Amounts: Applicant estimates the following amounts may be available for withdrawal, based on a 100-year withdrawal period:

Aquifer	Annual Amount (acre-feet)
Upper Dawson (NNT)*	15.65
Lower Dawson (NT)	11.47
Denver (NT)	17.66
Arapahoe (NT)	24.64
Laramie-Fox Hills (NT)	17.78

*The total estimated volume in the not-nontributary Upper Dawson Aquifer is 19.65 acre-feet per year. The adjudicated volume is reduced by 4 acre-feet per year for existing Well Permit No. 18670. Applicant desires to leave no additional groundwater unadjudicated. Proposed Uses: Groundwater withdrawn from the not-nontributary and nontributary aquifers underlying the Subject Property will be used, reused, and successively used to extinction for all allowable beneficial uses, including, but not limited to, domestic,

including in-house use, commercial, irrigation, stock watering, fire protection, recreational, fish and wildlife, and augmentation purposes, including storage. The water may be immediately used or stored for subsequent use, used for exchange purposes, for direct replacement of depletions, and for other augmentation purposes, including taking credit for all return flows resulting from the use of such water for augmentation of, or as an offset against, any out-of-priority depletions. The water may be leased, sold, or otherwise disposed of for all the above uses both on and off the Subject Property. 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). Remarks: Applicant claims the right to withdraw more than the average annual amounts estimated in Paragraph 6 above pursuant to Rule 8A of the Statewide Rules, 2 C.C.R. 402-7. 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. Applicant requests the Court approve the above underground water rights, find that Applicant has 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. 4 pages.

2024CW3014 TRIPLECROSS 2, LLC, c/o Thomas A. Kourlis, 5400 Willow Creek Road, Castle Rock, CO 80104. Matthew A. Montgomery, Hill & Robbins, P.C., 3401 Quebec Street, Suite 3400, Denver, CO 80207, Phone: (303) 296-8100, Fax: (303) 296-2388. **APPLICATION FOR DETERMINATION OF UNDERGROUND WATER RIGHTS IN THE DENVER BASIN AQUIFERS AND A CHANGE OF WATER RIGHTS IN THE DENVER BASIN AQUIFERS IN DOUGLAS COUNTY. 1. Name and Mailing Address of Applicant.** Triplecross 2, LLC (“Applicant”) c/o Thomas A. Kourlis, 5400 Willow Creek Road, Castle Rock, CO 80104. **2. Parcel Description Information.** The parcels which are the subject of this application are: (1) approximately 86.832 acres located in the S/2 of Section 21 (the “86-Acre Parcel”) and (2) approximately 37.975 acres located in the W/2SE/4 of Section 21 (the “38-Acre Parcel”), all in Township 8 South, Range 66 West of the 6th P.M., Douglas County, Colorado (the 86-Acre Parcel and the 38-Acre Parcel may be referred to herein, collectively, as the “Property”). A map showing the location and boundaries of the Property is attached hereto as **Exhibit A**. A legal description of the 86-Acre Parcel is included in the deed attached hereto as **Exhibit B-1**. A legal description of the 38-Acre Parcel is included in the deed attached hereto as **Exhibit B-2**. The 86-Acre Parcel and the 38-Acre Parcel are contiguous and share a common boundary line. **3. Parcel Ownership Information.** Triplecross 2, LLC, is the owner of the 86-Acre Parcel and the 38-Acre Parcel. A copy of the deed demonstrating Triplecross 2 LLC’s ownership of the 86-Acre Parcel dated February 1, 2024, and recorded at Reception No. 2024004430 in the records of the Clerk and Recorder for Douglas County, is attached hereto as **Exhibit B-1**. A copy of the deed demonstrating Triplecross 2 LLC’s ownership of the 38-Acre Parcel dated February 1, 2024, and recorded at Reception No. 2024004431 in the records of the Clerk and Recorder for Douglas County, is attached hereto as **Exhibit B-2**. **4. Certification of Notice to Interested Parties.** Triplecross 2, LLC, owns the 86-Acre Parcel and the 38-Acre Parcel free and clear of all liens and no other entity has a financial interest in the 86-Acre Parcel. Accordingly, Applicant certifies compliance with the notice requirements of C.R.S. § 37-92-302(2). **5. Nature of Claim.** Applicant’s predecessor-in-interest was previously awarded a decree in Case No. 12CW224 (Water Div. 1) (the “12CW224 Decree”) adjudicating all the nontributary groundwater in the Denver Basin aquifers under the 86-Acre Parcel (the “86-Acre Parcel Water Rights”). Applicant seeks a decree changing the 86-Acre Water Rights water rights so that, in addition to use on the 86-Acre Parcel, water attributable to the 86-Acre Acre Parcel Water Rights may be withdrawn and used anywhere on the Property, including the 38-Acre Parcel. In addition, Applicant seeks a decree adjudicating all of the nontributary groundwater in the Denver Basin aquifers underlying the 38-Acre Parcel which may be withdrawn and used anywhere on the Property, including the 86-Acre Parcel. Applicant is claiming all of the nontributary groundwater under the 38-Acre Parcel in the Lower Dawson, Denver, Arapahoe, and Laramie-Fox aquifers, subject to confirmation from the State Engineer’s Office. Applicant is not claiming any of the not nontributary groundwater underlying the Property in the Upper Dawson aquifer as part of this application. Applicant shall relinquish to the stream system two percent

(2%) of any and all of the nontributary water withdrawn on an annual basis pursuant to Rule 8 of the Denver Basin Rules, 2 CCR 402-6, as those rules may be amended from time to time. **6. Estimated Amounts Claimed and Rates of Withdrawal.** In addition to the 86-Acre Parcel Water Rights, Applicant requests the right to withdraw all of the legally available groundwater from the nontributary sources underlying the 38-Acre Parcel at rates of flow necessary to withdraw the entire amount permitted under any decree granted pursuant to this application. Applicant will withdraw all of the groundwater in all of the adjudicated aquifers, including the aquifers adjudicated in the 12CW224 Decree, through a well or wells to be located anywhere on the Property. Said amounts may be (a) withdrawn over the 100-year life of the aquifers as set forth in C.R.S. § 37-90-137(4); (b) withdrawn over a longer time based upon actual withdrawal or local government regulations; or (c) withdrawn subject to the banking provisions of Rule 8.A of the Statewide Nontributary Groundwater Rules, 2 CCR 402-7, as those rules may be amended from time to time. The amounts of water adjudicated in the 12CW224 Decree are as follows:

Aquifer	Overlying Land (acres)	Saturated Sand Thickness (feet)	Type	Annual Withdrawal (a/yr)
Lower Dawson	86.8	70	NT	12.2
Denver	86.8	320	NT	47.2
Arapahoe	86.8	370	NT	54.6
Laramie-Fox Hills	86.8	180	NT	23.4
Total:				137.4

The additional estimated average annual amounts of withdrawal from the subject aquifers as indicated below are based upon the Denver Basin Rules, 2 CCR 402-6, and the Colorado Decision Support System (CDSS) Denver Basin aquifer determination tool. Applicant estimates that the following values and average annual amounts are representative of the nontributary aquifers underlying the 38-Acre Parcel:

Aquifer	Overlying Land (acres)	Saturated Sand Thickness (feet)	Type	Annual Withdrawal (a/yr)
Lower Dawson	37.98	71.9	NT	5.4
Denver	37.98	302.1	NT	19.5
Arapahoe	37.98	355.3	NT	22.9
Laramie-Fox Hills	37.98	182.1	NT	10.4
Total:				58.2

Applicant estimates that the following values and average annual amounts are representative of the nontributary aquifers underlying the Property:

Aquifer	Overlying Land (acres)	Type	Annual Withdrawal (a/yr)
Lower Dawson	37.98	NT	17.6
Denver	37.98	NT	66.7
Arapahoe	37.98	NT	77.5
Laramie-Fox Hills	37.98	NT	33.8
Total:			195.6

Although Applicant has estimated the amount of water available from the nontributary Denver Basin aquifers, Applicant requests the right to revise the estimates upward or downward based on revised data,

without the necessity of amendment to or republication of this application, in any final decree. **7. Uses or Proposed Uses.** Water withdrawn from the Property, including water adjudicated in the 12CW224 Decree, will be used, reused, and successively used to extinction for any and all allowable beneficial uses, including but not limited to domestic, municipal, industrial, commercial, irrigation, livestock watering, fire protection, recreational, fish and wildlife, augmentation, replacement, and exchange. The water may be immediately used or stored for subsequent use, used for exchange purposes, for direct replacement of depletions, and for other augmentation purposes, including taking credit for all return flows resulting from the use of such water for augmentation of, or as an offset against, any out-of-priority depletions. The water may be leased, sold, or otherwise disposed of for all of the above uses. **8. Well Permit Information.** There is an existing exempt well, Permit No. 219418, drilled into the Upper Dawson aquifer on the 86-Acre Parcel. To the best of Applicant's knowledge, there are no wells on the Property that are drilled into any of the nontributary Denver Basin aquifers. Applicant does not seek to adjudicate the exempt well in this proceeding. **9. Remarks.** Applicant waives any six hundred foot spacing rules as described in C.R.S. § 37-90-137(2), as between all wells located on the Property. Applicant's current plan contemplates and includes drilling a well into the Lower Dawson aquifer to irrigate the Property. However, Applicant reserves the right to modify plans, including to withdraw the water decreed to the Property using only a single well or from any combination of wells in a well field, as allowed pursuant to 2 CCR 402.7. **WHEREFORE**, Applicant respectfully requests that the Court enter a decree granting underground water rights to the nontributary Denver Basin aquifers underlying the Property as described above. Number of pages of the Application: 5.

2024CW3015 LARSON FRONT RANGE FARMS LLC v. LEDGE ROCK CENTER LLC – Complaint for Trespass to Ditch Rights Seeking Injunctive and Declaratory Relief

2024CW3016 Applicant: **JOSEPH J. HAWKINS**; 22411 Dunreath Avenue, Orchard, Colorado 80649; joehawkins1050@gmail.com. Please send all future correspondence to Bradley C. Grasmick or Nicholas P. Espenan, Lawrence Custer Grasmick Jones & Donovan, LLP, 5245 Ronald Regan Blvd, Suite 1, Johnstown, CO 80534 (970) 622-8181; brad@lcwaterlaw.com; nick@lcwaterlaw.com. **APPLICATION TO ADD WELL TO THE HAWKINS AUGMENTATION PLAN & CHANGE OF WATER RIGHT TO INCLUDE ALTERNATE POINT OF DIVERSION IN WELD COUNTY.** CLAIM FOR CHANGE OF WATER RIGHT TO INCLUDE ALTERNATE POINT OF DIVERSION 1. Name of Structure for Which Change is Sought: Polfer Well, Permit No. 371-R. 1.1. Description of Change Requested: Applicant seeks approval to change the Polfer Well water right to add an alternate point of diversion replacement well due to original well deterioration. 1.2. Description of Water Right for which change is sought: 1.2.1. Name of Structure: Well No. 1-0371, a/k/a Polfer Well 1.2.2. Date of Decree: September 1, 1971, Case No. W-565, Water Division 1. 1.2.3. Legal Description: 460 feet East of the West Line of the Southwest 1/4 Northeast 1/4 Section 34 and 50 feet North of the South Line of the Southwest 1/4 Northeast 1/4 Section 34 Township 5 North Range 60 West of 6th P.M., Morgan County, Colorado (Exact location of well is 20 feet East of Jackson Lake Reservoir Outlet, or 485 feet East of half section line and 50 feet North of East and West half section line) 1.2.4. Source of Water: Groundwater 1.2.5. Appropriation Date: June, 1952 1.2.6. Amount: 1.78 cubic feet per second, absolute 1.2.7. Decreed Uses: Irrigation on all that part of the Northeast 1/4 of Section 34, Township 5 North, Range 60 West of Northeast 1/4 of Section 34, Township 5 North, Range 60 West of 6th P.M., lying East of Jackson Lake Outlet right-of-way and West of the Weldon Valley Irrigation Canal, together with the Southeast 1/4 of Section 27, Township 5 North, Range 60 West of 6th P.M. 1.3. Description of Alternate Point of Diversion 1.3.1. Legal Description of Location of New Point of Diversion: Section 34, Township 5 North, Range 60 W of the 6th P.M. at a point 1,250 feet South and 670 feet West of the NE corner of said section 34. (13 T 578693 e-ea. 4468218 y-no.) 1.3.2. Source: Groundwater 1.3.3. Diversion Rate: Up to 1100 g.p.m., maximum diversion rate for the Polfer Well, not to exceed 1.78 cubic feet per second. 1.3.4. Use: Irrigation 1.3.5. Remarks: Applicant seeks approval to change the Polfer Well water right to add an alternate point of diversion replacement well due to original well deterioration. The proposed new well location is approximately 1,900

feet northeast of the current diversion point. Applicant is also adding the alternate point of diversion for the Polfer Well to his augmentation plan as described in more detail in this application. No other changes to the Polfer well are being requested. ADDITION OF ALTERNATE POINT OF DIVERSION FOR POLFER WELL TO THE HAWKINS AUGMENTATION PLAN 2. Name and Address of Owners of Structures and Land: Applicant owns the Polfer Well and the lands upon which the alternate point of diversion for the Polfer Well will be located. 3. Name, Address and Telephone Number of Applicant: Joseph J. Hawkins; 22411 Dunreath Avenue, Orchard, Colorado 80649; joehawkins1050@gmail.com. 4. Plan for Augmentation. Applicant operates a plan for augmentation decreed in Case No. 04CW90 (“Hawkins Aug”). Paragraph 20 of the decree in Case No. 04CW90 (“Decree”) Any well-constructed as an alternate point of diversion or supplemental well for one of the wells listed in Table 1 may also be covered by this plan provided it is added to the plan pursuant to Paragraph 22 of the Decree. Well 1-0371 is listed in Table 1 of the Decree and this application is in compliance with Paragraph 22 of the Decree. 5. Structure to be Added and Augmented (“Added Well”). The Polfer Well Alternate Point of Diversion to be decreed in this Application. 5.1. Name and Address of Well Owner: Joseph J. Hawkins; 22411 Dunreath Avenue, Orchard, Colorado 80649; joehawkins1050@gmail.com. 5.2. Decree: W-565. A decree was entered in Water Court, Division No. 1, on September 1, 1971, adjudicating the Added Well for irrigation. The decree for Case No. W-565, is attached as **Exhibit 1**. The decree entered in this Application will confirm the alternate point of diversion for the water right decreed in Case No. W-565. 5.3. Permit: 371-R; WDID: 0105013 5.3.1. Location: Section 34, Township 5 North, Range 60 W of the 6th P.M. at a point 1,250 feet South and 670 feet West of the NE corner of said section 34. (13 T 578693 e-ea. 4468218 y-no.) 5.3.2. Appropriation Date: June, 1952. 5.3.3. Decreed Amount: 1.78 cfs 5.3.4. Applicant will obtain a permit from the State Engineer’s office prior to constructing the Polfer Well Alternate Point of Diversion. 6. Proposed Terms and Conditions 6.1. The terms and conditions for the Added Well will be the same as for the other Covered Wells in the Decree. The consumptive use factors will be 60% for flood irrigated acres and 85% for sprinkler irrigated acres. The method for determining future depletions will be those set out in the Decree at ¶¶ 26-30. The well will be subject to all the terms and conditions for operation as for other Covered Wells in the Decree. 6.2. Net Stream Depletions 6.2.1. Augmentation of the Well will be pursuant to the terms and conditions of the Decree. Out of priority depletions from use of the Well that have occurred prior to the date the court allows the Well to be added to the plan will be replaced by Applicant. Out of priority depletions from use of the Well that may occur after the court decree adding the Well to the plan, whether or not the depletions result from pumping before or after the date the court allows the Well to be added to the plan, will be replaced by the Applicant. The aquifer parameters for the Well are set out in the table below. 6.2.2. Parameters: Project Number: 1014046.1 Location Hawkins Proposed Goodrich Well, NE1/4. NE1/4, S34, T5N, Sixth PM Glover Parameters: Aquifer Width (W) (ft) 22,528 Perpendicular Distance to River (X) (ft) 5,280 Transmissivity 1 (T₁) (gallons/day/foot) 70,000 Interpellated at well. Transmissivity 2 (T₂) (gallons/day/foot) 100,000 Intervening T isopleth. Interpellated at South Platte Transmissivity 2 (T₃) (gallons/day/foot) 150,000 River. Transmissivity Harmonic Mean 96,923 (THM) (gallons/day/foot) **NOTES** 1) Based on 1972 U.S. Geological Survey Publication entitled Hydrogeologic Characteristics of the Valley Fill Aquifer in the Weldona Reach of the South Platte River Valley, Colorado (“Hydrogeologic Characteristics”) per the 04CW90 decree 7. Applicant has sufficient replacement supplies to replace out of priority depletions from the Well. 8. Distribution of Future Well Depletions. To add a well , Paragraph 22 of the Decree requires “the well to be operated and used and out of priority depletions be replaced, on terms and conditions at least as restrictive as restrictive as decreed herein for the Plan for Augmentation.” The addition of the well in this application will meet all requirements and depletion return requirements as set out in the Decree. The original format of this application is five pages and has zero exhibits.

2024CW3017 NED R. LENTZ AND GLENA G. WATANABE, 4256 New Santa Fe Trail, Colorado Springs, CO 80924. David M. Shohet and W. James Tilton, Monson, Cummins, Shohet & Farr, LLC, 13511 Northgate Estates Drive, Ste. 250, Colorado Springs, CO 80921 (719) 471-1212. **APPLICATION FOR ADJUDICATION OF EXEMPT WELL IN TELLER COUNTY**. Applicants wish to adjudicate the groundwater supply related to their exempt well and maintain the exempt well status of the well.

Property Description: Applicants are the owners of a tract of land located in the NW1/4 and the SW1/4 of the NW1/4 Section 23, Township 12 South, Range 71 West of the 6th P.M., County of Teller, State of Colorado, containing approximately 5.1 acres, more or less, and known as Lot 3R, Indian Creek 2 Minor Subdivision of Lot 2A, Block 4, Indian Creek No. 2, also known as 771 Cheyenne Creek Drive, Lake George, CO 80627 (“Applicants’ Property”). See attached **Exhibit A** map of the Applicants’ Property. Name of Structure: Lentz/Watanabe Well. Legal Description of Well: The Lentz/Watanabe Well is located in Teller County, Colorado in the SW1/4 of the NW1/4 of Section 23, Township 12 South, Range 71 West of the 6th P.M. UTM coordinates: NAD83, Zone 13, 473430.9 Easting, 4316398.4 Northing. Source: Groundwater tributary to the South Platte River. Appropriation: Date of Initiation of Appropriation: May 28, 2021. How Appropriation was Initiated: Filing of a well permit with the Division of Water Resources. Date Water Applied to Beneficial Use: June 15, 2022. Amount Claimed: 4 gpm, absolute. Uses: Ordinary household uses inside one single family dwelling. Well Permit No.: 322734. Land Ownership: The land upon where the Lentz/Watanabe Well is drilled and which the water is and has been used is owned by the Applicants. D. Remarks: Lentz/Watanabe Well, which is the subject of this Application, is an exempt well issued pursuant to C.R.S. § 37-92-602(3)(b)(II), for the uses authorized in C.R.S. § 37-92-602(1)(b), and a decree for the Lentz/Watanabe Well is sought pursuant to C.R.S. § 37-92-602(4). It is Applicants’ intent to maintain the exempt status of the Lentz/Watanabe Well. (4 pages)

2024CW3018 TINY TOWN WATER ASSOCIATION, INC., P.O. Box 687, Indian Hills CO 80454. (Please address all correspondence and inquiries regarding the matter to Applicant’s attorney: Robert F. T. Krassa, Krassa & Miller, LLC, 2300 Canyon Blvd., Suite 2, Boulder CO 80302, 303-442-2156. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN JEFFERSON COUNTY.**

Name of Structure: Association Reservoir, **3. Describe conditional water right** giving the following from the Referee’s Ruling and Judgment and Decree: **a. Date of Original Decree:** March 3, 1997, Case 95CW203, District Court, Water Division No. 1. **b. Subsequent decrees** awarding findings of diligence (all in this court): Case 03CW131, decree entered March 22, 2005, Case 11CW46, decree entered August 16, 2011 and Case 17CW3118 decree entered February 21, 2018. **c. Location of structure:** the northeast corner of said reservoir, which is a rectangular concrete structure, is located in the SE 1/4 NE 1/4 Section 21, T.5S, R.70W of the 6th P.M. in Jefferson County, at a point whence the East quarter corner of said Section 21 bears South 89 degrees 40 minutes East 1063 feet. **d. Source of water:** ground water tributary to Turkey Creek **e. Date of Appropriation:** September 1995 for the conditional portion of the water right **f. Amount:** 0.05 acre feet conditional. **g. Use:** Domestic purposes, watering flowers and gardens and occasional car washing. **4. Provide a detailed outline of what has been done** toward completion or for completion of appropriation and application of water to a beneficial use as conditionally decreed, including expenditures. **a. Paragraph 24 of the Decree** in said Case 95CW203 provides in relevant part, “The reservoir is to be enlarged pursuant to the conditional right herein awarded as part of a phased capital expenditure program which also involves repair and rehabilitation of other components of the system, over a considerable period of time. So long as this water storage right is being pursued by Applicant, as part of its water supply system, expenditures on other portions of such system will satisfy the requirement to demonstrate reasonable diligence concerning this water storage right.” **b. During the diligence period,** there have been significant delays in moving the Association’s plans to enlarge its reservoir, due principally to change of ownership of three of the nine residences which are the members of the Association. Accordingly, time has been spent bringing new Board members up to speed. Planning and investigation of construction options and of real property that is suitable and reasonably available for thee expansion have continued. In addition, planning is underway to repair and upgrade the existing reservoir, which is a large concrete storage tank, in a way that is most consistent with the planned expansion, have been undertaken. Also, the main pump was replaced including improvements to the electronic controls to increase efficiency, and a back up pump was obtained and installed. The total amount spent by the Association during the diligence period on this activity, on the existing reservoir and on other parts of its water system, is \$ 13,343.65. **c. The Association has in all respects diligently worked** toward placing this water right to

beneficial use. **5. Name(s) and addresses of owners of the land** on which structures are or will be located, upon which water is or will be stored or upon which water will be placed to beneficial use: Applicant.

2024CW3019 (17CW3108, 11CW41, 04CW233, 97CW139, 90CW95) DISTRICT COURT, WATER DIVISION NO. 1, STATE OF COLORADO, Weld County Courthouse, 901 9th Avenue, P.O. Box 2038, Greeley, CO 80632, (970) 475-2507. **IN THE MATTER OF THE APPLICATION FOR WATER RIGHTS OF: PETE C. KUYPER, IN TELLER COUNTY, COLORADO. APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE IN TELLER COUNTY.** 1. Name, Address, Telephone Number, and Email Address of Applicant: Pete C. Kuyper, (“Applicant”), c/o Bryan Johnson, Water Rights Consultant, P.O. Box 729, Divide, CO 80814, Telephone: (719) 687-6011, Email: bryan@pkenterprisesinc.com Direct All Pleadings to: Bushong & Holleman PC, Attn: Steve Bushong & Cassidy Woodard, 1525 Spruce Street, Suite 200, Boulder, CO 80302, sbushong@BH-lawyers.com; cwoodard@BH-lawyers.com 2. Names of Structures: Kuyper Well Nos. 13 and 14 (collectively, the “Kuyper Wells”). 3. Description of Conditional Water Rights: 3.1. Prior Decrees: The Kuyper Wells were originally decreed by the District Court in and for Water Division No. 1 (the “Water Court”) in Case No. 90CW95 on April 2, 1991 (the “90CW95 Decree”). Prior findings of reasonable diligence were obtained in Case Nos. 97CW139, 04CW233, 11CW41, and 17CW3108, 3.2. Decreed Locations: Locations of the Kuyper Wells are depicted on the map attached as **Exhibit A**, 3.2.1. Kuyper Well No. 13: Kuyper Well No. 13 will be located in the NE1/4 NE1/4 of Section 12, T. 13 S., R. 70 W. of the 6th P.M. at a point 450 feet south of the north section line and 125 feet west of the east section line of said Section 12, 3.2.2. Kuyper Well No. 14: Kuyper Well No. 14 will be located in the SW1/4SW1/4 of Section 6, T. 13 S., R. 69 W. of the 6th P.M. at a point 1,300 feet north of the south section line and 600 feet east of the west section line of said Section 6, 3.3. Source: Groundwater tributary to Rule Creek, a tributary of Trout Creek, a tributary of Horse Creek, a tributary of the South Platte River, 3.4. Appropriation Date: May 7, 1990, for each well, 3.5. Amounts: 200 gallons per minute (“gpm”), conditional, for each well, with total diversions from both wells not to exceed 400 acre-feet annually, 3.6. Uses: Irrigation, municipal, fire protection, domestic, commercial, industrial, recreational, fish propagation, and all other beneficial uses, and to fill and maintain Divide Reservoir Nos. 1, 2, and 3. The Kuyper Wells are also alternate and supplemental points of diversion for Kuyper Well Nos. 1 through 11, which were decreed in Water Court Case No. 86CW372. 4. Request for Findings of Reasonable Diligence: Applicant requests findings that it has exercised reasonable diligence in the development of the full conditional amounts and uses of the water rights decreed to the Kuyper Wells and that said conditional amounts and uses continue in full force and effect. 5. Diligence Activities: As stated in the 90CW95 Decree, the Kuyper Wells are part of an integrated water supply. During the diligence period, Applicant has performed the following activities that demonstrate it has exercised reasonable diligence in the development of the conditional water rights decreed to the Kuyper Wells: 5.1. The Kuyper Wells, along with other water rights owned by Applicant decreed to Kuyper Well Nos. 1 through 11, Divide Reservoirs 1, 2, and 3, and the Woodland Park/Divide Exchange, are designed to serve a development located on property owned by PK Enterprises, Inc., which is an entity owned by Applicant. Applicant anticipates imminent growth and construction within the development necessitating the conditional water rights decreed to the Kuyper Wells. For example, the land surrounding Kuyper Well No. 13 is currently undergoing the approval process to amend its planned unit development to include an additional 100,000 square feet of commercial space and 300 dwelling units. Other development to be served by the Kuyper Wells will include approximately 11.5 acres of new commercial development, 22 acres of new mixed use or multi-family dwelling unit development, and 111 acres of new single-family dwelling unit development. Construction of approximately 7,200 square feet of commercial space is scheduled to be completed in 2024, 5.2. To meet the demand from new growth within the development area, during the diligence period, Applicant extended the distribution of the water system designed to serve the development by approximately 2,840 linear feet of twelve-inch water main lines, including fittings, valves, hydrants, and other accessories. This work was performed at a cost of approximately \$288,000 and will facilitate the beneficial use of the Kuyper Wells, 5.3. During the diligence period, Applicant re-drilled Kuyper Well No. 3, which is part of the water system designed to serve the development. Upon completion of the re-drilling,

the expenditures totaled approximately \$117,000, 5.4. Applicant drilled and completed Kuyper Well No. 9 during the diligence period at an expense of approximately \$167,000. Additionally, Applicant filed and adjudicated Water Court Case No. 22CW3136, decreed on June 1, 2023, during the diligence period wherein a portion of the water right decreed to Kuyper Well No. 9 was made absolute, 5.5. Applicant is working toward completing the installation of a new staff gauge on Rule Creek where it crosses U.S. Highway 24. Installation of this new staff gauge to measure the flow of Rule Creek will provide Applicant with greater flexibility in operating the Divide Augmentation Plan originally decreed in Water Court Case No. 85CW372. The Kuyper Wells were incorporated into the Divide Augmentation Plan pursuant to the 90CW95 Decree. Thus far, Applicant has expended approximately \$11,700 in infrastructure for the staff gauge, and installation is expected to take place in Spring 2024, 5.6. In April 2023, work was completed to replace the entire SCADA system that operates communications between Divide Reservoir No. 1, Kuyper Well Nos. 1 through 11, and Applicant's water treatment system and storage. The work was performed at a total cost of approximately \$63,000, 5.7. During the diligence period, Applicant filed for and/or obtained findings of reasonable diligence or made portions of conditional water rights absolute for water rights associated with Divide Reservoir Nos. 1, 2, and 3, Kuyper Well Nos. 1 through 11, and the Woodland Park/Divide Exchange. All such water rights provide sources of water for the growing development described above, 5.8. Applicant has continued to maintain accounting and report such information to the Water Commissioner on a monthly basis. Applicant also makes the necessary releases under the Divide Augmentation Plan to replace out-of-priority depletions from the water rights associated with the development. 6. Land Ownership: 6.1. Kuyper Well No. 13: Thunder Ridge Haven LLC, PO Box 581, Woodland Park, CO 80866, 6.2. Kuyper Well No. 14: PK Enterprises, Inc., which is an entity owned and controlled by Applicant. WHEREFORE, Applicant respectfully requests that the court enter an order (1) granting Applicant's request for findings of reasonable diligence for the fully conditional amounts and uses of the water rights associated with Kuyper Well Nos. 13 and 14 as described in Paragraph 4 above and continuing said conditional water rights in full force and effect; and (2) granting such other and further relief as deemed appropriate.

(5 pages + Exhibit)

2024CW3020 (Case No. 15CW3144, 07CW131, 97CW395, 86CW388(A)): ARAPAHOE COUNTY WATER AND WASTEWATER AUTHORITY ("ACWWA"), c/o Steve Witter, 13031 East Caley Avenue, Centennial, Colorado 80111, Telephone: (303) 790-4830. APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN ARAPAHOE AND DOUGLAS COUNTIES. All correspondence and communications should be addressed to: Brian M. Nazarens, Esq., Sheela S. Stack, Esq., William D. Wombacher, Esq., Stacy L. Brownhill, Esq., Nazarens Stack & Wombacher LLC, 5105 DTC Pkwy, Suite 200, Greenwood Village, Colorado 80111, Telephone: (720) 647-5661. (Attorneys for ACWWA). 2. **Description of Conditional Underground Water Rights for which Diligence is Claimed.** 2.1. **Race Well No. 1.** 2.1.1. **Original Decree.** The original decree was entered in Case No. 86CW388(A) on January 29, 1991 by the District Court in and for Water Division 1 for a conditional water right not to exceed 1,809 acre-feet per year, at a rate of diversion of 2.67 cfs for the following beneficial uses: municipal, domestic, commercial, industrial, irrigation, recreation, fire protection purposes, either directly or by exchange, replacement of depletions, for exchange and substitution purposes, and augmentation purposes. 2.1.2. **Subsequent Decrees.** 2.1.2.1. **Case No. 97CW395.** The decree was entered on December 28, 2000 by the District Court in and for Water Division 1. By this decree, 1.73 cfs of the 2.67 cfs originally decreed conditional was made absolute, leaving 0.94 cfs conditional, not to exceed 1,809 acre-feet per year, for all purposes as described above in paragraph 2.1.1. 2.1.2.2. **Case No. 07CW131.** The decree was entered on October 22, 2009 by the District Court in and for Water Division 1. The decree continued as conditional 0.94 cfs of the water right not to exceed 1,809 acre-feet per year, for all purposes as described above in paragraph 2.1.1. 2.1.2.3. **Case No. 15CW3144.** The decree was entered on February 8, 2018 by the District Court in and for Water Division 1. The decree made absolute 0.22 cfs of 0.94 cfs, and continued as conditional 0.72 cfs of the water right not to exceed 1,809 acre-feet per year, for all purposes as described above in paragraph 2.1.1. 2.1.3. **Legal Description.** The point of diversion for Race Well No. 1 is located

in the SW1/4 of the SE1/4 of Section 32, Township 5 South, Range 66 West of the 6th P.M., Arapahoe County, Colorado, at a point approximately 30 feet from the South section line and 1,530 feet from the East section line of said Section 32. 2.1.4. Source. Groundwater from the alluvium of Cherry Creek. 2.1.5. Date of Appropriation. December 31, 1986. 2.2. Race Well No. 3. 2.2.1. Original Decree. The original decree was entered in Case No. 86CW388(A) on January 29, 1991 by the District Court in and for Water Division 1 for a conditional water right not to exceed 681 acre-feet per year, at a rate of diversion of 1.00 cfs for the following beneficial uses: municipal, domestic, commercial, industrial, irrigation, recreation, fire protection purposes, either directly or by exchange, replacement of depletions, for exchange and substitution purposes, and augmentation purposes. 2.2.2. Subsequent Decrees. 2.2.2.1. Case No. 97CW395. The decree was entered on December 28, 2000 by the District Court in and for Water Division 1. The decree continued the conditional water rights in the amount of 681 acre-feet per year, at a diversion rate of 1.00 cfs, for all purposes described in paragraph 2.2.1, above. 2.2.2.2. Case No. 07CW131. The decree was entered on October 22, 2009 by the District Court in and for Water Division 1. The decree continued the conditional water rights in the amount of 681 acre-feet per year, at a diversion rate of 1.00 cfs, for all purposes described in paragraph 2.2.1, above. 2.2.2.3. Case No. 15CW3144. The decree was entered on February 8, 2018 by the District Court in and for Water Division 1. The decree continued the conditional water rights in the amount of 681 acre-feet per year, at a diversion rate of 1.00 cfs, for all purposes described in paragraph 2.2.1, above. 2.2.3. Legal Description. The point of diversion for Race Well No. 3 is located in the SW1/4 of the SW1/4 of Section 33, Township 5 South, Range 66 West of the 6th P.M., Arapahoe County, Colorado, at a point approximately 1,290 feet from the South section line and 2,540 feet West of the North/South center line of said Section 33. 2.2.4. Source. Groundwater from the alluvium of Cherry Creek. 2.2.5. Date of Appropriation. December 31, 1986. 2.3. Ford Well No. 1. 2.3.1. Original Decree. The original decree was entered in Case No. 86CW388(A) on January 29, 1991 by the District Court in and for Water Division 1 for a conditional water right not to exceed 1,797 acre-feet per year, at a rate of diversion of 2.67 cfs for the following beneficial uses: municipal, domestic, commercial, industrial, irrigation, recreation, fire protection purposes, either directly or by exchange, replacement of depletions, for exchange and substitution purposes, and augmentation purposes. 2.3.2. Subsequent Decrees. 2.3.2.1. Case No. 97CW395. The decree was entered on December 28, 2000 by the District Court in and for Water Division 1. The decree continued the conditional water rights in the amount of 1,797 acre-feet per year, at a diversion rate of 2.67 cfs, for all purposes described in paragraph 2.3.1, above. 2.3.2.2. Case No. 07CW131. The decree was entered on October 22, 2009 by the District Court in and for Water Division 1. The decree continued the conditional water rights in the amount of 1,797 acre-feet per year, at a diversion rate of 2.67 cfs, for all purposes described in paragraph 2.3.1, above. 2.3.2.3. Case No. 15CW3144. The decree was entered on February 8, 2018 by the District Court in and for Water Division 1. The decree continued the conditional water rights in the amount of 1,797 acre-feet per year, at a diversion rate of 2.67 cfs, for all purposes described in paragraph 2.3.1, above. 2.3.3. Legal Description. The point of diversion for Ford Well No. 1 is located in the NW1/4 of the SW 1/4 of Section 29, Township 5 South, Range 66 West of the 6th P.M., Arapahoe County, Colorado, at a point approximately 2,250 feet from the South section line and 450 feet from the West section line of said Section 29. 2.3.4. Source. Ground water from Cherry Creek alluvium. 2.3.5. Date of Appropriation. December 31, 1986. 2.4. Ford Well No. 2. 2.4.1. Original Decree. The original decree was entered in Case No. 86CW388(A) on January 29, 1991 by the District Court in and for Water Division 1 for a conditional water right not to exceed 1,796 acre-feet per year, at a rate of diversion of 2.67 cfs for the following beneficial uses: municipal, domestic, commercial, industrial, irrigation, recreation, fire protection purposes, either directly or by exchange, replacement of depletions, for exchange and substitution purposes, and augmentation purposes. 2.4.2. Subsequent Decrees. 2.4.2.1. Case No. 97CW395. The decree was entered on December 28, 2000 by the District Court in and for Water Division 1. By this decree, 2.62 cfs of the originally decreed 2.67 cfs was made absolute, leaving 0.05 cfs as conditional, not to exceed 1,796 acre-feet per year, for all purposes as described above in paragraph 2.4.1. 2.4.2.2. Case No. 07CW131. The decree was entered on October 22, 2009 by the District Court in and for Water Division 1. The decree continued the conditional water rights in the amount of 1,796 acre-feet per year, at a diversion rate of 0.05 cfs, for all purposes described in paragraph 2.4.1, above. 2.4.2.3. Case No. 15CW3144. The

decree was entered on February 8, 2018 by the District Court in and for Water Division 1. The decree continued the conditional water rights in the amount of 1,796 acre-feet per year, at a diversion rate of 0.05 cfs, for all purposes described in paragraph 2.4.1, above. 2.4.3. Legal description. The point of diversion for the Ford Well No. 2 is located in the SW1/4 of the SW1/4 of Section 29, Township 5 South, Range 66 West of the 6th P.M., Arapahoe County, Colorado, at a point approximately 1,200 feet from the South section line and 1,300 feet from the West section line of said Section 29. 2.4.4. Source. Ground water from Cherry Creek alluvium. 2.4.5. Date of Appropriation. December 31, 1986. 2.5. Murdock Well No. 2. 2.5.1. Original Decree. The original decree was entered in Case No. 86CW388(A) on January 29, 1991 by the District Court in and for Water Division 1 for a conditional water right not to exceed 1,289 acre-feet per year, at a rate of diversion of 1.78 cfs for the following beneficial uses: municipal, domestic, commercial, industrial, irrigation, recreation, fire protection purposes, either directly or by exchange, replacement of depletions, for exchange and substitution purposes, and augmentation purposes. 2.5.2. Subsequent Decrees. 2.5.2.1. Case No. 97CW395. The decree was entered on December 28, 2000 by the District Court in and for Water Division 1. The decree continued the conditional water rights in the amount of 1,289 acre-feet per year, at a diversion rate of 1.78 cfs, for all purposes described in paragraph 2.5.1, above. 2.5.2.2. Case No. 07CW131. The decree was entered on October 22, 2009 by the District Court in and for Water Division 1. The decree continued the conditional water rights in the amount of 1,289 acre-feet per year, at a diversion rate of 1.78 cfs, for all purposes described in paragraph 2.5.1, above. 2.5.2.3. Case No. 15CW3144. The decree was entered on February 8, 2018 by the District Court in and for Water Division 1. The decree made absolute 0.44 cfs of 1.78 cfs, and continued as conditional 1.34 cfs of the water right not to exceed 1,289 acre-feet per year, for all purposes as described above in paragraph 2.5.1. 2.5.3. Legal description. The point of diversion of Murdock Well No. 2 is located in the SW 1/4 of the NW 1/4 of Section 29, Township 5 South, Range 66 West of the 6th P.M., Arapahoe County, Colorado, at a point 1,710 feet from the North section line and 510 feet from the West section line of said Section 29. 2.5.4. Source. Ground water from Cherry Creek alluvium. 2.5.5. Date of Appropriation. December 31, 1986. 2.6. Deem Well. 2.6.1. Original Decree. The original decree was entered in Case No. 86CW388(A) on January 29, 1991 by the District Court in and for Water Division 1 for a conditional water right not to exceed 883 acre-feet per year, at a rate of diversion of 1.22 cfs for the following beneficial uses: municipal, domestic, commercial, industrial, irrigation, recreation, fire protection purposes, either directly or by exchange, replacement of depletions, for exchange and substitution purposes, and augmentation purposes. 2.6.2. Subsequent Decrees. 2.6.2.1. Case No. 97CW395. The decree was entered on December 28, 2000 by the District Court in and for Water Division 1. The decree continued the conditional water rights in the amount of 883 acre-feet per year, at a diversion rate of 1.22 cfs, for all purposes described in paragraph 2.6.1, above. 2.6.2.2. Case No. 07CW131. The decree was entered on October 22, 2009 by the District Court in and for Water Division 1. The decree continued the conditional water rights in the amount of 883 acre-feet per year, at a diversion rate of 1.22 cfs, for all purposes described in paragraph 2.6.1, above. 2.6.2.3. Case No. 15CW3144. The decree was entered on February 8, 2018 by the District Court in and for Water Division 1. The decree made absolute the remaining 883 acre-feet, at a diversion rate of 1.22 cfs, for all purposes as described above in paragraph 2.6.1. 2.6.3. Legal Description. The point of diversion for the Deem Well is located in the SE1/4 of the NE1/4 of Section 19, Township 5 South, Range 66 West of the 6th P.M., Arapahoe County, Colorado, 150 feet from the East section line and 41 feet North of the East/West center line of said Section 19. 2.6.4. Source. Ground water from Cherry Creek alluvium. 2.6.5. Date of Appropriation. December 31, 1986. 2.7. Smith Well No. 1. 2.7.1. Original Decree. The original decree was entered in Case No. 86CW388(A) on January 29, 1991 by the District Court in and for Water Division 1 for a conditional water right not to exceed 1,095 acre-feet per year, at a rate of diversion of 1.67 cfs for the following beneficial uses: municipal, domestic, commercial, industrial, irrigation, recreation, fire protection purposes, either directly or by exchange, replacement of depletions, for exchange and substitution purposes, and augmentation purposes. 2.7.2. Subsequent Decrees. 2.7.2.1. Case No. 97CW395. The decree was entered on December 28, 2000 by the District Court in and for Water Division 1. The decree continued the conditional water rights in the amount of 1,095 acre-feet per year, at a diversion rate of 1.67 cfs, for all purposes described in paragraph 2.7.1, above. 2.7.2.2. Case No. 07CW131. The decree was entered on October 22, 2009 by the

District Court in and for Water Division 1. The decree continued the conditional water rights in the amount of 1,095 acre-feet per year, at a diversion rate of 1.67 cfs, for all purposes described in paragraph 2.7.1, above. 2.7.2.3. Case No. 15CW3144. The decree was entered on February 8, 2018 by the District Court in and for Water Division 1. The decree made absolute the remaining 1,095 acre-feet, at a diversion rate of 1.67 cfs, for all purposes as described above in paragraph 2.7.1. 2.7.3. Legal Description. The point of diversion for the Smith Well No. 1 is located in the SW1/4 of the SE1/4 of Section 29, Township 5 South, Range 66 West of the 6th P.M., Arapahoe County, Colorado, at a point approximately 3,630 feet from the West section line and 15 feet from the South section line of said Section 29. 2.7.4. Source. Ground water from Cherry Creek alluvium. 2.7.5. Date of Appropriation. December 31, 1986. 2.8. Antonoff Well No. 1. 2.8.1. Original Decree. The original decree was entered in Case No. 86CW388(A) on January 29, 1991 by the District Court in and for Water Division 1 for a conditional water right not to exceed 1,823 acre-feet per year, at a rate of diversion of 2.78 cfs for the following beneficial uses: municipal, domestic, commercial, industrial, irrigation, recreation, fire protection purposes, either directly or by exchange, replacement of depletions, for exchange and substitution purposes, and augmentation purposes. 2.8.2. Subsequent Decrees. 2.8.2.1. Case No. 97CW395. The decree was entered on December 28, 2000 by the District Court in and for Water Division 1. The decree continued the conditional water rights in the amount of 1,823 acre-feet per year, at a diversion rate of 2.78 cfs, for all purposes described in paragraph 2.8.1, above. 2.8.2.2. Case No. 07CW131. The decree was entered on October 22, 2009 by the District Court in and for Water Division 1. The decree continued the conditional water rights in the amount of 1,823 acre-feet per year, at a diversion rate of 2.78 cfs, for all purposes described in paragraph 2.8.1, above. 2.8.2.3. Case No. 15CW3144. The decree was entered on February 8, 2018 by the District Court in and for Water Division 1. The decree continued the conditional water rights in the amount of 1,823 acre-feet per year, at a diversion rate of 2.78 cfs, for all purposes described in paragraph 2.8.1, above. 2.8.3. Legal Description. The point of diversion for the Antonoff Well No. 1 is located in the S1/2 of Section 9, Township 6 South, Range 66 West of the 6th P.M., Douglas County, Colorado, at a point approximately 2,800 feet from the West section line and 1,680 feet from the South section line of said Section 9. 2.8.4. Source. Ground water from Cherry Creek alluvium. 2.8.5. Date of Appropriation. December 31, 1986. 2.9. Antonoff Well No. 2. 2.9.1. Original Decree. The original decree was entered in Case No. 86CW388(A) on January 29, 1991 by the District Court in and for Water Division 1 for a conditional water right not to exceed 1,437 acre-feet per year, at a rate of diversion of 2.22 cfs for the following beneficial uses: municipal, domestic, commercial, industrial, irrigation, recreation, fire protection purposes, either directly or by exchange, replacement of depletions, for exchange and substitution purposes, and augmentation purposes. 2.9.2. Subsequent Decrees. 2.9.2.1. Case No. 97CW395. The decree was entered on December 28, 2000 by the District Court in and for Water Division 1. The decree continued the conditional water rights in the amount of 1,437 acre-feet per year, at a diversion rate of 2.22 cfs, for all purposes described in paragraph 2.9.1, above. 2.9.2.2. Case No. 07CW131. The decree was entered on October 22, 2009 by the District Court in and for Water Division 1. The decree continued the conditional water rights in the amount of 1,437 acre-feet per year, at a diversion rate of 2.22 cfs, for all purposes described in paragraph 2.9.1, above. 2.9.2.3. Case No. 15CW3144. The decree was entered on February 8, 2018 by the District Court in and for Water Division 1. The decree continued the conditional water rights in the amount of 1,437 acre-feet per year, at a diversion rate of 2.22 cfs, for all purposes described in paragraph 2.9.1, above. 2.9.3. Legal Description. The point of diversion of the Antonoff Well No. 2 is located in the SW1/4 of the SE1/4 of Section 9, Township 6 South, Range 66 West of the 6th P.M., Douglas County, Colorado, at a point approximately 849.9 feet North of the South section line and 3,302 feet East of the West section line of said Section 9. 2.9.4. Source. Ground water from Cherry Creek alluvium. 2.9.5. Date of Appropriation. December 31, 1986. 2.10. Loyd Well No. 2. 2.10.1. Original Decree. The original decree was entered in Case No. 86CW388(A) on January 29, 1991 by the District Court in and for Water Division 1 for a conditional water right not to exceed 1,854 acre-feet per year, at a rate of diversion of 2.74 cfs for the following beneficial uses: municipal, domestic, commercial, industrial, irrigation, recreation, fire protection purposes, either directly or by exchange, replacement of depletions, for exchange and substitution purposes, and augmentation purposes. 2.10.2. Subsequent Decrees. 2.10.2.1. Case No. 97CW395. The decree was entered

on December 28, 2000 by the District Court in and for Water Division 1. The decree made absolute 2.17 cfs of the 2.67 cfs and continued 0.57 cfs as conditional in the amount of 1,854 acre-feet per year, for all purposes described in paragraph 2.10.1, above. 2.10.2.2. Case No. 07CW131. The decree was entered on October 22, 2009 by the District Court in and for Water Division 1. The decree continued the conditional water rights in the amount of 1,854 acre-feet per year, at a diversion rate of 0.57 cfs, for all purposes described in paragraph 2.10.1, above. 2.10.2.3. Case No. 15CW3144. The decree was entered on February 8, 2018 by the District Court in and for Water Division 1. The decree made absolute the remaining 1,854 acre-feet, at a diversion rate of 0.57 cfs, for all purposes as described above in paragraph 2.10.1. 2.10.3. Legal Description. The point of diversion of the Loyd Well No. 2 is located in the SW1/4 of the NE1/4 of Section 9, Township 6 South, Range 66 West of the 6th P.M., Douglas County, Colorado, at a point approximately 2,640 feet South and 2,310 feet West of the Northeast corner of said Section 9. 2.10.4. Source. Ground water from Cherry Creek alluvium. 2.10.5. Date of Appropriation. December 31, 1986. 2.11. Place of Use. The place of use of the conditional water rights described above shall be within the present and future service area of the Applicant, with such present service area shown on **Exhibit 1**. 3. Description of Conditional Appropriative Rights of Substitution and Exchange. 3.1. The 1986 Exchange. 3.1.1. Original Decree. Case No. 86CW388(A), decreed by the District Court in and for Water Division 1 on January 29, 1991, at an annual maximum rate of 10.0 cubic feet per second, with an appropriation date of April 21, 1986. The purpose of the appropriative right of substitution and exchange is to permit continuous diversions of water for all municipal purposes, including domestic, industrial, commercial, irrigation, stock watering, recreation, fish and wildlife and fire protection from the alluvial, tributary wells referenced in paragraph 2, above, when diversions would otherwise not be permitted. 3.1.1.1. Pursuant to the decree entered in Case No. 86CW388(A), ACWWA may divert water from the well structures described in paragraph 2, above, in amounts equal to the return flows from the Lone Tree Wastewater Treatment Plant, either through direct discharge to the stream, discharge to rapid infiltration basins, or land application, the credit for lawn grass irrigation return flows, and direct discharges into the stream from the nontributary water rights. 3.1.1.2. Pursuant to the decree entered in Case No. 86CW388(A), ACWWA may exchange water and return flow credits from the Lone Tree Wastewater Treatment Plant down Lone Tree Creek to the confluence with Cherry Creek, upstream to any of the wells described herein, specifically including the Antonoff Wells and Loyd Wells located in Section 9, Township 6 South, Range 66 West of the 6th P.M., Douglas County, Colorado. 3.1.2. Subsequent Decrees. 3.1.2.1. Case No. 97CW395. In Case No. 97CW395, 2.13 cfs of the 10.0 cfs was decreed absolute, and diligence was found with respect to the remaining 7.87 cfs. 3.1.2.2. Case No. 07CW131. In Case No. 07CW131, the remaining 7.87 cfs was continued as conditional. 3.1.2.3. Case No. 15CW3144. In Case No. 15CW3144, 1.53 cfs of 7.87 cfs was made absolute and continued 6.34 cfs as conditional. 3.2. The 1988 Exchange. 3.2.1. Original Decree. Case No. 86CW388(A), decreed by the District Court in and for Water Division 1 on January 29, 1991, at an annual maximum rate of 20.0 cfs, with an appropriation date of April 12, 1988. The purpose of this appropriative right of substitution and exchange was to permit continuous diversions of water for all municipal purposes, including domestic, industrial, commercial, irrigation, stock watering, recreation, fish and wildlife and fire protection from the tributary wells referenced herein, when diversions would otherwise not be permitted. 3.2.1.1. Pursuant to the supplemental decree entered in Case No. 86CW388(A) on December 9, 1991, Applicant may divert pursuant to the exchange decreed herein so long as sufficient water is released from Cherry Creek Reservoir, or with the approval of the Division Engineer, and sufficient water is transferred to or booked over to other water accounts in Cherry Creek Reservoir to satisfy a senior call. 3.2.1.2. ACWWA may exchange water from Cherry Creek Reservoir, upstream to any of the wells described herein, specifically including the Antonoff Wells and Loyd Wells located in Section 9, Township 6 South, Range 66 West of the 6th P.M., Douglas County, Colorado. 3.2.2. Subsequent Decrees. 3.2.2.1. Case No. 97CW395. In Case No. 97CW395, 0.30 cfs of the 20 cfs was decreed absolute, and diligence was found with respect to the remaining 19.70 cfs. 3.2.2.2. Case No. 07CW131. In Case No. 07CW131, the remaining 19.70 cfs was continued as conditional. 3.2.2.3. Case No. 15CW3144. In Case No. 15CW3144, the remaining 19.70 cfs was continued as conditional. 4. Claim for Finding of Reasonable Diligence. Pursuant to paragraph 7.5 of the decree entered in Case No. 90CW201 and section 37-92-301(4)(b) of the

Colorado Revised Statutes, the “conditional water rights decreed herein are part of a unified, integrated system which will provide water within the Applicant’s service area. For purposes of demonstrating diligence, work on one feature of the project or system shall be considered in finding that reasonable diligence has been shown in the development of all water rights conditionally decreed herein, and shall constitute diligence toward the development of each of the conditional water rights decreed herein.” A detailed list of work done toward completion or for completion of the appropriations and application of water to a beneficial use as conditionally decreed includes, but is not limited to, the following: 4.1. Well Maintenance. During this diligence period ACWWA spent approximately \$3.0 million on repairs and maintenance and capital equipment for ACWWA’s water distribution system and wells. 4.2. Upper Cherry Creek Water Association. ACWWA is a member of the Upper Cherry Creek Water Association (“UCCWA”). UCCWA developed a very complex regional plan for augmentation, involving one conditional water storage right and one conditional appropriative right of exchange with several exchange-to and exchange-from points, which was originally decreed in Case No. 01CW284 on December 4, 2007. The water rights under the regional plan were continued as conditional and certain portions made absolute by the decree entered on April 29, 2022 in Case No. 21CW3197. ACWWA is currently operating under the UCCWA plan, and has expended substantial sums on engineering and legal fees in participating in the UCCWA regional plan. 4.3. Joint Water Purification Plant. During this diligence period, ACWWA and Cottonwood Water and Sanitation District (“CWSD”) made improvements at the Joint Water Purification Plant (the “JWPP”), a water treatment facility which is co-owned by ACWWA, CWSD, and the Arapahoe County Water and Wastewater Public Improvement District. The improvements included the replacement of reverse osmosis membranes and the design, construction, and commissioning of a new biological treatment system (“BTS”). The BTS treats the reverse osmosis concentrate produced by the JWPP prior to discharge. The JWPP was constructed specifically to fully use and reuse the alluvial water rights of ACWWA and CWSD. Nine of CWSD’s alluvial wells and several of ACWWA’s alluvial wells are specifically listed as exchange to points under the decree entered in Case No. 01CW284. Water which is exchanged up to the alluvial wells of ACWWA and CWSD is typically treated at the JWPP before delivery to customers. Therefore, the improvements made at the JWPP increase and support the ability of ACWWA and CWSD to use the subject exchange. ACWWA expended approximately \$8.2 million for the design and construction of the JWPP concentrate biological treatment system. 4.4. Lawn Irrigation Return Flow Analysis. In 2023, ACWWA’s engineering consultants prepared and submitted to the Division Engineer an analysis of lawn irrigation return flows throughout Applicant’s service area pursuant to the decree entered in Case No. 86CW388(A). Said return flows will provide part of the physical and legal water supply for all of the structures and conditional water rights described herein. 4.5. Case No. 22CW3078. ACWWA has developed a nonpotable water system, which may be served in part by the structures and Conditional Water Rights described in paragraph 3 of this Decree. ACWWA has constructed some of the facilities necessary to operate the nonpotable system. That system is currently being expanded, in part by Chambers Reservoir in Douglas County. By the decree entered in Case No. 96CW1144 on May 19, 2016, the Court approved ACWWA’s plan for augmentation which resulted in additional augmentation supplies being available to support the use of the wells which are the subject of this case. This decree also adjudicated a conditional water storage right for Chambers Reservoir. The predominant use of Chambers Reservoir is expected to be as an element of ACWWA’s nonpotable water system and for management and release of augmentation water supplies. 4.6. Chambers Reservoir. During the subject diligence period, the Division of Water Resources Dam Safety Branch performed a final construction inspection of the synthetic liner installation project at Chambers Reservoir Dam and approved the synthetic liner. This reservoir operation will increase the demand for ACWWA to operate the subject exchange. Additionally, releases from Chambers Reservoir are a source of augmentation water and may be exchanged to the upstream point of ACWWA’s depletions pursuant to the subject exchange. The Chambers Reservoir storage right was decreed in Case No. 96CW1144. 4.8. ACWWA Flow Project. In 2009 ACWWA contracted with United Water and Sanitation District (“United”) and East Cherry Creek Valley Water & Sanitation District (“ECCV”) to develop the ACWWA Flow Project. When fully developed, this project will acquire, treat and deliver 4,400 acre feet of annual average yield water rights from ditch systems in the South Platte Basin to the ECCV Water

Treatment Plant for treatment, then to ACWWA for use. This water will be used for ACWWA's customers and its return flows will be used in ACWWA's augmentation plan, which will use ACWWA's alluvial wells to supply ACWWA additional potable and non-potable water supplies. ACWWA has numerous wells that are listed as exchange points in this Application. Water which is exchanged up to ACWWA's alluvial wells can be stored in Chambers Reservoir for use. Therefore, the development of the ACWWA Flow Project increases and supports ACWWA's ability to use the subject exchange. The total estimated cost of the Phase II infrastructure is \$60 million for an additional 10 million gallons of pumping and treatment capacity. The Booster Pump Stations are approximately \$25 million and the NWTP Expansion is approximately \$35 million. ACWWA has purchased an additional 3 million gallons of capacity from these facilities, totaling about \$18 million in capital expenditure for the project. 4.9. 2019 Draft Integrated Master Plan. During this diligence period, ACWWA began updating its 2011 Master Plan. The updated integrated master planning effort involves assessing the condition and performance of the existing systems, including improvements that have occurred since the 2011 master plan, analyzing existing and future water storage needs, examining existing and future supply and demand/ load analysis, analyzing and assessing treatment plant and lift station capacity, identifying capital improvement projects, and proposing an overall phased capital improvement program. The plan fully relies on ACWWA's alluvial water rights (including numerous wells that are listed as exchange points in Case No. 01CW284) and the augmentation of the use of those wells when not in priority to ensure ACWWA has an efficient system. Therefore, the development of this planning document increases and supports ACWWA's ability to use the subject exchange. 4.10. Protection of Water Rights. During the diligence period, ACWWA has been an active objector in numerous Water Court cases involving Cherry Creek, in which it seeks to protect its decreed and vested water rights. 4.11. ACWWA continues to rely upon and develop the conditional water right described herein and has no intent to abandon them. **5. Claim to Make Amounts Absolute**. During this diligence period, ACWWA has made absolute a portion of the Race Well No. 1 water right in the amount of 2.40 cfs of 2.67 cfs, diverted from May 23 – 29, 2022, leaving 0.27 cfs conditional. WHEREFORE, ACWWA respectfully request that this Court enter an order finding that 2.40 cfs of the Race Well No. 1 water right has been made absolute and reasonable diligence has been exercised in the development of the remaining conditional water rights described herein and such rights be continued as conditional. (15 pages, 1 Exhibit)

2024CW3021 (W-9476-78, 84CW253, 88CW107, 95CW033, 01CW191, 10CW294, 17CW3139) THE TOWN OF NEDERLAND (“Applicant” or “Town”), c/o Miranda Fisher, Town Administrator, P. O. Box 396, Nederland, CO 80466, Email: TownAdmin@Nederlandco.org, Telephone: (303) 258-3266. Please direct all correspondence concerning this Application to: Aaron Ladd, Esq. and Rachel L. Bolt, Esq., Vranesh and Raisch, LLP, 5303 Spine Road, Suite 202, Boulder, CO 80301; Email: asl@vrlaw.com; rlb@vrlaw.com; Telephone: (303) 443-6151. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN BOULDER COUNTY**. 2. Name of Structure: Nederland Reservoir. The water right decreed to Nederland Reservoir is also referred to below as the “Subject Conditional Water Right.” 3. Description of Subject Conditional Water Right: A. Date of Original Decree: Case No. W-9476-78, State of Colorado, District Court, Water Division 1, entered on July 29, 1980. B. Subsequent decrees awarding findings of reasonable diligence, in Water Division 1: Case No. 84CW253, entered April 25, 1985; Case No. 88CW107, entered February 10, 1989; Case No. 95CW033, entered October 18, 1995; Case No. 01CW191, entered December 7, 2004; Case No. 10CW294, entered September 1, 2011; and Case No. 17CW3139, entered February 21, 2018. C. Legal description: Nederland Reservoir is decreed in the S1/2, SE1/4, Section 14, Township 1 South, Range 73 West, 6th P.M., Boulder County, Colorado at a point whence the SE corner of said Section 14 bears S 57° 15' E, a distance of 1,145 feet, more or less. See the map attached hereto as **Exhibit A**. D. Source of Water: Middle Boulder Creek. E. Appropriation Date and Amount: January 6, 1973; 100 acre-feet, CONDITIONAL, with the right to fill and refill. F. Uses: Municipal, recreational, piscatorial, fire protection, augmentation, exchange and irrigation. 4. Provide a detailed outline of what has been done toward completion or for completion of the appropriation and application of water to beneficial use as conditionally decreed, including expenditures, during the previous diligence period: A. Nederland Reservoir is part of an integrated system of water rights and facilities

associated with the Town's water and wastewater systems and its decreed augmentation plan, decreed in Case No. W-8485-77 (the "Augmentation Plan"), as confirmed in Case Nos. 01CW191, 10CW294, and 17CW3139. Nederland Reservoir is a critical component of the Town's water system and will provide the Town with a resilient, secure, upstream raw water supply to meet future growth projections and a firm water supply that can be used in times of drought or low flows in Middle Boulder Creek, which have become more common in recent years. The reservoir may also be used as an alternative location to store augmentation water currently stored via contract and/or to provide alternate water supplies in the event of disruptions to water quality in Middle Boulder Creek. B. As set forth in the Town's Strategic Plan, developing Nederland Reservoir and updating the Town's water systems remains a top priority of the Town Board and the Town has and will continue to expend significant sums continuing the engineering, design, and permitting necessary for construction of Nederland Reservoir. C. During the diligence period, the Town improved its intake, water treatment, and water delivery infrastructure. Among these, the Town spent approximately \$74,000 to excavate and rehabilitate the Town's intake infrastructure and complete a pipeline to allow the Town to bypass its existing settlement ponds in case of emergency. In addition, the Town made numerous upgrades to its distribution system at a cost of over \$220,000, including the replacement of numerous water meters and hydrants, water main repairs, and the replacement and upgrade of various other components of the distribution system. D. During the diligence period, the Town completed a multimillion-dollar modernization and upgrade of its wastewater treatment facility. This facility is an integral part of the Town's Augmentation Plan as it provides return flows to Middle Boulder Creek. As part of this upgrade, the Town built a new biosolids handling and dewatering facility at a cost of \$2,000,000. The construction of this facility allowed the Town to significantly reduce the size of its holding pond and the amount of the Town's augmentation water allocated to replacing the evaporation from that facility. E. The Town took specific steps toward the development, design and construction of Nederland Reservoir. The Town engaged DiNatale Water Consultants ("DiNatale") at a cost exceeding \$41,000 to conduct feasibility and cost analysis for the development of Nederland Reservoir. This work includes investigating potential alternative locations where the reservoir could be constructed to maximize benefits to the Town, such as off-channel construction that would isolate the storage from on-channel water quality incursions. This evaluation is ongoing. The Town had discussions with the owners of property upstream from the Town's raw water intake that could be used as an alternative location for Nederland Reservoir. Town staff, along with its legal counsel and water engineers, recently participated in a site visit at this location to assess its viability for storage. Additional study and investigations are needed, but initial assessments of this alternate site are promising. F. Over the diligence period, the Town engaged legal counsel to assist in the development of Nederland Reservoir. The Town also engaged legal counsel to assist in matters concerning its water rights, operation of its augmentation plan, accounting, monitoring the water court resume, and filing statements of opposition to protect the Town's water rights. The Town incurred more than \$72,000 for said legal services during the diligence period. G. The Town incurred more than \$46,000 in costs to DiNatale for, among other things, water rights engineering and consulting services and augmentation plan accounting, which amount includes the sums expended toward the development of Nederland Reservoir, listed above. In addition, the Town paid approximately \$8,000 to JVA Consulting Engineers to assist with the Town's infrastructure development, including its raw water diversion improvements listed above. H. In addition to legal and engineering expenditures, Town Staff have dedicated significant time and attention to the development of Nederland Reservoir; however, it is difficult to assign specific expenses associated with such efforts. I. The Town is in the process of completing an update of its Master Infrastructure Plan, at a cost of approximately \$79,000 to date. This plan outlines the Town's long-range capital improvement projects, including the development of Nederland Reservoir. J. Based on the work outlined above, the Town seeks a decree finding that it has exercised reasonable diligence in development of the Subject Conditional Water Right and continuing the Subject Conditional Water Right for an additional diligence period. K. The Town reserves the right to provide additional detail and evidence related to the tasks described in this Application, or descriptions and evidence of additional work performed during the diligence period not listed here, as may be necessary to support its claims in this matter. 5. Names and addresses of owners or reputed owners of the land upon which any new diversion or storage structure, or modification to any

existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool: A. Applicant. B. The Estate of Virginia H. Evans, Mr. Joseph M. Evans, Ms. Kayla Lee Evans, Ms. Tamara Evans Holmboe, P.O. Box 100, Nederland, CO 80466-0100. C. Ms. Tamara Evans Holmboe, Ms. Kayla Lee Evans, 1250 Eldora Road, Nederland, CO 80466. WHEREFORE, Applicant requests the Court enter a decree granting the Application herein determining Applicant exercised reasonable diligence with respect to the Subject Conditional Water Right and continuing said right, in the full amount set forth herein, in full force and effect for another six years or until made absolute by reason of the completion of the appropriation. (8 pgs., 1 Exhibit)

2024CW3022 THE HARMONY DITCH COMPANY, c/o John Monheiser, 30171 County Road 75, Crook, Colorado 80726. Please direct all correspondence and pleadings in this matter to: The Law Office of John D. Buchanan, PO Box 140207, Edgewater, Colorado 80214, (720) 413-2773, john@jdbuchananlaw.com. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN LOGAN AND SEDGWICK COUNTIES. Conditional Water Right**: Harmony Augmentation Water Right. 2. Name of Structure: The Harmony Ditch a. Original and subsequent decrees: Case No. 2002CW363 entered on June 15, 2004, nunc pro tunc June 7, 2004; Case No. 2017CW3067 entered on February 14, 2018; Case No. 2010CW153 entered on April 20, 2011; and Case No. 2008CW289 entered on August 17, 2017, all by the district court, Water Division 1 (the “Decrees”). b. Legal Description of Point of Diversion: The headgate of the Harmony Ditch is located in the Southwest corner of the Southwest 1/4 of Sec. 19, T10N, R49W of the 6th P.M., Logan County, Colorado. c. Source: South Platte River. d. Appropriation date: December 31, 2002. e. Amount: 252 cfs, of which 50 cfs is absolute and 202 cfs remains conditional, and up to 7,500 acre-feet of water during any period from November 1 to October 31, absolute. f. Use: Recharge of the alluvial aquifer, stock watering, recreation, fish and wildlife purposes and fire protection. The water is used for immediate application to beneficial use, for storage and subsequent application to beneficial use, for substitution and exchange, for replacement of depletions, for recharge of the aquifer, and for augmentation purposes. The augmentation purposes include the designated uses and domestic, industrial and commercial uses under The Harmony Ditch system and in the Town of Crook. Water may be fully consumed during the first use of the water, or recaptured and reused until the water is fully consumed. 3. **Conditional Water Right**: Harmony Ditch Substitution and Exchange Right. a. Name of Structure: The Harmony Ditch. b. Original and subsequent decrees: The Decrees listed in section 2 above. c. Legal Description of Point of Diversion: The headgate of the Harmony Ditch, described in section 2.b above. c. Source: South Platte River. d. Appropriation date: March 28, 2002. e. Amount: 225 cfs, conditional. f. Use: Recharge of the alluvial aquifer, stock watering, recreation, fish and wildlife purposes and fire protection. The water is used for immediate application to beneficial use, for storage and subsequent application to beneficial use, for substitution and exchange, for replacement of depletions, for recharge of the aquifer, and for augmentation purposes. The augmentation purposes include the designated uses and domestic, industrial and commercial uses under The Harmony Ditch system and in the Town of Crook. Water may be fully consumed during the first use of the water, or recaptured and reused until the water is fully consumed. 4. Detailed Outline of Work Performed to Complete Application of Water to Beneficial Use. During the current diligence period, Applicant has continued to divert and beneficially use the Harmony Augmentation Water Right as necessary to generate accretions to the South Platte River to augment out-of-priority depletions. Harmony has continued to maintain and operate its ditch system and associated diversion structures, including recharge ponds and groundwater wells, so that it will be ready and able to divert and use the Harmony Augmentation Water Right when water is available pursuant to replace out-of-priority depletions. 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 is or Will be Constructed or Upon Which Water is or Will be Stored, Including Any Modification to the Existing Storage Pool. No new diversion or storage structures, or modifications to any existing diversion or storage structures, and no water will be stored nor will any modifications to existing storage pools be made pursuant to this application. WHEREFORE, Applicant requests that the Court find and determine that Applicant has demonstrated reasonable diligence in attempting to put the conditional

portions of the above described water rights to beneficial use, and requests that the Court enter a decree finding and determining that Applicant has exercised reasonable diligence in the development of said water rights and that said water rights shall be continued for an additional diligence period.

2024CW3023 MATTHEW G. WELTER, MARGRET A. WILLIS, AND CHRISTIAN E. WILLIS, 7935 E State Hwy 86, Franktown, CO 80116. James J. Petrock, David S. Hayes, Hayes Poznanovic Korver LLC, 700 17th Street, Suite 1800, Denver, CO 80202. **APPLICATION FOR UNDERGROUND WATER RIGHTS AND PLAN FOR AUGMENTATION FROM NONTRIBUTARY AND NOT-NONTRIBUTARY SOURCES IN THE NONTRIBUTARY LOWER DAWSON, DENVER, ARAPAHOE, AND LARAMIE-FOX HILLS AQUIFERS AND THE NOT-NONTRIBUTARY UPPER DAWSON AQUIFER IN DOUGLAS COUNTY.** Subject Property: A parcel totaling approximately 12.02 acres generally located in the NE1/4 of the NE1/4 of Section 2, Township 8 South, Range 66 West of the 6th P.M., also known as 7935 E State Highway 86, Franktown, Douglas County, State of Colorado, as shown on **Exhibit A** (“Subject Property”). 3. Lien Holder Certification: Applicants certify that they have provided notice to all mortgage or lien holders as required under C.R.S. § 37-92-302(2)(b). 4. Well Permits: There is one existing exempt Upper Dawson Aquifer domestic use well on the Subject Property under Well Permit Number 31981-A, which will be re-permitted under the augmentation plan applied for in this Application. Additional well permits will be applied for prior to construction of additional wells. 5. Source of Water Rights: The Upper Dawson Aquifer is not-nontributary (“NNT”) as defined in C.R.S. § 37-90-103(10.7), and the Lower Dawson, Denver, Arapahoe, and Laramie-Fox Hills aquifers are nontributary (“NT”) as defined in C.R.S. § 37-90-103(10.5). 6. Estimated Amounts: Applicants desire to leave no groundwater unadjudicated. Applicants estimate the following amounts may be available for withdrawal, based on a 100-year withdrawal period:

Aquifer	Annual Amount (acre-feet)
Upper Dawson (NNT)	2.68
Lower Dawson (NT)	1.24
Denver (NT)	4.82
Arapahoe (NT)	5.60
Laramie-Fox Hills (NT)	3.43

Proposed Uses: Groundwater withdrawn from the not-nontributary and nontributary aquifers underlying the Subject Property will be used, reused, and successively used to extinction for all allowable beneficial uses, including, but not limited to, domestic, including in-house use, commercial, irrigation, stock watering, fire protection, recreational, fish and wildlife, and augmentation purposes, including storage. The water may be immediately used or stored for subsequent use, used for exchange purposes, for direct replacement of depletions, and for other augmentation purposes, including taking credit for all return flows resulting from the use of such water for augmentation of, or as an offset against, any out-of-priority depletions. The water may be leased, sold, or otherwise disposed of for all the above uses both on and off the Subject Property. 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: Up to 2.60 acre-feet per year for 100 years of not-nontributary 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 not-nontributary Upper Dawson Aquifer groundwater will be used in two (2), or more, wells. Each well will withdraw up to 1.3 acre-feet per year and will provide in-house use in up to two (2) single-family dwellings or their equivalent (0.6 acre-feet per year), irrigation of up to 12,000 square-feet of home lawn, grass, trees, and gardens (0.6 acre-feet per year), watering of up to 8 large domestic animals (0.1 acre-feet per year), fire protection, and storage anywhere on 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 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 South Platte River stream system and return flows accrue to that stream 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. 4 pages.

2024CW3024 APPLICATION FOR CONDITIONAL GROUND WATER RIGHTS AND PLAN FOR AUGMENTATION INCLUDING WATER EXCHANGE PROJECT IN WELD COUNTY. DREAM WEAVER HOLDINGS, LLC, c/o Jennifer M. DiLalla, Moses, Wittemyer, Harrison and Woodruff, P.C., 2595 Canyon Blvd., Suite 240, Boulder, CO 80302

1. Name, address, and telephone number of applicant: Dream Weaver Holdings, LLC, c/o Jon P. File, P. O. Box 983, Broomfield, Colorado 80038

Conditional Ground Water Rights

2. Dream Weaver CR 3-1/4 Well: 2.1 Permit number: Pending (application date: February 28, 2024). 2.2 Legal description of structure: NW1/4 NW1/4 Sec. 32, T2N, R68W, 6th P.M., Weld County, as shown on **Exhibit A**. 2.3 Point of diversion: UTM 497220.68 easting, 4438986.476 northing, NAD83, Zone 13, as shown on **Exhibit A**. Source of UTM coordinates: ALTA survey referenced to NGS datum AE6474; accurate to within 1 foot. All UTM coordinates given in this Application are NAD83, Zone 13. 2.4 Source: Ground water tributary to Plumb Creek, tributary to Idaho Creek, tributary to St. Vrain Creek, tributary to the South Platte River. 2.5 Depth of well: 10-15 feet (anticipated; not yet constructed). 2.6 Appropriation date: February 29, 2024, the date this Application was filed. 2.7 Amount: 450 gallons per minute, up to 200 acre-feet per year (“afy”), CONDITIONAL. 2.8 Uses: 2.8.1 In-reservoir use by means of storage in Filly Lake (WDID 0603372): Replacement of evaporation; recreation; fish/wildlife propagation. Filly Lake is located in the W1/2 of Sec. 32 and the E1/2 of Sec. 31, T2N, R68W of the 6th P.M., Weld County, as shown on **Exhibits A and C**. 2.8.2 Use following storage in Filly Lake: Augmentation use within the plan for augmentation described in paragraphs 5-8 below and within any subsequently decreed augmentation plan that includes the water right as an approved augmentation supply. 2.8.3 Direct use and use following storage in Filly Lake: Industrial, including mining and mining-related uses. The locations of industrial use will be as described in the decree entered by this Court on May 26, 2017, in Case No. 02CW216 (“02CW216 Decree”) for the Filly Lake 2002 Right (approximately 226.68 acres owned by Farfrumwurkin, LLLP, and approximately 25 acres owned by James and Barbara Eddleman, all in Section 32, Township 2 North, Range 68 West of the 6th P.M., Weld County); and the Filly Lake 2005 Right (property owned or under contract by Farfrumwurkin, LLLP, by affiliated companies, or by Farfrumwurkin, LLLP’s successors or assigns in ownership of the Filly Lake 2005 Right, including property owned by 35 Acre, LLC, and consisting of approximately 35 acres located in Section 17, Township 2 North, Range 68 West of the 6th P.M., Weld County, Colorado; and property owned by Kenneth and Judith Schell and consisting of approximately 63.18 acres in the SE1/4 of Section 31, Township 2 North, Range 68 West of the 6th P.M., Weld County). The locations of industrial use are approximately shown on the map attached as **Exhibit B**, which was Exhibit A-1 to the 02CW216 Decree. 2.9 Augmentation plan: Pending; described in paragraphs 5-8 below. Depletions resulting from the uses described in paragraph 2.8 above will be considered 100% consumptive. 3. Coyote Pond (a/k/a North Pond) (WDID 0602543): 3.1 Type of structure: Pond well. 3.2 Permit number: 85458-F. 3.3 Legal description of structure: NW1/4 NW1/4 Sec. 32, T2N, R68W, 6th P.M., Weld County, as shown on **Exhibit A**. 3.4 Location of ground water inflow: UTM 497145.86 easting, 4438717.52 northing, as shown on **Exhibit A**. Source of UTM coordinates: ALTA survey referenced to NGS datum AE6474; accurate to within 1 foot. 3.5 Source: Ground water tributary to Plumb Creek, tributary to Idaho Creek, tributary to St. Vrain Creek, tributary to the South Platte River. 3.6 Depth of pond well: 15 feet. 3.7 Appropriation date: February 29,

2024, the date this Application was filed. 3.8 Amount: 17 gallons per minute (“gpm”); 12.5 afy; CONDITIONAL. 3.9 Preexisting natural vegetative cover: Consistent with C.R.S. §§ 37-80-120(5) and 37-92-305(12)(a), Dream Weaver claims an augmentation credit for the historical natural depletion to the waters of the state caused by preexisting natural vegetative cover on the surface of the area that has been permanently replaced by an open water surface. As of the date of this Application, Dream Weaver’s engineering consultant has calculated that credit as 6.15 afy. 3.10 Use: Replacement of evaporation from pond used for fish/wildlife propagation. 3.11 Augmentation plan: Pending; described in paragraphs 5-8 below. 4. Mila Pond (a/k/a East Pond) (WDID 0602543): 4.1 Type of structure: Pond well. 4.2 Permit number: 85458-F. 4.3 Legal description of structure: NE1/4 SW1/4 Sec. 32, T2N, R68W, 6th P.M., Weld County, as shown on **Exhibit A**. 4.4 Location of ground water inflow: UTM 497450.303 easting, 4438261.67 northing, as shown on **Exhibit A**. Source of UTM coordinates: ALTA survey referenced to NGS datum AE6474; accurate to within 1 foot. 4.5 Source: Ground water tributary to Plumb Creek, tributary to Idaho Creek, tributary to St. Vrain Creek, tributary to the South Platte River. 4.6 Depth of pond well: 15 feet. 4.7 Appropriation date: February 29, 2024, the date this Application was filed. 4.8 Amount: 19 gpm; 14 afy; CONDITIONAL. 4.9 Use: Replacement of evaporation from pond used for fish/wildlife propagation. 4.10 Augmentation plan: Pending; described in paragraphs 5-8 below. 4.11 Comments: Mila Pond lies within the footprint of Nelson Lake, which is described in the 02CW216 Decree. **Plan for Augmentation Including Water Exchange Project** 5. Augmented structures and amounts: 5.1 Dream Weaver CR 3-1/4 Well, as described in paragraph 2 above. 5.2 Coyote Pond, as described in paragraph 3 above. 5.3 Mila Pond, as described in paragraph 4 above. 6. Water rights to be used for augmentation: 6.1 Filly Lake 2002 Right: 6.1.1 Original decree: The 02CW216 Decree. 6.1.2 Relevant subsequent decrees: N/A. Farfrumwurkin LLLP’s application to make the Filly Lake 2002 Right fully absolute is pending in Case No. 23CW3058. 6.1.3 Type of water right: Storage. 6.1.4 Legal description of structure: As described in paragraph 2.8.1 above. 6.1.5 Sources and points of diversion: Boulder Creek and Coal Creek through the Boulder and Weld County Ditch (“BWCD”), which also collects seepage, runoff, and side-channel flows that supply Filly Lake when shareholders of the Boulder and Weld County Ditch Company are not using the same under decreed water rights. Fill rate: 59 cfs. 6.1.5.1 The headgate of the BWCD is located on Boulder Creek in the NW1/4 of Section 15, T1N, R69W of the 6th P.M., Boulder County, at a point approximately 1,100 feet East and 1,100 feet South of the Northwest corner of said Section 15, as shown on **Exhibit C**. 6.1.5.2 Seepage, runoff, and side-channel flows enter the BWCD from numerous points, including but not limited to the NE1/4 NE1/4 of Section 15, T1N, R69W; and the SE1/4 NE1/4 of Section 6, T1N, R68W; all of the 6th P.M., Boulder County, as shown on **Exhibit C**. 6.1.5.3 The BWCD diverts water from Coal Creek in the NE1/4 NE1/4 of Section 12, T1N, R69W of the 6th P.M., Boulder County, as shown on **Exhibit C**. 6.1.6 Appropriation date: October 1, 2002. 6.1.7 Amount: 590 acre-feet (“af”), conditional, all of which is the subject of a pending claim to make absolute in Case No. 23CW3058 and all of which is included in but not dedicated solely to this augmentation plan. The 590 af decreed to the Filly Lake 2002 Right is cumulative with and not in addition to the 590 af decreed to the Filly Lake 2005 Right. 6.1.8 Decreed uses: Industrial (including mining and mining-related), irrigation, and augmentation. 6.2 Filly Lake 2005 Right: 6.2.1 Original decree: The 02CW216 Decree. 6.2.2 Relevant subsequent decrees: N/A. Farfrumwurkin LLLP’s application to make the Filly Lake 2005 Right fully absolute is pending in Case No. 23CW3058. 6.2.3 Type of water right: Storage. 6.2.4 Legal description of structure: As described in paragraph 6.1.4 above. 6.2.5 Sources and points of diversion: As described in paragraph 6.1.5 above. 6.2.6 Appropriation date: December 31, 2005. 6.2.7 Amount: 590 af, conditional, all of which is the subject of a pending claim to make absolute in Case No. 23CW3058 and all of which is included in but not dedicated solely to this augmentation plan. The 590 af decreed to the Filly Lake 2005 Right is cumulative with and not in addition to the 590 af decreed to the Filly Lake 2002 Right. 6.2.8 Decreed uses: As described in paragraph 6.1.8 above. 6.3 Filly Lake Enlargement: 6.3.1 Original decree: The 02CW216 Decree. 6.3.2 Relevant subsequent decrees: N/A. Farfrumwurkin LLLP’s application to make the Filly Lake Enlargement partially absolute and for a finding of reasonable diligence on the portion of the water right not made absolute is pending in Case No. 23CW3058. 6.3.3 Type of water right: Storage. 6.3.4 Legal description of structure: As described in paragraph 6.1.4 above. 6.3.5 Sources

and points of diversion: As described in paragraph 6.1.5 above. 6.3.6 Appropriation date: December 31, 2005. 6.3.7 Amount: 1,000 af, conditional, 672.42 af of which is the subject of a pending claim to make absolute in Case No. 23CW3058 and all of which is included in but not dedicated solely to this augmentation plan. 6.3.8 Decreed uses: As described in paragraph 6.1.8 above. 6.4 Stromquist Pond No. 1 (WDID 0603392): 6.4.1 Original decree: Case No. 88CW219, District Court, Water Division 1, entered July 8, 1992 (“88CW219 Decree”). 6.4.2 Relevant subsequent decrees (all in the District Court, Water Division 1): Case No. 98CW312, entered September 21, 1999 (“98CW312 Decree”); Case No. 05CW248, entered November 12, 2008 (“05CW248 Decree”); Case No. 14CW3140, entered April 21, 2016 (“14CW3140 Decree”); Case No. 22CW3057, entered February 6, 2023. 6.4.3 Type of water right: Storage. 6.4.4 Legal description of structure: SE1/4 Sec. 20 and SW1/4 Sec. 21, T2N, R68W of the 6th P.M., Weld County, Colorado, with the center point of the reservoir being approximately 590 feet west of the east section line and 2,000 feet north of the south section line of said Sec. 20, as shown on **Exhibit D**. 6.4.5 Sources and points of diversion: Boulder Creek and Idaho Creek via the Carr and Tyler Ditch and the Delehant Ditch. Water can be diverted from Boulder Creek into Idaho Creek at a point 100 feet south of the west one-quarter corner of Sec. 29, T2N, R68W of the 6th P.M., Weld County, and then can be diverted from Idaho Creek at the following locations, all as shown on **Exhibit D**: 6.4.5.1 The headgate of the Carr and Tyler Ditch is located on Idaho Creek at a point in the NW1/4 NE1/4 Sec. 29, T2N, R68W of the 6th P.M., approximately 175 feet south of the north line and 1,475 feet west of the east line of said Sec. 29. 6.4.5.2 The headgate of the Delehant Ditch is located on Idaho Creek at a point in the SW1/4 NE1/4 Sec. 29, T2N, R68W of the 6th P.M., approximately 2,300 feet west of the east line and 1,400 feet south of the north line of said Sec. 29. 6.4.6 Appropriation date: July 1, 1982. 6.4.7 Amount: 406 af, all of which is included in but not dedicated solely to this augmentation plan (156.5 afy conditional; 249.5 afy absolute). 6.4.8 Decreed uses: Irrigation, domestic, recreation, fish and wildlife propagation, replacement, and augmentation. 6.5 Stromquist Pond No. 2 (WDID 0603393): 6.5.1 Original decree: 88CW219 Decree. 6.5.2 Relevant subsequent decrees: The 98CW312 Decree; the 05CW248 Decree; the 14CW3140 Decree. 6.5.3 Type of water right: storage. 6.5.4 Legal description of structure: SE and NE quarters, Sec. 20; SW and NW quarters, Sec. 21; T2N, R68W, 6th P.M., Weld County, with the center point of the reservoir being approximately 150 feet west of the east section line of said Sec. 20 and 3,000 feet north of the south section line of said Sec. 20, as shown on **Exhibit D**. 6.5.5 Sources and points of diversion: As described in paragraph 6.3.5 above. 6.5.6 Appropriation date: July 1, 1982. 6.5.7 Amount: 306 af, absolute, all of which is included in but not dedicated solely to this augmentation plan. 6.5.8 Decreed uses: As described in paragraph 6.4.8 above. 6.5.9 Stromquist Ponds: Together, Stromquist Pond No. 1 and Stromquist Pond No. 2 are referred to in this Application as the “Stromquist Ponds.” 6.6 Dream Weaver CR 3-1/4 Well: As described in paragraph 2 above. All of the Dream Weaver CR 3-1/4 Well water right is included in but not dedicated solely to this augmentation plan. 6.7 Records of actual diversions of water rights to be used for augmentation: As required by C.R.S. § 37-92-302(2)(a), records of actual diversions of the water rights described in paragraphs 6.1 through 6.5 above are attached as **Exhibits E-1** (Filly Lake water rights) and **E-2** (Stromquist Ponds). The Stromquist Ponds, which are hydraulically connected, are filled through the Pond No. 1 inlet; accordingly, all diversions shown in **Exhibit E-2** are coded as Stromquist Pond No. 1. 6.8 Addition of supplies under C.R.S. § 37-92-305(8): Consistent with C.R.S. § 37-92-305(8), the decree to be entered in this case will provide procedures to allow additional or alternative sources of augmentation water, including water leased on a yearly or less frequent basis, to be used in the augmentation plan after the decree is entered if the use of the additional or alternative sources is part of a substitute water supply plan approved under C.R.S. § 37-92-308 or if such sources are decreed for such use. 7. Complete statement of plan for augmentation: 7.1 Replacement of out-of-priority depletions: Pumping of the Dream Weaver CR 3-1/4 Well and evaporation from Coyote Pond and Mila Pond will cause depletions to Plumb Creek, which is tributary to Idaho Creek. 7.1.1 When the depletions are out of priority and the downstream call is on the Houck Slough, Dream Weaver will replace the depletions by causing water to be released from Filly Lake to the Houck Slough above such call. Water is released from a valved outlet pipe at the north end of Filly Lake to a canal and outlet measurement structure (UTM 497198.42 easting, 4438901.27 northing). 7.1.2 When the downstream call is on Idaho Creek, St. Vrain Creek, or the South Platte River, Dream

Weaver will replace the depletions by causing water to be released or pumped from one or both of the Stromquist Ponds and operating the water exchange project described in paragraph 8 below; or by causing water to be released from Filly Lake and delivered to the stream above such call. Water is released or pumped from the Stromquist Ponds in the NW1/4 SW1/4 Sec. 21, T2N, R68W of the 6th P.M. and delivered to the exchange-from points described in paragraphs 8.1 and 8.2 below. 7.2 Volume of out-of-priority depletions: Maximum out-of-priority depletions will equal 220.35 afy, which is the sum of the annual volumes claimed for the conditional ground water rights described in paragraphs 2, 3, and 4 above minus the annual credit for preexisting natural vegetative cover described in paragraph 3.9 above. 7.3 Future addition of augmented structures through subsequent water court applications: Dream Weaver may seek to add augmented structures to this plan for augmentation by filing a subsequent water court application and obtaining a decree allowing such addition on terms and conditions to prevent injury to the vested water rights and decreed conditional water rights of others. 8. Conditional water exchange project: 8.1 Exchange-from points: Water will be released or pumped from Stromquist Ponds and delivered to the following exchange-from points on Idaho Creek in the NW1/4 SW1/4 Sec. 21, T2N, R68W of the 6th P.M., as shown on **Exhibits D and F**: 8.1.1 UTM 498529.56 easting, 4441172.72 northing. 8.1.2 UTM 498701.02 easting, 4441439.29 northing. 8.2 Exchange-to points: The points at which depletions attributable to the augmented structures will impact Plumb Creek, as follows: 8.2.1 NW1/4 NW1/4 Sec. 32, T2N, R68W, 6th P.M., Weld County, UTM 496988.24 easting, 4439538.44 northing, as shown on **Exhibit F**. 8.2.2 Coyote Pond: NW1/4 NW1/4 Sec. 32, T2N, R68W, 6th P.M., Weld County, UTM 496886.85 easting, 4439547.64 northing, as shown on **Exhibit F**. 8.2.3 Mila Pond: NE1/4 SW1/4 Sec. 32, T2N, R68W, 6th P.M., Weld County, UTM 497043.68 easting, 4439573.30 northing, as shown on **Exhibit F**. 8.3 Exchange reach: From the exchange-from points on Idaho Creek described in paragraphs 8.1.1 and 8.1.2 above; thence up Idaho Creek to the confluence with Plumb Creek; thence up Plumb Creek to the points of depletion described in paragraph 8.2 above. The exchange reach from the downstream-most exchange-from point to the upstream-most point of depletion is shown on **Exhibit F**. 8.4 Source of substitute supply: The Stromquist Ponds water rights described in paragraphs 6.4 and 6.5 above. 8.5 Maximum exchange rate: 1.08 cfs (486 gpm), CONDITIONAL. 8.6 Maximum exchange volume: 220.35 afy, CONDITIONAL. 8.7 Use: Augmentation of out-of-priority depletions under the augmentation plan described in paragraphs 5-7 above. 9. 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: Farfrumwurkin LLLP, P.O. Box 983, Broomfield, CO 80038 (Filly Lake); Applicant (Stromquist Ponds). Based on the foregoing, Dream Weaver seeks a decree granting this Application and finding that Dream Weaver's operation of the claimed plan for augmentation will not cause injury to the vested water rights or decreed conditional water rights of others.

2024CW3025 SARKAR VENTURES LLC, 14740 Oslo Ave, Parker, CO 80134. James J. Petrock, David S. Hayes, Hayes Poznanovic Korver LLC, 700 17th Street, Suite 1800, Denver, CO 80202. **APPLICATION FOR UNDERGROUND WATER RIGHTS AND PLAN FOR AUGMENTATION FROM NONTRIBUTARY AND NOT-NONTRIBUTARY SOURCES IN THE NONTRIBUTARY LOWER DAWSON, DENVER, ARAPAHOE, AND LARAMIE-FOX HILLS AQUIFERS AND THE NOT-NONTRIBUTARY UPPER DAWSON AQUIFER IN ELBERT COUNTY.** Subject Property: A parcel totaling approximately 10 acres generally located in the NE1/4 of the NE1/4 of Section 12, Township 7 South, Range 65 West of the 6th P.M., also known as 2890 County Road 166, Elizabeth, Elbert County, State of Colorado, as shown on **Exhibit A** ("Subject Property"). Lien Holder Certification: Applicant certifies that it has given notice to all mortgage or lien holders as required under C.R.S. § 37-92-302(2)(b). Well Permits: There is one existing Upper Dawson Aquifer domestic use well on the Subject Property under Well Permit Number 48339, which will be re-permitted under the augmentation plan applied for in this Application. Additional well permits will be applied for prior to construction of additional wells. Source of Water Rights: The Upper Dawson Aquifer is not-nontributary ("NNT") as defined in C.R.S. § 37-90-103(10.7), and the Lower Dawson, Denver, Arapahoe, and Laramie-Fox Hills aquifers are

nontributary (“NT”) as defined in C.R.S. § 37-90-103(10.5). Estimated Amounts: Applicant desires to leave no groundwater adjudicated. Applicant estimates the following amounts may be available for withdrawal:

Aquifer	Annual Amount 100 Years (acre-feet)	Annual Amount 300 Years (acre-feet)
Upper Dawson (NNT)	2.74	0.91
Lower Dawson (NT)	0.8	0.27
Denver (NT)	4.65	1.55
Arapahoe (NT)	5.40	1.80
Laramie-Fox Hills (NT)	2.63	0.88

Proposed Uses: Groundwater withdrawn from the not-nontributary and nontributary aquifers underlying the Subject Property will be used, reused, and successively used to extinction for all allowable beneficial uses, including, but not limited to, domestic, including in-house use, commercial, irrigation, stock watering, fire protection, recreational, fish and wildlife, and augmentation purposes, including storage. The water may be immediately used or stored for subsequent use, used for exchange purposes, for direct replacement of depletions, and for other augmentation purposes, including taking credit for all return flows resulting from the use of such water for augmentation of, or as an offset against, any out-of-priority depletions. The water may be leased, sold, or otherwise disposed of for all the above uses both on and off the Subject Property. 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: Up to 2.70 acre-feet per year for 100 years of not-nontributary 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 not-nontributary Upper Dawson Aquifer groundwater will be used in one, or more, wells to provide in-house use in two (2) single-family dwellings or their equivalent (0.6 acre-feet per year), commercial sanitary use (1 acre-foot per year), irrigation of up to 20,000 square-feet of grass, trees, and gardens (1 acre-feet per year), watering of 8 large domestic animals (0.1 acre-feet per year), fire protection, and storage anywhere on the Subject Property. Applicant reserves 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 Applicant will replace actual depletions pursuant to C.R.S. § 37-90-137(9)(c.5). Depletions occur to the South Platte River stream system and return flows accrue to that stream system and are sufficient to replace actual depletions while the subject groundwater is being pumped. Applicant will reserve an equal amount of nontributary groundwater underlying the Subject Property to meet post-pumping augmentation requirements. Applicant requests the Court approve the above underground water rights and augmentation plan, find that Applicant has 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. 4 pages.

****AMENDED** 2022CW3201 TOWN OF ERIE**, c/o Todd Fessenden, Public Works Director, P.O. Box 750, Erie, CO 80516, Email: tfessenden@erieco.gov, Telephone: (303) 926-2700. Please direct all correspondence concerning this Application to: Peter C. Johnson, Esq., Andrea A. Kehrl, Esq., Bradley Kershaw, Esq., Vranesh and Raisch, LLP, 5303 Spine Road, Suite 202, Boulder, CO 80301; Telephone: (303) 443-6151; Email: pcj@vrlaw.com; aak@vrlaw.com; bnk@vrlaw.com. **AMENDED APPLICATION FOR CONDITIONAL WATER RIGHT AND APPROVAL OF A PLAN FOR**

AUGMENTATION INCLUDING WATER EXCHANGE PROJECT IN BOULDER AND WELD COUNTIES. **Purpose of Amendment to Application:** The original Application in this case was filed on December 16, 2022. The only changes to the original Application made by this Amendment are to increase the diversion rate of the Erie Wetlands Diversion, as defined below, based on additional maximum stormwater flow calculations and design engineering as the project has proceeded, and to withdraw the claim of aesthetic use for the Erie Wetlands Diversion. **CONDITIONAL SURFACE WATER RIGHT**

3. Claim for Conditional Water Right: Erie Wetlands Diversion. a. **Legal description of structure:** The Erie Wetlands Diversion is located in the Northeast 1/4 of the Northwest 1/4 of Section 18, Township 1 North, Range 68 West, 6th P.M., UTM: 495680 easting, 4433935 northing. The general location of the Erie Wetlands Diversion is shown on the attached **Exhibit A**. b. **Source:** Storm sewer flows tributary to Coal Creek, tributary to Boulder Creek. c. **Amount:** 23.6 cfs, CONDITIONAL. d. **Uses:** Irrigation, augmentation, flood control, recreation, water quality, environmental, maintenance of water levels, and wildlife. e. **Appropriation Date:** December 16, 2022, the date of filing this Application. **PLAN FOR AUGMENTATION INCLUDING WATER EXCHANGE PROJECT RIGHT**

4. Names of Structures to be Augmented: Erie Wetlands and Erie Wetlands Diversion. a. **Legal description of structures:** The location of the Erie Wetlands Diversion is described above in Paragraph 2.a and shown on the attached Exhibit A. The Erie Wetlands are located in the Northeast 1/4 of the Northwest 1/4 of Section 18, Township 1 North, Range 68 West, 6th P.M. The Erie Wetlands point of depletion to Coal Creek is located in the Northeast 1/4 of the Northwest 1/4 of Section 18, Township 1 North, Range 68 West, 6th P.M., UTM: 495796 easting, 4434083 northing, as shown on Exhibit A. **5. Water Rights to be Used for Augmentation:** a. Erie's Windy Gap Project water, including return flows therefrom. Erie currently owns 20 Units of Windy Gap Project water. The water rights for the Windy Gap Project are in the Colorado River Basin and consist of the Windy Gap Pump, Pipeline, and Canal; Windy Gap Pump, Pipeline, and Canal First Enlargement; Windy Gap Pump, Pipeline, and Canal Second Enlargement; and Windy Gap Reservoir. These water rights were originally decreed in Case No. CA-1768, Grand County District Court on October 27, 1980, and in Case Nos. W-4001 and 80CW108, District Court, Water Division 5 on October 27, 1980. In addition, decrees awarding absolute water rights for municipal, industrial, irrigation, and recreational uses, including reuse, successive use, and use to extinction for the Windy Gap Reservoir; Windy Gap Pump, Pipeline and Canal; and Windy Gap Pump, Pipeline, and Canal First and Second Enlargements were entered in Case No. 88CW169, Water Division 5 (February 6, 1989) and Case No. 89CW298, Water Division 5 (July 19, 1990). Windy Gap Project water is introduced, stored, carried, and delivered in and through the components of the Colorado Big Thompson Project, operated by the Northern Colorado Water Conservancy District. Windy Gap Project water is imported foreign water that is available for use, reuse, and successive use until extinction. A map of the Windy Gap facilities is attached hereto as **Exhibit B**. i. Treated effluent return flows from Erie's Windy Gap Project water will be delivered to Boulder Creek at Erie's North Water Reclamation Facility ("NWRF") either directly or by releases from NWRF Reservoir. The NWRF is located in the Northwest 1/4 of the Northeast 1/4 of Section 31, Township 2 North, Range 68 West, 6th P.M. The NWRF Reservoir is located in the North 1/2 of Section 31, Township 2 North, Range 68 West, 6th P.M. The NWRF discharge point to Boulder Creek is located in said Section 31, at a point on the North section line and approximately 2147 feet East of the West section line. ii. A portion of Erie's Windy Gap Project water returns to the stream system due to transmission losses within Erie's water distribution system. Erie will calculate the portion of such transmission losses attributable to Erie's reusable Windy Gap Project water, consistent with the decree entered in Case No. 19CW3064, District Court, Water Division 1, that accrue to Coal Creek at or above the point identified in Exhibit A, and use such reusable Windy Gap returns to replace depletions at the Erie Wetlands. iii. A portion of Erie's Windy Gap Project water that is used during the water treatment backwash process at Erie's Water Treatment Plant is delivered to Thomas Reservoir for subsequent delivery to Erie Commons Pond, where it can then be delivered to Coal Creek above the point of depletion for the Erie Wetlands Diversion as shown in Exhibit A. b. In-priority diversions of the Erie Wetland Diversion may be delivered to Coal Creek to replace lagged groundwater depletions from the Erie Wetlands. c. Additional or alternative sources of replacement water may be added to the subject plan for augmentation pursuant to C.R.S. § 37-92-305(8)(c),

or successor statutes. 6. **Complete Statement of Plan for Augmentation**: a. The Erie Wetlands will include a wetland vegetation area and small areas of open water totaling approximately 2.1 acres that will consume storm water diverted at the Erie Wetlands Diversion and alluvial groundwater, thereby causing depletions to Coal Creek (“Wetlands Depletions”). When a call is being administered downstream of the Erie Wetlands, Erie will replace out-of-priority depletions associated with the Wetlands Depletions in time, location, and amount and/or curtail the Erie Wetlands Diversion, as necessary to prevent injury to other water rights. b. Diversion of water inflow at the Erie Wetlands Diversion and outflow from the Erie Wetlands into Coal Creek will be controlled and measured. c. Erie seeks approval of a plan for augmentation, including a Water Exchange Project Right as described below, to replace out-of-priority Wetlands Depletions. The estimated maximum annual amount of Wetlands Depletions is approximately 11.53 acre-feet. d. Erie will determine the amount, timing, and location of all out-of-priority Wetlands Depletions, including lagged depletions, and will replace Wetlands Depletions as necessary to prevent injury to other water rights by delivery of the water rights listed above in Paragraph 4 to Coal Creek or Boulder Creek. e. The Erie Wetlands and Erie Wetlands Diversion will be a part of the integrated water supply system operated by Erie, which includes but is not limited to Erie’s water and wastewater infrastructure, water treatment facilities, the NWRf, the NWRf Reservoir, water rights, and all other facilities utilized by Erie to provide potable and non-potable water. 7. **Claim for Water Exchange Project Right**: Erie claims a Water Exchange Project Right whereby substitute supplies replaced to Boulder Creek will be exchanged up to the Erie Wetlands point of depletion on Coal Creek, and to intermediate points within the exchange reach. a. **Legal Description of Exchange Reach**: i. Downstream Terminus: The NWRf discharge point to Boulder Creek, as described in Paragraph 4(a)(i) above. ii. Upstream Terminus: The Erie Wetlands point of depletion, more particularly described in Paragraph 3(a) above. iii. Remark: The exchange reach is shown on the map attached as Exhibit A. Erie may also operate the exchange to intermediate points within the above-described exchange reach. b. **Sources of Substitute Supply**: Erie’s Windy Gap Project water, including return flows therefrom, as described above in Paragraph 4.a. and its subparts, and in-priority diversions of the Erie Wetlands Diversion, as described above in Paragraph 2 and its subparts. c. **Exchange Rate**: 2.6 cfs, CONDITIONAL. d. **Appropriation Date**: December 16, 2022, the date of filing the original Application. 8. **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**: The Erie Wetlands Diversion, Erie Wetlands, NWRf, NWRf Reservoir, Thomas Reservoir, and Erie Commons Pond are all located on land owned by Erie. No other new or modified diversion or storage structures will be constructed. WHEREFORE, Applicant requests that the Court enter a decree approving a conditional water right for the Erie Wetlands Diversion, approving the above-proposed plan for augmentation including a Water Exchange Project Right, and granting such other relief that it deems proper. (8 pgs., 2 Exhibits)

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

YOU ARE HEREBY NOTIFIED that any party who wishes to oppose an application, or an amended application, may file with the Water Clerk, P. O. Box 2038, Greeley, CO 80632, a verified Statement of Opposition, setting forth facts as to why the application should not be granted, or why it should be granted only in part or on certain conditions. Such Statement of Opposition must be filed by the last day of **APRIL 2024** (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.