

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

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

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

21CW2 QUENTIN DEHANN, APPLICATION FOR UNDERGRUOND WATER RIGHTS IN THE DENVER BASIN AQUIFERS IN ELBERT COUNTY. Please send all correspondence to Quintin DeHann, 33443 County Rd 21, Elizabeth, CO 80107, 7520-589-9310 qhighridge47@yahoo.com. All applicants listed have joint ownership of the parcel and/or joint consent to withdraw the water underlying the parcel(s), which is/are the subject of this application. All of the parcels of land claimed in this application are contiguous (that is, no part of land claimed in the application is physically separate from the rest of the land). The parcel of land consists of 40 acres, more or less, in Elbert County, located generally in S17, T8S, R64W of 6th PM, IN Elbert County. The claim of Applicant(s) to the water underlying the parcel described previously is based on ownership of the parcel. The Applicant seeks to adjudicate the Denver Basin ground water underlying the Subject Property in all of the available aquifers. Applicant certifies that Applicant owns the Subject Property free and clear of all liens and encumbrances and that no other person or entity has a financial interest in the Subject Property. There is one well located on the property.

21CW3 (14CW33) CYNTHIA HARRIS, Cynthia Harris, 3451 S Ammons Street, #16-3, Lakewood, CO 80227, cdharris_1926@q.com, 303-986-5028. APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE IN PARK COUNTY. Structure: Heard Well located in the NE 1/4 of Section 23, Township 9 South, Range 75 West, 6th P.M. in Park County, CO at a point approximately 950 feet from the north line and 2900 feet from the east line of said section 23, in Lot 66, Filing 9, Indian Mountain Subdivision, also known as 244 Pueblo Drive. Date of original decree November 7, 2001 in Case No 96CW913 in District Court 1, Weld county and all subsequent decrees awarding findings of diligence in 07CW334 Date of Decree July 31, 2008 in District Court 1, Weld County. Source of Water: Ground Water; Appropriation Date May 31, 1973 amount 15 gallons per minute, Conditional. Use: Household Use only inside a single-family dwelling not including irrigation. The return flow from such use shall be through an individual waste-water disposal system of the non-evaporative type where the water is returned to the same stream system in which the well is located.

21CW3000 JENSEN FARMS, INC., TEAGUE ENTERPRISES, INC., AND JTG PIPELINE, LLC, Teague Enterprises, Inc., c/o Gary Teague, 15366 MCR O, Fort Morgan, CO 80701, gteague@teaguediversified.com, Telephone: 970-867-3344; JTG Pipeline, LLC, c/o Gary Teague, 15366 MCR O, Fort Morgan, CO 80701, gteague@teaguediversified.com, Telephone: 970-867-3344; and BG Land Company, LLC (as successor in interest to Jensen Farms, Inc.), 14505 MCR 14, Fort Morgan, CO 80701, gteague@teaguediversified.com, Telephone: 970-867-3344. Please direct all correspondence concerning this Application to: Stuart B. Corbridge, Esq. and Kunal A. Parikh, Esq., Vranesh and Raisch, LLP, 5303 Spine Road, Suite 202, Boulder, CO 80301; Telephone: (303) 443-6151; Email: sbc@vrlaw.com; kap@vrlaw.com. APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE IN WELD, MORGAN, WASHINGTON, AND LOGAN COUNTIES. 2. Prior Decrees. A. Original Decree. The original decree for the absolute and conditional water rights described below was entered on December 11, 2006, in Case No. 2003CW263, Water Court for Water Division No. 1 (“03CW263 Decree”). B. Diligence/Absolute Decrees. A decree making additional portions of the water rights described below absolute and continuing the remaining portions as conditional was entered on January 22, 2015, in Case No. 2012CW300, Water Court for Water Division No. 1 (“12CW300 Decree”). 3. 2003CW263 Water Rights. The 03CW263 Decree confirmed the following water rights (“03CW263 Water Rights”): A. UNDERGROUND WATER RIGHTS - AUGMENTATION WELLS I. Names of Structures. a. J-T Augmentation Well No. 2 – Permit No. 60616-F b. J-T Augmentation Well No. 3 – Permit

No. 60617-F II. Description of Water Rights. a. Decreed Legal Description of the Structures. i. J-T Augmentation Well No. 2 is located in the SE1/4 SW1/4 of Section 5, Township 3 North, Range 58 West, 6th P.M., Morgan County, Colorado, approximately 20 feet from the south section line and 2,540 feet from the west section line of Section 5. ii. J-T Augmentation Well No. 3 is located in the NE1/4 NW1/4 of Section 8, Township 3 North, Range 58 West, 6th P.M., Morgan County, Colorado, approximately 1,180 feet from the north section line and 2,332 feet from the west section line of Section 8. b. Source. Ground water tributary to the South Platte River c. Appropriation Dates and Amounts. i. Dates of appropriation: 1. J-T Augmentation Well No. 2: May 6, 2003 2. J-T Augmentation Well No. 3: July 22, 2003 ii. Amounts decreed: 1. J-T Augmentation Well No. 2: 1,574 gallons per minute (“gpm”) absolute; 426 gpm conditional 2. J-T Augmentation Well No. 3: 967 gpm absolute; 1,733 gpm conditional d. Use: The use of water will be for recharge and augmentation purposes to replace depletions by wells included in the plan for augmentation described in the 03CW263 Decree. e. Depths. i. J-T Augmentation Well No. 2: 182 feet ii. J-T Augmentation Well No. 3: 215 feet B. UNDERGROUND WATER RIGHT - RECHARGE WELL I. Name of Structure. J-T Augmentation Well No. 4 – Permit No. 60618-F II. Description of Water Right. a. Legal Description of the Structure. J-T Augmentation Well No. 4 is located in the NW1/4 SE1/4 of Section 32, Township 4 North, Range 58 West, 6th P.M., Morgan County, Colorado, approximately 2,575 feet from the south section line and 1,700 feet from the east section line of Section 32. A description of the recharge ponds included in the 03CW263 Decree as part of this water right is shown on **Exhibit A** to this application. b. Source. Ground water tributary to the South Platte River c. Appropriation Date and Amount. i. Date of appropriation: July 22, 2003 ii. Amount decreed: 3,800 gpm conditional d. Use. The use of water will be for recharge and augmentation purposes to replace depletions by wells included in the plan for augmentation described in the 03CW263 Decree, and as excess credits as described in the 03CW263 Decree. e. Depth. 91 feet C. RIGHTS OF EXCHANGE I. Description of Water Right. a. Legal Description of Exchange. i. The point of diversion is the Bijou Canal headgate, which diverts from the south side of the South Platte River in the NE1/4 NE1/4 of Section 13, Township 4 North, Range 63 West, 6th P.M., Weld County, Colorado. ii. The exchange reach extends from a downstream point at the Highway 52 Bridge north of Fort Morgan located in Section 31, Township 4 North, Range 57 West, 6th P.M., Morgan County, Colorado to an upstream point at the headgate of the Bijou Canal. b. Source. At such times when the replacement water delivered to the South Platte River as part of the plan for augmentation described in the 03CW263 Decree exceeds the replacement needs under that plan, the excess water may be diverted by exchange at the headgate of the Bijou Canal. c. Appropriation Date and Amount. i. Date of appropriation: September 16, 2005 ii. Amount decreed: 5.0 cubic feet per second (“cfs”) conditional d. Use. Augmentation, and recharge for augmentation, of water rights used for feedlot, irrigation, augmentation, and recharge. 4. 12CW300 Decree. The 03CW263 Water Rights were made absolute in the following additional amounts in Case No. 2012CW300, as reflected in the 12CW300 Decree. A. J-T Augmentation Well No. 2: 380 gpm; for a total absolute amount of 1,954 gpm (46 gpm remains conditional). B. J-T Augmentation Well No. 3: 1,270 gpm; for a total absolute amount of 2,237 gpm (463 gpm remains conditional). C. J-T Augmentation Well No. 4: 3,686 gpm; for a total absolute amount of 3,686 gpm (114 gpm remains conditional). 5. Additional Amounts Claimed Absolute. The Applicants do not seek to make any additional amounts of the remaining conditional portions of the 03CW263 Water Rights absolute in this case. During the subject diligence period from December 29, 2012, through the date of filing this application, the Applicants operated J-T Augmentation Well No. 2 and J-T Augmentation Well No. 4. However, these operations did not result in daily pumping rates that were higher than the absolute rates for these wells confirmed in the 12CW300 Decree. 6. Outline of what has been done toward completion or for completion of the appropriations and application of water to a beneficial use as conditionally decreed, including expenditures. A. During the subject diligence period the Applicants engaged in activities and incurred costs, including those activities and costs described in this Paragraph 6, concerning or related to the development of the 03CW263 Water Rights. The activities and costs identified in this application are not all inclusive, and Applicants reserve the right to provide additional evidence of work done and costs incurred during the subject diligence period during the proceedings for this application. B. The Applicants own numerous properties and water rights that are used collectively for irrigation and feedlot operations and for augmentation purposes. As confirmed in Paragraph 55 of the

03CW263 Decree, the water rights that are the subject of this application are part of an integrated system operated by the Applicants. During the subject diligence period Applicants operated wells under the plan for augmentation described in the 03CW263 Decree (“03CW263 Plan”), and made diversions under the various water rights in the integrated system, including the 03CW263 Water Rights, when water was available and/or as necessary, so as to best utilize their water rights and manage their water operations. Such activities included diversions through J-T Augmentation Well No. 4 for delivery to the recharge ponds decreed in Case No. 2003CW263, and pumping of J-T Augmentation Well No. 2 as necessary under the 03CW263 Plan. Applicants also utilized their portion of deliveries of recharge water diverted through the Bijou Canal headgate pursuant to the decree entered in Case No. 2003CW262 as recharge accretions in the 03CW263 Plan. J-T Augmentation Well No. 3 was not needed for replacement purposes under the 03CW263 Plan during the subject diligence period, and thus was not operated. In addition, the Applicants did not exercise the rights of exchange described in Paragraph 3.C, above, and the entire 5.0 cfs of that right is still conditional. C. In addition to the use of water as described above, the following work completed during the diligence period and expenditures are relevant to the Applicants’ integrated system and the development of the remaining conditional portions of the 03CW263 Water Rights. I. The Applicants performed maintenance activities on the recharge ponds included in the 03CW263 Decree. Such activities included cleaning of the ponds, monitoring, repair, and replacement of measurement structures, and management and/or removal of local vegetation. Total expenditures for this maintenance work were approximately \$82,615.00. II. The Applicants performed maintenance activities on wells included in the 03CW263 Decree. Such maintenance included redrilling or other structure repair, replacement, or update. Total expenditures for this maintenance work were approximately \$99,525.00. III. Applicants also incurred expenses for legal and accounting work related to the 03CW263 Water Rights, recharge operations, and plan for augmentation. Total expenditures for the legal work during the diligence period were approximately \$58,000.00. Total expenditures for the accounting work during the diligence period were approximately \$80,000.00. IV. Applicants also incurred other costs and expenses related to the 03CW263 Water Rights, recharge operations, and plan for augmentation during the diligence period. These costs and expenses were approximately \$3,900.00. D. Applicants intend to pursue the diversion and beneficial use of the remaining 114 gpm for J-T Augmentation Well No. 4, and the 5.0 cfs right of exchange. As J-T Augmentation Well No. 2 and J-T Augmentation Well No. 3 are augmentation wells, Applicants intend to pump these wells only at times when other replacement supplies available to Applicants for the 03CW263 Plan are insufficient to replace depletions. These wells are, however, a decreed replacement source for the augmentation plan, and Applicants maintain their intent to have these structures in the plan up to the full decreed pumping rates. Applicants seek a determination from the Court that they have been reasonably diligent in the development of the remaining conditional portions of the 03CW263 Water Rights, as confirmed in Case No. 2012CW300, pursuant to C.R.S. § 37-92-301(4)(b). 7. Names and addresses of owners or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool. A. J-T Augmentation Well No. 2 is located on land owned by BG Land Company, LLC, 14505 MCR 14, Fort Morgan, CO 80701. B. J-T Augmentation Well No. 3 is located on land owned by Teague Enterprises, Inc., 15366 MCR O, Fort Morgan, CO 80701. C. J-T Augmentation Well No. 4 is located on land owned by JTG Pipeline, LLC, 15366 MCR O, Fort Morgan, CO 80701. D. The Bijou Irrigation Company, 15551 Highway 34, Fort Morgan, CO 80701, owns or has pre-existing rights to use the land upon which the Bijou Canal, including the Bijou Canal headgate, is located. E. The irrigation and feedlot wells included in the 03CW263 Decree are located on lands owned by: I. Teague Enterprises, Inc., 15366 MCR O, Fort Morgan, CO 80701 II. BG Land Company, LLC, 14505 MCR 14, Fort Morgan, CO 80701 F. The recharge ponds included in the 03CW263 Decree are located on lands owned by: I. Teague Enterprises, Inc., 15366 MCR O, Fort Morgan, CO 80701 II. BG Land Company, LLC, 14505 MCR 14, Fort Morgan, CO 80701 III. JTG Pipeline, LLC, 15366 MCR O, Fort Morgan, CO 80701 WHEREFORE, Applicants request that the Court enter a decree finding that Applicants have been reasonably diligent under all the facts and circumstances concerning the development of the remaining conditional portions of the 03CW263 Water Rights, and continuing such remaining conditional portions

for another diligence period as follows: A. J-T Augmentation Well No. 2 (46 gpm). B. J-T Augmentation Well No. 3 (463 gpm). C. J-T Augmentation Well No. 4 (114 gpm). D. Right of Exchange (5.0 cfs). (12 pgs., 1 Exhibit)

21CW3001 WJW PROPERTIES, LLC, 16350 WCR 76, Eaton, CO 80165. (970) 371-0899. Please send all pleadings and correspondence to: Douglas M. Sinor, Mirko L. Kruse, Trout Raley, 1120 Lincoln Street, Suite 1600, Denver, Colorado 80203. (303) 861-1963. dsinor@troutlaw.com, mkruse@troutlaw.com. **APPLICATION FOR UNDERGROUND WATER RIGHTS FROM THE NONTRIBUTARY LARAMIE FOX HILLS AQUIFER IN WELD COUNTY.** 2. Subject Property: About 436 acres in the South ½; The Southwest ¼ of the Northwest ¼; the South ½ of the Southeast ¼ of the Northwest ¼; the South ½ of the Southwest ¼ of the Northeast ¼; and the South ½ of the Southeast ¼ of the Northeast ¼; and the North ½ of the Southeast ¼ of the Northeast ¼, except the West 100 feet; all in Section 36, Township 3 North, Range 64 West of the 6th P.M., Weld County, Colorado, as shown on **Figures 1 & 2**, attached hereto (“Subject Property”). Applicant is the owner of the Subject Property and underlying water rights. 3. Well Permits: The only permitted wells on the Subject Property are used for monitoring and sampling purposes: A. Well PZ-2: Permit No. 311786; Well Depth: 15 ft; WDID: N/A; Use: monitoring/sampling. B. Well PZ-1: Permit No. 311785; Well Depth: 35 ft; WDID: N/A; Use: monitoring/sampling. C. Well MW-1: Permit No. 311781; Well Depth: 40 ft; WDID: N/A; Use: monitoring/sampling. D. Well MW-2: Permit No. 311782; Well Depth: 30 ft; WDID: N/A; Use: monitoring/sampling. E. Well MW-3: Permit No. 311783; Well Depth: 35 ft; WDID: N/A; Use: monitoring/sampling. F. Well MW-4: Permit No. 311784; Well Depth: 20 ft; WDID: N/A; Use: monitoring/sampling. 4. Source of Water Rights: The Laramie-Fox Hills aquifer is nontributary as described in Section 37-90-103(10.5), C.R.S. 5. Estimated Amounts: Based on the aquifer parameters specified in the Denver Basin Rules, *see* 2 C.C.R. 402-6, it is estimated that there is 11,250 acre-feet of water total, and 112.5 acre-feet of water annually, available in the Laramie-Fox Hills aquifer for withdrawal. There are no cylinders of appropriation affecting this amount. a. Final determination of the applicable average saturated sand thicknesses and resulting average annual amounts available to Applicant may be made pursuant to the retained jurisdiction of this Court. *See* § 37-92-305(11), C.R.S. b. The allowed annual amount of groundwater which may be withdrawn may exceed the average annual amount of withdrawal, as long as the total volume of water withdrawn does not exceed the product of the number of years since the date of the issuance of the decree multiplied by the average annual amount of withdrawal as specified above. *See* 2 CCR 402-7, § 8.A. c. Applicant may construct additional and replacement wells in order to maintain levels of production, meet water supply demands, or recover the entire amount of groundwater in the subject aquifers underlying the Subject Property. Applicant may produce the entire amount which may be produced from any given aquifer through any combination of wells. 6. Proposed Use: Domestic, commercial, industrial, irrigation, livestock watering, fire protection, and augmentation purposes, including storage, both on and off the Subject Property. 7. Jurisdiction: The Water Court has jurisdiction over the subject matter of this Application pursuant to Section 37-92-302(2), and 37-90-137(6), C.R.S. 8. Name(s) and address(es) of owner(s) or reputed owners of the land upon which any new diversion structure, or modification to any existing diversion structure, is or will be constructed: Applicant. 3 pages.

21CW3002 WESTERN MUTUAL DITCH COMPANY, P. O. Box 282, LaSalle, CO 80645. Please send all future correspondence and pleadings to David P. Jones and Wesley S. Knoll, Lawrence Custer Grasmick Jones & Donovan, LLP, 5245 Ronald Reagan Blvd., Ste. 1, Johnstown, CO 80534; david@lcwaterlaw.com; wes@lcwaterlaw.com. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE, in WELD COUNTY.** 2. Previous Decrees: Case No. 10CW141, Water Division No. 1, entered January 7, 2015 (“10CW141 Decree”). 3. Information from 10CW141 Decree: 3.1. Name of Direct Flow Right: Western Mutual Waste, Seepage and Runoff Right. 3.1.1. Source: Waste, seepage, runoff and all other surface flows in unnamed slough (hereinafter “Slough”) tributary to the South Platte River. 3.1.2. Point of Diversion: Flows from the Slough enter the Western Mutual Ditch at a point in the Southeast Quarter of the Southwest Quarter of Section 1, Township 3 North, Range 67 West of the 6th P.M., 69 feet

from the South section line and 1664 feet from the West section line. 3.1.3. Date of appropriation: May 26, 2010. 3.1.4. Amount: 40 c.f.s., conditional. 3.1.5. Decreed Uses: Irrigation of lands served by the Western Mutual Ditch (“Ditch”), located generally in Townships 3 and 4 North, Ranges 65, 66 and 67 West of the Sixth P.M., Weld County and augmentation of well depletions pursuant to augmentation plans already decreed or to be decreed in the future. The irrigation use will be achieved by delivery to stockholders under the Ditch either directly or by exchange of excess recharge credits from the location of accretion upstream to the Western Mutual Ditch South Platte River headgate. With the exception of water delivered for direct irrigation use, Applicant intends to maintain dominion and control over the water diverted and to use it, re-divert it and consume it to extinction pursuant to the provisions of this Decree.

3.2. Name of Reservoir: Western Mutual Equalization Pond 3.2.1. Legal Description of Dam Centerline: The Western Mutual Equalization Pond (“EQ Pond”) is a clay lined water storage facility installed in the line of the Western Mutual Ditch in the Northeast Quarter of Section 2, Township 3 North, Range 67 West of the 6th P.M. The Western Mutual Ditch serves as the inlet and outlet. 3.2.2. Sources: South Platte River and un-named slough tributary to the South Platte River. 3.2.3. Name of Ditch used to Fill Reservoir: Western Mutual Ditch 3.2.3.1. Capacity: 250 c.f.s. 3.2.3.2. Legal Description of Points of the Diversion. 3.2.3.2.1. The Western Mutual Ditch South Platte River headgate is located in the Southeast quarter of the Southwest Quarter of Section 11, Township 3 North Range 67 West of the 6th P.M., 268 feet from the South section line and 2688 feet from the East section line. 3.2.3.2.2. The un-named slough enters the Western Mutual Ditch in the Southeast Quarter of the Southwest Quarter of Section 1, Township 3 North, Range 67 West of the 6th P.M., 69 feet from the South section line and 1664 feet from the West section line. 3.2.4. Date of appropriation: March 25, 2010. 3.2.4.1. How appropriation was initiated: Formation of intent to appropriate water to a beneficial use, site review and discussions with landowner, engineering analysis, and construction of the EQ Pond. 3.2.5. Amount Claimed: 67 acre feet, conditional, with right to refill up to 4 times per water year. Rate of diversion: up to 250 c.f.s. 3.2.6. Decreed Uses: Irrigation of lands served by the Western Mutual Ditch, located generally in Townships 3 and 4 North, Ranges 65, 66 and 67 West of the Sixth P.M., Weld County and augmentation of well depletions pursuant to augmentation plans already decreed, or to be decreed in the future for the replacement of depletions from use of wells described in ¶ 25 of the 10CW141 Decree. 3.2.7. Surface Area at High Water Line: 12.1 acres. 3.2.7.1. Vertical Height of Dam: Water is impounded behind the outlet structure installed in the Western Mutual Ditch. The vertical height of the outlet structure is approximately seven feet, six inches. 3.2.7.2. Length of Dam in Feet: The outlet structure is approximately 23 feet in width. 3.2.8. Total Capacity of the Reservoir in Acre Feet: 67 acre feet, all active capacity. 3.3. Name of Reservoir: Western Mutual Gilcrest Reservoir Storage Right. 3.3.1. Legal Description of Dam Centerline: Gilcrest Reservoir will be a slurry wall lined gravel pit water storage facility or set of storage facilities located on a parcel abutting the Western Mutual Ditch on the West in sections 34 and 35, Township 4 North, Range 67 West of the 6th P.M. The Reservoir will be filled through the Western Mutual Ditch or by direct diversion from the South Platte River. 3.3.0. Sources: South Platte River and an un-named slough tributary to the South Platte River. 3.3.3. Name of Ditches used to Fill Reservoir: Western Mutual Ditch, South Platte River Diversion Structure. 3.3.3.1. Capacity: 3.3.3.1.1. Western Mutual Ditch: 250 c.f.s. 3.3.3.1.2. South Platte River Diversion Structure: 260 c.f.s. 3.3.3.2. Legal Description of Points of the Diversion. 3.3.3.2.1. The Western Mutual Ditch South Platte River headgate is located in the Southeast quarter of the Southwest Quarter of Section 11, Township 3 North Range 67 West of the 6th P.M., 268 feet from the South section line and 2688 feet from the East section line. 3.3.3.2.2. The un-named slough enters the Western Mutual Ditch in the Southeast Quarter of the Southwest Quarter of Section 1, Township 3 North, Range 67 West of the 6th P.M., 69 feet from the South section line and 1664 feet from the West section line. 3.3.3.2.3. The South Platte River Diversion Structure will be located on the East side of the South Platte River between the South Section line of Section 2, Township 3 North, Range 67 West and the East Section line of Section 26, Township 4 North, Range 67 West of the 6th P.M. The South Platte River Diversion Structure will divert surface water only and no groundwater will be diverted. 3.3.4. Date of appropriation: May 26, 2010. 3.3.4.1. How appropriation was initiated: Formation of intent to appropriate water to a beneficial use, site review and agreement with landowner, engineering analysis, beginning of gravel pit mining, and filing of this application. 3.3.5.

Amount Claimed: 100 acre feet, conditional, with right to one refill. Rate of diversion: up to 260 c.f.s.

3.3.6. Decreed Uses: Irrigation of lands served by the Western Mutual Ditch, located generally in Townships 3 and 4 North, Ranges 65, 66 and 67 West of the Sixth P.M., Weld County and augmentation of well depletions pursuant to augmentation plans already decreed, or to be decreed in the future for the replacement of depletions from use of the wells described in ¶ 25 of the 10CW141 Decree.

4. Diligence Activities. Detailed outline of what has been done toward completion or for completion of the appropriation and application of water to beneficial use, including expenditures:

4.1. Western Mutual Waste, Seepage and Runoff Right (“Slough Right”): This water right was diverted in priority and delivered to Applicant’s shareholders when in priority for irrigation uses as described in the 10CW141 Decree. The slough is measured with an acoustic flow meter which was installed during the diligence period. Measurements are recorded under WDID 0200537. When in priority, water from the Slough Right is delivered to Applicant’s shareholders. On May 22, 2017 the Slough Right was in priority and flows were measured at 9.0 c.f.s. Applicant has filed statements of opposition and participated as an opposer in water court to protect this right.

4.2. Western Mutual Equalization Pond: During the diligence period Applicant made numerous infrastructure improvements to the Equalization Pond including ongoing work on the release gate and measurement and recording device at the outlet of the Equalization Pond. Applicant has also removed sediments from the Equalization Pond to ensure the full capacity remains active and usable. Applicant has filed statements of opposition and participated as an opposer in water court to protect this right.

4.3. Western Mutual Gilcrest Reservoir Storage Right: Gilcrest Reservoir is actively being mined under DRMS Permit No. M-2000-158. The mining activity is ongoing and the mining and reclamation plan has been amended multiple times during the course of the diligence period. Applicant has filed statements of opposition and participated as an opposer in water court to protect this right.

5. Water rights diverted and placed to beneficial use and to be made absolute:

5.1. Western Mutual Waste, Seepage and Runoff Right:

5.1.1. Dates water diverted and applied to beneficial use: May 22, 2017.

5.1.2. Amounts: 9 cfs, absolute; the balance of 31 cfs remains conditional.

5.1.3. Use: Irrigation.

5.2. Western Mutual Equalization Pond:

5.2.1. Date water diverted and applied to beneficial use: N/A

5.2.2. Amount: The full amount of 67 acre-feet to remain conditional.

5.3. Western Mutual Gilcrest Reservoir Storage Right:

5.3.1. Date water diverted and applied to beneficial use: N/A

5.3.2. Amount: The full amount of 100 acre-feet to remain conditional

6. Claim to Make Water Rights Absolute and for a Finding of Reasonable Diligence: Applicant seeks a decree making the water rights absolute as described above and a finding by the Court that it has been reasonably diligent in the development of its conditional water rights under the circumstances, and to maintain the conditional portion of its water rights listed herein for an additional six-year period. This application consists of six (6) pages.

20CW3003 The City of Greeley, Acting By And Through Its Water and Sewer Board (“Greeley”); Jennifer Petrzelka, Water Resources Operations Manager 1001 11th Avenue, Second Floor Greeley, Colorado 80631, (970) 350-9811, jennifer.petrzelka@greeleygov.com. Attorneys: Carolyn F. Burr, James M. Noble, Jens Jensen, Welborn Sullivan Meck & Tooley, P.C., 1125 17th Street, Suite 2200, Denver, Colorado 80202 and Aaron B. Goldman, Greeley City Attorney’s Office, 1100 10th Street, Suite 401, Greeley, Colorado 80631. **APPLICATION FOR REASONABLE DILIGENCE IN LARIMER AND WELD COUNTIES.**

1. Name, address, telephone number, and e-mail of Applicant: See above.

2. General Description of the Application: By this Application, Greeley seeks a finding of reasonable diligence for a conditional exchange originally decreed in Division 1 Case No. 95CW42. The subject exchange provides for the use of return flows from certain water rights changed in Case 95CW42 as a substitute supply for diversions at the headgates of the Seven Lakes Reservoir Company, the Greeley and Loveland Irrigation Company, and the Loveland and Greeley Reservoir Company (collectively, the “Companies”) on the Big Thompson River.

3. Name of Structures: The relevant structures are Greeley’s Wastewater Treatment and Reclamation Facility (“WTRF”), the Lone Tree wastewater treatment plant, and the structures and facilities of the Companies, as more particularly described in the decrees entered in Case Nos. 87CW329, 95CW42, and 99CW235.

4. Description of Conditional Water Right: A. Original Decree: Case No. 95CW42, District Court, Water Division No. 1, entered on December 21, 2001 (the “95CW42 Decree”). B. Subsequent

decrees awarding findings of diligence: Case No. 07CW329, entered on August 21, 2008; Case No. 14CW3105, entered on January 21, 2015. C. Legal Description of Exchange Reach: Pursuant to the decree entered in Case No. 95CW42, Greeley may divert excess municipal return flows from water rights changed in Case No. 95CW42 and released from Greeley's WTRF and the Lone Tree wastewater treatment plant, by exchange at the headgates of the Companies. Greeley's WTRF outfall is located on the North bank of the Cache la Poudre River, approximately 620 feet East of the West Section line and 360 feet North of the South Section line of Section 4, T5N, R65W, 6th P.M, Weld County, Colorado. The Lone Tree wastewater treatment plant outfall is located on Lone Tree Creek approximately one mile upstream of the confluence of that creek and the South Platte River in Section 31, T6N, R64W, 6th P.M., Weld County, Colorado. The Companies' headgates are located on the Big Thompson River in Sections 15 and 17, T5N, R69W, 6th P.M., Larimer County, Colorado. The exchange reach is from the confluences of Lone Tree Creek and the Cache la Poudre River with the South Platte River, up the South Platte and Big Thompson Rivers to the Companies' headgates on the Big Thompson River D. Source: Water in the Cache la Poudre, South Platte, and Big Thompson Rivers, and the Lone Tree Creek, in the exchange reach. E. Appropriation Date: June 2, 1969. F. Amount: 30 c.f.s. conditional. Although the decree in Case No. 95CW42 limited the maximum rate of the subject right of exchange to 75 c.f.s., Greeley agreed by stipulation with the City of Loveland in Case No. 99CW235 to limit the operation of the exchange decreed in that case, and the exchanges decreed in Case Nos. 87CW329 and 95CW42, to a maximum total rate of 30 c.f.s. G. Use: All municipal and related purposes, as more particularly described in the Decree in Case Nos. 95CW42, 07CW329, and 14CW3105. 5. Integrated System: The right of exchange originally decreed in Case No. 95CW42 is a component of Greeley's municipal water supply system, which is an integrated system comprised of several different water rights, features, and facilities. Work on one or more features of this integrated system constitutes effort toward development of the water rights for all features of the system. 6. Detailed outline of what has been done toward completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures: A. During the diligence period, Greeley spent approximately \$11,700,000 on Boyd Lake Treatment Plant maintenance and improvements, including general rehabilitation construction costs, addition of new facility components, rehabilitation of the raw water line, and needs assessment projects. B. During the diligence period, Greeley spent approximately \$21,900,000 on maintenance and improvements to the Greeley Wastewater Treatment Reclamation Facility (WTRF), including, but not limited to upgrading security infrastructure, adding a second dewatering centrifuge, adding instrumentation, installing a SCADA system, installing a new centrate receiving tank and septage receiving station, completing general rehabilitation, creating a long-range solids master plan, installing a digester/sludge-grinder, designing and implementing a nitrification project, constructing a dewatering building roof, installing a new Rotomat Septage tank, and general rehabilitation. C. Since 2014, Greeley has paid an annual \$500 assessment to use the Big Thompson Platte River Bypass. This structure allows Greeley, *inter alia*, to meet return flow obligations with the water rights changed in 95CW42, including changed water rights diverted by exchange. D. In 2020, Greeley paid a \$5,400 fee to use the Lower Latham Ditch Company's Lower Latham Bypass Structure. This structure allows Greeley, *inter alia*, to meet return flow obligations with the water rights changed in 95CW42, including the changed water rights diverted by exchange. E. Over the diligence period, Greeley has paid \$2,640,000 in assessments on its shares of the Companies. Of this amount, Greeley spent approximately \$374,000 in pro-rata expenditures, through the Greeley Loveland Irrigation Company, to repair headgates, make ditch improvements, repair the Boyd Lake pump on the Greeley-Loveland Canal, and remove sand, debris, and trees. F. The foregoing activities and structure improvements facilitate the use of the water rights changed in Case No. 95CW42 for municipal purposes by Greeley. This results in fully-consumable return flows being released from the Greeley WTRF and the Lone Tree wastewater treatment plant, which may be exchanged under the subject conditional water rights. G. Greeley Water and Sewer Department staff monitor river conditions daily and hold regular operations meetings to determine the feasibility of running the exchange. H. Greeley has filed numerous statements of opposition and participated as an objector in several water court cases during the diligence period to prevent injury to this exchange and its Big Thompson River water rights. 7. Claim to make right absolute: Greeley does not assert a claim to make any additional portion of its conditional water right

absolute. 8. 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: Greeley is not proposing new construction of or modification to any diversion or storage structures. **WHEREFORE:** Greeley requests the Court enter a decree finding that Greeley has exercised reasonable diligence toward completion of the appropriation for the remaining conditional portion of the right of exchange decreed in Case No. 95CW42 and continuing said conditional water right for another six-year diligence period. [4 pages].

21CW3004. THE TOWN OF WINDSOR (“WINDSOR”) AND THE KERN RESERVOIR AND DITCH COMPANY (“Kern”), c/o Town of Windsor, Colorado, 301 Walnut Street, Windsor, CO 80550. Please send correspondence and pleadings to: Bradley C. Grasmick and Wesley S. Knoll, Lawrence Custer Grasmick Jones & Donovan LLP, 5245 Ronald Reagan Blvd., Suite 1, Johnstown, CO 80534; Phone: (970) 622-8181; brad@lcwaterlaw.com, wes@lcwaterlaw.com. **CONCERNING THE APPLICATION FOR FINDING OF REASONABLE DILIGENCE AND TO MAKE ABSOLUTE, in LARIMER AND WELD COUNTIES.** 2. Previous Decrees: Case No. 14CW3084, dated January 9, 2015. 2.1. Name of Structure 2.1.1. Covenant Park Well (“Well”): Permit Number: 281375 2.1.1.1. Legal Description of the Location of the Well. NW 1/4 of the SW 1/4 of Section 20, Township 6 North, Range 67 West, 6th P.M. at a point 2, 245 feet from the South Section Line and 664 feet from the West Section Line, Weld County, Colorado. 2.1.1.2. Source: Groundwater 2.1.1.3. Appropriation Date: July 23, 2014 2.1.1.4. Amount of Water Claimed: 105 g.p.m. were decreed as a conditional water right in Case No. 14CW3084 (“Decree”). Based on diversion and application to beneficial use, Applicant requests that 105 g.p.m. be decreed as absolute. 2.1.1.5. Use: Irrigation in the SW 1/4 Section 20, Township 6 North, Range 67 West, 6th P.M. 2.1.1.6. The Well has been completed and put into use by the Town pursuant to the terms and conditions of the Decree and is augmented pursuant to the decree entered in Case No. 02CW301 (the “Kern Decree”). 3. Outline of Work Toward Completion of the Appropriation During the Diligence Period: Covenant Park Well is used for the irrigation of Covenant Park by the Town. The Town of Windsor owns the land being irrigated by the Well. During the diligence period, Applicant spent \$866.05 on testing a new meter and \$36,268.00 was spent on installation of a pump for the Well. Also during the diligence period, Applicant paid \$70,890.00 in salary to the Kern Ditch rider. Further, Applicant spent \$311,775.00 for the design of the Kyger Gravel Pit pump station, which is one of the replacement sources for the Covenant Park Well under the Kern Decree. Applicant spent \$2,281,887.00 on the construction of the Kyger Gravel Pit pump station. Applicant spent \$43,122.00 on improvements and repairs to its non-potable SCADA system which is used for the Well and the Town’s other non-potable irrigation wells. Applicant also participated in several water court cases as an objector to protect the water right decreed for the Covenant Park Well. 4. Claim to Make Water Right Absolute and for Finding of Reasonable Diligence. Applicant has placed the Well into production and has used the Well to irrigate Covenant Park. In July of 2020, Applicant pumped the well at its maximum decreed pumping rate of 105 g.p.m. for its decreed use. Applicant seeks to make the water right decreed in Case No. 14CW3084 in the amount of 105 gallons per minute absolute in this application. In the alternative, Applicant seeks a finding that they have been reasonably diligent in the development and appropriation of the water rights for the Covenant Park Well as decreed in Case No. 14CW3084. 5. Names and addresses of owners or reputed owners of land/structures: Kern Reservoir and Ditch Company is the owner of the Kern Reservoir and Kern Decree. The Town of Windsor is the owner of the Well, the land upon which the Well is located, the land irrigated by the Well and Kyger Reservoir. The Town of Windsor owns all 100 shares in the Kern Reservoir and Ditch Company. The Town’s address is Town of Windsor, 301 Walnut Street, Windsor, CO 80550. The original format of this application is four pages in length.

21CW3005 THE WELL AUGMENTATION SUBDISTRICT OF THE CENTRAL COLORADO WATER CONSERVANCY DISTRICT, 3209 West 28th Street, Greeley, CO 80634. Please send correspondence and pleadings to: David P. Jones and Rebecca E. Spence, Lawrence Custer Grasmick Jones & Donovan LLP, 5245 Ronald Reagan Blvd., Suite 1, Johnstown, CO 80534; Phone: (970) 622-8181;

david@lcwaterlaw.com, rebecca@lcwaterlaw.com. **CONCERNING THE APPLICATION FOR FINDING OF REASONABLE DILIGENCE, IN ADAMS, MORGAN AND WELD COUNTIES**. 2. Previous Decrees: Case No. 03CW99, dated May 14, 2008, Water Division No. 1, Weld County; Case No. 14CW3066, dated January 9, 2015, Water Division No. 1, Weld County. 2.1. Name of Structure 2.1.1. Strohauser/Bostron Well No. 1-7225 (Aug. Well Permit No. 60578-F) 2.1.1.1. In the SW 1/4 SE 1/4, Section 32, Township 5 North, Range 65 West of the 6th P.M., Weld County, Colorado, approximately 100 feet North and 2277 feet West from the Southeast corner of said section. 2.1.1.2. Date of Appropriation: February 28, 2003 2.1.1.3. Amount Claimed: 4.0 c.f.s., conditional 2.1.1.4. Use: augmentation, replacement and exchange 2.1.2. Strohauser/Geis Well No. 1-Unregistered (Aug. Well Permit No. 60583-F) 2.1.2.1. In the NE 1/4 SW 1/4 Section 5, Township 4 North, Range 65 West of the 6th P.M., Weld County, Colorado, approximately 1330 feet North and 1440 feet west from the Southwest corner of said section. 2.1.2.2. Date of Appropriation: February 28, 2003. 2.1.2.3. Amount Claimed: 4.0 c.f.s., conditional 2.1.2.4. Use: augmentation, replacement and exchange 2.1.3. WCL Partnership Well No. 3-11997 (Aug. Well Permit No. 60581-F) 2.1.3.1. In the NW 1/4 NE 1/4, Section 8, Township 4 North, Range 65 West of the 6th P.M., Weld County, Colorado approximately 600 feet South and 0 feet East of the North quarter corner of said section. 2.1.3.2. Date of Appropriation: February 28, 2003 2.1.3.3. Amount Claimed: 4.0 c.f.s., conditional 2.1.3.4. Use: augmentation, replacement and exchange 2.1.4. WCL Partnership Well No. 2-11998 (Aug. Well Permit No. 60580-F) 2.1.4.1. In the NW 1/4 NE 1/4, Section 8, Township 4 North, Range 65 West of the 6th P.M., Weld County, Colorado, approximately 600 feet South and 500 feet East of the North quarter corner of said section. 2.1.4.2. Date of Appropriation: February 28, 2003 2.1.4.3. Amount Claimed: 4.0 c.f.s., conditional 2.1.4.4. Use: augmentation, replacement and exchange 2.1.5. WCL Partnership Well No. 3-11994 (Aug. Well Permit No. 60568-F) 2.1.5.1. In the SW 1/4 NE 1/4, Section 5, Township 4 North, Range 65 West of the 6th P.M., Weld County, Colorado, approximately 2640 feet South and 100 feet East of the North quarter corner of said section. 2.1.5.2. Date of Appropriation: February 28, 2003 2.1.5.3. Amount Claimed: 4.0 c.f.s., conditional 2.1.5.4. Use: augmentation, replacement and exchange 2.1.6. WCL Partnership Well No. 3-1200 (Aug. Well Permit No. 60569-F) 2.1.6.1. In the NW 1/4 NE 1/3, Section 8, Township 4 North, Range 65 West of the 6th P.M., Weld County, Colorado, approximately 15 feet South and 660 feet East of the North quarter corner of said section. 2.1.6.2. Date of Appropriation: February 28, 2003 2.1.6.3. Amount Claimed: 4.0 c.f.s., conditional 2.1.6.4. Use: augmentation, replacement and exchange 2.1.7. Conrad/Matthew/Bass Well No. 1-13054 (Aug. Well Permit No. 60579-F) 2.1.7.1. In the SE 1/4 NE 1/4, Section 12, Township 4 North, Range 66 West of the 6th P.M., Weld County, Colorado, approximately 2581 feet South and 82 feet West from the Northeast corner of said section. 2.1.7.2. Date of Appropriation: February 28, 2003 2.1.7.3. Amount Claimed: 4.0 c.f.s., conditional 2.1.7.4. Use: augmentation, replacement and exchange 2.1.8. Annan Well No. 1-13315 (Aug. Well Permit No. 60570-F) 2.1.8.1. In the SW 1/4 NW 1/4, Section 7, Township 4 North, Range 65 West of the 6th P.M., Weld County, Colorado, approximately 2550 feet South and 50 feet east from the Northwest corner of said section. 2.1.8.2. Date of Appropriation: February 28, 2003 2.1.8.3. Amount Claimed: 4.0 c.f.s., conditional 2.1.8.4. Use: augmentation, replacement and exchange 2.1.9. McCarthy Well No. 13586 (Aug. Well Permit 66881-F) 2.1.9.1. In the SW 1/4 NW 1/4, Section 12, Township 4 North, Range 66 West of the 6th P.M., Weld County, Colorado, approximately 620 feet North and 35 feet East from the West quarter corner of said section. 2.1.9.2. Date of Appropriation: February 28, 2003 2.1.9.3. Amount Claimed: 4.0 c.f.s., conditional 2.1.9.4. Use: augmentation, replacement and exchange 2.1.10. McCarthy Well No. 13587 (Aug. Well Permit No. 59957-F) 2.1.10.1. In the SW 1/4 NW1/4, Section 12, Township 4 North, Range 66 West of the 6th P.M., Weld County, Colorado, approximately 590 feet North and 25 feet East from the West quarter corner of said section. 2.1.10.2. Date of Appropriation: February 28, 2003 2.1.10.3. Amount Claimed: 4.0 c.f.s., conditional 2.1.10.4. Use: augmentation, replacement and exchange 2.1.11. Jerke Well No. 0872 (Aug. Well Permit No. 60567-F) 2.1.11.1. In the SE 1/4 NE 1/4 of Section 7, Township 4 North, Range 65 West of the 6th P.M., Weld County, Colorado, approximately 2619 feet from the North section line and 870 feet from the East section line. 2.1.11.2. Date of Appropriation: February 28, 2003 2.1.11.3. Amount Claimed: 4.0 c.f.s., conditional 2.1.11.4. Use: augmentation, replacement and exchange 2.1.12. Schmidt Well No. 16157R (Aug. Well Permit 63762-F) 2.1.12.1. In the NW 1/4 SE 1/4 of Section 7, Township 4 North, Range

66 West of the 6th P.M., Weld County, Colorado, approximately 2197 feet from the South section line and 1307 feet from the East section line. 2.1.12.2. Date of Appropriation: August 8, 2005 2.1.12.3. Amount Claimed: 4.0 c.f.s., conditional 2.1.12.4. Use: augmentation, replacement and exchange 3. Outline of Work Toward Completion of the Appropriation During the Diligence Period. The wells identified above (“Subject Wells”) were all existing structures at the time of entry of the Decree in Case No. 03CW99 in 2008. The Subject Wells are only intended to be used in the event Applicant’s other sources are insufficient to replace out of priority depletions for diversions made under the plan, and during the diligence period the Wells were not needed for such purpose. Pursuant to paragraph 34 of the Decree, WAS’s water rights, plan for augmentation and augmentation supplies constitute an integrated system. During the diligence period, WAS expended at least the following sums and performed the following activities related to the operation and development of its plan for augmentation decreed in Case no. 03CW99: \$ \$1,378,700.00 on the acquisition of additional augmentation and replacement supplies; \$1,439,276.00 on legal and engineering fees associated with water right acquisition, infrastructure development (including recharge and storage facilities and carriage rights), augmentation plan accounting, permitting, lobbying and legislative activity, and adjudication of new water rights, changes of water rights and statements of opposition in Water Court for purposes of protecting Applicant’s water rights; and \$4,316,669.00 on water right and infrastructure lease payments and ditch company assessments for shares owned by the Applicant and used for augmentation. 4. Claim for Finding of Reasonable Diligence. Applicant seeks a finding that it has been reasonably diligent in the development of the water rights for Subject Wells and to maintain the conditional rights for the Subject Wells for an additional six years. 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. N/A. No new diversion structures are being constructed or will be modified by this Application. The original format of this application is seven pages in length.

21CW3006 THE CITY OF AURORA, COLORADO, ACTING BY AND THROUGH ITS UTILITY ENTERPRISE (“Aurora”), 15151 East Alameda Parkway, Suite 3600, Aurora, Colorado 80012-1555, Stephanie J. Neitzel, Assistant City Attorney, City of Aurora, Colorado, 15151 East Alameda Parkway, Suite 5300, Aurora, Colorado 80012. APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN ADAMS, ARAPAHOE, DOUGLAS AND WELD COUNTIES. 2. NAME OF THE STRUCTURE: The Aurora-Everist Reservoir No. 2.

The Aurora-Everist Reservoir No. 2 (the “Reservoir”) consists of four interconnected water storage cells, one of which is an extension of the Swingle South cell of Aurora-Everist Reservoir No. 1 which was decreed in Case No. 02CW330. See Figures 1 and 2. 3. DESCRIPTION OF CONDITIONAL WATER RIGHT (“Subject Water Right”): 3.1. Date of Original Decree: January 6, 2015, Case No. 13CW3080, District Court, Water Division 1 (the “Original Decree”). 3.2. Total Size and Capacity of the Reservoir: 3.2.1. Surface Area: 227 acres. 3.2.2. Maximum Depth: 45 feet. 3.2.3. Height of Dam: In-ground structure with no dam. 3.2.4. Active Capacity: 6,890 acre-feet. 3.2.5. Dead Storage: 0 acre-feet. 3.3. Location (Legal Description): The Reservoir is approximately 227 acres and is located within parts of the SW1/4 of Section 30, T2N, R66W and parts of the NE1/4, SE1/4 and SW1/4 of Section 25, T2N, R67W, all in the 6th P.M., Weld County, Colorado, and more specifically described as follows: 3.3.1. Swingle South Cell: 3.3.1.1. Area: The area of the Swingle South Cell decreed in the Original Decree is the southern 1/3 of the cell shown in Figure 2, which is 17.3 acres. The area of the entire cell, including the northern 2/3 portion that was decreed in Case No. 02CW330, is 56.8 acres. 3.3.1.2. Legal description and centroid of entire Swingle South Cell: NE1/4 and SE1/4 of Section 25, T2N, R67W, 2459 feet South of North section line and 708 feet West of East section line. 3.3.1.3. Legal description and centroid of the southern 1/3 of the Swingle South Cell decreed in the Original Decree and that is the subject of this Application is: 2201.4 feet North of the South section line and 472.4 feet West of the East section line of Section 25, T2N, R67W of the 6th P.M. 3.3.1.3.1. Volume: 1,530 acre-feet. 3.3.1.3.2. Depth: 45 feet. 3.3.2. Everist #1 Cell: 3.3.2.1. Area: 76.6 acres. 3.3.2.2. Legal Description and centroid of cell: SW1/4 of Section 30, T2N, R66W, 1336 feet North of South section line

and 644.6 feet East of West section line. 3.3.2.3. Volume: 2,000 acre-feet. 3.3.2.4. Depth: 41 feet. 3.3.3. Everist #2/4 Cell. 3.3.3.1. Area: 63.6 acres. 3.3.3.2. Legal Description and centroid of cell: SE1/4 of Section 25, T2N, R67W and SW1/4 of Section 30, T2N, R66W, 1205.8 feet North of South section line of Section 25, T2N, R67W and 636.6 feet West of East section line of Section 25, T2N, R67W. 3.3.3.3. Volume: 1,400 acre-feet. 3.3.3.4. Depth: 34 feet. 3.3.4. Vincent West Cell: 3.3.4.1. Area: 69.8 acres. 3.3.4.2. Legal Description and centroid of cell: SE1/4 and SW1/4 of Section 25, T2N, R67W, 1321.9 feet North of South section line and 2037.4 feet West of East section line. 3.3.4.3. Volume: 1,960 acre-feet. 3.3.4.4. Depth: 42 feet. 3.4. Sources: 3.4.1. South Platte River. 3.4.2. Other Fully Consumable Water. In addition to the Subject Water Right, Aurora will also divert and store other full consumable water (“Other Fully Consumable Water”). Other Fully Consumable Water includes, but is not limited to, Aurora’s fully consumable effluent released after treatment by the Metropolitan Wastewater Reclamation District from any of its treatment facilities, Aurora’s Sand Creek Wastewater Treatment Plant, and any future wastewater treatment facility operated by Aurora or the Metropolitan Wastewater Reclamation District; decreed lawn irrigation return flows; water rights to be acquired and changed by water court decree in the future; not non-tributary and non-tributary Denver Basin ground water rights that are decreed for Aurora’s use; any other water rights that may be decreed for storage in the Reservoir; other water that is decreed to be fully consumable that is purchased, leased or otherwise acquired from others; and the reusable portion of the effluent generated by sewage flows arising in the East Cherry Creek Valley and Sanitation District (“ECCV”) and delivered to the Aurora system pursuant to the agreement between Aurora and ECCV dated May 15, 1976, as amended. 3.5. Points of Diversion: 3.5.1. South Platte Diversion No. 1: Diversion No. 1 has not yet been constructed, but is planned to divert surface water from the South Platte River on the west bank of the South Platte River in the NW1/4 of the NE1/4 of Section 31, 691 feet from the North section line, 2,455 feet from the East section Line, in T2N, R66W of the 6th P.M., Weld County, Colorado. No groundwater shall be diverted from or at Diversion No. 1. 3.5.2. South Platte Diversion No. 2: Diversion No. 2 has not yet been constructed, but is planned to divert surface water from the South Platte River on the west bank of the South Platte River in the NE1/4 of the SW1/4 of Section 30, 2,948 feet from the South section Line, 2,715 feet from the West section Line, in T2N, R66W of the 6th P.M., Weld County, Colorado. No groundwater shall be diverted from or at Diversion No. 2. 3.5.3. The Lupton Bottom Ditch: Delivery through the Lupton Bottom Ditch will utilize the existing capacity of the Lupton Bottom Ditch that diverts from the South Platte River on the west bank of the South Platte River in the W½ of Section 19, T1N, R66W of the 6th P.M., Weld County, Colorado. 3.6. Appropriation Date: July 31, 2013. 3.7. Amounts: 3.7.1. The Reservoir: 6,890 acre-feet conditional, with the right of one fill and one refill subject to the annual PWP volumetric limit of 40,000 acre-feet decreed in Case No. 06CW104 and as defined in paragraph 31(f) of the Original Decree, and subject to the carryover and accounting terms specifically set forth in paragraph 14 of the Original Decree. 3.7.2. Diversion No. 1 (South Platte River) rate of diversion to storage: 50 cfs, conditional. 3.7.3. Diversion No. 2 (South Platte River) rate of diversion to storage: 50 cfs, conditional. 3.7.4. Diversion No. 3 (Lupton Bottom Ditch) rate of diversion to storage: 150 cfs, conditional. 3.8. Uses: 3.8.1. Aurora will use the Subject Water right after storage for all municipal, domestic, commercial and industrial uses, water treatment, fire protection, irrigation, reservoir evaporation replacement, use as supply or substitute supply for augmentation and exchanges to be decreed for municipal purposes, and may use, reuse and successively use to extinction for the same purposes, effluent or return flows remaining after the first use of the water for the uses described above, subject to the terms and conditions of the Original Decree. The place of use of the water will be any area within the existing or future water service area of the City of Aurora, located in Adams, Arapahoe and Douglas Counties, or any extra-territorial area in which the City of Aurora contracts to provide augmentation and/or water service. Recreational, fish and wildlife propagation uses will be confined to the Reservoir. 3.8.2. Aurora will fully consume the water diverted under the Subject Water Right after storage and subsequent release, reuse, successive use, further exchange and disposition to the point of extinction, subject to the terms and conditions of the Original Decree. 4. PROVIDE A DETAILED OUTLINE OF WHAT HAS BEEN DONE TOWARD COMPLETION OR FOR COMPLETION OF THE APPROPRIATION AND APPLICATION OF WATER TO A BENEFICIAL USE AS CONDITIONALLY DECREED, INCLUDING EXPENDITURES, DURING THE PREVIOUS

DILIGENCE PERIOD. Pursuant to C.R.S. §37-92-301(4)(b), the measure of reasonable diligence is the steady application of effort to complete the appropriation in a reasonably expedient and efficient manner under all the facts and circumstances. When a project or integrated system is comprised of several features, work on one feature of the project or system shall be considered finding that reasonable diligence has been shown in the development of water rights for all features of the entire project or system. Project Specific Efforts Including Integrated PWP Project. Pursuant to paragraph 3 of the Original Decree, the Subject Water Right will be operated as part of Aurora's Prairie Waters Project ("PWP"). Therefore, Aurora's work on any part of the PWP constitutes reasonable diligence on the conditional water rights decreed in the Original Decree. Since the date of the Original Decree, Aurora has diligently prosecuted the following features of the PWP, including the Subject Water Right: 4.1. Acquisition of Reservoir Property and Slurry Wall Improvements. On August 26, 2015, Aurora acquired the Reservoir property and completed slurry walls, subject to continued sand and gravel operations as set forth in the Amended and Restated Purchase and Sale Agreement between Aurora and L.G. Everist dated February 9, 2011. 4.2. Delivery of Everist #1 and #2/4 Cells. In August 2016, Aurora paid \$4,302,000 for completion of storage space for the Everist #1 and Everist #2/4 Cells. 4.3. Amendment to Purchase and Sale Agreement. Starting in 2017, Aurora entered into negotiations with L.G. Everist, Inc. for the Fourth Amendment of Amended and Restated Purchase and Sale Agreement that was executed in December 2019. This was an amendment to the February 9, 2011 Agreement under which Aurora agreed to purchase the Reservoir property and completed storage facilities for the Reservoir to be constructed by L.G. Everist. This Fourth Amendment pertained to revisions of side-slope construction specifications for the Reservoir storage cells. 4.4. Amendments to Surface Use Agreement. Aurora, L.G. Everist and the owner of oil and gas rights and infrastructure on the Reservoir property negotiated Amendments to the Surface Use Agreement dated July 2011, under which the Parties agreed to areas for oil and gas wells and operations, relocation/abandonment of existing oil and wells and pipelines, and oil and gas setback requirements. The First Amendment was entered into in July 2015 and the Second Amendment is pending final approval and signature. 4.5. Case No. 14CW3065, D-1. On March 2, 2015, Aurora was granted a decree for findings of reasonable diligence for conditional storage rights for Aurora Reservoir, Quincy Reservoir and East Reservoir, originally decreed in 03CW415. 4.6. Case No. 15CW3064, D-1. On December 1, 2017, Aurora was granted a decree for findings of reasonable diligence for conditional storage rights for ARR-A/Gravel Pit Reservoir A; conditional tributary ground water rights for the PWP Well Field; conditional appropriative rights of exchange for 28 reaches on the lower South Platte River; and a plan for augmentation for the PWP Well Field, originally decreed in Case No. 06CW104. 4.7. Case No. 18CW3096, D-1. On April 16, 2019, Aurora was granted a decree for findings of reasonable diligence for conditional storage rights for Aurora-Everist Reservoir No. 1 originally decreed in Case No. 02CW330. 4.8. Case No. 20CW3058, D-1. On November 4, 2020, Aurora was granted a decree for findings of reasonable diligence for conditional storage rights for the Aquifer Recharge and Recovery Facility B (ARR-B) and the Tucson South Reservoir, originally decreed in Case No. 03CW414. 4.9. Negotiations for Gravel Pit Storage. Aurora is in the process of renegotiating its agreement with Aggregate Industries to complete the reservoir facilities for the Tucson South Reservoir. 4.10. Case No. 15CW3080, D-1. On August 15, 2016, Aurora was granted a decree for findings of reasonable diligence for conditional storage rights for the Robert W. Walker Reservoir originally decreed in Case No. 06CW129. 4.11. Case No. 15CW3079, D-1. On August 15, 2016, Aurora was granted a decree making partially absolute and for findings of reasonable diligence for the remaining conditional storage rights for the Stillwater Ranch Reservoir originally decreed in Case No. 06CW130. 4.12. Case No. 13CW3042, D-1. On May 12, 2015, Aurora obtained a decree granting conditional water rights to add in-fill wells to the PWP Well Field and to the plan for augmentation originally decreed in Case No. 06CW104. 4.13. Case No. 14CW3177, D-1. On April 26, 2018, Aurora obtained a decree granting a change of its New Brantner Ditch Company shares. 4.14. Case No. 18CW3121, D-1. Aurora filed its application for change of its Lupton Bottom and Lupton Meadows Ditch Company shares on July 31, 2018, and amended this application on February 28, 2020. This case is pending. 4.15. Water Rights Purchases. Aurora expended over \$76 million to purchase water rights, including associated infrastructure and land, on the South Platte River that will be diverted for use by Aurora through the PWP facilities. 4.16. Integrated Water Master Plan. In September 2017 Aurora

completed its Final Draft Integrated Water Master Plan that integrates short-term and long-range planning across the water resources, treatment and distribution disciplines within Aurora Water. 4.17. North Campus Master Plan. The North Campus System is a raw water collection and delivery system developed as a part of the PWP system. In 2019, Aurora Water completed a draft of the North Campus Master Plan that supports the planning of capital progress and expenditure to maintain current conditions, address challenges, and meet future expansion needs for the North Campus System facilities. 4.18. Land Purchases. Aurora purchased 2 parcels of land (Horiuchi/Faudoa and Marrs) for the Tucson South Reservoir at a total cost of \$348,000. 4.19. Gilcrest Reservoir. In 2015, Aurora purchased 570 acres that is a portion of the property known as Gilcrest Reservoir (f/k/a Platte Valley Trust Reservoir). 4.20. Legal and Engineering Fees. Aurora expended at least \$3.2 million for legal and engineering services for work related to the Subject Water Right and the PWP, including the items listed in this Paragraph 4. 4.21. Protection Efforts. Aurora expended at least \$3 million for legal and engineering services in its participation in water court cases and other efforts for the purpose of protecting the Subject Water Right and Integrated PWP Project. Other Project Specific Efforts. Aurora has an integrated multi-basin water supply system contributing Other Fully Consumable Water to be stored in the Reservoir. Work and expenditures on any part of that system that is not specifically included in this Paragraph 4 constitute reasonable diligence for the Subject Water Right. 5. IF CLAIM IS TO BE MADE ABSOLUTE: N/A. 6. NAMES AND ADDRESSES OF OWNERS OR REPUTED OWNERS OF LAND UPON WHICH ANY NEW DIVERSION OR STORAGE STRUCTURE, OR MODIFICATION TO ANY EXISTING DIVERSION OR STORAGE STRUCTURE IS OR WILL BE CONSTRUCTED OR UPON WHICH WATER IS OR WILL BE STORED, INCLUDING ANY MODIFICATION TO THE EXISTING STORAGE POOL: 6.1. The City of Aurora, Colorado owns the property upon which Aurora Everist Reservoir No. 2 is located. 6.2. The Lupton Bottom Ditch Company, c/o Howard Cantrell, Secretary, P.O. Box 305, Fort Lupton, Co 80621, owns the Lupton Bottom Ditch, and the Applicant is a shareholder in the Lupton Bottom Ditch Company. 6.3. L.G. Everist, Inc., an Iowa Corporation, whose address is 7321 East 88th Avenue, Suite 200, Henderson, CO 80640, owns the property upon which the South Platte Diversion Points 1 and 2 are located. WHEREFORE, Applicant requests that the Court enter a decree: Finding that Applicant has been reasonably diligence in the steady application of effort to complete the appropriation of the conditional water rights that are the subject of this application in a reasonably expedient and efficient manner under the facts and circumstances and continuing the following conditional rights in full force and effect, and such other relief as the Court deems just and appropriate: A. The Aurora-Everist Reservoir No. 2: 6,890 acre-feet (conditional). B. Diversion No. 1 (South Platte River): 50 cfs (conditional). C. Diversion No. 2 (South Platte River): 50 cfs (conditional). D. Lupton Bottom Ditch Diversion Point: 150 cfs (conditional). Application is 12 pages including exhibits.

21CW3007 (81CW415) (89CW191) (96CW271) (07CW90) 1. Name and Mailing Address of Applicant, NORTH PARKER INVESTMENTS, LLC c/o Seldin Real Estate, Inc., 7339 E. Evans Road, Suite 201, Scottsdale, Arizona 85260, and Pivotal Colorado II, LLC c/o Seldin Real Estate, Inc., 7339 E. Evans Road, Suite 201, Scottsdale, Arizona 85260. Copies of all pleadings to: David F. Bower, Johnson & Repucci LLP, 850 W. South Boulder Road, Suite 100, Louisville, Colorado 80027, Phone: (303) 442-1900, E-mail: dfbower@j-rlaw.com.. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN DOUGLAS COUNTY 2. Name and Descriptions of Conditional Water Rights. A. Original and Subsequent Decrees. The Stroh Ranch Tributary Wells TW1, TW2, TW3, TW4, TW5, TW6, and TW7 (collectively, the “Stroh Ranch Tributary Wells”) were conditionally decreed in Case No. 81CW415, Water Division 1, dated December 19, 1985. The Stroh Ranch Tributary Wells were continued in their entirety pursuant to the diligence decrees entered in (i) Case No. 89CW191, Water Division 1, dated November 2, 1990, (ii) Case No. 96CW271, Water Division 1, dated April 20, 2001, and (iii) Case No. 07CW90, Water Division 1, dated January 28, 2015. In addition, a portion of the Stroh Ranch Tributary Well TW1 water right was made absolute in Case No. 96CW271. B. Names and Legal Descriptions of Structures. The Stroh Ranch Tributary Wells are located or decreed to be located within Section 34, Township 6 South, Range 66 West of the 6th P.M., as follows: i. TW1. In the SW1/4 SW1/4, at a point 632 feet north of south section line and 1,186 feet east of the west section line. ii. TW2. In the SE1/4 SW1/4, at a point 1,160 feet north of**

the south section line and 1,650 feet east of the west section line. iii. TW3. In the NE1/4 SW1/4, at a point 2,327 feet north of the south section line and 1,326 feet east of the west section line. iv. TW4. In the NE1/4 SW1/4, at a point 2,399 feet north of the south section line and 2,282 feet east of the west section line. v. TW5. In the SE1/4 NW1/4, at a point 2,799 feet north of the south section line and 1,664 feet east of the west section line. vi. TW6. In the SE1/4 NW1/4, at a point 3,368 feet north of the south section line and 1,898 feet east of the west section line. vii. TW7. In the SW1/4 NW1/4, at a point 3,878 feet north of the south section line and 813 feet east of the west section line. C. Appropriation Dates. The date of appropriation for each of the Stroh Ranch Tributary Wells is as follows: i. TW1 and TW2. May 18, 1981. ii. TW3 through TW7. September 10, 1984. D. Source. Groundwater tributary to Cherry Creek, tributary to the South Platte River. E. Amounts. The amount of water decreed to the Stroh Ranch Tributary Wells is as follows: i. TW1. 1.67 cfs (750 gpm), absolute; 1.67 cfs (750 gpm), conditional. ii. TW2 through TW7. 3.34 cfs (1,500 gpm), conditional, for each well. F. Decreed Uses. The Stroh Ranch Tributary Wells were decreed as part of an integrated water supply system for the development of approximately 1,913 acres of land in Douglas County previously known as the Stroh Ranch (the “Stroh Ranch Property”). The Stroh Ranch Tributary Wells are decreed for domestic, irrigation, municipal, commercial, industrial, fire protection, recreational, fish and wildlife, livestock watering, and any other beneficial use in connection with the development of the Stroh Ranch Property. Water may be diverted under the water rights for the Stroh Ranch Tributary Wells for immediate application to beneficial use, for storage and subsequent application to beneficial use, for exchange purposes, for replacement of depletions resulting from use of water from other sources, and for any augmentation purpose approved pursuant to a decreed plan for augmentation. **3. Claim for Finding of Reasonable Diligence**. Applicants seek to continue the conditional water rights decreed to the Stroh Ranch Tributary Wells for the amounts and uses set forth above. Besides the filing of this application, during the subject diligence period from January 28, 2015 through the date of this application, the following activities have been performed to put the subject water rights to beneficial use: A. Applicants have continued to develop the former Stroh Ranch Property, including into the development that is now known as Anthology North. The Anthology North development is one of the largest remaining future planned residential communities in the Town of Parker. During the diligence period, and for many years before that, the various owners of the Stroh Ranch Property have worked with Parker to annex and zone the undeveloped land for residential, mixed, and commercial land uses. At present, the Anthology North development consists of approximately 1,207.9 acres, with 3,305 future planned residential units. The Stroh Ranch Tributary Wells will continue to be one of sources of water supply for the development. B. In 2019, Applicants received Town approval to develop Anthology North into three independent stand-alone segments. The first segment, Segment 1, has been further broken down into three sub-segments – Segment 1A, 1B, and 1C. Sketch and Preliminary Plans for Segment 1A have been nearly fully processed and should go to Town Council this spring, with construction possible later this year. Segments 1B and 1C are also in process. In total, Segment 1A is currently zoned for 502 residential units and a 32.5-acre park. Segment 1B is zoned for 476 residential units and adjacent open space. Segment 1C is zoned for 554 residential units. C. As part of the ongoing development work, Applicants’ land use planning, engineering, and water resources consultants have continued to incorporate the Stroh Ranch Tributary Wells into the Anthology North development plans, including for the irrigation of the parks and open space within the development. D. The portions of the Stroh Ranch Property that have already been developed, and the portions that are currently being developed, are served by the Parker Water & Sanitation District (“PW&SD”). On June 15, 2015, a General Warranty Deed was recorded in the Douglas County real property records conveying to PW&SD certain interests in Denver Basin water that will be used to serve Anthology North. This was only the latest conveyance of Denver Basin water from the Stroh Ranch Property to PW&SD. The Denver Basin water was decreed in Case No. 83CW161, and is a component of the integrated water supply system for the Anthology North development, along with the plan for augmentation approved in Case No. 81CW416. Accordingly, all of the work that Applicants have performed with respect to the development and use of the Denver Basin aquifer supplies under the former Stroh Ranch Property, including negotiation of water supply agreements with and conveyance of water rights to PW&SD, further demonstrates Applicants’ efforts in developing the Stroh Ranch Tributary Wells.

E. Besides the continued development work, Applicants have continued to monitor the resumes and participate in Water Court cases in order to protect the subject water rights, including in Case Nos. 13CW3064 and 19CW3211. Applicants have also expended significant sums in engineering and legal fees in protecting and implementing the water supply plan originally decreed in Case Nos. 81CW415, 81CW416, and 83CW161. The foregoing list of activities is only a summary of the overall work showing Applicants' diligence in the development of the Stroh Ranch Tributary Wells. Applicants' may supplement this list, as necessary, with additional evidence of diligence. WHEREFORE, for all of the foregoing reasons, Applicants respectfully request that the Water Court enter a decree finding that, based on the activities set forth above, Applicants have been diligent with respect to developing the Stroh Ranch Tributary Wells not previously made absolute, and order that the conditional water rights decreed to the Stroh Ranch Tributary Wells be continued in full force and effect for an additional six-year diligence period or until such time as a determination is made that the rights have been made absolute. (6 pages)

21CW3008 GIRL SCOUTS OF COLORADO, c/o Myrnan Fronczak, Property & Risk Management Director, 3801 E. Florida Ave. Suite 720, Denver CO 80210. Please direct all communications regarding this application to counsel for Applicant, Cynthia F. Covell, Andrea L. Benson, and Gilbert Y. Marchand, Jr., Alperstein & Covell P.C., 1600 Broadway, Suite 1070, Denver, CO 80202. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE, in LARIMER COUNTY.** 2. Names of structures: Magic Sky Reservoir; Lone Pine Northside Well; Lone Pine Southside Well. 3. Description of conditional water rights: Date of Original Decree ("Original Decree"): December 4, 1987 (all structures). Case Number: 85CW455. Subsequent Diligence Decrees: Case Nos. 93CW174 (August 17, 1994), 00CW145 (April 16, 2001), 07CW89 (May 29, 2008), and 14CW3064 (January 28, 2015). Portions of the water rights decreed to the Magic Sky Reservoir and the Lone Pine Northside Well have been decreed absolute as described herein. Court: Water Division 1. Decreed location as corrected in Case No. 00CW145: Magic Sky Reservoir: SW 1/4 SW 1/4, Sec. 5, Township 9 North, Range 68 West of the 6th P.M., Larimer County, Colorado. The underdrain outlet from the reservoir is located 760' from the West section line and 1070' from the south section line of said Section 5; Lone Pine Northside Well: SE 1/4 NE 1/4 Sec. 5, T.9N, R72 W. of the 6th P.M., Larimer County, Colorado, 1500 feet from the North section line and 400 feet from the East section line; Lone Pine Southside Well: NE1/4 SW 1/4 Sec. 5, T.9N, R72 W. of the 6th P.M., Larimer County, Colorado, 1440 feet from the South section line and 2250 feet from the West section line. These structures are shown on Exhibit A to the filed application. Source: South Lone Pine Creek, as to all structures. Amount: Magic Sky Reservoir: 10 acre-feet (6.52 acre-feet absolute; 3.38 acre-feet conditional) (absolute amounts were decreed in Case Nos. 07CW89 and 14CW3064). Lone Pine Northside Well: 15 g.p.m., 14 g.p.m absolute and 1 g.p.m. conditional (absolute amount decreed in Case No. 07CW89). Lone Pine Southside Well: 5 g.p.m. conditional. Use of Water: Magic Sky Reservoir: Municipal, recreation, piscatorial, domestic and augmentation; Lone Pine Northside Well: Domestic and municipal uses to provide a water supply for the Magic Sky Ranch Girl Scout camp, which includes outdoor showers and field kitchen; Lone Pine Southside Well: Domestic and municipal uses to provide a water supply for the Magic Sky Ranch Girl Scout camp, which includes outdoor showers and field kitchen. Depth of Wells; Reservoir Capacity: Lone Pine Northside Well: 380 feet; Lone Pine Southside Well: 360 feet; currently constructed reservoir capacity: 6.52 acre-feet. 4. Detailed outline of what has been done toward completion or for completion of the appropriations and application of water to beneficial use as conditionally decreed, including expenditures: Lone Pine Northside Well, the Lone Pine Southside Well and the Magic Sky Reservoir are components of the augmentation plans decreed in Case Nos. 85CW455 and 05CW341 ("Augmentation Plans"), and are part of Applicant's integrated water supply system, which provides water to the camp facilities at the Magic Sky Ranch Girl Scout camp. Pursuant to C.R.S. § 37-92-301(4)(b), when an integrated water supply system is composed of several features, as is the case here, work on one feature of the system is considered in finding that reasonable diligence has been shown in the development of water rights for all features of the entire system. During this diligence period, Applicant has operated, maintained and repaired its existing water system infrastructure, including, but not limited to, improving the chlorination system and installing a new well pump, at a cost exceeding \$2,500. Magic Sky

Reservoir was initially constructed in 1996 to contain 3.47 acre-feet, and was expanded during the previous diligence period. The current storage capacity is 6.52 acre-feet, and that amount of the conditional storage right has been made absolute. During this diligence period, Applicant has investigated options for expanding the capacity of the existing reservoir to the full decreed volume of 10.0 acre-feet, and has determined it will either complete the work necessary to obtain the full 10 acre-feet of storage capacity at the current location or construct a separate structure to contain the remaining 3.48 acre-feet. The latter option will likely also require an application to relocate the remaining 3.48 acre-foot conditional portion of this water right. Applicant's investigations and final decision as to the improvements to and location of the Magic Sky Reservoir, as well as further efforts to develop the conditional portions of the decrees for the Lone Pine Wells, have been delayed by financial considerations, including, but not limited to, the significant impact of the pandemic on Girl Scout camping and other operations of Applicant. In addition, the Cameron Peak fire, which started in the summer of 2020 and was not finally controlled until January 12, 2021, required evacuation of Magic Sky Ranch and prevented further fieldwork. Applicant has spent approximately \$29,500 for water consulting work related to operation of the Augmentation Plans. These expenditures include preparation of monthly accounting, conducting monthly water resume reviews, transducer installation/removal and the downloading of data for weir measurements, review of water quality and pumping options at the Ranch and assistance with the Applicant's diligence filing for the second augmentation plan for the Magic Sky Ranch, Case No. 05CW341. During this diligence period, Applicant has been required to expend significant legal fees to protect its water rights at other camps, and therefore has had to greatly reduce legal expenditures associated with the Magic Sky Ranch. During this diligence period, Applicant has spent approximately \$1000 for legal expenses related to the Augmentation Plans, including work on the diligence filing for conditional rights included in the 05CW341 augmentation plan.

5. Names and addresses of owners of the land upon which any new diversion structure 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: Applicant.

21CW3009 (Former Case Nos. 13CW3059, 05CW282, 97CW142, 88CW270) APPLICATION OF THE CITY OF WESTMINSTER TO MAKE ABSOLUTE CERTAIN PORTIONS OF CONDITIONALLY DECREED WATER RIGHTS, AND FOR A SEXENNIAL FINDING OF REASONABLE DILIGENCE IN ADAMS AND JEFFERSON COUNTIES. 1. Name and address of

Applicant: City of Westminster, 4800 West 92nd Avenue, Westminster, CO 80031, (303) 658-2400. Please send all correspondence and pleadings to the undersigned counsel for the Applicant. **2. Name of Structures:** Kershaw Pipeline, Jim Baker Reservoir (f.k.a. Happe Ponds), Sheets Lake, West Gravel Lakes, Kershaw Ditch Exchange, Sayer and Lees Ditch Exchange, Wolff Ditch Exchange, Jim Baker Reservoir Exchange, and West Gravel Lakes Exchange. A general map of the City's Municipal Water System is attached as Exhibit A. **3. Description of the remaining conditional water rights decreed in Case No. 88CW270:** By this Application, Westminster seeks to make absolute additional portions of the conditionally decreed direct flow rights, storage rights, and appropriative rights of exchange (the "conditional water rights") originally adjudicated in Case No. 88CW270, and maintained in Case No. 97CW142, Case No. 05CW282 and Case No. 13CW3059. Westminster also seeks a judicial finding of reasonable diligence in the development of the remaining portions of said conditional water rights. All of the conditional water rights were originally decreed in Case No. 88CW270 on April 9, 1991. Subsequent findings of diligence entered in Case No. 97CW142, Water Court Division No. 1, State of Colorado, on November 17, 1999; Case No. 05CW282, Water Court Division No. 1, State of Colorado, on June 12, 2007; and, Case No. 13CW3059, Water Court Division No. 1, State of Colorado, on January 20, 2015. Additional details on each of the individual conditional water rights are discussed below. A. Kershaw Pipeline. (1) Original Decree: April 9, 1991, Case No. 88CW270, Water Court, Division No. 1, State of Colorado. (2) Location: The Kershaw Pipeline diverts water from Clear Creek from either of the following two locations: (a) On the north bank of the Kershaw Ditch immediately down ditch of the point where the Kershaw Ditch diverts water from Clear Creek in the NE1/4 of the NW1/4 of Section 18, Township 3 South, Range 68

West of the 6th P.M., Adams County Colorado. In addition, Westminster provides the following coordinates to further identify the approximate location of the Kershaw Ditch Pipeline pump station utilizing the Universal Transverse Mercator (UTM) grid system projection based on the North American Datum of 1983 (NAD83), Zone 13 North: (496275 E, 4405247 N). (b) From Sheets Lake located in parts of the NW1/4 of the NW1/4 of the NE1/4 of Section 18, Township 3 South, Range 68 West of the 6th P.M., Adams County, Colorado. In addition, Westminster provides the following coordinates to further identify the approximate location of Sheets Lake utilizing the Universal Transverse Mercator (UTM) grid system projection based on the North American Datum of 1983 (NAD83), Zone 13 North: (496362 E, 4405308 N). (3) Source: Clear Creek, tributary to the South Platte River. (4) Appropriation Date: January 21, 1988. (5) Amount: 10 c.f.s. In Case No. 13CW3059, 1.57 c.f.s. of the original conditional water right was made absolute. The remaining 8.63 c.f.s. remains conditionally decreed. (6) Use: Water will be used for all beneficial uses of the municipal water system of Westminster as it presently exists or may hereafter be expanded or modified, including domestic, irrigation, commercial, industrial, recreation, fish and wildlife, augmentation, replacement and exchange. B. Jim Baker Reservoir (f.k.a. Happe Ponds). (1) Date of Original Decree: April 9, 1991, Case No. 88CW270, Water Court, Division 1, State of Colorado. (2) Location: The reservoir is located in the S1/2 of the NE1/4 and the N1/2 of the SE1/4 of Section 7, Township 3 South, Range 68 West of the 6th P.M., in Adams County, Colorado. In addition, Westminster provides the following coordinates to further identify the approximate location of the Jim Baker Reservoir outlet works utilizing the Universal Transverse Mercator (UTM) grid system projection based on the North American Datum of 1983 (NAD83), Zone 13 North: (496995 E, 4406098 N). The reservoir can be filled via the Kershaw Ditch, the Manhart Ditch, and the Kershaw Pipeline. The Kershaw Ditch headgate is located on the north bank of Clear Creek in the NE1/4 of the NW1/4 of Section 18, Township 3 South, Range 68 West of the 6th P.M., Adams County, Colorado. In addition, Westminster provides the following coordinates to identify the relevant location utilizing the Universal Transverse Mercator (UTM) grid system projection based on the North American Datum of 1983 (NAD83), Zone 13 North: (496254 E, 4405228 N). The Manhart Ditch headgate is located on the north bank of Ralston Creek in the SW1/4 of Section 12, Township 3 South, Range 69 West of the 6th P.M., Jefferson County, Colorado. In addition, Westminster provides the following coordinates to identify the relevant location utilizing the Universal Transverse Mercator (UTM) grid system projection based on the North American Datum of 1983 (NAD83), Zone 13 North: (494178 E, 4405876 N). The Kershaw Ditch Pipeline is located as described in paragraph 3.A.(2). (3) Source: Clear Creek and Ralston Creek, tributary to the South Platte River. (4) Appropriation Date: June 10, 1988. (5) Amount: 768 acre-feet, with the right to fill and refill at a rate of 60 c.f.s. with the maximum annual diversion limited to 1,200 acre-feet. In Case No. 97CW142, the court ruled that 845.3 acre-feet of the original 1,200 acre-feet conditional appropriation had been diverted, applied to beneficial use, and was therefore absolute. The conditional decree for the remaining 354.7 acre-feet of the original appropriation remains in full force and effect. (6) Use: Water may be directly used for all beneficial uses of the municipal water system of Westminster as it presently exists or may hereafter be expanded or modified, including domestic, irrigation, commercial, industrial, recreation, fish and wildlife, augmentation, replacement and exchange, or it may be stored and subsequently used for all of the above purposes. C. Sheets Lake. (1) Date of Original Decree: April 9, 1991, Case No. 88CW270, Water Court, Division 1, State of Colorado. (2) Location: Sheets Lake is located as described in paragraph 3.A.2(b), above. (3) Source: Clear Creek, tributary to the South Platte River. (4) Appropriation Date: January 21, 1988. (5) Amount: 66 acre-feet, with the right to fill and refill at a rate of 30 c.f.s. with the maximum annual diversion limited to 66 acre-feet. (6) Use: Water may be directly used for all beneficial uses of the municipal water system of Westminster as it presently exists or may hereafter be expanded or modified, including domestic, irrigation, commercial, industrial, recreation, fish and wildlife, augmentation, replacement and exchange, or it may be stored and subsequently used for all of the above purposes. (D) West Gravel Lakes. (1) Date of Original Decree: April 9, 1991, Case No. 88CW270, Water Court, Division 1, State of Colorado. (2) Location: The West Gravel Lakes are located just west of the South Platte River about 1/2 mile east of the intersection of East 80th Avenue and North York Street in Sections 25 and 36, Township 2 South, Range 68 West of the 6th P.M., Adams County, Colorado. In addition, Westminster provides the following coordinates to further identify the approximate

location of the West Gravel Lakes outlet works utilizing the Universal Transverse Mercator (UTM) grid system projection based on the North American Datum of 1983 (NAD83), Zone 13 North: (505031 E, 4411328 N). The West Gravel Lakes are generally filed via the Lower Clear Creek Ditch, located as described in paragraph 3.I.(2)(b), below. (3) Source: Clear Creek, tributary to the South Platte River. (4) Appropriation Date: March 14, 1988. (5) Amount: 945 acre-feet, with the right to fill and refill at a rate of 50 c.f.s. with the maximum annual diversion limited to 945 acre-feet. In Case No. 97CW142, the court ruled that 62.4 acre-feet of the original 945 acre-feet conditional appropriation had been diverted, applied to beneficial use, and was therefore absolute. The conditional decree for the remaining 882.6 acre-feet of the original appropriation remains in full force and effect. (6) Use: Water may be directly used for all beneficial uses of the municipal water system of Westminster as it presently exists or may hereafter be expanded or modified, including domestic, irrigation, commercial, industrial, recreation, fish and wildlife, augmentation, replacement and exchange, or it may be stored and subsequently used for all of the above purposes. E. Kershaw Ditch Exchange. The entirety of the Kershaw Ditch Exchange was made absolute in Case Nos. 97CW142 and 13CW3059. F. Sayer and Lees Ditch Exchange. The entirety of the Sayer and Lees Ditch Exchange was made absolute in Case No. 13CW3059. G. Wolff Ditch Exchange. The entirety of the Wolff Ditch Exchange was made absolute in Case No. 13CW3059. H. Jim Baker Reservoir (f.k.a. Happe Ponds) Exchange. (1) Date of Original Decree: April 9, 1991, Case No. 88CW270, Water Court, Division 1, State of Colorado. (2) Location: In Case No. 88CW270, Westminster obtained a decree for an exchange of water between the outfall of the Happe Ponds and the Church Ditch headgate, the Farmers' High Line Canal headgate, and the Croke Canal. The location of the structures are as follows: (a) Jim Baker Reservoir: Located as described in paragraph 3.B.(2), above. (b) Church Ditch: The headgate of the Church Ditch, also known as the Golden City and Ralston Creek Ditch, is located on the north bank of Clear Creek at a point in the NE1/4 of Section 32, Township 3 South, Range 70 West, 6th P.M., Jefferson County, Colorado, 1450 feet S 69° 30' W from the northeast corner of said section. Westminster provides the following coordinates to identify the relevant location utilizing the Universal Transverse Mercator (UTM) grid system projection based on the North American Datum of 1983 (NAD83), Zone 13 North: (478991 E, 4400296 N). (c) Farmers' High Line Canal: The headgate of the Farmers' High Line Canal is located on the north bank of Clear Creek in the SW1/4 of Section 27, Township 3 South, Range 70 West, 6th P.M., a short distance below the Ford Street Bridge across Clear Creek in the City of Golden, Jefferson County, Colorado, for delivery into storage in Standley Lake located in Sections 16, 17, 20, 21, 22, 28 and 29, Township 2 South, Range 69 West of the 6th P.M., and also for delivery to Westminster's Semper Water Treatment Plant located in the SW1/4 of the SW1/4 of Section 24, Township 2 South, Range 69 West, 6th P.M. at 9800 Pierce Street, Westminster, Colorado. Westminster provides the following coordinates to identify the relevant location of the Farmers' High Line Canal headgate on Clear Creek utilizing the Universal Transverse Mercator (UTM) grid system projection based on the North American Datum of 1983 (NAD83), Zone 13 North: (481286 E, 4400999 N). (d) Croke Canal: (i) The headgate of the Croke Canal located on the north bank of Clear Creek in the NW1/4 of the NE1/4 of Section 26, Township 3 South, Range 70 West, 6th P.M., Jefferson County, Colorado for delivery into storage in Standley Lake. Westminster provides the following coordinates to identify the relevant location utilizing the Universal Transverse Mercator (UTM) grid system projection based on the North American Datum of 1983 (NAD83), Zone 13 North: (483408 E, 4402089 N). (ii) On Ralston Creek at a point where the Croke Canal crosses Ralston Creek in Section 1, Township 3 South, Range 70 West, 6th P.M., Jefferson County, Colorado at a point near the center of said Section 1 for delivery into storage in Standley Lake. In addition, Westminster provides the following coordinates to identify the approximate relevant location on Ralston Creek utilizing the Universal Transverse Mercator (UTM) grid system projection based on the North American Datum of 1983 (NAD83), Zone 13 North: (485135 E, 4407840 N). (3) Source: Clear Creek and Ralston Creek, tributary to the South Platte River. (4) Appropriation Date: June 10, 1988. (5) Amount: 25 c.f.s. In Case No. 97CW142, the court ruled that 11.4 c.f.s. of the original 25 c.f.s. conditional appropriation had been diverted, applied to beneficial use, and was therefore absolute. The conditional decree for the remaining 13.6 c.f.s. of the original appropriation remains in full force and effect. (6) Use: Water diverted pursuant to the exchange may be directly used for all beneficial uses of the municipal water system of Westminster as

it presently exists or may hereafter be expanded or modified, including domestic, irrigation, commercial, industrial, recreation, fish and wildlife, augmentation, replacement and exchange, or it may be stored and subsequently used for all of the above purposes. **I. West Gravel Lakes Exchange.** (1) Date of Original Decree: April 9, 1991, Case No. 88CW270, Water Court, Division 1, State of Colorado. (2) Location: In Case No. 88CW270, Westminster obtained a decree for an exchange of water between the outfall of the West Gravel Lakes and/or the Lower Clear Creek Ditch headgate to the Church Ditch headgate, the Farmers' High Line Canal headgate, the Croke Canal, the Kershaw Ditch headgate, and the Manhart Ditch headgate. The location of the structures are as follows: (a) West Gravel Lakes Outfall. Water released to the South Platte River from the West Gravel Lakes located in the W1/2 of the NW1/4 of Section 30, Township 2 South, Range 67 West of the 6th P.M., Adams County, Colorado. (b) Lower Clear Creek Ditch. Located on the north bank of Clear Creek at a point 1400 feet west and 1200 feet north of the southeast corner of Section 4, Township 3 South, Range 68 West of the 6th P.M., Adams County Colorado. (c) The Church Ditch located as described in paragraph 3.H.(2)(b), above. (d) The Farmers' High Line Canal located as described in paragraph 3.H.(2)(c), above. (e) The Croke Canal located as described in paragraph 3.H.(2)(d), above. (f) The Kershaw Ditch located as described in paragraph 3.B.(2), above. (g) The Manhart Ditch located as described in paragraph 3.B.(2), above. (3) Source: Clear Creek and Ralston Creek, tributary to the South Platte River. (4) Appropriation Date: March 14, 1988. (5) Amount: 100 c.f.s. In Case No. 97CW142, the court ruled that 30.8 c.f.s. of the original 100 c.f.s. conditional appropriation had been diverted, applied to beneficial use, and was therefore absolute. The conditional decree for the remaining 69.2 c.f.s. of the original appropriation remains in full force and effect. (6) Use: Water diverted pursuant to the exchange may be directly used for all beneficial uses of the municipal water system of Westminster as it presently exists or may hereafter be expanded or modified, including domestic, irrigation, commercial, industrial, recreation, fish and wildlife, augmentation, replacement and exchange, or it may be stored and subsequently used for all of the above purposes. **4. Detailed outline of what has been done toward completion of the appropriation and application to a beneficial use.** A. During the diligence period and when in priority, Westminster continued to operate several of the junior water rights and exchanges originally adjudicated in Case No. 88CW270. To the extent these rights were diverted at rates of flow, or in amounts, greater than previously decreed absolute, Westminster seeks a decree making those additional amounts absolute. B. The conditional direct flow, storage, and appropriative rights of exchange decreed in Case No. 88CW270, and maintained in Case No. 97CW142, Case No. 05CW282, and Case No. 13CW3059 are part of Westminster's Clear Creek Water Supply System, an integrated system under § 37-92-301(4)(b), C.R.S. During this diligence period, Westminster has continued the development of its Clear Creek Water Supply System. Activities have included, among other things: acquisition of additional interests in water on Clear Creek and its tributaries and the South Platte River; prosecuting Water Court applications to incorporate said interests into the City's Water Supply System; exercising conditional exchanges and making portions absolute or obtaining diligence decrees on the remaining conditional portions; completing construction of an additional storage vessel; operation of an aeration system related to Jim Baker Reservoir; participation in Lower Clear Creek/Colorado Agricultural Ditch bifurcation structure project; and, participation in numerous Water Court cases for purposes of protecting, maintaining and developing Westminster's Water Supply System. Expenses associated with these activities were incurred during the diligence period. In addition, in connection with the operation of the Clear Creek Water Supply System and during the diligence period, Westminster has diverted portions of the water rights conditionally decreed in Case No. 88CW270, made absolute and/or maintained in subsequent diligence matters, for use in Westminster's Clear Creek Water Supply System. C. During the diligence period, Westminster continued to operate under the carriage agreement with the Farmers' High Line Canal and Reservoir Company for the use of excess capacity in the Farmers' High Line Canal. This agreement allows Westminster to carry additional water through the Farmers' High Line Canal, including water carried in the Farmers' High Line Canal in accordance with the decree entered in Case No. 88CW270. Westminster is contractually obligated to pay an annual fee for use of the Farmers' High Line Canal. Westminster has continually made these payments during the diligence period. Moreover, during the diligence period, Westminster paid substantial amounts in annual assessments to the Farmers' High Line Canal. Said assessments have been used in part

to fund annual operations and maintenance activities associated with the Farmers' High Line Canal. The conditional water rights that are the subject of this Application directly involve the Farmers' High Line Canal. During the diligence period, Westminster has also paid funds in the form of ditch assessments, or related fees, to other ditch entities, including, but not limited to, the Church Ditch Authority, FRICO, Manhart Ditch Company and the Kershaw Ditch Company. Said funds have been used, in part, to maintain the ditches necessary for operation of the conditional exchanges. D. During the diligence period, Westminster participated in various Division No. 1 Water Court cases in an effort, in part, to protect and maintain the historical use patterns on Clear Creek. Said expenses have been incurred during the diligence period. E. During the diligence period, Westminster stored water in Jim Baker Reservoir under the storage right decreed in Case No. 88CW270, but not in amounts greater than previously made absolute. This water was subsequently put to beneficial use consistent with C.R.S. § 37-92-103(4) during the diligence period. F. During the diligence period, Westminster operated the Jim Baker Reservoir Exchange identified in paragraph 3.H., above, and thereby exchanged water from the outfall of Jim Baker Reservoir to the headgate of the Farmers' High Line Canal, in amounts greater than previously made absolute. The exchanged water was subsequently put to beneficial use consistent with C.R.S. § 37-92-103(4) during the diligence period. G. During the diligence period, Westminster stored water in the West Gravel Lakes under the storage right decreed in Case No. 88CW270, in amounts greater than previously made absolute. This water was subsequently put to beneficial use consistent with C.R.S. § 37-92-103(4) during the diligence period. H. During the diligence period, Westminster operated the West Gravel Lakes Exchange identified in paragraph 3.I., above, but not in amounts greater than previously made absolute. The exchanged water was subsequently put to beneficial use consistent with C.R.S. § 37-92-103(4) during the diligence period. **5. Water applied to beneficial use.** A. During the 2018 Water Year, in priority and in accordance with the decree issued in Case No. 88CW270, Westminster diverted and stored 521.34 acre feet of water in West Gravel Lakes. These diversions occurred in times of free river conditions and/or when the West Gravel Lakes storage right adjudicated in Case No. 88CW270 was in priority during the months of December, January, May and June. These diversions to storage commenced on December 21, 2017 and ended on June 4, 2018. In light of the amount previously made absolute (62.4 acre feet) Westminster therefore seeks to make an additional 458.94 acre feet of the West Gravel Lakes storage right absolute in these proceedings and further seeks a finding of reasonable diligence as to the remaining 423.66 acre feet, conditionally decreed in Case No. 88CW270. B. During the 2018 Water Year, in priority and in accordance with the decree in Case No. 88CW270, Westminster operated the Jim Baker Reservoir and thereby exchanged water from the outfall of Jim Baker Reservoir to the Farmers' High Line Canal headgate for delivery to Standley Lake. From June 28 to June 30, 2018, Westminster released sufficient amounts of water from Jim Baker Reservoir to divert a total of 13.75 c.f.s. by exchange at the Farmers' High Line Canal headgate under the Jim Baker Reservoir Exchange. In light of the amount previously made absolute (11.4 c.f.s.) Westminster therefore seeks to make an additional 2.35 c.f.s. of the Jim Baker Reservoir Exchange absolute in these proceedings and further seeks a finding of reasonable diligence as to the remaining 11.25 c.f.s., conditionally decreed in Case No. 88CW270. Diversion and accounting information is attached as Exhibit B. **6. Name(s) and address(es) of owner(s) or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool:** N.A. The structures involved in the conditional exchange are all existing, not new, diversion structures. There was, and is, no need to modify said diversion structures in order to accomplish the conditional exchange. As a result, additional notice requirements by certified or register mail, as set forth in § 37-92-302(2)(b), C.R.S., do not apply in this instance. **WHEREFORE**, Westminster requests the Court to enter its decree and ruling as follows: 1. To make a finding of reasonable diligence with respect to the remaining conditional amounts of the Kershaw Pipeline water right, the Jim Baker Reservoir water right, the Sheets Lake water right, and the West Gravel Lakes Exchange, and providing that a subsequent showing of diligence be made six years from the date of entry of a decree of diligence in this matter. 2. To make a finding that an additional 458.94 acre feet of the West Gravel Lakes water right has been made ABSOLUTE. Westminster further seeks a finding of reasonable diligence with respect to the remaining

conditional amount of the West Gravel Lakes water right, and providing that a subsequent showing of diligence be made six years from the date of entry of a decree of diligence in this matter. 3. To make a finding that an additional 2.35 c.f.s. of the Jim Baker Reservoir Exchange has been made ABSOLUTE. Westminster further seeks a finding of reasonable diligence with respect to the remaining conditional amount of the Jim Baker Reservoir Exchange, and providing that a subsequent showing of diligence be made six years from the date of entry of a decree of diligence in this matter. 4. In the alternative, to make absolute such lesser amounts as the Court deems appropriate and enter a finding of reasonable diligence for up to the entirety of the remaining conditional amounts, and to enter a finding of reasonable diligence with respect to all remaining conditionally decreed portions of the water rights decreed in Case No. 88CW270 and maintained in subsequent diligence matters, and providing that a subsequent showing of diligence for said remaining conditional water rights be made six years from the date of entry of a decree of diligence in this matter.

21CW3010, (2014CW3108) INDIAN HILLS WATER DISTRICT (“the District”), c/o General Manager, PO Box 710, Indian Hills, CO 80454, cvargo@indianhillswater.com, (303) 697-8810. Please send pleadings to: Matthew Machado and Anthony J. Basile, Lyons Gaddis Kahn Hall Jeffers Dworak & Grant, PC, P.O. Box 978 Longmont, CO 80502-0978 (303) 776-9900, mmachado@lyongaddis.com; abasile@lyongaddis.com **APPLICATION FOR FINDING OF REASONABLE DILIGENCE AND TO MAKE ABSOLUTE, IN JEFFERSON COUNTY. 2. Name of structure:** IHWD Well No. 12 **3. Describe conditional water right:** **A. Date of original decree, case no. and court:** The original decree was entered in Case No. 14CW3108, District Court, Water Division No. 1, on January 28, 2015. **B. Subsequent diligence decree:** N/A **C. Legal description:** IHWD Well No. 12 is located at a point in the NE 1/4 of the NE 1/4 of Section 21, Township 5 South, Range 70 West of the 6th Principal Meridian, which is 944 feet South of the North Section Line and 847 feet West of the East Section Line of said Section, Jefferson County, Colorado. The location of the Well is depicted on the attached **EXHIBIT A. D. Source:** Groundwater tributary to Turkey Creek, tributary to Bear Creek, tributary to the South Platte River. The well is approximately 1000 feet deep. **E. Appropriation:** i. Date: May 2, 2013. ii. Amount: 15 gpm, (0.033 cfs) **CONDITIONAL.** Annual volume will be limited as per the augmentation plan as decreed in Case No. W-8549-77. **F. Uses:** The decreed uses of water from IHWD Well No. 12 are domestic (including household use); municipal; drinking and sanitary uses in individual commercial establishments; irrigation of up to 5 acres of land within the District’s service area; recreational purposes (including fishery and wildlife); fire protection; stock watering; and the maintenance of adequate system storage reserves. The well water right that is the subject of this application is a part of a single, integrated water system designed to provide a water supply to District’s service area which will be developed to full utilization over an extended period of time. The Court recognizes the well and the related phased development program as part of an integrated system for purposes of all required future determinations of reasonable diligence. A map of the District’s service in which the water is used is attached as **EXHIBIT B. G. Other:** IHWD Well No. 12 operates pursuant to Well Permit No. 79581-F and the District’s Augmentation Plan decreed in Case No. W-8548-77. **4. Detailed outline of what has been done toward completion or for completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures:** IHWD Well No. 12 is a component of the District’s integrated water supply system that relies on a system of interconnected water delivery and diversion facilities, including IHWD Well No. 12. During the subject diligence period, the District conducted the following activities and work related to IHWD Well No. 12 and the District’s integrated system at a cost in excess of \$190,641.20: **A.** The District’s Board approved the filing of this Application and manifested its intent to complete the appropriations for the wells by Resolution No. 2021-1 executed on January 21, 2021. **B.** The District obtained Well Permit No. 79581-F in 2016. **C.** The District has more or less continuously operated IHWD Well No. 12 since the well was permitted in 2016 and used the water in its system. See **EXHIBIT C. D.** Electrical costs associated with the operation of IHWD Well No. 12. **E.** Water consulting and engineering services during the subject diligence period specific to Well No. 12 at a cost of \$11,569.83. **F.** Pump installation in Well No. 12 2015 at a cost of \$4,274.90. **G.** Equipped Zone 1 Water Storage Tank with solar power between October and

November of 2016 at a cost of \$12,809.46. **H.** Upgrade Memcor membrane used to treat water from IHWD Well No. 11 and other District wells between May and December 2016 at a cost of \$39,643.66. **I.** Water storage tank relocation between March and April 2016 at a cost of \$15,797.24. **J.** Memcor flow-paced chlorination installed in April 2017 at a cost of \$2,800.00. **K.** New meter installed for Well No. 12 in 2018. **L.** Repaired, maintained, and inspected the Water Storage Tanks in September 2018 at a cost of \$49,900.00. **M.** Further upgrades to Memcor membrane between March and November 2019 at a cost of \$12,480.00. **N.** Zone 1 Tank repaired to fix leaks in July of 2019 at a cost of \$6,650.00. **O.** Tank Mixers installed in Zones 1 and 3 tanks in January 2020 at a cost of \$29,193.15. **P.** IHWD Well No. 12 pump replaced in 2020 at a cost of \$5,523.00. **5. Claim to make absolute in whole or in part:** **Q. Date water applied to a beneficial use:** November 11, 2020. i. **Amount:** 10.33 gpm. ii. **Uses:** All uses enumerated in paragraph 3.G. above. **R. Supporting evidence:** Pumping records **EXHIBIT D** and signed verification below. **S. Place of use:** Within IHWD service area. **6. Names and address of owner or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool:** The District owns a permanent easement to utilize the land on which the IHWD Well No. 12 is located and all of the ancillary facilities needed to deliver water therefrom to the District's existing Turkey Creek Filtration Plant. The owners of the land subject to the District's easement are Nadia and Joseph Kerns, 6009 South Turkey Creek Rd, Morrison CO 80465. **7. Miscellaneous.** The District reserves the right to base its absolute claim on any diversions and use occurring after the filing of this Application and prior to the entry of a decree in this case. WHEREFORE, the District, having demonstrated that it has steadily applied effort to complete the appropriation of IHWD Well No. 12 in a reasonably expedient and efficient manner under all the facts and circumstances, respectfully requests this Court to find 10.33 gpm of the water right has been made absolute and 4.67 gpm of the conditional water right should be continued as a conditional water right for another six years, and make this water right absolute to the extent that the District diverts the water right in priority and applies the water to beneficial use during the pendency of this case. (5 pages plus exhibits)

21CW3011; Previous Case No. 05CW246 - PARKER WATER AND SANITATION DISTRICT, 18100 E. Woodman Drive, Parker, CO 80134 (Please address all correspondence and inquiries regarding this matter to Applicant's attorney: Robert F.T. Krassa, Krassa & Miller, LLC, 2300 Canyon Blvd., Ste. 2 Boulder, CO 80302, 303-442-2156 **APPLICATION FOR FINDING OF REASONABLE DILIGENCE AND TO MAKE ABSOLUTE IN PART IN DOUGLAS COUNTY** **Name of Structures:** This is an application for finding of reasonable diligence regarding the conditional appropriative right of exchange of LIRF credits that accrue to Cherry Creek throughout the reach described below, upstream to the diversion structure for Newlin Gulch Aqueduct No. 2 which delivers water to storage in Rueter-Hess Reservoir, and an application to make that right of exchange partly absolute. **3. Describe conditional water right** giving the following from the Referee's Ruling and Judgment and Decree: **a. Date of Original Decree:** January 30, 2015, Case 10CW316, Water Division No. 1. **b. List all subsequent decrees** awarding findings of diligence (all in this Court): not applicable as the present application is the first diligence proceeding for the subject water right. **c. The exchange reach is defined by** the following termini. Exchange Termini. A map of the exchange reach is attached as Exhibit A. **i. Downstream Terminus.** Water from lawn irrigation return flows will physically accrue to Cherry Creek throughout Parker's service area, but for administrative purposes, the most downstream point at which Parker's subject LIRF credits accrue is the downstream terminus for this exchange. That location is the place where Parker's present northern boundary crosses Cherry Creek. Said location is in the SE/4 SW/4 of Section 4, T.6S, R.66W of the 6th P.M. at a point 2450 feet from the west line and 1230 feet from the south line of said Section 4. **ii. The upper terminus of the exchange is the diversion structure,** pumping plant and pipeline system known as Newlin Gulch Aqueduct #2 which takes surface flow of Cherry Creek by means of a low diversion dam or weir and suitable pumps. Said diversion dam (herein the "Diversion Structure") intersects the thread of Cherry Creek in the SE/4 NW/4 of Section 3, Township 7 South, Range 66 West of the 6th P.M. in Douglas County at a point approximately 2090 feet south of the north section line of said Section 3, and approximately 1870 feet east

of the west section line of said Section 3. **d. Source:** Any of Parker's lawn irrigation return flow ("LIRF") credits that accrue to Cherry Creek pursuant to the decree in case 83CW348(A) and the subsequent Order in that case dated June 14, 2010, LIRF credits that accrue to Cherry Creek pursuant to the decree in Clarke Trust case 85CW200(A) and LIRF credits that accrue to Cherry Creek pursuant to the decree in Parker Properties Joint Venture case 84CW160. **e. Date of Appropriation:** December 30, 2010. **f. Amount** (rate of exchange): 3 cfs, conditional. **g. Use:** all municipal purposes, including domestic, irrigation, commercial, industrial, recreation, firefighting, stock water, street washing and all other beneficial uses. **h. Description of exchange operations.** Parker will comply with all provisions of paragraph 18 of the said decree in 10CW316, which are summarized as follows. Parker may operate the described exchange, so long as all water rights in the exchange reach with a lawful requirement for water according to their respective priorities and which are senior to the appropriative right of exchange confirmed in this decree, are satisfied. Parker will maintain a continuous live stream in Cherry Creek in the exchange reach from the northern boundary of the Parker service area to Newlin Aqueduct No. 2 at any time Parker is exchanging water to the Newlin Gulch Aqueduct No. 2. Parker will determine the daily amount of substitute supply water available for use in the exchange by calculating the monthly LIRF credits available to Parker pursuant to the terms and conditions of the decrees listed in above subparagraph d. The daily LIRFs may be aggregated into weekly volumes for purposes of exercising the exchange. **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. During the diligence period the following capital improvements were made** to Parker's water system for a total of over \$ 137 million: Ridgegate 42" water main, Canyons 36" water main, water treatment plant and various other building improvements, Canyons Well Facility, Ridgegate Well Facility and numerous water main, fire hydrant and other infrastructure. All of these improvements increased Parker's supply of source water for the subject LIRFs as well as its ability to utilize the exchanged water. **b. This exchange has been operated** during the diligence period consistently with the decree in said case 10CW316, to the maximum extent of 1 c.f.s. **c. In addition,** Parker has participated as an opposer in various water court applications of others as necessary to protect the subject water rights. Parker has continued detailed hydrologic studies of the alluvial materials of Cherry Creek as part of the ongoing CCAMP project, and has initiated further studies as part of the alluvial aquifer study pursuant to an IGA with other Cherry Creek water providers. All of these activities and expenditures are essential to the proper development and use of the subject water rights. **d. Parker has in all respects diligently worked** toward placing these water rights to beneficial use. **e. Paragraph 112 of the 10CW316 decree provides** that Parker's exchange comprises a part of Parker's integrated system of water rights and structures, and that work performed and effort or costs expended by Parker on its integrated water system shall, for the purposes of demonstrating reasonable diligence in future proceedings involving the conditional exchange, be considered to be diligence on all features of Parker's entire integrated water supply system. **5. Claim to make absolute in part:** **a. Date water exchanged** under the subject appropriative right of exchange and applied to beneficial use: October 24, 2017; Amount: 1.0 c.f.s. **b. Supporting evidence** showing that Parker diverted water in-priority and applied such water to beneficial uses: a summary of the water system records showing the in-priority exchange is attached as Exhibit B. **c. The water was applied to beneficial use** in Parker's service area. This service area is shown on map attached as Exhibit C. **6. Names and addresses of owner 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: Parker owns or has the right to use the sites upon which all structures associated with this matter will be located.

21CW3012 JOHN F. MEDVED AND DEBRA K. MEDVED, MOUNTAIN MUTUAL RESERVOIR COMPANY, AND NORTH FORK ASSOCIATES, LLC; John F. Medved and Debra K. Medved, c/o Eric E. Torgersen, Esq., Holley, Albertson & Polk, P.C., 1667 Cole Boulevard, Suite 100, Lakewood, Colorado 80401; E-Mail: eet@haplaw.net; Telephone: (303) 233-7838; Mountain Mutual Reservoir Company, 6949 Highway 73, Suite 15, Evergreen, CO 80439; E-Mail: 613blatch@gmail.com; Telephone: (303) 989-6932; and North Fork Associates, LLC, 2686 S. Yukon Ct., Denver, CO 80227; E-Mail:

613blatch@gmail.com; Telephone: (303) 988-7111. Please direct all correspondence concerning this Application to: Aaron Ladd, Esq., Vranesh and Raisch, LLP, 5303 Spine Road, Suite 202, Boulder, CO 80301; E-Mail: asl@vrlaw.com; Telephone: (303) 443-6151. **APPLICATION FOR ABSOLUTE WATER STORAGE RIGHTS AND PLAN FOR AUGMENTATION INCLUDING EXCHANGE IN JEFFERSON COUNTY. CLAIM NO. 1: APPLICATION FOR WATER STORAGE RIGHTS**

2. Name of Storage Rights: (i) Medved Pond A; (ii) Medved Pond B; and (iii) Medved Pond C. For brevity, these structures are referenced herein as Ponds A, B, and C or the “Subject Ponds.”

a. Location of Structures: The locations of the Subject Ponds is shown on the map attached hereto as **Exhibit A**.

i. Pond A is located in the SW1/4 SE1/4, Section 17, Township 4 South Range 70 West with the UTM coordinates of Easting 478914.54826 Northing 4394125.47769.

ii. Pond B is located in the SE1/4 SE1/4, Section 17, Township 4 South Range 70 West with the UTM coordinates of Easting 479492.49276 Northing 4394228.36106.

iii. Pond C is located in the NE1/4 SW1/4, Section 20, Township 4 South Range 70 West with the UTM coordinates of Easting 478534.59765 Northing 4393036.40095.

b. Source:

i. Pond A is located on an intermittent unnamed draw, tributary to Mount Vernon Creek, tributary to Bear Creek.

ii. Pond B is located on another intermittent unnamed draw, tributary of Mount Vernon Creek, tributary to Bear Creek.

iii. Pond C is located on an intermittent unnamed draw, tributary to Sawmill Gulch, tributary to Bear Creek.

c. Dates of Appropriation: (i) Pond A: July 4, 2005; (ii) Pond B: December 31, 2002; and (iii) Pond C: May 31, 2018.

d. How Appropriation was Initiated: By construction and filling of Ponds A, B, and C in priority.

e. Dates Water Applied to Beneficial Use: (i) Pond A: July 04, 2005; (ii) Pond B: December 31, 2002; and (iii) Pond C: May 31, 2018.

f. Amounts Claimed:

i. Pond A: 0.69 acre-feet, Absolute, with the right to up to one refill in priority up to 0.69 acre-feet.

ii. Pond B: 0.37 acre-feet, Absolute, with the right to up to one refill in priority up to 0.37 acre-feet.

iii. Pond C: 0.04 acre-feet, Absolute, with the right to up to one refill in priority up to 0.04 acre-feet.

g. Surface Area at High Water Line, Length and Height of Dam, Active and Dead Storage:

i. Pond A has a maximum surface area of 0.223 of an acre, dam height of 9 ft, dam length of 98 feet, and dead storage of 0.69 acre-feet.

ii. Pond B has a maximum surface area of 0.185 of an acre, dam height of 10 ft, dam length of 80 feet, and dead storage of 0.37 acre-feet.

iii. Pond C has a maximum surface area of 0.02 of an acre, dam height of 9.5 ft, dam length of 30 feet, and dead storage of 0.04 acre-feet.

h. Uses: For all three ponds: Piscatorial, livestock, aesthetic, wildlife and waterfowl habitat, and fire protection.

i. Names and Addresses of Owners of Land on which the Wells are Located: Co-Applicants, John F. Medved and Debra K. Medved.

j. Remarks: As built surveys of the three ponds are available upon request to Applicants’ attorney.

CLAIM NO. 2: APPLICATION FOR APPROVAL OF A PLAN FOR AUGMENTATION AND EXCHANGE RIGHT

3. General Statement of Plan for Augmentation: Co-Applicants John F. Medved and Debra K. Medved (the “Medveds”) own Medved Ponds A, B and C, described above, located on approximately 222 acres lying in the W1/2, Section 20 and SW1/4 Section 17, Township 4 South, Range 70 West of the 6th P.M., Jefferson County, Colorado, as shown on the map attached as **Exhibit A** (the “Medved Property”). Ponds A and B are located on intermittent channels tributary to Mount Vernon Creek, tributary to Bear Creek. Pond C is located on an intermittent draw, tributary to Sawmill Gulch, tributary to Bear Creek. Because of the small drainage areas above the Subject Ponds, the draws only flow, and therefore said ponds are only able to fill, during precipitation events or during snowmelt. The Applicants seek the augmentation plan and exchanges set forth herein to replace out-of-priority storage associated with Subject Ponds in the amount of evaporation from the surface of the Subject Ponds. A table of evaporation from the Subject Ponds is attached as **Exhibit B**.

4. Names of Structures to be Augmented: Medved Ponds A, B, and C, described in Section 2 of this Application, above.

5. Water Rights to be used for Augmentation Purposes:

a. The Medveds are under contract to purchase 19.5 shares of stock in the Mountain Mutual Reservoir Company (“MMRC”) representing the right to receive 0.612 acre-feet firm yield annually from the following water rights. These 19.5 shares were formerly associated with Semper Genus, LLC, which recently defaulted on their contract to purchase 93.2 shares of stock in the Mountain Mutual Reservoir Company from North Fork Associates. Semper Genus, LLC’s motion to dismiss its application to use those shares in Case No. 18CW3140 was granted by this Court on October 21, 2020. As a result of the default of the purchase contract and withdrawal of the water court application, ownership of 93.2 shares of stock

never transferred from North Fork Associates to Semper Genus. Medveds are now under contract to purchase 19.5 of those shares from North Fork Associates for dedication to this augmentation plan, which is reflected in the tabulation of MMRC Firm Yield for Bear Creek, attached hereto as **Exhibit C. b.** The water rights associated with the MMRC shares described in paragraph 5.a. are described as follows: i. Harriman Ditch: 7.71 shares of the 400 shares of capital stock (1.93%), issued and outstanding in the Harriman Ditch Company. The Harriman Ditch Company owns the following direct flow water rights decreed in Civil Action No. 6832, on February 4, 1884.

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

The Bear Creek headgate of the Harriman Ditch is located on the South bank of Bear Creek in the NE1/4 NE1/4, Section 2, Township 5 South, Range 70 West of the 6th P.M., Jefferson County, Colorado. The Turkey Creek headgate of the Harriman Ditch is located on the South bank of Turkey Creek near the southwest corner of Section 6, Township 5 South, Range 69 West, 6th P.M., Jefferson County. The Harriman Ditch was originally decreed for irrigation, domestic and municipal purposes. ii. Warrior Ditch: 2.0 shares of the 160 shares of capital stock (1.25%), issued and outstanding in the Warrior Ditch Company. The Warrior Ditch Company owns the following direct flow water rights decreed in Civil Action No. 6832 on February 4, 1884:

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

The headgates of the Warrior Ditch are the same as those of the Harriman Ditch. The Warrior Ditch was originally decreed for irrigation purposes. iii. Soda Lakes Reservoir Nos. 1 and 2: 8.71 shares of the 400 shares of capital stock (2.18%), issued and outstanding in the Soda Lakes Reservoir and Mineral Water Company. The Soda Lakes Reservoir and Mineral Water Company owns the following storage water rights decreed in Civil Action No. 91471 on September 24, 1935, to the Soda Lake Reservoir Nos. 1 and 2: 1,794 acre-feet for irrigation purposes, and 598 acre-feet for storage for supplying the City of Denver with water for municipal purposes, including the watering of lawns and gardens. Date of appropriation: February 11, 1893, and a refill right decreed in Case No. 00CW228, District Court, Water Division 1. The Soda Lakes Reservoirs are located in Section 1, Township 5 South, Range 70 West, 6th P.M., Jefferson County. The reservoirs are filled through the Harriman Ditch. iv. Meadowview Reservoir: The structure is located in the NE1/4 SW1/4 and the NW1/4 SE1/4 of Section 26, Township 5 South, Range 71 West of the 6th P.M., Jefferson County, Colorado. Meadowview Reservoir was awarded absolute water rights in Case No. 09CW92 (01CW294), in the amount of 20 acre-feet, and in Case No. 16CW3022 (94CW290), in an amount of 30 acre-feet, for augmentation, replacement, exchange and substitution purposes. The source is North Turkey Creek and water tributary to North Turkey Creek. Harriman Ditch and Warrior Ditch direct flow water and water available to MMRC in the Soda Lakes Reservoirs are also stored in Meadowview Reservoir by exchange pursuant to the appropriative rights of substitution and exchange decreed in Case Nos. 94CW290, 00CW060, and 01CW293. v. Firm Yield of Consumptive Use Water: The firm yield of the portfolio of water rights and storage facilities owned by MMRC has been decreed by the water court in

Case Nos. 94CW290 and 01CW293 to be 62.8 acre-feet per year. Of this amount, 23.8 acre-feet of consumptive use water is available for augmentation plans in the Turkey Creek drainage basin and 39 acre-feet of consumptive use water is available for augmentation plans in the Bear Creek drainage basin. The total firm yield is represented by 2,000 shares of stock in MMRC. See **Exhibit C**. The terms and conditions under which the Bear Creek/Turkey Creek water rights are used for augmentation and replacement purposes are set forth in Case Nos. 94CW290 and 01CW293, and are deemed to be *res judicata* in future proceedings involving such rights, pursuant to *Williams v. Midway Ranches*, 938 P.2d 515 (Colo. 1997). Additionally, the consumptive use cannot be reconsidered or requantified pursuant to C.R.S. § 37-92-305(3)(e). 6. Statement of Plan for Augmentation: a. Because of the small drainage areas above the Subject Ponds, the draws only flow, and therefore the Subject Ponds are only able to fill, during precipitation events or during snowmelt. The Applicants seek the augmentation plan and exchanges set forth herein to replace out-of-priority storage associated with Subject Ponds. Out-of-priority storage will be limited by the amount of evaporation that has occurred following the initial fill of the reservoir, creating space in the reservoir for additional storage. A table of evaporation from the Subject Ponds is attached as **Exhibit B**. b. The total consumptive use water requirement will be 0.612 of an acre-foot annually, assuming the refill right for the Subject Ponds is not in priority. The location of the out-of-priority storage will be at the location of the Subject Ponds described in Section 2 of this Application above. The location of replacement is downstream at the confluence of Bear Creek and Turkey Creek in the NE1/4 NW1/4, Section 5, Township 5 South, Range 69 West of the 6th P.M. c. Augmentation releases will be limited to 0.612 of an acre-foot annually. After this amount has been exchanged to the Subject Ponds, Applicants will bypass any out-of-priority storage to ensure non-injury to other water users. d. Due to the small volume of annual stream depletions projected to occur under this plan, instantaneous stream depletions may be aggregated and replaced by one or more releases of short duration. 7. Exchange Reaches: Since the points of depletion associated with the Subject Ponds are upstream of the augmentation supplies, Applicants assert appropriate rights of exchange pursuant to C.R.S. Sections 37-80-120 and 37-92-302(1)(a). The three exchange reaches are described as follows: (i) the “Medved Pond A Exchange” from the confluence of Bear Creek and Turkey Creek in the NE1/4 NW1/4, Section 5, Township 5 South, Range 69 West up Bear Creek to the confluence of Mount Vernon Creek in SW1/4 SE1/4, Section 35, Township 4 South, Range 70 West, thence up Mount Vernon Creek to the confluence with an unnamed creek in the SE1/4 SE1/4, Section 17, Township 4 South, Range 70 West, thence up the unnamed creek to the point of depletion in the SW1/4 SE1/4, Section 17, Township 4 South, Range 70 West (Pond A); (ii) the “Medved Pond B Exchange” from the confluence of Bear Creek and Turkey Creek in the NE1/4 NW1/4, Section 5, Township 5 South, Range 69 West up Bear Creek to the confluence of Mount Vernon Creek in SW1/4 SE1/4, Section 35, Township 4 South, Range 70 West, thence up Mount Vernon Creek to the confluence of an unnamed creek in the SW1/4 SW1/4, Section 16, Township 4 South, Range 70 West, thence up the unnamed stream to the point of depletion in the SE1/4 SE1/4, Section 17, Township 4 South, Range 70 West (Pond B); and (iii) the “Medved Pond C Exchange” from the confluence of Bear Creek and Turkey Creek in the NE1/4 NW1/4, Section 5, Township 5 South, Range 69 West up Bear Creek to the confluence of Sawmill Gulch in the NE1/4 NE1/4, Section 32, Township 4 South, Range 70 West, thence up Sawmill Gulch to the confluence with an unnamed creek in the SE1/4 SE1/4, Section 20, Township 4 South, Range 70 West, thence up the unnamed creek to the point of depletion in the NE1/4 NW1/4, Section 20, Township 4 South, Range 70 West (Pond C), all in the 6th P.M. In the event that there is an intervening senior water right that precludes operation of the exchanges, the Medveds will release any out-of-priority storage. The water exchange plan will operate to replace depletions to the flow of water in the stream system as the depletions occur. Each exchange will be operated and administered with a priority date of January 29, 2021, at a maximum flow rate of 0.1 of a cubic foot per second. 8. Names and Addresses of Owners of Land on which any New Structure will be Located: Co-Applicants, John F. Medved and Debra K. Medved. WHEREFORE, the Applicants request the entry of a decree approving this Application, specifically (1) granting the appropriations sought in this Application, (2) authorizing use of the augmentation supplies described in this Application, and (3) determining that the source and location of delivery of augmentation water are sufficient to prevent material injury to vested water rights. (11 pgs., 3 Exhibits)

21CW3013 CAMI AND MICHAEL WIDDER c/o Panorama Law Practice, LLC P.O. Box 4986, Boulder, CO 80306. **APPLICATION TO CONFIRM UNDERGROUND WATER RIGHT AND CONDITIONAL STORAGE RIGHT AND FOR APPROVAL OF AN AUGMENTATION PLAN IN LARIMER COUNTY.**

1. Name, mailing address, and telephone number of applicants: Cami and Michael Widder, 1514 Brandt Street, Berthoud, CO 80513, (303) 947-7935. 2. Summary of Application: The Applicants own property approximately 12 miles northwest of the town of Loveland, in south-central Larimer County, Colorado (“Property”). The Property comprises 23.65 acres of the southwest 1/4 of the northwest 1/4-section, Section 30, Township 7 North Range 70 West of the 6th Principal Meridian (SW1/4NW1/4 § 30, T7N R70W). The Property lies immediately west of the main stem of Buckhorn Creek, which is tributary to the Big Thompson River. The Property is currently unimproved land and was divided from a larger ranch in 1994. Larimer County has recognized the Property as a separate parcel and taxed it independently from the larger ranch for nearly thirty years. The Applicants will build one single-family residence on the Property and will not use water for irrigation. Notwithstanding the Applicants’ plan to leave the property intact, i.e., the Applicants will not divide ownership of the Property nor create sub-lots or sub-parcels, Larimer County deems the permitting process for one single-family home a “subdivision”. Consequently, the Division of Water Resources indicated it would not approve an exempt well permit for the property, although the Applicants’ use will fall within § 37-92-602(3)(b)(II)(A), C.R.S. (“If a permit is sought by a user for a well exempted under paragraph (b) of subsection (1) of this section which will be the only well on a residential site, which well will be used solely for ordinary household purposes inside a single-family dwelling and will not be used for irrigation ... and the return flow from such uses shall be returned to the same stream system in which the well is located, there shall be a presumption that there will not be material injury to the vested water rights of others or to any other existing well resulting from such well...”), claiming § 37-92-602(3)(b)(III), C.R.S. prohibits an exempt well permit. The Division of Water Resources ignores that, even applying the terms of § 37-92-602(3)(b)(III), C.R.S., there will only be a single well within the ‘subdivision,’ and therefore the “cumulative effects” of the well will be the same for the Applicant’s well regardless of the County’s “subdivision” process. Moreover, the Applicants’ technical consultants’ analysis shows the depletions from the well will not cause depletions to stream flows in either Fish Creek or Buckhorn Creek to occur at a rate in excess of one-tenth of one percent of the annual rate of withdrawal through a period of 100 years of withdrawals. The water right therefore meets the statutory definition of “nontributary” set forth in § 37-90-103(10.5), C.R.S. The Division of Water Resources has similarly indicated it would reject an application for a nontributary well filed in accordance with § 37-90-137(4), C.R.S. and the Statewide Nontributary Ground Water Rules, however. To expedite their ability to proceed with constructing their home, the Applicants file this Application for an underground water right. The claims for a conditional storage right and for approval of a plan for augmentation are presented for contingency purposes in the event the Court determines the Applicants’ well will result in out-of-priority, tributary depletions requiring replacement. The Applicants will withdraw the claims for the storage right and for approval of an augmentation plan if the Court accepts the Applicants’ consultants’ analysis showing the timing and amount of the depletions will not cause depletions to stream flows in either Fish Creek or Buckhorn Creek to occur at a rate in excess of one-tenth of one percent of the annual rate of withdrawal through a period of 100 years of withdrawals. **UNDERGROUND WATER RIGHT**

3. Widder Exempt Well A. Permit No.: Not yet issued B. Depth: To be determined; will be drilled into fractured granite underlying the Property C. Location: On the Property, in the southwest 1/4 of the northwest 1/4-section, Section 30, Township 7 North Range 70 West of the 6th P.M. D. Source: Groundwater in the vicinity of Fish Creek, which is tributary to Buckhorn Creek, which is tributary to the Big Thompson River E. Amount: 15 gpm and up to 0.33 acre-foot/year F. Uses: Domestic, in-house uses in one single family residence; watering domestic animals, livestock, and poultry; and fire protection. **CONDITIONAL STORAGE RIGHT**

4. Name of Reservoir: Widder Pond 5. Location: The Widder Pond will be located on the Property, in the southwest 1/4 of the northwest 1/4-section, Section 30, Township 7 North Range 70 West of the 6th P.M. 6. Source: Fish Creek, tributary to Buckhorn Creek, tributary to the

Big Thompson River. 7. Points of Diversion: The anticipated point of diversion will be on Fish Creek in the southwest 1/4 of the northwest 1/4-section, Section 30, Township 7 North Range 70 West of the 6th P.M. 8. Appropriation Date: January 29, 2021 A. How appropriation was initiated: by filing this application B. Date applied to beneficial use: N/A 9. Amount: A. Total Capacity: 0.3 acre-foot, with the right to fill and refill B. Filling Rate: 1.0 cfs 10. Uses: Storage for augmentation and replacement, irrigation, recreation, wildlife, and aesthetic uses **PLAN FOR AUGMENTATION** 11. Structure to be Augmented: Widder Exempt Well, described above 12. Replacement Sources: Widder Pond, described above; return flows from non-evaporative septic system 13. Statement of Plan for Augmentation: If the Court determines it is necessary, the Applicants will replace net out-of-priority depletions, if any, resulting from pumping the Widder Exempt Well, calculated as the difference between pumping and septic return flows. Replacement will occur by making releases from the Widder Pond directly to Fish Creek in times and amounts sufficient to offset any out-of-priority depletions. 4pp.

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

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