

**DISTRICT COURT, WATER DIVISION 1, COLORADO
MAY 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 **MAY 2021** for each County affected.

21CW3065 APPLICATION FOR ADJUDICATION OF DENVER BASIN GROUNDWATER IN EL PASO COUNTY. I. Name and Address of Applicants: Gary A. Goodell and Karen Catov-Goodell, 6650 Walker Road, Colorado Springs, CO 80908. Name and Address of Attorneys: Chris D. Cummins, #35154, Emilie B. Polley, #51296, MONSON, CUMMINS & SHOHET, LLC, 13511 Northgate Estates Dr., Ste. 250, Colorado Springs, Colorado 80921, (719) 471-1212, E-mail: cdc@cowaterlaw.com; ebp@cowaterlaw.com

II. Summary of Application. Gary A. Goodell and Karen Catov-Goodell (“Applicants”) seeks to quantify the Denver Basin groundwater underlying their approximately 120-acre property in El Paso County, Colorado. III. Application for Underground Water Rights. A. Legal Description of Well(s). 1. Property Description. The Applicants’ approximately 120-acre property (“Applicants’ Property”) is located at 6650 Walker Road, Colorado Springs, CO 80908 in El Paso County. The Applicants’ Property, is more specifically described as the NW1/4 NE1/4, and the SW1/4 NE1/4, and the SE1/4 NW1/4 of Section 18, Township 11 South, Range 65 West of the 6th P.M., and depicted on the Exhibit A map. 2. Existing Wells. There are three existing wells on the Applicants’ Property: Division of Water Resources Permit No. 285086 (“Goodell Well No. 1”), is located approximately 2,071 feet from the west section line, and 2,205 feet from the north section line of said Section 18, and constructed to the not-nontributary Dawson aquifer; DWR Permit No. 192700 (“Goodell Well No. 2), is located approximately 1,520 feet from the east section line, and 3,300 feet from the south section line of said Section 18, and constructed to the not-nontributary Dawson aquifer; and, DWR Permit No. 223062 is located approximately 2,300 feet from the east section line, and 200 feet from the north section line of said Section 18, and constructed to the not-nontributary Dawson aquifer. Goodell Well Nos. 1, 2 and 3 are each permitted as “exempt” domestic wells pursuant to C.R.S. §37-92-602 et seq., and Applicants intend to maintain such exempt status following entry of a decree herein. B. Water Source. 1. Not-Nontributary. The ground water to be withdrawn from the Dawson aquifer underlying the Applicants’ Property is not-nontributary. Pursuant to C.R.S. §37-90-137(9)(c.5), the augmentation requirements for wells in the Dawson aquifer will require the replacement of actual stream depletions. 2. Nontributary. The groundwater that will be withdrawn from the Denver, Arapahoe, and Laramie-Fox Hills aquifers underlying the Applicant’s Property is nontributary. C. Estimated Rates of Withdrawal and Ground Water Available. 1. Estimated Rates of Withdrawal. Pumping from the wells will not exceed 100 g.p.m. The actual pumping rates for each well will vary according to aquifer conditions and well production capabilities. The Applicants request the right to withdraw ground water at rates of flow necessary to withdraw the entire decreed amounts. The actual depth of any well to be constructed within the respective aquifers will be determined by topography and actual aquifer conditions. 2. Estimated Average Annual Amounts of Ground Water Available. Applicant requests a vested right for the withdrawal of all legally available ground water in the Denver Basin aquifers underlying the Applicant’s Property. Said amounts may be withdrawn over the 100-year aquifer life pursuant to C.R.S. §37-90-137(4). Applicant estimates that the following values and average annual amounts are representative of the Denver Basin aquifers underlying Applicant’s Property:

Acres: 120		NW1/4 NE1/4, SW1/4 NE1/4, and SE1/4 NW1/4 18-11-65, 6th P.M..	
Denver Basin Aquifer	Avg. Sat. (ft)	Total (AF)	100 Year (AF)
Upper Dawson (NNT)	472.3	3,780	37.8
Denver (NT)	485.5	3,300	33.0
Upper Arapahoe (NT)	257.5	1,750	17.5
Laramie Fox Hills (NT)	203.8	1,220	12.2

Decreed amounts may vary based upon the State’s Determination of Facts. Pursuant to C.R.S. §37-92-305(11), the Applicants further request that the Court retain jurisdiction to finally determine the amount of water available for appropriation and withdrawal from each aquifer. D. Requested Uses. The Applicants request the right to use the ground water for beneficial uses upon the Applicants’ Property consisting of domestic, commercial, irrigation, stock water, recreation, wildlife, fire protection, and also for storage and augmentation purposes associated with all such uses. The Applicants also request that the nontributary water may be used, reused, and successively used to extinction, both on and off the Applicants’ Property subject, however, to the requirement of C.R.S. §37-90-137(9)(b), that no more than 98% of the amount withdrawn annually shall be consumed. Applicants may use such water by immediate application or by storage and subsequent application to the beneficial uses and purposes stated herein. Provided, however, except as through the exempt well structures decreed herein as Goodell Well Nos. 1, 2, and 3, as currently permitted, Applicants shall only be entitled to use water from the not-nontributary Dawson aquifer pursuant to a decreed augmentation plan entered by this Court, covering the out-of-priority stream depletions caused by the use of such not-nontributary aquifer in accordance with C.R.S. §37-90-137(9)(c.5). E. Well Field. The Applicants request that they be permitted to produce the full legal entitlement from the Denver Basin aquifers underlying Applicants’ Property through any combination of wells. The Applicant requests that these wells be treated as a well field. F. Averaging of Withdrawals. The Applicants request that they be entitled to withdraw an amount of ground water in excess of the average annual amount decreed to the aquifers beneath the Applicants’ Property, so long as the sum of the total withdrawals from the well does not exceed the product of the number of years since the date of issuance of the original well permit or the date of entry of a decree herein, whichever comes first, multiplied by the average annual volume of water which the Applicants are entitled to withdraw from the aquifers underlying the Applicants’ Property. G. Owner of Land Upon Which Wells are to Be Located. The land and underlying groundwater upon which the wells are located is owned by the Applicants

21CW3066 APPLICATION FOR ADJUDICATION OF DENVER BASIN GROUNDWATER AND FOR APPROVAL OF PLAN FOR AUGMENTATION IN EL PASO COUNTY. I. Name and Address

of Applicants: Paul Driessen and Kristy Driessen, 4045 Walker Road, Colorado Springs, CO 80908. Name and Address of Attorneys: Ryan W Farr, #39394, Emilie B. Polley, #51296, MONSON, CUMMINS & SHOHET, LLC, 13511 Northgate Estates Dr., Ste. 250, Colorado Springs, Colorado 80921, (719) 471-1212, E-mail: rwf@cowaterlaw.com; ebp@cowaterlaw.com.

II. Summary of Application. Applicants seek to quantify the Denver Basin groundwater underlying the Applicants’ Property, and approval of a plan for augmentation for the use of one existing well to the not-nontributary Dawson aquifer to provide water service to their property. III. Application for Underground Water Rights. A. Legal Description of Well. 1. Property Description. The well is located on Applicants’ approximately 10.1 acre property (“Applicants’ Property”) subdivided into two lots of 5 +/- acres each. Applicants’ Property is depicted on the attached **Exhibit A** map, located in the NW1/4 SW1/4 SE1/4 of

Section 11, Township 11 South, Range 66 West of the 6th P.M., known as 4045 Walker Road, Colorado Springs, CO 80908. 2. Existing Wells. There is an existing domestic well with Division of Water Resources Permit No. 139710 (“Driessen Well), permit attached as **Exhibit B**. It is drilled to a total depth of 300 feet to the Dawson aquifer, and located approximately 990 feet from the South Section Line and 2145 feet from the East Section Line. The well was completed on August 12, 1985. Upon approval of this plan for augmentation, this well will be re-permitted. There is also an existing well with Division of Water Resources Permit No. 269633, permit attached as **Exhibit C**. The well is drilled to a total depth of 1,400 feet to the Denver aquifer, and is located approximately 1301 feet from the South section line, and 2569 feet from the East section line, completed on June 17, 2011 and will retain its exempt status upon approval of this application. Each existing well will serve one lot. B. Water Source. 1. Not-Nontributary. The ground water to be withdrawn from the Dawson aquifer underlying the Applicants’ Property is not-nontributary. Pursuant to C.R.S. §37-90-137(9)(c.5), the augmentation requirements for wells in the Dawson aquifer will require the replacement of actual stream depletions. 2. Nontributary. The groundwater that will be withdrawn from the Denver, Arapahoe, and Laramie-Fox Hills aquifers underlying the Applicants’ Property is nontributary. C. Estimated Rates of Withdrawal and Ground Water Available. 1. Estimated Rates of Withdrawal. Pumping from the well will not exceed 100 g.p.m. The actual pumping rates for the well will vary according to aquifer conditions and well production capabilities. The Applicants request the right to withdraw ground water at rates of flow necessary to withdraw the entire decreed amounts. The actual depth of any wells to be constructed within the respective aquifers will be determined by topography and actual aquifer conditions. 2. Estimated Average Annual Amounts of Ground Water Available. Applicants request a vested right for the withdrawal of all legally available ground water in the Denver Basin aquifers underlying the Applicants’ Property. Said amounts may be withdrawn over the 300-year life of the aquifers as required by El Paso County, Colorado Land Development Code §8.4.7(C)(1) which is more stringent than the State of Colorado’s 100-year life requirement pursuant to C.R.S. §37-90-137(4). Applicants estimate that the following values and average annual amounts are representative of the Denver Basin aquifers underlying Applicants’ Property:

AQUIFER	NET SAND (Feet)	Total Appropriation (Acre Feet)	Annual Avg. Withdrawal 100 Years (Acre Feet)	Annual Avg. Withdrawal 300 Years (Acre Feet)
Dawson (NNT)	449.4	911.38	9.11	3.04
Denver (NT)	527.2	908.79	9.09	3.03
Arapahoe (NT)	258.10	444.91	4.45	1.48
Laramie Fox Hills (NT)	216.80	329.75	3.30	1.10
AQUIFER	NET SAND (Feet)	Total Appropriation (Acre Feet)	Annual Avg. Withdrawal 100 Years (Acre Feet)	Annual Avg. Withdrawal 300 Years (Acre Feet)
Dawson (NNT)	449.4	911.38	9.11	3.04
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Arapahoe (NT)	258.10	444.91	4.45	1.48
Laramie Fox Hills (NT)	216.80	329.75	3.30	1.10

Decreed amounts may vary from the above to conform with the State’s Determination of Facts. Pursuant to C.R.S. §37-92-305(11), the Applicants further request that the Court retain jurisdiction to finally determine the amount of water available for appropriation and withdrawal from each aquifer. D. Requested Uses. The Applicants request the right to use the ground water for beneficial uses upon the Applicants’

Property consisting of domestic, irrigation, stock water, recreation, wildlife, fire protection, and also for storage and augmentation purposes associated with such uses. The Applicants also request that the nontributary water may be used, reused, and successively used to extinction, both on and off the Applicants' Property subject, however, to the requirement of C.R.S. §37-90-137(9)(b), that no more than 98% of the amount withdrawn annually shall be consumed. Applicants may use such water by immediate application or by storage and subsequent application to the beneficial uses and purposes stated herein. Provided, however, that Applicants shall only be entitled to construct wells or use water from the not-nontributary Dawson aquifer pursuant to a decreed augmentation plan entered by this Court, covering the out-of-priority stream depletions caused by the use of such not-nontributary aquifers in accordance with C.R.S. §37-90-137(9)(c.5). E. Well Fields. Applicants request that they be permitted to produce the full legal entitlement from the Denver Basin aquifers underlying Applicants' Property through any combination of wells. Applicants request that these wells be treated as a well field. G. Averaging of Withdrawals. Applicants request that they be entitled to withdraw an amount of ground water in excess of the average annual amount decreed to the aquifers beneath the Applicants' Property, so long as the sum of the total withdrawals from all the wells in the aquifers does not exceed the product of the number of years since the date of issuance of the original well permit or the date of entry of a decree herein, whichever comes first, multiplied by the average annual volume of water which the Applicants are entitled to withdraw from the aquifers underlying the Applicants' Property. G. Owner of Land Upon Which Wells are to Be Located. The land upon which the well is located as well as the underlying groundwater is owned by the Applicants. IV.

IV. Application for Plan for Augmentation. A. Structure to be Augmented. The structure to be augmented is the Driessen Well, along with any replacement or additional wells associated therewith, as likewise may be constructed to the Dawson aquifer of the Denver Basin underlying the Applicants' Property as requested and described herein.

B. Water Rights to be Used for Augmentation. The water rights to be used for augmentation during pumping are the return flows resulting from the pumping of the not-nontributary Dawson aquifer from the Driessen Well, together with water rights from the nontributary Laramie-Fox Hills aquifer for any injurious post pumping depletions. C. Statement of Plan for Augmentation. Applicants wish to provide for the augmentation of stream depletions caused by pumping of the not-nontributary Dawson aquifer by an existing well. Potential water use criteria and their consumptive use component for replacement of actual depletions for the lots are estimated as follows: 1. Uses. i. Household Use Only: 0.25 acre feet annually within a single family dwelling, with a maximum of ten percent consumptive use based on a nonevaporative septic leach field disposal system. The annual consumptive use will therefore be 0.025 acre feet per well, with return flows of 0.225 acre feet per year. ii. Landscape Irrigation: 0.05 acre feet annually per 1,000 square feet (2.18 acre feet per acre) per year, with an 85% assumed consumptive use rate. The annual consumptive use for each 1,000 square feet of lawn and garden irrigated is therefore 0.042 acre feet. iii. Horses (or equivalent livestock): 0.011 acre feet annually (10 gallons per day) per head with a one hundred percent consumptive use component. 2. The well will pump a maximum of 0.58 acre-feet of water per year from the Dawson aquifer. Such use shall be a combination of household use, irrigation of lawn and garden, and the watering of horses or equivalent livestock. An example breakdown of this combination of use, utilizing the factors described above, is household use of 0.25 acre-feet of water per year with the additional 0.33 acre feet per year available for irrigation of lawn and garden and the watering of up to four horses or equivalent livestock on each residential lot. 3. Depletions. Applicants' consultant has determined that maximum stream depletions over the 300-year pumping period for the Dawson aquifer amounts to approximately 23.18% of pumping. Maximum annual depletions are therefore 0.13 acre feet in year 300. Should Applicants' pumping be less than the 0.58 total described herein, resulting depletions and required replacements will be correspondingly reduced. 4. Augmentation of Depletions During Pumping. Pursuant to C.R.S. §37-90-137(9)(c.5), Applicants are required to replace actual stream depletions attributable to pumping of the Driessen Well. Applicants' consultant has determined that depletions during pumping will be effectively replaced by residential return flows from a non-evaporative septic system. The annual consumptive use for a non-evaporative septic system is 10% per year. At a household use rate of 0.25 acre

feet per year, 0.225 acre feet is replaced to the stream system per year, utilizing a non-evaporative septic system. Thus, during pumping, stream depletions will be more than adequately augmented. 5. Augmentation for Post Pumping Depletions. For the replacement of any injurious post-pumping depletions which may be associated with the use of the Driessen Well, Applicants will reserve up to the entirety of the nontributary Laramie Fox Hills aquifer, accounting for actual stream depletions replaced during the plan pumping period, as necessary to replace any injurious post pumping depletions. Applicants also reserve the right to substitute other legally available augmentation sources for such post pumping depletions upon further approval of the Court under its retained jurisdiction. Even though this reservation is made, under the Court's retained jurisdiction, Applicants reserve the right in the future to prove that post pumping depletions will be noninjurious. The reserved nontributary Laramie-Fox Hills groundwater will be used to replace any injurious post-pumping depletions. Upon entry of a decree in this case, the Applicants will be entitled to apply for and receive a new well permit for the Driessen Well for the uses in accordance with this Application and otherwise in compliance with C.R.S. §37-90-137. V. Remarks.

A. This Application was filed in both Water Divisions 1 and 2 because depletions from the pumping of the Dawson aquifer may occur in both the South Platte and the Arkansas River systems. The return flows set forth herein will accrue to tributaries of the South Platte River system where the majority of such depletions will occur, and it is Applicants' intent to consolidate the instant matter with pending Division 1 and Division 2 applications in Water Division 1 upon completion of publication. Applicants request that the total amount of depletions to both the South Platte River and the Arkansas River systems be replaced to the South Platte River as set forth herein, and for a finding that those replacements are sufficient. B. Applicants request a finding that they have complied with C.R.S. §37-90-137(4), and that the ground water requested herein is legally available for withdrawal by the requested not-nontributary wells upon the entry of a decree approving an augmentation plan pursuant to C.R.S. §37-90-137(9)(c.5). C. The term of this augmentation plan is for 300 years, however the length of the plan for a particular well may be extended beyond such time provided the total plan pumping allocated thereto is not exceeded. Post pumping stream depletions accrue to a particular well or wells only to the extent related to that well's actual pumping. D. The Court will retain jurisdiction over this matter to provide for the adjustment of the annual amount of ground water withdrawals to be allowed in order to conform to actual local aquifer characteristics from adequate information obtained from well drilling or test holes. E. The Applicants request a finding that vested water rights of others will not be materially injured by the withdrawals of ground water and the proposed plan for augmentation. F. The well shall be installed and metered as reasonably required by the State Engineer. The well will be equipped with a totalizing flow meter and Applicants shall submit diversion records to the Division Engineer on an annual basis or as otherwise requested by the Division Engineer. The Applicants shall also provide accountings to the Division Engineer and Water Commissioner as required by them to demonstrate compliance under this plan of augmentation. G. The Applicants intend to waive the 600 feet well spacing requirement for any wells to be located upon the Applicant's Property. H. Applicant will comply with any lienholder notice provisions set forth in C.R.S. §37-92-302(2)(b) and §37-90-137(4)(b.5)(I), and such notice will be sent within 14 days of the filing of this application.

21CW3067 RASARIO LOMBARDI, 180 Cypress Way E., Apt 0125, Naples, FL 34110, (239) 963-7876. David M. Shohet of Monson, Cummins & Shohet, LLC, 13511 Northgate Estates Dr., Suite 250, Colorado Springs, CO 80921, (719) 471-1212). **APPLICATION FOR ADJUDICATION OF EXEMPT WELL IN PARK COUNTY, CO.** Applicant wishes to adjudicate the groundwater supply related to his exempt well and maintain the exempt well status. Property Description: The Applicant is the owner of property located in the SE1/4 NW1/4 of Section 29, Township 12 South, Range 71 West of the 6th P.M., known as Lot 22 of the Lake George Park Subdivision, and better described as Sumner St., Lake George, CO 80827, containing approximately 0.34 acres, more or less ("Applicant's Property"). Name of Structure: Lombardi Well. Legal Description of Well: The Lombardi Well is located in Park County, Colorado in the SE 1/4 NW 1/4 of Section 29, Township 12 South, Range 71 West of the 6th P.M. UTM coordinates: NAD83, Zone 13, 469099.1 Easting, 4314748.7 Northing. The Lombardi well is permitted as an exempt

well pursuant to Division of Water Resources Permit No. 162700-A. Source: Groundwater tributary to the South Platte River. Date of Initiation of Appropriation: On or before January 31, 1949. How Appropriation was Initiated: The original well with Division of Water Resources Permit No. 162700 was drilled in 1949. A replacement well, with the existing permit no. 162700-A, was drilled and placed into operation June 2017. Date Water Applied to Beneficial Use: January 31, 1949. Amount Claimed: 1 acre-foot, absolute, at 6 g.p.m. Uses: Commercial. Land Ownership: The land upon where the Lombardi Well is drilled and which the water is and has been used is owned by the Applicant.

21CW3068 (14CW3085, 02CW49, 94CW214, 88CW13) KEVIN L. POTTER AND MARILEE J. POTTER (collectively, the “Potters”), 13731 Jubilee Trail, Pine, Colorado 80470, (303) 548-7078. Please direct all pleadings to: Alan E. Curtis, Joseph Chase, White & Jankowski LLC, 1333 West 120th Avenue, Suite 302, Westminster, CO 80234, (303) 595-9441, alanc@white-jankowski.com, josephc@white-jankowski.com. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN JEFFERSON COUNTY, COLORADO.**

2. Name of Structure. Kessler Well No. 3, Permit No. 44408-F (“Kessler Well No. 3”).

3. Name and Address of Owners of Land Upon Which Structure is Located. Kessler Well No. 3 is located on land owned by the Potters as described in paragraph 4.c.

4. Description of Conditional Water Rights.

a. **Date of Original Decree:** The water right for Kessler Well No. 3 (“Kessler Well No. 3 Water Right”) was confirmed by the decree entered on November 22, 1988 in Case No. 88CW13, Water Division 1 (“88CW13 Decree”).

b. **Subsequent Decrees Awarding Findings of Diligence:** Subsequent diligence decrees for the Kessler Well No. 3 Water Right were entered by the Division 1 Water Court in: (i) Case No. 94CW214 on March 13, 1996; (ii) Case No. 02CW49 on July 31, 2008 (“02CW49 Decree”); and (iii) Case No. 14CW3085 on May 1, 2015.

c. **Location:** Kessler Well No. 3 is located in the SW1/4 SE1/4, Section 6, Township 7 South, Range 71 West, 6th P.M., Jefferson County, Colorado at a point 900 feet from the south line and 2240 feet from the east line of said Section 6, in Lot A, Kessler & Neroni Exemption, also known as 13731 Jubilee Trail, Pine, Colorado 80470.

d. **Source:** Groundwater tributary to the North Fork of the South Platte River.

e. **Amount:** Five (5) gallons per minute, absolute; ten (10) gallons per minute, conditional.

f. **Appropriation Date:** January 29, 1988.

g. **Use:** Domestic, irrigation, recreation, and stock watering; all decreed uses have been made absolute.

h. **Depth:** The current depth of the Kessler Well No. 3 is 500 feet.

5. Work Toward Completion of Project and Application of Water to a Beneficial Use. During the most recent diligence period, the Potters performed actions and made expenditures in an ongoing effort to apply the ten (10) gpm of the Kessler Well No. 3 Water Right that remains conditional to beneficial use. These activities and expenditures include:

a. **Continuing Use of Kessler Well No. 3 Water Right:** The Potters have continued to use the Kessler Well No. 3 Water Right for all decreed purposes.

b. **Maintenance and Improvement of Kessler Well No. 3:** The Potters have maintained Kessler Well No. 3 and associated structures and have continued to explore steps to allow Kessler Well No. 3 to pump at its decreed capacity of 15 gallons per minute.

c. **Reporting of Kessler Well No. 3 Operations:** Out-of-priority depletions from pumping of Kessler Well No. 3 are replaced under the plan for augmentation approved in the 88CW13 Decree (“88CW13 Augmentation Plan”). The Mountain Mutual Reservoir Company (“MMRC”) administers the 88CW13 Augmentation Plan. The Potters have recorded and reported information regarding Kessler Well No. 3 operations to MMRC in accordance with the terms of the 88CW13 Decree.

d. **Payment of MMRC Assessments and Administrative Fees:** The Potters have paid all MMRC assessments and administrative fees necessary for Kessler Well No. 3 to continue to operate under the 88CW13 Augmentation Plan.

e. **Maintenance of Sufficient MMRC Replacement Water:** The 88CW13 Decree confirms the Potters will have sufficient replacement water to fully augment out-of-priority depletions from Kessler Well No. 3 when it is pumped at the full fifteen (15) gpm rate approved in the 88CW13 Decree. The Potters’ payment of all MMRC assessments and administrative fees will allow the full fifteen (15) gpm of the Kessler Well No. 3 Water Right to be made absolute when the Potters have a need to pump Kessler Well No. 3 at its full decreed rate.

f. **Maintenance of Totalizing Flow Meter:** As required by the terms of the 02CW49 Decree, the Potters have maintained a totalizing flow meter on Kessler Well No. 3.

g. **Recording and Submittal of Flow**

Meter Readings: All diversions by Kessler Well No. 3 have been recorded by the totalizing flow meter and will be submitted to the Water Commissioner upon request in accordance with the terms of the 02CW49 Decree. **WHEREFORE**, the Potters respectfully request that the Court find the foregoing actions and expenditures demonstrate the Potter's steady application of effort to apply the ten (10) gpm of the Kessler Well No. 3 Water Right that remains conditional to beneficial use in a reasonably expedient and efficient manner under all pertinent facts and circumstances and are therefore entitled to continuation of the Kessler Well No. 3 Water Right for additional diligence periods at its full decreed rate and for all currently decreed purposes. (3 pages)

21CW3069 (14CW3033, 07CW214, 01CW30 and 93CW162) CITY OF ARVADA, 8101 RALSTON ROAD, ARVADA, CO 80002, Ken-p@arvada.org (720) 898-7766. Please send all correspondence and pleadings to: Steven P. Jeffers, Madoline Wallace-Gross, Lyons Gaddis Kahn Hall Jeffers Dworak & Grant, PC, 950 Spruce Street, Suite 1B, Louisville, CO 80027; sjeffers@lyonsgaddis.com; mwg@lyonsgaddis.com (720) 726-3671. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN JEFFERSON COUNTY.** 2. **Name of structures:** Arvada Reservoir/Tucker Lake Exchange. 3. **Description of conditional water right:** A. **Date of original decree, Case No. and Court:** The original decree was entered on March 21, 1995, in Case No. 93CW162, by the District Court for Water Division No. 1. B. **Subsequent diligence decrees:** Decrees finding reasonable diligence were entered in Case No. 01CW30 on September 14, 2001, in Case No. 07CW214 on March 12, 2008, and 14CW3033 on May 29, 2015. C. **Decreed Location:** i. **Point of diversion (exchange-to point):** Haines & Piquette Ditch on Ralston Creek, for delivery to Tucker Lake. The point of diversion of the Haines & Piquette Ditch is located on the north bank of Ralston Creek in the SE1/4 of the SW1/4 of Section 33, Township 2 South, Range 70 West, 6th P.M., Jefferson County, Colorado. Tucker Lake is located in the S1/2 of the SW1/4, Section 35, Township 2 South, Range 70 West, 6th P.M., and in the N1/2 of the NW1/4 of Section 2, Township 3 South, Range 70 West of the 6th P.M., Jefferson County, Colorado. ii. **Point of introduction of substitute supply (exchange-from point):** Arvada Reservoir outlet on Ralston Creek. Arvada Reservoir is located in Section 3, Township 3 South, Range 70 West of the 6th P.M. and the SE1/4 of Section 34, Township 2 South, Range 70 West of the 6th P.M., Jefferson County, Colorado. The centerline of the dam is described as follows: commencing at the northeast corner of Section 3, Township 3 South, Range 70 West of the 6th P.M., Jefferson County; thence at an angle to the right of 17°34'59" from the east line of said Section 3, a distance of 200.75 feet to the true point of beginning; thence at a deflection angle to the right of 4°52'48" a distance of 1,683.374 feet to a point of curvature; thence along a curve to the right, having a radius of 2,585.813 feet and a delta of 26°7'37" a distance of 1,179.134 feet to point of tangency; thence along the tangent of the before described curve a distance of 819.242 feet to the point of ending. The Arvada Reservoir outlet is located on Ralston Creek approximately 1980 feet south and 575 feet west of the northeast corner of Section 3, Township 3 South, Range 70 West of the 6th P.M. D. **Decreed Source:** i. The source of water diverted by substitution and exchange: Ralston Creek. ii. Water used for substitution and exchange supply: Water stored in Arvada Reservoir pursuant to the decrees in the following Case Nos.: W-8083-75, entered on January 30, 1981; W-8762-77 entered on January 30, 1981; 82CW359 entered on December 31, 1987; 85CW409 entered on December 31, 1987; 85CW410 entered on September 13, 1988 and 88CW105 entered on February 13, 1991; all by the District Court for Water Division No. 1. E. **Decreed Appropriation Date:** August 24, 1993. F. **Decreed Amount:** 9.26 cfs. ABSOLUTE; 5.74 cfs. CONDITIONAL. Only the conditional amount is involved in this diligence proceeding. G. **Decreed Uses:** All municipal purposes, including but not limited to domestic, irrigation, commercial, industrial, recreational, fish and wildlife propagation and augmentation. H. **Map:** A map showing the location of the relevant structures is attached as **EXHIBIT A**. 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:** The subject conditional water right is part of an integrated water system for the City of Arvada. Arvada has, during the subject diligence period, conducted the following work at a cost in excess of \$843,000: A. Developed the Arvada Blunn/Pioneer Master Plan

Study, completed in September 2015, by Wenk and Associates to evaluate the location and configuration of Highway 93 Lakes in conjunction with Arvada Reservoir, and other uses of that land, at a cost of \$66,860. B. Evaluated the feasibility of constructing Highway 93 Lakes in 2016, to operate in conjunction with Arvada Reservoir, as described in a report in Case No. 05CW112 prepared by Applegate Group at a cost of \$11,258. C. Conducted service spillway modifications to the underdrain system at a cost of \$117,885 in 2017. D. Worked with Division Engineer to revise Arvada Reservoir accounting forms in 2017, and augmentation plan accounting forms in 2020 and 2021. E. Entered into an agreement with Black Hawk for use of its augmentation station on the Church Ditch on April 22, 2020. F. Adjudicated water court cases including Case Nos. 05CW112, 11CW237, and 17CW3210 for change of water rights, exchanges and plans for augmentation including these structures; 12CW293 for diligence involving Arvada Reservoir; 17CW3085 for diligence on the Arvada Reservoir storage right; 18CW3165 for diligence for storage in Highway 93 Lakes; and pending Case No. 20CW3064 for diligence and to make absolute portions of the conditional water rights decreed to the Arvada Reservoir Refill, and pending Case No. 20CW3119 for diligence on conditional water rights decreed for exchanges in Arvada AUG 6. Applicant expended in excess of \$600,000 in legal fees and engineering costs in those cases combined. G. Conducted a seismic study of Arvada/Blunn Reservoir in a dam safety evaluation in 2020 at a cost of \$37,000. H. Conducted a bathymetric survey of Arvada Reservoir in 2020 at a cost of \$10,000. I. Began construction of a pump station to deliver water from Arvada Reservoir to the Ralston Water Treatment Plant in 2021. J. Opposed numerous water court cases filed by other water users to protect from injury Applicant's water rights, including the subject conditional water right, and incurred legal and engineering expenses in defense of those water rights. 5. **If a claim to make absolute, date water applied to beneficial use:** No additional amounts are claimed absolute in this application. 6. **Names and addresses of owners of land upon which water is or will be stored:** A. Arvada owns Arvada Reservoir. B. The Haines & Piquette Ditch and Tucker Lake are owned by Denver-View Reservoir and Irrigation Company, P.O. Box 8101, Arvada, CO 80001-8101. WHEREFORE, Arvada requests that this Court enter a decree finding and determining that: 1. Arvada has exercised reasonable diligence in the development of the remaining conditional water right; and 2. The conditional water right should be continued in full force and effect for an additional six years following entry of the decree in this case. The application is 6 pages, excluding the exhibit.

21CW3070 GROUND WATER MANAGEMENT SUBDISTRICT OF THE CENTRAL COLORADO WATER CONSERVANCY DISTRICT ("GMS") 3209 West 28th Street, Greeley, CO, 80634, c/o Rebecca E. Spence, Lawrence Custer Grasmick Jones & Donovan, LLP, 5245 Ronald Reagan Blvd., Suite 1, Johnstown, CO, 80534, (970)622-8181. **APPLICATION TO ADD ADDITIONAL RECHARGE FACILITY IN WELD COUNTY.** 2. Remarks: Paragraph 9(g) of the 87CW304 Decree allows for water to be delivered through the Western Mutual Ditch to recharge facilities proximate to the ditch for recharge purposes. This Application seeks to amend the decree entered in Case No. 87CW304 to add an additional recharge facility, the Kissler Recharge Pond, to the 87CW304 Decree. More information regarding this addition is in the Central Colorado Water Conservancy District report attached hereto as **Exhibit 1**. 3. Name of Structure: Kissler Recharge Pond. 4. Information from previous decree. A decree was entered for the Western Mutual Ditch Recharge Project on May 22, 1991, in Case No. 1987CW304, Water Division 1. 4.a. Point of Diversion: In the Southeast Quarter (SE1/4) of the Southwest Quarter (SW1/4) of Section Eleven (11), Township Three (3) North, Range Sixty-seven (67) West of the 6th P.M., Weld County, Colorado at the diversion works of the Western Mutual (Hewes and Cook) Ditch on the east bank of the South Platte River. 4.b. Source: South Platte River and its tributaries. 4.c. Date of Appropriation: March 17, 1987. 4.d. Amount: 15.87 cfs conditional and 59.13 cfs absolute – total of 75 cfs from the South Platte River at the headgate of the Western Mutual Ditch. 4.e. Use: augmentation, recharge, augmentation replacement and exchange. 4.f. Description: Water diverted under this water right percolates from the ditch into the underlying aquifer for the purpose of developing accretions to offset out of priority depletions. 5. Description of Additional Recharge Facilities. Paragraph 9(g) in the 87CW304 Decree allows Applicant the flexibility to add proximate facilities of the recharge project through the addition of recharge

facilities not previously identified by filing an amendment to the decree. The facilities to be added under this amendment are described in the following table:

Facility Name	Legal Description				SDF	Maximum Surface Area (Acres)
	Quarter quarter	Section	Dist fr N. Line	Dist fr W. Line		
Township 4 N, Range 66 W, 6th P.M.						
Kissler Recharge Pond	NW NW	21	220	258	535	2.69

6. Name and address of owner of lands upon which water may be stored/recharged: The Applicant owns the lands upon which water may be stored/recharged.

21CW3071 (2014CW3043, 2002CW237 and 1994CW295) PARADISE VALLEY ASSOCIATION, P.O. Box 466, Black Hawk, CO 80422, Telephone Number: 303-345-3467. Communications, including pleadings regarding this application should be directed to counsel for the applicant, Cynthia F. Covell, Andrea L. Benson, and Gilbert Y. Marchand, Jr., Alperstein & Covell P.C., 1391 Speer Boulevard, Suite 730, Denver, CO 80204. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE AND TO MAKE PORTION ABSOLUTE IN GILPIN COUNTY.** Name of structures: Paradise Valley Reservoir No. 2 and Paradise Valley Reservoir No. 3. Describe conditional water rights giving the following from the Referee’s ruling and judgment and decree: (a) Original decree entered on October 18, 1996, Case No. 1994CW295, in Water Division 1; diligence was awarded in two prior decrees in Case Nos. 2002CW237 entered on March 4, 2008, and 2014CW3043, entered on May 29, 2015, in Water Division 1. (b) Location: Paradise Valley Reservoir No. 2 is located in the NW1/4 SE1/4 of Section 35, Township 2 South, Range 73 West of the 6th P.M., at a point approximately 1800 feet from the east section line and 1900 feet from south section line of said Section 35, Gilpin County, Colorado. Paradise Valley Reservoir No. 3 is located in the SW1/4 SE1/4 of Section 35, Township 2 South, Range 73 West of the 6th P.M., at a point approximately 1400 feet from the east section line and 500 feet from the south section line of said Section 35, Gilpin County, Colorado. The locations of the Reservoirs are depicted on the attached Exhibit A. (c) Source: Pickle Gulch, a tributary to North Clear Creek, tributary to Clear Creek, tributary to the South Platte River, and seepage and runoff. (d) Appropriation date: October 21, 1994. (e) Amount: 50 acre-feet, total cumulative storage in any one or in combination of both reservoirs, each reservoir being an alternate place of storage for the other reservoir. (f) Uses: Each reservoir will be used for recreation, wildlife and fish propagation, replacement, augmentation, storage, exchange, and reuse to extinction on the Subject Property as described in the Decree of the Water Court entered in Case No. 94CW295. Name and Address of Owner of Land on which Structures are located: The PVA owns the property on which the Paradise Valley Reservoir No. 2 and Paradise Valley Reservoir No. 3 are located. Provide a 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: The Paradise Valley Reservoir No. 2 and Paradise Valley Reservoir No. 3 are part of the PVA’s integrated water supply system, which provides augmentation and replacement water to augment PVA members’ well depletions. The reservoirs also provide recreational amenities and fish and wildlife propagation opportunities to the PVA members. Pursuant to C.R.S. §37-92-301(4)(b), when an integrated system is composed of several features, as is the case here, work on one feature of the system is considered in finding that reasonable diligence has been shown in the development of water rights for all features of the entire system. See paragraph 4.2.1 of the 02CW237 Decree. During this diligence period, the Association has continued to improve, operate and maintain the Paradise Valley Reservoir No. 2 and related infrastructure, of which these conditional water rights are a part. In particular, PVA has made dam improvements, including replacing the Parshall Flume. PVA has also incurred costs for storage and augmentation plan management, such as water releases, data collection, meter reading and reporting. PVA has also stocked the reservoir with fish. The foregoing expenses totaled approximately \$23,404. PVA has also incurred attorney fees and costs related to negotiations of agreements with third parties pertaining the water rights and related infrastructure and representation in water court as an opposer

to a water court application, in order to protect and defend its water right, which fees and costs totaled approximately \$15,438. During this diligence period, PVA has operated Paradise Valley Reservoir No. 2 for all decreed purposes, including but not limited to augmentation purposes for the plan for augmentation decreed in Case No. 94CW295, as more fully described below in paragraph 6. Water Applied to Beneficial Use: Date Water Applied to Beneficial Use: Various, including March 31, 2018, May 30, 2018, and June 30, 2019. Amount: 23.26 acre-feet, for Paradise Valley Reservoir No. 2. Use of Water: During this diligence period, in March and May, 2018 and June, 2019, water was stored in the Paradise Valley Reservoir No. 2 up to its current storage capacity of 23.26 acre-feet. Attached as Exhibit B is a copy of the Division of Water Resources Stage Area Volume report for 2016-2020 for Paradise Valley Reservoir No. 2 generated from the Division of Water Resources CDSS system. The reservoir has been operated under the direction and with the authorization of the water commissioner, including but not limited to all diversions and releases for augmentation of the member wells and releases of out of priority storage. Description of Place Where Water is Applied to Beneficial Use: The water stored in Paradise Valley Reservoir No. 2 is released to meet augmentation obligations to North Clear Creek, Clear Creek and the South Platte River pursuant to the plan for augmentation decreed in Case No. 94CW295. In addition, the water is used for fish and wildlife propagation and recreational uses in the reservoir and all other decreed uses. WHEREFORE, Applicant, having demonstrated that it has applied a portion of the Paradise Valley Reservoir No. 2 water right to beneficial use, and has steadily applied effort to complete the appropriation of the remaining portions of the Paradise Valley Reservoir No. 2 and Paradise Valley Reservoir No. 3 water rights in a reasonably expedient and efficient manner under all the facts and circumstances, respectfully requests this Court to find that 23.26 acre-feet of Paradise Valley Reservoir No. 2 water right has been placed to beneficial use for all decreed purposes and has been made absolute for that amount; and that the Applicant has exercised reasonable diligence in the development of the remaining conditional portions of the Paradise Valley Reservoir No. 2 (26.74 acre-feet) and Paradise Valley Reservoir No. 3 (50 acre-feet) be continued for another six years, or such period as may otherwise be permitted by law.

21CW3072 CPV, INC., Attn: Mr. Jack Vickers, III, 858 Happy Canyon Road, Suite 200 Castle Rock, CO 80108, Phone: 303-688-6300. Please direct all correspondence and pleadings to Wayne F. Forman, #14082 at Brownstein Hyatt Farber Schreck, LLP, 410 17th Street, Suite 2200 Denver, CO 80202-4437, Phone: 303-223-1120, Fax: 303-223-1111 Email: wforman@bhfs.com. **APPLICATION FOR FINDING OF DILIGENCE IN DOUGLAS COUNTY.** 2. Names of Structures: Castle Pines Well No. G-3. 3. Description of Conditional Water Rights: 3.1 Original Decrees: The conditional water rights for which findings of continued diligence are sought were originally decreed by the Division 1 Water Court in Case No. 85CW479 on December 12, 1993 as follows: 3.1.1 Castle Pines Well No. G-1. 3.1.1.1 Location: In the SE 1/4, SW 1/4, Section 21, Township 7 South, Range 67 West, 6th P.M., 565 feet from the South Section Line, 1911 feet from the West Section Line, Douglas County, Colorado. 3.1.1.2 Source: The alluvium of East Plum Creek. 3.1.1.3 Pumping Rate: 2,000 g.p.m., conditional. 3.1.2 Castle Pines Well No. G-2. 3.1.2.1 Location: In the SE 1/4, SW 1/4, Section 21, Township 7 South, Range 67 West, 6th P.M., 465 feet from the South Section Line, 2,183 feet from the West Section Line, Douglas County, Colorado. 3.1.2.2 Source: The alluvium of East Plum Creek. 3.1.2.3 Pumping Rate: 2,000 g.p.m., conditional. 3.1.3 Castle Pines Well No. G-3. 3.1.3.1 Location: SE 1/4, SW 1/4, Section 21, Township 7 South, Range 67 West, 6th P.M., 373 feet from the South Section Line, 2,445 feet from the West Section Line, Douglas County, Colorado. 3.1.3.2 Source: The alluvium of East Plum Creek. 3.1.3.3 Depth and Construction: Vertical depth of not less than 40 feet or more than 110 feet from the ground surface to the bottom of the well with horizontal pipe which extends along and generally parallel to East Plum Creek for a distance not to exceed 3,250 feet. The portion of the horizontal pipe that is along and generally parallel to East Plum Creek shall be perforated; the vertical portion of the well and any portion of the horizontal pipe that is not along and generally parallel to East Plum Creek shall not be perforated. 3.1.3.4 Pumping Rate: 2,000 g.p.m., conditional. 3.1.4 Castle Pines Well Nos. G-1, G-2 and G-3 were decreed as alternate points of diversion for one another in Case No. 85CW479. Through conveyances from the Castle Pines

North Metropolitan District (“North District”), and Stipulations in Case Nos. 04CW292, 04CW293, 04CW308 and 09CW275, CPV’s interest in these rights was severed and CPV owns 2,000 g.p.m. (with first priority as against the North District) decreed to the G-1, G-2, G-3 wells, to be withdrawn from the point of diversion of the G-3 right (the “G-3 Right”). The North District and the Castle Pines Metropolitan District own the remaining 4,000 g.p.m. of the G-1, G-2 and G-3 conditional water rights, to be diverted at the locations decreed in Case No. 85CW479, as changed by Case No. 04CW293. 3.1.5 The G-3 Right may be used for municipal, domestic, agricultural, commercial, irrigation, stock watering, recreation, fish and wildlife, fire protection, and other beneficial uses. This conditional water right will be withdrawn and used for immediate application to beneficial use, storage and subsequent application to beneficial use, substitution and exchange, replacement of depletions resulting from use of water from other sources, and for all other augmentation purposes. 3.1.6 Appropriation Date: December 17, 1985, subject to paragraph 16.d. of the Decree in Case No. 85CW479. 3.2 Prior Diligence: The Applicant’s reasonable diligence toward completion of the appropriations was confirmed by the Water Court, Water Division 1, in Case Nos. 99CW194, 07CW139 and 14CW3045. 4. Diligence: 4.1 During the relevant diligence period, CPV and its affiliates have expended approximately \$10 million and invested thousands of hours of staff, consultant and attorney time, in protecting and developing the G-3 Right and in maintaining and expanding entitlements and obtaining services to develop the lands on which the G-3 Right will be used. These expenditures and activities include, but are not limited to, the following: 4.1.1 CPV has opposed water rights applications in the East Plum Creek watershed by the Town of Castle Rock, Case Nos. 12CW296, 17CW3128, 19CW3030, 19CW3042 and 19CW3043, and by the Castle Pines Metropolitan District (“CP Metro”), Case No. 18CW3232, for the purpose of protecting CPV’s interest in the G-3 Right. 4.1.2 CPV funded the operation of the Castle Pines Town Center Metropolitan District No. 1 (“Town Center District 1”), which is primarily responsible for providing water and sewer service to the Project. 4.1.3 CPV funded the negotiation of a November 19, 2018 Intergovernmental Agreement for Extraterritorial Wastewater Treatment Service, between Town Center District 1 and CP Metro for the acquisition of 300,000 gallons of capacity in the Plum Creek Regional Wastewater Plant to serve the Project. CPV has paid for the acquisition of half of that capacity, at a cost of \$1.5 million and is scheduled to pay for the second half this July. 4.1.4 CPV negotiated and entered into agreements with CP Metro and a private landowner for the realignment of easements for water utilities necessary to serve the Project. 4.1.5 CPV funded the negotiation of, and initial \$78,000 payment under, an April 28, 2021 Intergovernmental Agreement between Town Center District 1 and the Castle Pines North Metropolitan District for capacity in the Happy Canyon Outfall Line, to deliver wastewater from the Project to the Plum Creek Plant. Through the substantial and sustained investment of capital and effort, CPV has acquired the rights to wastewater conveyance and treatment necessary to develop the Project. 4.1.6 CPV expended approximately \$2 million for the acquisition of supplemental groundwater rights and real property that will be used in conjunction with the G-3 Right to serve the Project. 4.1.7 CPV’s water counsel, Brownstein Hyatt Farber Schreck, LLP, has assisted with: water supply planning for purposes of developing a portfolio of water rights and real property interests to allow the G-3 Right and CPV’s other water rights to be conjunctively used to provide a reliable water supply for the Project; opposing and analyzing water rights applications and negotiating stipulations for the purpose of protecting CPV’s interest in the G-3 Right; acquiring other water rights to promote the conjunctive use of ground and surface water to serve the Project; litigating the status of an encumbrance on groundwater rights for the Project; acquiring real property for use in connection with the water system to serve the Project; and negotiating and drafting of agreements necessary for the development of the Project. During the relevant diligence period, CPV has incurred in excess of \$250,000 in fees and costs associated with this work during the relevant diligence period. 4.1.8 CPV has engaged Bishop Brogden Associates (“BBA”) as water rights consultants to assist with water rights cases to protect the G-3 Right, and with water supply planning, including developing a plan of conjunctive use of water rights that includes the G-3 Right and complementary groundwater rights, well site planning, preparing well permit applications and preparing well designs and cost estimates. CPV has incurred approximately \$41,000 in fees and costs associated with BBA’s work on the G-3 Right and other water rights matters related to the Project, during

the relevant diligence period. 4.1.9 Throughout the diligence period, CPV has had the services of and paid at least \$1 million for a civil engineer to work on design and construction of all infrastructure needed to serve the Project, including infrastructure to divert and use the G-3 Right and other water rights acquired for the Project. WHEREFORE, CPV respectfully requests a judgment and decree of the Court finding that the Applicant has diligently pursued the completion of the G-3 conditional water right and ordering that it be continued for another six-year diligence period. (5 pages, no exhibits)

21CW3073 THE WELL AUGMENTATION SUBDISTRICT OF THE CENTRAL COLORADO WATER CONSERVANCY DISTRICT (“WAS”), 3209 West 28th Street, Greeley, Colorado 80634. (970) 330-4540. Bradley C. Grasmick, Rebecca E. Spence, Lawrence Custer Grasmick Jones & Donovan, LLP, 5245 Ronald Reagan Blvd., #1, Johnstown, CO 80534, (970) 622-8181, brad@lcwaterlaw.com; rebecca@lcwaterlaw.com **APPLICATION TO ADD WELL TO THE WAS AUGMENTATION PLAN IN MORGAN COUNTY** 2. Plan for Augmentation. Applicant operates a plan for augmentation decreed in Case No. 03CW99 (“WAS Plan”). Paragraph 11.1.2 of the decree in Case No. 03CW99 (“Decree”) allows the addition of wells to the plan subject to notice and terms and conditions. 3. Structure to be Added and Augmented (“Added Well”): 3.1. Name and Address of Well Owner: Long Meadow Farm LLC, 34600 County Road 31, Greeley, CO 80631, 970-590-9253. 3.2. Decree: W-2874(75). A decree was entered in Water Court, Division No. 1, on May 13, 1975, adjudicating the Added Well for domestic, stock watering, and irrigation. The decree for Case No. W-2874(75) is attached as Exhibit 1. 3.3. WAS Contract Number 1243. Contract 1243 was approved March 23, 2021 allocating up to 471 acre-feet for the irrigation of 300 acres located in the SE 1/4 Section 31, Township 4 North, Range 59 West; SW 1/4 of Section 32, Township 4 North, Range 59 West; NE 1/4 and Part SE 1/4 Section 6, Township 3 North, Range 59 West; and NW 1/4 and Part SW 1/4 Section 5, Township 3 North, Range 59 West of the 6th P.M., Morgan County, Colorado. WAS Contract No. 1243 is attached as Exhibit 2. 3.4. Permit: 056044-F; WDID: 0109835 3.4.1. Location: SE 1/4 SE 1/4 Section 31, Township 4 North, Range 59 West of the 6th P.M. at a point 1200 feet North and 320 feet West of the SE corner of said Section 31. 3.4.2. Appropriation Date: May 2, 1966. 3.4.3. Decreed Amount: 2.67 cfs 4. Proposed Terms and Conditions. 4.1. The terms and conditions for the Added Well will be the same as for the other Covered Wells in the Decree. The consumptive use factors will be 60% for flood irrigated acres and 80% for sprinkler irrigated acres. The method for determining future well depletions will be those set out in the Decree at ¶¶16-19. The well will be subject to all the terms and conditions for operation as for other Covered Wells in the Decree. 4.2. Net Stream Depletions. Depletions resulting from the consumptive use of groundwater and accretions resulting from deep percolation of groundwater applied for irrigation will be lagged back to the South Platte River using the Glover alluvial aquifer method and the following parameters. 4.2.1. WDID 0109835. Harmonic Mean Transmissivity (gallons/day/foot) T= 100,653. Specific Yield = 0.2. Total Distance of Alluvial Aquifer Boundary from River W = 34,975 feet. Distance of Well from River X = 29,975 feet. See WSWE Report, Exhibit 3. 4.3. Out of priority depletions from pumping of the Added Well will occur in Reach A2 and will be augmented by WAS. 5. Distribution of Future Well Depletions. The Decree requires WAS to distribute well depletions between river reaches. ¶22.2 of the Decree states: “In the event of the addition or deletion of a well under this plan pursuant to ¶¶11.1.2 and 11.1.3, the Court shall approve and order such adjustments to the percentages set forth in ¶¶22.2.1, 22.2.2, and 22.2.4 as necessary to ensure that depletions continue to be replaced at locations necessary to prevent injury.” The addition of the well in this application requires no adjustment to the percentages used to distribute stream depletions as described in the WSWE report, Exhibit 3. This application consists of four (4) pages.

21CW3074 6860 HIGH DRIVE, LLC, MOUNTAIN MUTUAL RESERVOIR COMPANY, AND NORTH FORK ASSOCIATES, LLC; 6860 High Drive, LLC, c/o Melvin Sabey, 6372 S. Gallup Place, Littleton, CO 80120; Email: melsabey@hallrender.com; Telephone: (720) 400-2137; Mountain Mutual Reservoir Company, 6949 Highway 73, Suite 15, Evergreen, CO 80439; Email: norm@hch20.com; Telephone: (303) 989-6932; and North Fork Associates, LLC, 2686 S. Yukon Ct., Denver, CO 80227; Email: 613blatch@gmail.com; Telephone: (303) 988-7111. Please direct all correspondence concerning this Application to: Aaron Ladd, Esq. and Kunal A. Parikh, Esq., Vranesh and Raisch, LLP, 5303 Spine Road, Suite 202, Boulder, CO 80301; Email: asl@vrlaw.com; kap@vrlaw.com; Telephone: (303) 443-6151. **APPLICATION FOR STORAGE WATER RIGHT AND APPROVAL OF A PLAN FOR AUGMENTATION INCLUDING EXCHANGE IN JEFFERSON COUNTY. CLAIM NO. 1: APPLICATION FOR STORAGE WATER RIGHT 2. Name of Reservoir:** 6860 High Drive Pond 3. **Location of Reservoir:** 6860 High Drive Pond will be a lined on-channel reservoir and is located on the 6860 High Drive LLC Property (“Property”). The Property is located on approximately 10 acres lying in N1/2 NE1/4, Section 29 and S1/2 SE1/4, Section 20, Township 5 South, Range 70 West of the 6th P.M., Jefferson County, Colorado. The property is more specifically described in **Exhibit A**. The center of the dam will be located in the NW1/4 NE1/4 of Section 29, Township 5 South, Range 70 West of the 6th P.M., at a point 180 feet from the north section line and 1,330 feet from the east section line based on current dam design and construction plans. 4. **Source of Water:** An unnamed stream, tributary to North Turkey Creek, tributary to Turkey Creek, which is tributary to Bear Creek. 5. **Date of Appropriation:** May 27, 2021, by filing this Application. 6. **Amounts Claimed:** 1.5 acre-feet, CONDITIONAL, with the right to up to one refill in priority up to 0.244 acre-feet. 7. **Surface Area and Description of Dam:** 0.213 acres. The length of the dam is expected to be 83 feet and height of the dam is expected to be 8 feet. 8. **Uses:** Piscatorial, recreation and aesthetic. 9. **Names and Addresses of Owners of Land on which Structures are Located:** The Property is currently held by Melvin B. Sabey, Manager of 6860 High Drive, LLC, and his father Burns R. Sabey; however, they intend to transfer to the Property to 6860 High Drive, LLC in the near future. **CLAIM NO. 2: APPLICATION FOR APPROVAL OF A PLAN FOR AUGMENTATION INCLUDING EXCHANGE** 10. **Names of Structures to be Augmented:** 6860 High Drive Pond. 11. **Water Rights to be Used for Augmentation Purposes:** 6860 High Drive, LLC contracted with North Fork Associates, LLC to purchase 7.8 shares of Mountain Mutual Reservoir Company (“MMRC”) stock, which represents a firm yield of 0.244 of an acre-foot, as shown on **Exhibit B**. These shares were removed from Water Court Case No. 18CW3140 application, which application was dismissed. The shares are adequate to satisfy the present and anticipated future replacement needs of 6860 High Drive Pond, as described below. a. The water rights which MMRC owns for the benefit of its shareholders (hereinafter referred to as the “**Bear Creek/Turkey Creek water rights**”), are summarized as follows: i. **Harriman Ditch:** 7.71 shares of the 400 shares of capital stock (1.93%), issued and outstanding in the Harriman Ditch Company. Said Company owns direct flow water rights decreed to the Harriman Ditch. Pursuant to the Decree entered in Civil Action No. 6832, on February 4, 1884, the ditch was awarded the following direct flow priorities:

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

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

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

iii. Soda Lakes Reservoir Nos. 1 and 2: 8.71 shares of the 400 shares of capital stock (2.18%), issued and outstanding in the Soda Lakes Reservoir and Mineral Water Company. Said company owns storage water rights decreed to the Soda Lakes Reservoir Nos. 1 and 2. Pursuant to the Decree entered in Civil Action No. 91471 on September 24, 1935, the Soda Lake Reservoir Nos. 1 and 2 were adjudicated for 1,794 acre-feet for irrigation purposes, and 598 acre-feet for storage for supplying the City of Denver with water for municipal purposes, including the watering of lawns and gardens. The date of appropriation awarded the structures was February 11, 1893. The Soda Lakes Reservoirs are located in Section 1, Township 5 South, Range 70 West, 6th P.M., Jefferson County. The Reservoirs are filled through the Harriman Ditch. iv. Meadowview Reservoir: The structure is located in the NE1/4 SW1/4 and the NW1/4 SE1/4 of Section 26, Township 5 South, Range 71 West of the 6th P.M., Jefferson County. Meadowview Reservoir was awarded absolute water rights in Case No. 09CW92 (01CW294), in an amount of 20 acre-feet, and in Case No. 16CW3022 (94CW290), in an amount of 30 acre-feet, for augmentation, replacement, exchange and substitution purposes. The source is North Turkey Creek and water tributary to North Turkey Creek. Harriman Ditch and Warrior Ditch direct flow water and water available to MMRC in the Soda Lake Reservoirs are also stored in Meadowview Reservoir by exchange pursuant to the appropriative rights of substitution and exchange decreed in Case Nos. 94CW290, 00CW060 and 01CW293. b. The overall “firm” yield of consumptive use water available from the MMRC portfolio of Bear Creek/Turkey Creek water rights and storage facilities was quantified in the Decrees entered by the District Court for Water Division 1 in Case No. 01CW293, dated July 16, 2003, and Case No. 94CW290, dated October 16, 2006. The terms and conditions under which the Bear Creek/Turkey Creek water rights are used for augmentation and replacement purposes are set forth in the Decrees in Case Nos. 01CW293 and 94CW290, and are deemed to be *res judicata* in future proceedings involving such rights, pursuant to *Williams v. Midway Ranches*, 938 P.2d 515 (Colo. 1997). Reference is made to the Decrees in Case Nos. 01CW293 and 94CW290 for more detailed information. 12. Statement of Plan for Augmentation: The water requirements for this Application are for the replacement of evaporation of 6860 High Drive Pond to be operated as a flow-through, lined, on-channel structure, with evaporation losses replaced and refilled pursuant to this augmentation plan in order to maintain the structure at full-pool despite suffering evaporation losses. The calculated evaporation replacement and refill will be considered as 100% consumed. This plan will require 0.244 of an acre-foot of replacement water as is shown in Table 1 below.

Use	Water Requirements	Units	Quantity AF	CU Rate	Replacement Requirements		
					Total Ac-Ft	Summer Ac-Ft	Winter Ac-Ft
Pond Evaporation	Variable (acre-feet)	0.213 acres (surface area)	0.244	100%	0.422	0.300	0.122

The monthly depletions are as follows in acre-feet:

Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct
0.018	0.000	0.000	0.000	0.008	0.028	0.022	0.036	0.036	0.027	0.032	0.036

a. During those times when one of the exchanges decreed in Case Nos. 94CW290 and 01CW293 can be operated, depletions to North Turkey Creek and Turkey Creek from 6860 High Drive Pond will be augmented by either continuously leaving a portion of MMRC's Warrior Ditch and/or Harriman Ditch direct flow water rights in the stream or periodically releasing water stored in Soda Lakes Reservoirs. During times when exchanges cannot be operated on Turkey Creek, depletions will be augmented by periodically releasing water from Meadowview Reservoir. b. Because the pond is on-stream, Applicants are claiming phreatophyte credit for 47% of the footprint of the pond formerly being sub-irrigated grass. In addition, the period that the pond would normally be frozen was determined using the average temperatures of Evergreen since the elevation of the two locations are within 500 feet of each other. The average first day with temperatures of 32 degrees or below was determined by extrapolating the average temperatures of the months of February and March and the months of November and December. All calculations are shown in **Exhibit C**. c. The required volume of augmentation water will be provided from the sources described in Paragraph No. 11, above. Due to the small volume of annual stream depletions projected to occur under this plan, instantaneous stream depletions may be aggregated and replaced by one or more releases from storage of short duration. 13. Water Exchange Reach: Since the point of depletion associated with the augmented structures are upstream of the augmentation supplies, Applicants assert an exchange project right pursuant to, 37-92-103(9), 37-92-302(5), 37-92-305(3), 37-92-305(5), and 37-92-305(8)(a), C.R.S. The total consumptive use water requirement will be met with 0.244 of an acre-foot of the annual Turkey Creek firm yield, attached as **Exhibit B**. These requirements are needed at the point of depletion at the 6860 High Drive Pond to be located in the N1/2 NE1/4, Section 29, Township 5 South, Range 70 West. This is upstream of the points of replacement at the confluence of Bear Creek and Turkey Creek in the Section 5, Township 5 South, Range 69 West of the 6th P.M. The point of depletion to North Turkey Creek and Turkey Creek that is associated with water usage from the 6860 High Drive Pond is within the exchange reach described in the Decrees entered in Case Nos. 94CW290 and 01CW293. Therefore, no separate priority is required for the operation of this augmentation plan regarding such depletions that occur within the reach described in those cases. However, since depletions will also impact an unnamed tributary of North Turkey Creek that is located in SW1/4 NW1/4, Section 28, Township 5 South, Range 70 West the following exchange project reach is claimed: from the confluence of North Turkey Creek and an unnamed stream in the SW1/4 NW1/4, Section 28, up the unnamed stream to the point of depletion in the N1/2 NE1/4, Section 29, all in Township 5 South, Range 69 West, 6th P.M. In the event that there is a senior call between the source of the water and the point of depletion that precludes the exchange, the Applicants can have replacement water delivered via trucking to a point above the calling right or release water from an onsite container. The exchange project right will operate to replace depletions to the flow of water in the stream system as the depletions occur. The water exchange project right will be operated and administered

with a priority date of May 27, 2021, at a maximum flow rate of 0.001 of a cubic foot per second and a maximum depletion in all reaches of 0.27 of a gallon per minute. The exchange reach should be adjudicated absolute since the MMRC waters have been exchanged in all or part of the reaches referenced above. This has been accomplished in most of the water court cases shown in the “Bear Creek” column of **Exhibit A** and more specifically Water Court Decree Nos. 94CW290, 95CW196, 96CW1046, 97CW280, 97CW338, 99CW035, 01CW161, 04CW073, 04CW160, 04CW232, and 05CW176. 14. Administration of Plan: Appropriate accounting forms will be established for reporting usage and determining required releases to be made pursuant to this augmentation plan throughout each year. 15. 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: The Property is currently held by Melvin B. Sabey, Manager of 6860 High Drive, LLC, and his father Burns R. Sabey; however, they intend to transfer the Property to 6860 High Drive, LLC in the near future. 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 sought 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.

21CW3075 BASELINE FARMS, LLC, A COLORADO LIMITED LIABILITY COMPANY, c/o Robert Graves, 5821 West County Road 54, Bellvue, CO 80512. John P. Justus and Brent Starnes, Hoskin Farina & Kampf, P.C., 200 Grand Avenue, Suite 400, Post Office Box 40, Grand Junction, Colorado 81502. APPLICATION FOR CORRECTION FOR AN ESTABLISHED BUT ERRONEOUSLY DESCRIBED POINT OF DIVERSION PURSUANT TO § 37-92-305(3.6), C.R.S. IN MORGAN COUNTY Name of Structure: Carlock & Stark Well No. 5995. 3. Legal description of each point of diversion: a. Location information of Actual Point of Diversion in UTM format: Northing 589132.0 Easting 4454403.0 Zone 13 (NAD 83). b. Location Information of Decreed Point of Diversion in UTM format: Northing 589524.8 Easting 4454411.3 Zone 13 (NAD 83). Attached as Exhibit A to the application is an 8 1/2 x 11 inch map illustrating the approximate location of the actual point of diversion for the Carlock & stark Well No. 5995 as point 1 and the decreed point of diversion as point 2. c. Legal DESCRIPTION OF THE ACTUAL AND DECREED POINTS OF DIVERSION Using the Public Land Survey System (PLSS): SW1/4 of the SE1/4 of Section 11, Township 3 North, Range 59 West of the 6th Principal Meridian. 4. Source: Groundwater. 5. Appropriation: a. Date of appropriation: December 21, 1939. . 6. Amount. Absolute 2.50 cubic feet per second of time (“cfs”). 7. List All Uses: Irrigation of approximately 320 acres in the SW1/4 of Section 12 and SE1/4 of Section 11. Township 3 north, Range 59 West of the 6th P.M., Morgan County Colorado. 8. Overview: Applicant, Baseline Farms, LLC, recently acquired the Carlock & Stark Well No. 5995 (Well). Applicant’s predecessors in interest first appropriated water on December 21, 1939 and have applied water to a beneficial use since that time. The Well is not located at its decreed location and was not located at that decreed location at the time of entry of the W-2704B-11 Decree. The actual, but erroneously described, point of diversion is located in the SW 1/4 of the SE 1/4 of Section 11, Township 3 North, Range 59 West of the 6th P.M., at UTM coordinates 589132.0 Northing and 4454403.0 Easting in Zone 13. The Well has been at the same physical location since prior to the entry of the W-2704B-11 Decree. The July 1, 1975 Statement of Beneficial Use of Ground Water and the January 3, 1992 Change in Ownership/Address describe the Well’s location generally in its current location and not at its decreed location. Applicant or its predecessor in interest have, pursuant to the Decree, placed water to a beneficial use from the Well’s present location since the issuance of the Decree. Applicant seeks a decree for the actual location of the Well to correct the erroneously described location in the Decree. 8. Name(s) and address(es) of owner(s) or reputed owner(s) of the land upon which any new or existing diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool. Applicant is the

owner of the lands on which all structures identified in this Application are located. Application is five pages in length.

21CW3076 (Prior Case Nos.: 13CW3157,05CW159, 96CW1117) CITY OF THORNTON, COLORADO (“Thornton”), c/o Emily Hunt, Deputy Director – Infrastructure, 12450 North Washington Street, Thornton, Colorado 80241, Telephone: 720-977-6600; **CITY OF GOLDEN, COLORADO (“GOLDEN”)**, c/o Dan Hartman, Public Works Director, 1445 10th Street, Golden, Colorado 80401, Telephone: 303-384-8151; **COORS BREWING COMPANY (“COORS”)**, c/o Benjamin Moline, Senior Manager, Water Resources and Environmental Compliance, Molson Coors Beverage Company, P.O. Box 4030, Golden, Colorado 80401, Telephone: 303-277-3342. Please direct communications related to this application to counsel for Co-Applicants: Attorneys for Co-Applicant the City of Thornton: David C. Taussig, Alan E. Curtis, Virginia Sciabbarrasi, **WHITE & JANKOWSKI LLC**, 1333 W. 120th Ave., Suite 302, Westminster, Colorado 80234, Tele: (303) 595-9441, Fax: (303) 825-5632, Email: davet@white-jankowski.com, alanc@white-jankowski.com, virginias@white-jankowski.com; Attorney for Co-Applicant the City of Golden: Steven J. Bushong, Esq., Cassidy L. Woodard, Esq., Porzak Browning & Bushong, LLP, 2120 13th Street, Boulder, Colorado 80302, Tele: (303) 443-6800, Fax: (303) 443-6864, E-mail: sjbushong@pbblaw.com, cwoodard@pbblaw.com; Attorney for Co-Applicant the Coors Brewing Company: Stephen H. Leonhardt, April D. Hendricks, Esq., Burns Figa & Will, P.C., 6400 S. Fiddlers Green Cir., Suite 1000, Greenwood Village, Colorado 80111, Tele: (303) 796-2626, E-Mail: sleonhardt@bfwlaw.com, ahendricks@bfwlaw.com. **VERIFIED APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN JEFFERSON COUNTY**

2. Name of Structures: Croke Canal and Standley Lake. The named structures are utilized in the exercise of the decreed appropriative right of exchange known as the FRICO Bookover Exchange.

3. Description of conditional water rights: FRICO Bookover Exchange. This appropriative right of exchange was approved in Part III of the June 15, 1999 decree in Case No. 96CW1117 (“96CW1117 Decree”) which allows for water stored in Thornton’s water storage account in Standley Lake, a water storage reservoir owned by the Farmers Reservoir and Irrigation Company (“FRICO”). This exchange allows water to be booked over to the water storage accounts of non-Thornton FRICO shareholders to make water available in Clear Creek at the headgate of the Croke Canal (“Croke Canal Headgate”) that would otherwise be diverted into the Croke Canal for conveyance to storage in the water storage accounts of non-Thornton FRICO shareholders in Standley Lake. The water made available in Clear Creek is then diverted and used by Coors and Golden in accordance with River Exchanges decreed in Part II and changes of water rights decreed in Part I of the 96CW1117 Decree, at points of diversion other than the Croke Canal Headgate. The River Exchanges utilized for diversions by Coors and Golden from the 96CW1117 Decree, and not previously made absolute, are not the subject of this Application, but will be addressed by separate diligence applications to be filed by the end of July 2021.

3.1. Exchange from Point: Standley Lake. Standley Lake is located in Sections 16, 17, 20, 21, 22, 27, 28 and 29, Township 2 South, Range 69 West of the 6th P.M., in Jefferson County, Colorado.

3.2. Exchange to Point: The Croke Canal. The Croke Canal Headgate is located on the north bank of Clear Creek in the NW 1/4 of the NE 1/4 of Section 26, Township 3 South, Range 70 West of the 6th P.M., in Jefferson County, Colorado.

3.3. Date of Original Decree: June 15, 1999. Case No. 96CW1117, District Court, Water Division 1.

3.4. Subsequent decrees awarding findings of diligence: After the 96CW1117 Decree was entered, the first application for findings of reasonable diligence for the FRICO Bookover Exchange was filed in accordance with Colorado law in Case No. 05CW159. A final decree was entered in Case No.

05CW159 on December 27, 2007, which made additional portions of the FRICO Bookover Exchange absolute. The second application for findings of reasonable diligence was filed in accordance with Colorado law in Case No. 13CW3157. A final decree was entered in Case No. 13CW3157 on May 29, 2015, which made additional portions of the FRICO Bookover Exchange absolute. **3.5.** Appropriation Date: April 2, 1987. **3.6.** Source of Substitute Supply: Fully reuseable water stored in Thornton's water storage account in Standley Lake derived from water rights listed on Exhibit D to 96CW1117 Decree. **3.7.** Use: The FRICO Bookover Exchange yields fully consumable water in Clear Creek at the Croke Canal Headgate that is available to Coors and Golden at the additional points of diversion and/or storage described in the 96CW1117 Decree, or by the River Exchanges described therein, for the following uses: **3.7.1.** By Coors for all purposes allowed by the decrees of this Court in Case Nos. 96CW1117, W-8036(75), W-8256(76), 89CW234 and 91CW122 within Coors's industrial complex near Golden, Colorado and to reuse and successively use that water to extinction or dispose of the right to the reuse, as well as to reuse and successively use or dispose of the right to reuse of such water after the first use thereof by Golden under the provisions of the 96CW1117 Decree. **3.7.2.** By Golden for municipal purposes as allowed in the 96CW1117 Decree: domestic, mechanical, manufacturing, industrial, fire protection, sewage treatment, street sprinkling, irrigation of parks, lawns, and grounds, recreation, fish culture, lake and reservoir evaporation, agricultural uses located within City's service area, maintenance and preservation of wildlife and aesthetic values, streamflow maintenance and enhancement, augmentation and exchange, and all other beneficial uses within Golden or areas now or in the future served by Golden's municipal water supply system. **3.8.** Amount: 7.21 cfs previously made absolute; 60.79 cfs, remaining **CONDITIONAL**. **4.** Detailed outline of what has been done toward completion, including expenditures: From May 29, 2015 through May 2021 ("Diligence Period"), the Co-Applicants performed the following work and incurred the following costs, all or in part, concerning the remaining conditional portion of the FRICO Bookover Exchange, including specific structures integral to the diversion and use of the FRICO Bookover Exchange, and in the further development of the Co-Applicants' respective integrated water supply systems within which the FRICO Bookover Exchange has been and will be placed to beneficial use. These actions and expenditures confirm Co-Applicants' steady and diligent efforts to complete the appropriation of the FRICO Bookover Exchange. These activities and expenditures include, without limitation: **4.1.** Thornton Integrated System Activities: During the relevant Diligence Period, Thornton has continued in the development and improvement of its Clear Creek water supply system including many of the structures used in the exercise of the FRICO Bookover Exchange. Projects include the following: **4.1.1.** Standley Lake Operating Committee (SLOC): As a member of SLOC, Thornton is responsible for a third of operating and maintenance costs involving Standley Lake. These costs were approximately \$764,000. **4.1.2.** Standley Lake: Thornton spent approximately \$1,517,000 on repairs and improvements at Standley Lake, including Bypass Lines replacement, Standley Lake Pipeline rehab, spillway repairs and pipeline facilities. **4.1.3.** Clear Creek Water Quality Monitoring Program: Thornton has spent approximately \$1,190,000 on water quality monitoring of Clear Creek over the Diligence Period. **4.1.4.** Ditch Company Assessments and Carriage Fees: Thornton paid \$826,000 in assessments and carriage fees in various ditch companies associated with the Subject Water Rights including, assessments for its share ownership in Farmers Reservoir and Irrigation Company – Standley Lake Division and Farmer Highline Canal and Reservoir Company; and carriage fees to FHL. **4.1.5.** Water Court Oppositions: Thornton has actively participated in water court proceedings to protect the Subject Water Rights. Legal and engineering costs incurred relating to the protection of Thornton's Clear Creek and South Platte River rights, including the Subject

Water Rights, during the Diligence Period were approximately \$610,000. **4.2. Golden Integrated System Activities:** Golden operates an integrated and unified municipal water supply system involving various components which Golden continues to maintain and upgrade, including diversion and storage structures utilized in applying the water made available under the FRICO Bookover Exchange to beneficial use. During the Diligence Period, Golden expended significant resources on the following activities that demonstrate ongoing diligence in perfecting the remaining conditional rights that are the subject of this Application: **4.2.1.** In each year during the Diligence Period, Golden has continued to exercise the appropriative rights of exchange decreed in Case No. 96CW1117. Total annual deliveries of water pursuant to Golden's 96CW1117 exchanges during the Diligence Period are as follows: Sept. 2015 – April 2016 = 882 acre-feet; Sept. 2016 – April 2017 = 998 acre-feet; Sept. 2017 – April 2018 = 707 acre-feet; Sept. 2018 – April 2019 = 900 acre-feet; Sept. 2019 – April 2020 = 900 acre-feet. **4.2.2.** During the Diligence Period, Golden expended approximately \$104,900 on maintenance activities associated with the sources of water delivered to Golden for the Case No. 96CW1117 exchanges. **4.2.3.** Golden has expended in excess of \$544,000 on the maintenance and improvement of its storage reservoirs and approximately \$22,000 on maintenance and improvements of its municipal headgate, all of which are used in conjunction with the FRICO Bookover Exchange. **4.2.4.** Expenditure of approximately \$3.7 million on other water supply infrastructure improvements and maintenance, including ongoing utility replacement expenses. **4.2.5.** In Case No. 17CW3070, in the District Court in and for Water Division 1, State of Colorado, decreed on May 28, 2018, Guanella Reservoir was made fully absolute for its full as-built capacity of 2,325 acre-feet for its original fill and its associated refill right. **4.2.6.** During the Diligence Period, Golden expended in excess of \$216,000 on daily water rights administration tasks, which includes, but is not limited to, accounting, water rights meetings, drought planning, and forecasting. **4.2.7.** Ongoing monitoring of Water Court applications and active involvement in Water Court cases as an Objector where appropriate to protect Golden's water rights. **4.3. Coors Integrated System Activities:** Coors owns and operates an integrated water system on Clear Creek. During the Diligence Period, Coors and its affiliated entities, including Molson Coors Beverage Company, MillerCoors LLC, and Rocky Mountain Water Company, have engaged in continued development of Coors's integrated water system of which the FRICO Bookover Exchange is an integral part, including activities described below. **4.3.1.** This Court found in paragraph 7.3 of the decree entered in Case No. 05CW159 that the exchanges decreed in Case No. 96CW1117 are integral features in Coors's unified water system and that continued development and maintenance of Coors's unified water system constitutes diligence for the individual rights associated with that system. Other components of the integrated water system include: the Straight Creek Tunnel Drainage and Effluent System (Case Nos. W-1665 in Water Division No. 5 and W-7097 in Water Division No. 1); Jefferson Storage System (Case Nos. W-152, 88CW206, and 18CW3225); Coors Golden Milling Right (Civil Action No. B-9675, Jefferson County District Court); Coors's Underground Springs (Case Nos. W-7809-74, 90CW064 and 95CW081); Augmentation Plan Springs (Case No. 81CW110); Idaho Springs Reservoir (Case No. 84CW671); the nontributary wells that are the subject of Case No. 85CW051; Coors Industries Ditch (Case Nos. W-224 and W-7585); the Coors Augmentation Plans I, II, III, and IV, decreed in Case Nos. W-8036(75), W8256(76), 88CW271, 89CW234, 99CW236 and 17CW3177); the Cosmic Decree (Case No. 88CW271), and related exchanges decreed in Case Nos. 88CW268, 88CW272 and 96CW1117 (all cases are decrees entered in Water Division No. 1, except where otherwise noted); as well as a complete water treatment, cooling, and distribution system at the plant site in Golden, Colorado. **4.3.2.** Coors has continuously operated its integrated water system, including use of the structures and water right associated

with this Application, to support its commercial operations. During the Diligence Period, Coors has expended at least \$2,800,000 for the development and maintenance of Coors's integrated water supply system. Coors has continued in the planning, design, and exploration of the physical and business problems associated with the construction and use of the diversion facilities and water rights involved. Specific activities and expenditures that Coors has undertaken include engineering relating to Coors's water rights and water supply system; operation, maintenance, and improvements to ditch facilities supporting Coors's integrated water system; pump installation and replacement, operation, maintenance, repairs to Coors's underground springs; and other capital projects in support of Coors's integrated water system. **4.3.3.** During the Diligence Period, Coors has also operated deliveries and exchanges of water pursuant to the decree in Case No. 96CW1117 (including both the Coors/Farmers' High Line Canal Exchange and the Coors/Croke-Standley Exchange) to the extent water has been available for such deliveries and exchanges. Total deliveries of water to Coors pursuant to Case No. 96CW1117 during the six-year Diligence Period have been 7,016.95 acre-feet. **4.3.4.** Coors has also been engaged in the legal development, defense, and protection of said water rights by participating in a number of water cases adjudicating matters required for the production of water used in Coors's integrated water system, including Case No. 15CW3179 (application and related appeal to amend Coors's Augmentation Plans); Case No. 17CW3177 (change of Miles and Eskins Ditch for Coors's Augmentation Plan IV, with appropriate right of exchange); Case No. 18CW3225 (Jefferson Storage System storage realignment); Case Nos. 19CW3055 and 20CW3087 (diligence on exchanges relating to the Cosmic Agreement); Case No. 20CW3066 (diligence on Coors's Augmentation Plan II exchanges); Case No. 20CW3137 (diligence on Coors's Augmentation Plan III Exchanges); Case No. 19CW3037 (diligence on Coors's Jefferson Storage System); Case No. 20CW2060 (diligence on Coors's Underground Springs); and Case No. 21CW3020 (diligence on Coors's Idaho Springs Reservoir Exchange), all of which water rights are part of Coors's integrated water system. Coors has also filed statements of opposition to a number of water court applications to prevent injury to Coors's water rights, including those that are the subject of this Application. Coors's legal expenses in pursuing these applications and filing statements of opposition to continue and protect the integrated system water rights exceeded \$1,300,000 during the Diligence Period. **4.3.5.** During the Diligence Period, Coors has also made substantial refinements to its accounting for its Augmentation Plans and exchanges decreed in the above described cases, in coordination with the Division Engineer's Office. Coors believes that its revised accounting will improve the basis for its operations pursuant to the Decree in Case No. 96CW1117, including the exchange at issue in this application. The work done and costs incurred as set forth above are illustrative and not exhaustive of the Co-Applicants' efforts towards perfecting the FRICO Bookover Exchange and Co-Applicants reserve the right to present evidence of additional costs and diligence activities at trial. **5. Claim to Make Absolute: Not applicable.** **6. Request for Findings of Reasonable Diligence:** Co-Applicants seek a finding that they have exercised reasonable diligence in the development of the FRICO Bookover Exchange for all decreed uses and all remaining 60.79 cfs, conditional. **7. Names and addresses of owners of land upon which new diversion or storage structures will be built, owners of existing structures which may require modification and owners of land upon which water is or will be stored:** No new diversion or storage structures need be built, and existing structures do not require modification to exercise the FRICO Bookover Exchange. The land upon which water is or will be stored (Standley Lake) is owned by FRICO and notice has been provided to FRICO. WHEREFORE, Co-Applicants respectfully request a judgment and decree of this Court that: **I.** The Co-Applicants have diligently pursued the completion of the remaining conditional portion of the FRICO Bookover Exchange

which is continued in the amount of 60.79 cfs for all decreed uses; and 2. Such other relief as the Court deems just and proper. (12 pages)

21CW3077 CITY OF AURORA, COLORADO, ACTING BY AND THROUGH ITS UTILITY ENTERPRISE (“Aurora Water” or “Aurora”), 15151 East Alameda Parkway, Suite 3600, Aurora, Colorado 80012-1555. Stephanie J. Neitzel, City of Aurora, Colorado, 15151 East Alameda Parkway, Suite 5300, Aurora, Colorado 80012-1555. Application for Finding of Reasonable Diligence and to Make Absolute in Part, **IN ADAMS, ARAPAHOE AND WELD COUNTIES**.

1. **NAME OF THE STRUCTURES: Prairie Waters Project In-Fill Wells (“PWP In-Fill Wells”):**
2. **DESCRIPTION OF CONDITIONAL WATER RIGHTS (“Subject Water Rights”):** 3.1. **Date of Original Decree:** Case No. 13CW3042, District Court, Water Division 1, dated May 12, 2015 (the “Original Decree”). 3.2. **Case No. 06CW104, Prairie Waters Project (PWP):** 3.2.1. **Date of Decree:** Case No. 06CW104, District Court, Water Division 1, dated August 28, 2009. 3.2.2. **Date of Subsequent Decree:** Case No. 15CW3064, District Court, Division 1, dated May 29, 2015. 3.2.3. **PWP Description:** The Prairie Waters Project (“PWP”) decreed in Case No. 06CW104 is primarily a water reuse project that allows Aurora to divert water from an alluvial well field adjacent to the South Platte River in Weld County (“PWP Well Field”), purify the water in the Aquifer Recharge and Recovery facility, transport the water via a pipeline to storage reservoirs located near Aurora, and then to the Peter Binney Water Treatment Facility located near Aurora Reservoir. 3.2.4. **PWP Well Field:** The PWP Well Field was conditionally decreed in Case No. 06CW104 for total diversions not to exceed 77.4 c.f.s. In Case No. 15CW3064, the PWP Well Field was decreed 10.92 c.f.s. absolute with 66.48 c.f.s. remaining conditional. The Original Decree added the PWP In-Fill Wells to the PWP Well Field with the PWP In-Fill Wells now included in the 77.4 c.f.s diversion limit. 3.3. **Location (Legal Descriptions):** The six (6) PWP In-Fill Wells located in T1N, R66W, Sections 18 and 19, as more particularly shown and described in Exhibits 1 and 2. 3.4. **Source:** South Platte alluvium. 3.5. **Appropriation Date:** May 24, 2013. 3.6. **Rate of Diversion:** The maximum diversion rate for each of the PWP In-Fill Wells is provided below. Diversions from the PWP In-Fill Wells, in combination with the total diversions from the PWP Well Field, are not to exceed the 77.4 c.f.s. diversion rate decreed in Case No. 06CW104. 3.6.1. Vertical Well No. 10B – 600 gallons per minute. 3.6.2. Vertical Well No. 11A – 600 gallons per minute. 3.6.3. Vertical Well No. 12A – 600 gallons per minute. 3.6.4. Vertical Well No. 16A – 600 gallons per minute. 3.6.5. Vertical Well No. 18A – 600 gallons per minute. 3.6.6. Vertical Well No. 19A – 600 gallons per minute. 3.7. **Use and Location of Use:** The Subject Water Rights shall be used for all purposes further described in paragraph 32 of the decree in Case No. 06CW104, as follows: All municipal and domestic purposes including without limitation fire protection, irrigation, commercial and industrial use, recreational purposes, fish and wildlife propagation, stock watering, reservoir evaporation replacement, construction of any of the structures or pipelines used in the Prairie Waters Project, storage and maintenance of storage reserves, exchange and augmentation purposes, for use and reuse or successive use until extinction. The location of use will be any Prairie Waters Project construction area, any area Aurora is capable of serving by its diversions and storage points 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 water, or treated or raw water service or any area in which Aurora Water has augmentation or delayed return flow obligations. 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. Pursuant to Paragraph 20 of the Original Decree, Aurora’s

municipal water system and each of the water rights and structures that are part of the PWP comprise an integrated system of water rights and structures under §37-92-301(4)(b). **Efforts Associated with the Integrated PWP Project.** The Subject Water Rights will be operated as part of Aurora's 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: 4.1. PWP Wellfield Expansion. During this diligence period, Aurora spent \$10,981,714 for land purchases and easements for expansion of the PWP Well Field. 4.2. PWP Well Pilot Project. During this diligence period, Aurora constructed and operated a pilot project for use of horizontal wells for the PWP Well Field. 4.3. Case No. 21CW3006, D-1. On January 28, 2021, Aurora filed its Application for Finding of Reasonable Diligence for the Aurora-Everist Reservoir No. 2. This case is pending. 4.4. Acquisition of Everist 2 Reservoir Property and Slurry Wall Improvements. On August 26, 2015, Aurora acquired the Everist 2 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. 4.5. 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. 4.6. 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 Everist 2 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. 4.7. Amendments to Surface Use Agreement. Aurora, L.G. Everist and the owner of oil and gas rights and infrastructure on the Everist 2 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 was entered into on January 26, 2021. 4.8. Case No. 21CW3028, D-1. On March 27, 2021, Aurora filed its application for findings of reasonable diligence for conditional storage rights for Aurora Reservoir, Quincy Reservoir and East Reservoir, originally decreed in 03CW415. This case is pending. 4.9. 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. 4.10. 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. 4.11. 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. 4.12. Negotiations and Agreement for Gravel Pit Storage. Aurora renegotiated its agreement with Aggregate Industries to complete the reservoir facilities for the Tucson South Reservoir and an agreement was entered into on January 13, 2021. 4.13. Adams County Mining Permit. In March 2021, a mining permit was obtained from Adams County for construction of the Tucson South Reservoir. 4.14. 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. 4.15. 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. 4.16. Case No. 14CW3177, D-1. On April 26, 2018, Aurora obtained a decree granting a change of its New Brantner Ditch Company shares. 4.17. 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. 4.18. Water Rights Purchases. Aurora expended over \$79 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. 4.19. 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. 4.20. 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. 4.21. Tucson South Land Purchases. Aurora purchased 2 parcels of land (Horiuchi/Faudoa and Marrs) for the Tucson South Reservoir at a total cost of \$348,000. 4.22. 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). 4.23. Legal and Engineering Fees. Aurora expended at least \$3.6 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. 4.24. 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 Rights and Integrated PWP Project. **Other Project Specific Efforts**. Aurora has an integrated multi-basin water supply system contributing Other Fully Consumable Water to be used in the PWP and diverted through the PWP Well Field, including PWP In-Fill Wells. 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 Rights. 5. CLAIM TO MAKE CONDITIONAL WATER RIGHTS PARTIALLY ABSOLUTE: 5.1. **Date Water Applied to Beneficial Use**: August 12, 2019. Accounting records are provided in Exhibit 3. 5.2. **Amount**: 3.42 c.f.s. 5.3. **Use**: As described in Paragraph 3.7., above. 5.4. **Place of Use**: As described in Paragraph 3.7., above. 6. NAMES AND ADDRESSES OF OWNERS OF 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. Aurora owns the land on which the PWP In-Fill Wells are located. WHEREFORE, Applicant requests that the Court enter a decree: **1.0. Making the following conditional rights absolute**: 1.1. PWP In-Fill Wells: 3.42 c.f.s. 1.2. PWP Well Field: 3.42 c.f.s., for a total absolute amount of 14.34 c.f.s. **2.0. Finding that Applicant has been reasonably diligence in the steady application of effort to complete the appropriation of the conditional water rights for the PWP In-Fill Wells in a reasonably expedient and efficient manner under the facts and circumstances, and continuing the following remaining conditional amount for the PWP Well Field in full force and effect**: 63.06 c.f.s. **3.0. Granting such other relief as the Court deems just and appropriate**. Application is 12 pages including exhibits.

21CW3078 (11CW122) UFI FEEDING, LLC, 14604 Weld Cty. Rd. 21, Platteville, CO 80651, 970-785-2314 (P. Andrew Jones, #29076, Law Office of P. Andrew Jones, 1213 Founders Circle, Windsor, CO, 80550, Telephone: (970) 235-0252, E-mail: ajones@pandrewjones.com). **APPLICATION FOR FINDING OF REASONABLE DILIGENCE AND TO MAKE ABSOLUTE IN WELD COUNTY**. 2. Name of Right. Ulrich Farms Recharge Right (“Recharge Right”). 2.1 Point of Diversion. Water is diverted through the South Platte River headgate shared by the Beeman Ditch and Meadow Island No. 2 Ditch, located in the Northwest Quarter of Section 1, Township 2 North, Range 67 West of the 6th P.M. (“Beeman River Headgate”), and delivered down the Beeman Ditch to the Ulrich Farm, located in Northeast Quarter of Section 22, Township 3 North, Range 67 West of the 6th P.M. 2.2 Source. South Platte River. 2.3 Appropriation Date. July 7, 2011. 2.4 Rate and Amount of Diversion. 6.3 c.f.s., absolute, 567.3 acre feet absolute, 597.7 acre feet conditional measured at the Beeman River Headgate, not to exceed the volumetric limitations set forth in ¶18.4 of the 11CW122 Decree. 2.5 Use of Accretions. Augmentation, replacement and exchange pursuant to the terms of the 11CW122 Decree. 2.6 Description of Recharge. Water diverted under the Recharge Right is delivered to the Ulrich Feedlot Recharge Site described in ¶16 of the 11CW122

Decree and allowed to seep into the underlying alluvial aquifer of the South Platte River to generate accretions to the South Platte River and its tributaries. 3. Name of Water Right: Ulrich Fish Pond Well (“Fish Pond Well”). 3.1 Point of Diversion. The Fish Pond Well is located in the Northeast Quarter of the Northeast Quarter of Section 22, Township 3 North, Range 67 West of the 6th P.M. 3.2 Source. Groundwater tributary to the South Platte River. 3.3 Date of appropriation: August 1, 2011. 3.4 Amount: 1.23 c.f.s. absolute, 1.77c.f.s. conditional, diversions not to exceed 110 acre feet per year. 3.5 Uses: Recreation, fish and wildlife, and piscatorial uses within the Ulrich Fish Pond, and irrigation of up to 2.51 acres in Northeast Quarter of Section 22, Township 3 North, Range 67 West of the 6th P..M. The Fish Pond Well is the sole supply for the Ulrich Fish Pond, a 20 acre-foot storage facility in the Northeast Quarter of Section 22, Township 3 North, Range 67 West of the Sixth P.M. The Fish Pond Well is used directly for irrigation. The Fish Pond Well also fills and refills the Ulrich Fish Pond for uses within the Ulrich Fish Pond, offsetting evaporative and seepage losses. Due to the proximity of the Ulrich Fish Pond and the Ulrich Fish Pond Well, seepage losses from the Ulrich Fish Pond are assumed to return to the stream at the same location, time and amount as depletions to the stream from pumping of the Ulrich Fish Pond Well to replace such seepage losses. Such seepage losses shall be deemed to replace such depletions and shall not be used by Applicant for any purpose under this decree or otherwise. 4. General Description of Exchange Right. Pursuant to sections 37-82-106, 37-83-104, and 37-92-101 et seq., C.R.S., Applicant claims the right to exchange the following sources of substitute supply upstream to the Beeman Ditch River Headgate for diversion or re-diversion and delivery to the Ulrich Feedlot Recharge Site. 4.1 Sources of Substitute Supply. The sources of substitute supply are: 4.1.1 Excess Recharge Accretions accruing to the South Platte River downstream of the Beeman Ditch River Headgate. 4.1.2 Shaw Lakes Water delivered to the confluence of the St. Vrain Creek and the South Platte River. 4.2 Exchange From Location. The four exchange-from locations are described as follows: 4.2.1 Point A1 on the South Platte River in the Southeast Quarter of the Southeast Quarter of Section 25, Township 3 North, Range 67 West. 4.2.2 Point A2 on the South Platte River in the Northeast Quarter of the Southeast Quarter of Section 14, Township 3 North, Range 67 West. 4.2.3 Point B on the South Platte River in the Southwest Quarter of the Southwest Quarter of Section 11, Township 3 North, Range 67 West. 4.2.4 The confluence of the St. Vrain Creek and the South Platte River in the Southwest Quarter of the Northeast Quarter of Section 34, Township 4 North, Range 67 West. 4.3 Exchange To Location. The Beeman River Headgate, located in Northwest Quarter of Section 1, Township 2 North, Range 67 West of the 6th P.M. 4.4. Amount. 2.64 c.f.s absolute, 1.16 c.f.s. conditional, measured at the Beeman River Headgate, not to exceed the volumetric limitations set forth in ¶18.4 of the 11CW122 Decree. 4.5 Priority. 2013 (Appropriation Date. April 27, 2012). 4.6 Use. The waters will be used for the purposes decreed for each source of substitute supply. 5. Claim to make absolute for findings of diligence: 5.1 Applicant diverted 192.0 acre feet of the 597.7 acre feet decreed conditional to the Ulrich Farms Recharge Right and subsequently applied the water to decreed beneficial uses. Applicant claims an additional 192.0 acre feet absolute, making the total absolute amount 759.3 acre feet and seeks a finding of diligence on the remaining 405.7 acre feet remaining conditional. 5.2 Applicant maintained and used the Ulrich Fish Pond Well but did not divert any of the conditional flow rate during the diligence period. Applicant seeks a finding of diligence for the remaining 1.77 c.f.s. decreed conditional. 5.3. Applicant consistently operated the exchange during the diligence period but did not divert any of the conditional flow rate during the diligence period. Applicant seeks a finding of diligence on the remaining 1.16 c.f.s. decreed conditional. 6. Outline of work done6.1 Applicant operated, maintained and improved the integrated system of diversions, ditches, recharge structures and wells decreed in Case Nos. 11CW122 and 12CW90, and paid legal and engineering consultants to address the legal and accounting aspects of the plan. Applicant expended the following amounts during the diligence period:

2015 (post decree)	\$154,126
2016	\$70,533
2017	\$70,177
2018	\$92,672
2019	\$120,377
2020	\$39,656
2021 (pre-filing)	\$29,228

7. Property Ownership. The structures referenced in this Application are located on lands owned by Applicant, by members of the Applicant or by relatives, subsidiaries or affiliates of the Applicant.

21CW3079(12CW90) UFI FEEDING LLC, 14605 Weld Cty Rd. 21, Platteville, CO 80651, 970-785-2314 (P. Andrew Jones, #29076, Law Office of P. Andrew Jones, 1213 Founders Circle, Windsor, CO 80550, Phone: (970) 235-0252, Email: ajones@pandrewjones.com). **APPLICANT SEEKS TO DECREE ADDITIONAL ABSOLUTE AMOUNTS OF THE WATER RIGHTS DESCRIBED BELOW A FINDING OF DILIGENCE ON THE REMAINING CONDITIONAL PORTION IN WELD COUNTY.** 3. Ulrich Well No. 133 Industrial Right 3.1 Point of Diversion. Ulrich Well No. 133 (Well Permit No. 76132-F), located in the Northeast Quarter of Section 22, Township 3 North, Range 67 West of the 6th P.M., 2600 feet South and 1200 feet West of the Northeast corner of Section 22. 3.2 Source. Groundwater tributary to the South Platte River. 3.3 Depth of Well: 82 feet. 3.4. Date of appropriation: March 9, 2012. 3.5 How appropriation was initiated: Formation of intent to appropriate water to a beneficial use, engineering analysis, filing of this application. 3.6 Rate and Diversion Amount Claimed: 1.5 c.f.s. absolute and 1.5 c.f.s. conditional, not to exceed 240 acre feet per year in combination with the Ulrich Fish Pond Well Industrial Right described in ¶10 of the decree entered in 12CW90. Of the 240 acre feet amount, 50 acre feet is absolute and 190 acre feet is conditional. 3.7 Uses: Oil and gas exploration, development and reclamation. including equipment washing and dust suppression, in Larimer, Weld, Boulder, Jefferson, Broomfield, Morgan, Adams, Arapahoe, Douglas, Elbert and El Paso counties. 4. Name of Water Right: Ulrich Fish Pond Well Industrial Right. 4.1. Point of Diversion. Ulrich Fish Pond Well (Well Permit No. 76133-F), located in the Northeast Quarter of the Northeast Quarter of Section 22, Township 3 North, Range 67 West of the 6th P.M. 190 feet from the North section line and 950 feet from the East section line. 4.2. Source. Groundwater tributary to the South Platte River. 4.3. Depth of Well: 83 feet. 4.4 Date of appropriation: March 9, 2012. 4.5. How appropriation was initiated: Formation of intent to appropriate water to a beneficial use, engineering analysis, filing of this application. 4.6. Rate of Diversion and Amount Claimed: .69 c.f.s. absolute and .67 c.f.s. conditional, not to exceed 240 acre feet per year in combination with the Ulrich Well No. 133 Industrial Right described in ¶9 above. Of the 240 acre feet amount, 50 acre feet is absolute and 190 acre feet is conditional. 4.7. Uses: Oil and gas exploration, development and reclamation, including equipment washing and dust suppression, in Larimer, Weld, Boulder, Jefferson, Broomfield, Morgan, Adams, Arapahoe, Douglas, Elbert and El Paso counties. 5. Claims to Make Absolute and for Findings of Diligence. 5.1. Combined Volume of Diversions. Applicant diverted an additional 147.0 acre feet from the Ulrich No. 133 Industrial Right and Ulrich Fish Pond Well Industrial Right and applied the same to decreed uses. Applicant seeks to decree an additional 147.0 acre feet absolute, making 197 acre feet per year absolute in total, and seeks a finding of reasonable diligence on the remaining conditional amount of 43 acre feet per year. 5.2. Rate of Diversion – Ulrich Well No. 133 Industrial Right. Applicant seeks a finding of reasonable diligence on the conditional flow rate of 1.5 c.f.s. 5.3 Rate of Diversion - Ulrich Fish Pond Well Industrial Right. Applicant seeks a finding of reasonable diligence on the conditional flow rate of .67 c.f.s. 6. Activities During the Diligence Period. Applicant operated, maintained and improved the Wells referenced herein and the integrated system of diversions,

ditches, recharge structures and wells decreed in 11CW122 and 12CW90, and paid legal and engineering consultants to address the legal and accounting aspects of the plan. Applicant expended the following amounts during the diligence period:

2015 (post decree)	\$154,126
2016	\$70,533
2017	\$70,177
2018	\$92,672
2019	\$120,377
2020	\$39,656
2021 (pre-filing)	\$29,228

7. Property Ownership. The structures referenced in this Application are located on lands owned or leased by the Applicants, by members of the Applicants or by relatives, subsidiaries or affiliates of Applicants.

21CW3080 CITY OF FORT LUPTON, 130 S McKinley Street, Fort Lupton, CO 80621. Matthew S. Poznanovic, Eric K. Trout, Hayes Poznanovic Korver LLC, 1999 Broadway, Suite 3200, Denver, CO 80202. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE AND TO MAKE ABSOLUTE, IN ADAMS AND WELD COUNTIES.** Prior Decree Information: Originally decreed in Case No. 12CW180 on March 10, 2015. The period of diligence which is the subject of this application is from the date of the Case No. 12CW180 decree (“12CW180 Decree”). A diligence notice was sent to Fort Lupton, but the case number included on the notice was incorrect. As a result, the Court determined that it did not send a timely Notice to Fort Lupton to file for a finding of diligence pursuant to C.R.S. § 37-92-305(7). Notice was sent on March 26, 2021, in which the Court extended the deadline for filing to May 31, 2021. Locations of Structures: Perry Pit East Reservoir: Located in the NE1/4 of Section 25, Township 1 North, Range 67 West of the 6th P.M., and the NW1/4 of Section 30, Township 1 North, Range 66 West of the 6th P.M., in Weld County, Colorado. The approximate centroid of the Perry Pit East Reservoir is in Section 25, Township 1 North, Range 67 West of the 6th P.M., 862 feet south of the north section line and 78 feet west of the east section line of said Section 25. Points of diversion for the Perry Pit East Reservoir are Well Nos. 1-3 described below. Well No. 1 (Permit No. 62953-F): West bank of the South Platte River in the NW 1/4 NW 1/4 of Section 30, Township 1 North, Range 66 West of the 6th P.M., Weld County, Colorado, approximately 120 feet south of the north line and 975 feet east of the west line of said section. Well No. 2 (Permit No. 62954-F): West bank of the South Platte River in the NW 1/4 NW 1/4 of Section 30, Township 1 North, Range 66 West of the 6th P.M., Weld County, Colorado, approximately 445 feet south of the north line and 1040 feet east of the west line of said section. Well No. 3 (Permit No. 62955-F): West bank of the South Platte River in the NW 1/4 NW 1/4 of Section 30, Township 1 North, Range 66 West of the 6th P.M., Weld County, Colorado, approximately 710 feet south of the north line and 920 feet east of the west line of said section. Conditional Right of Exchange Decreed in Case No. 12CW180 (“Fort Lupton Exchange”): Points of Release of Substitute Supply (exchange-from points): Fort Lupton owns 211.9 shares of the 7,185 outstanding shares (“Fulton Shares”), or 2.95% of the shares in the Fulton Irrigation Ditch Company (“Fulton Ditch”). The Fulton Shares water will be released from the augmentation stations on the Fulton Ditch described below, which are all located within the reach of the South Platte River from a point adjacent to Well Nos. 1-3 described in Paragraphs 3.2, 3.3 and 3.4 to a location on the South Platte River where the Fort Lupton augmentation station will deliver water to the South Platte River, which will serve as the most downstream point of the reach: South Adams County Water and Sanitation District Augmentation Station: NW 1/4, Section 16, Township 2 South, Range 67 West, 6th P.M., Adams County, near the 104th Avenue bridge. Central Colorado Water Conservancy

District Augmentation Station: The NW 1/4, Section 8, Township 1 North, Range 66 West of the 6th P.M.

Fort Lupton Augmentation Station: At the 72" storm sewer outfall at a headwall in the NW 1/4 of the SW 1/4 of Section 31, Township 2 North, Range 68 West of the 6th P.M., Weld County, Colorado, approximately 1,320 feet north of the south line and 1,720 feet west of the east line of said section.

Section 2 Augmentation Station: Location to be determined between 4.1.1.1 and 4.1.1.3. Windy Gap effluent is discharged from the Fort Lupton wastewater treatment plant, located in Section 31, Township 2 North, Range 68 West, 6th P.M., Weld County.

Points of Diversion (exchange-to points): The points at which depletions from the pumping of Well Nos. 1-3, identified in Paragraphs 3.2, 3.3 and 3.4 above, impact the South Platte River, all in Section 30, Township 1 North, Range 66 West, 6th P.M., Weld County: Well No. 1: 1060 feet from the west section line, 20 feet from the north section line. Well No. 2: 1165 feet from the west section line, 360 feet from the north section line. Well No. 3: 955 feet from the west section line, 700 feet from the north section line.

Sources of Substitute Supply: Water available under Fort Lupton's Fulton Shares changed in Case Nos. 12CW180 and 03CW119 which is not needed for immediate augmentation use or for replacement of return flows may be returned from the Fulton Ditch to the South Platte River at one or more augmentation stations from the Fulton Ditch and diverted by exchange into the Perry Pit East Reservoir to be stored for all decreed uses, including use in Fort Lupton's plan for augmentation and for replacement of delayed return flows from the change of Fulton Shares under the 03CW119 decree.

Effluent resulting from use of Windy Gap project water in Fort Lupton's municipal water system, including from up to 13 total owned or leased Windy Gap units not needed for immediate augmentation will be stored by exchange in the Perry Pit East Reservoir and released for the uses described in the 12CW180 Decree and 03CW119 decree, including to meet Fort Lupton's augmentation and return flow replacement obligations under the 12CW180 Decree and 03CW119 decree.

Priority Date of Exchange: July 25, 2012. Amount: A cumulative rate 6.69 cfs, of which 0.66 cfs was decreed absolute in the 12CW180 Decree, and 6.03 cfs was decreed conditional. **Exhibit A** contains the maximum rates at which water may be exchanged from each individual point where replacement water is introduced to the South Platte River, but the cumulative total rate of exchange shall not exceed 6.69 cfs.

Uses: All uses for which the substitute supplies are decreed, including augmentation of the depletions resulting from pumping of Well Nos. 1-3 and uses made under Fort Lupton's plan for augmentation as described in the decree in Case No. 03CW119. **CLAIM TO MAKE ABSOLUTE** Following entry of the 12CW180 Decree, Well Nos. 1, 2 and 3 have operated and the pumped water has been put to decreed beneficial use at times during 2013 through 2015 and 2018 through May 2021. The pumped water is delivered into storage in the Perry Pit East Reservoir and subsequently put to the decreed uses. The resulting lagged out of priority well depletions have been replaced under Fort Lupton's plan for augmentation and the Fort Lupton Exchange. The Fort Lupton Exchange operated in priority on June 16, 2018 and February 1-4, 2020. On June 16, 2018, 1.66 cfs of replacement water available under Fort Lupton's Fulton Shares was introduced into the South Platte River at the Fort Lupton Augmentation Station. During February 1-4, 2020, 0.81 cfs of replacement water available from effluent resulting from use of Windy Gap project water in Fort Lupton's municipal water system was discharged into the South Platte River at the Fort Lupton wastewater treatment plant. The replacement water was exchanged in priority to replace an equivalent amount of well pumping depletions by Well Nos. 1, 2 and 3. In addition to the previously decreed absolute exchange amount of 0.66 cfs, Fort Lupton requests that 1.0 cfs of the Fort Lupton Exchange be made absolute for all decreed uses. In the alternative and if this amount is not made absolute, Fort Lupton requests a diligence finding also be made to continue this amount pursuant to the activities described below. **CLAIM FOR A FINDING OF REASONABLE DILIGENCE** This Application for Finding of Reasonable Diligence is filed pursuant to the Water Right Determination and Administration Act of 1969, Sec. 37-92-302, C.R.S. During this diligence period, in continuing the development of the conditional water rights, Fort Lupton has been engaged in the legal defense and protection of the water rights, has been diligent in the continued use and development of the water rights, including expenditures for legal, engineering, construction and maintenance work, and has made a steady application of effort to complete the appropriations in a reasonably expedient and efficient manner. These activities include, but are not limited to, the following:

Construction of terminal raw water storage connected with Fort Lupton’s water treatment plant, including surveys, design, construction drawings, engineering and geotechnical work and water quality analysis at a cost of more than \$500,000. Fort Lupton’s consultant performed operations and maintenance work and measured reservoir levels at the Perry Pit East Reservoir at an approximate cost of \$353,298. Installation of meter pits and meters on Well Nos. 1-3 and verification of meter accuracy at a cost of \$25,806.24. Replacement of the pump for Well Nos. 1-3 at a cost of \$12,869.45. Repair of the discharge pump for the Perry Pit East Reservoir at a cost of \$5,418.12. Fort Lupton’s consultant performed routine maintenance on the Fort Lupton Augmentation Station. The monthly accounting for the Case No. 12CW180 augmentation plan that includes the Fort Lupton Exchange is prepared, maintained, and provided to the Office of the Division Engineer, and consultant fees associated with preparing the accounting was in excess of \$27,000. Applicant’s consultant prepared updates to the accounting forms for the Case No. 12CW180 augmentation plan that includes the Fort Lupton Exchange at a cost of \$6,000. Fort Lupton diverted and beneficially used water under the Fort Lupton Exchange as described above. During the diligence period, legal counsel for Fort Lupton has reviewed the resume of applications as published by the Water Clerk for Water Division 1 and advised Fort Lupton whether Statements of Opposition need to be filed to protect the water rights, and protection of water rights by opposition to water court applications. Fort Lupton has incurred additional expenses for legal, consulting, and engineering work. 7.12 The work and expenditures listed above are illustrative and not exhaustive. Additional work and additional or revised expenditures may be claimed in support of this application. Names and addresses of owners of land upon which structures for the water rights are located: Well Nos. 1-3 and Perry Pit East Reservoir: Consolidated Mutual Water Company, 12700 W 27th Ave, Lakewood, CO 80215. Fort Lupton requests that this Court enter a decree finding that Fort Lupton has made an additional 1.0 cfs of the conditional water rights for the Fort Lupton Exchange absolute for all uses as described above, has exercised reasonable diligence in the development of the remaining conditional water rights, continuing the conditional water rights for another diligence period, and for such other and further relief as the Court deems just and proper in the premises. 5 pages.

21CW3081 JUSTIN HATTAWAY, 25610 Judge Orr Rd, Calhan, CO 80808. James J. Petrock, Eric K. Trout, Hayes Poznanovic Korver LLC, 1999 Broadway, Suite 3200, Denver, CO 80202. **APPLICATION FOR APPROVAL OF PLAN FOR AUGMENTATION, IN THE NONTRIBUTARY DENVER, ARAPAHOE, AND LARAMIE-FOX HILLS AQUIFERS AND THE NOT NONTRIBUTARY DAWSON AQUIFER, IN EL PASO COUNTY.** Subject Property: 5.74 acres generally located in the E1/2 NW1/4 of Section 23, Township 11 South, Range 64 West of the 6th P.M., El Paso County, State of Colorado, as shown on **Exhibit A** (“Subject Property”). Applicant is the sole owner of the Subject Property. Well Permits: Well permits will be applied for prior to construction of wells and only after approval of a plan for augmentation for additional wells. Source of Water Rights: The Dawson Aquifer is non-tributary as defined in C.R.S. § 37-90-103(10.7), and the Denver, Arapahoe, and Laramie-Fox Hills aquifers are nontributary as defined in C.R.S. § 37-90-103(10.5). Decreed Amounts: The following annual amounts were decreed in Case No. 2008CW155 (“08CW155 Decree”), are owned by the Applicant, and are available for withdrawal:

Aquifer	Annual Amount – 100 Years (acre-feet)	Total Amount (acre-feet)
Dawson (NNT)	2.8	280
Denver (NT)	2.9	290
Arapahoe (NT)	2.2	220
Laramie-Fox Hills (NT)	1.8	180

Decreed Uses: The water withdrawn pursuant to the 2008CW155 Decree may be used, reused, and successively used for domestic, commercial, irrigation, livestock watering, fire protection, and augmentation purposes, both on and off the Subject Property. Jurisdiction: The Court has jurisdiction over the subject matter of this application pursuant to C.R.S. §§ 37-90-137(6), 37-92-203(1), 37-92-302(2). Summary of Plan for Augmentation: Groundwater to be Augmented: Approximately 0.9 acre-feet per year for 100 years of Dawson Aquifer groundwater. Water Rights to be Used for Augmentation: Return flows from the use of not nontributary and nontributary groundwater and direct discharge of nontributary groundwater. Statement of Plan for Augmentation: The Dawson Aquifer groundwater will be used for in-house use (0.3 acre-feet), up to 10,000 sq/ft of home lawn, garden, and trees (0.5 acre-feet), and stockwatering of up to 8 domestic animals (0.1 acre-feet) through a new well. Applicants reserve the right to amend the amount and uses without amending the application or republishing the same. Sewage treatment for in-house use will be provided by non-evaporative septic systems. Return flow from in-house use will be approximately 90% of that use, and return flow from irrigation use will be approximately 15% of that use. During pumping Applicants will replace actual depletions pursuant to C.R.S. § 37-90-137(9)(c.5). Depletions occur to the West Bijou Creek stream system and return flows accrue to that creek system and are sufficient to replace actual depletions while the subject groundwater is being pumped. Applicants will reserve an equal amount of nontributary groundwater underlying the Subject Property to meet post-pumping augmentation requirements. Applicant requests the Court approve the above augmentation plan, find that Applicant has complied with C.R.S. § 37-90-137(4) and water is legally available for withdrawal, find there will be no material injury to the owners of or persons entitled to use water under any vested water right or decreed conditional water right, and grant such other and further relief as is appropriate. 3 pages.

21CW3082 ANTENUCCI RANCH HOLDINGS, LLC, NKR PROPERTIES, LLC, MOUNTAIN MUTUAL RESERVOIR COMPANY, AND NORTH FORK ASSOCIATES, LLC; Antenucci Ranch Holdings, LLC and NKR Properties, LLC (“Antenucci Ranch and NKR”), c/o Ted Antenucci, 31914 Upper Bear Creek Rd., Evergreen, CO 80439; Email: tantenucci@catellus.com; Telephone: (303) 674-4775; **MOUNTAIN MUTUAL RESERVOIR COMPANY**, 6949 Highway 73, Suite 15, Evergreen, CO 80439; Email: norm@hch20.com; Telephone: (303) 989-6932; and **NORTH FORK ASSOCIATES, LLC**, 2686 S. Yukon Ct., Denver, CO 80227; Email: 613blatch@gmail.com; Telephone: (303) 988-7111. Please direct all correspondence concerning this Application to: Aaron Ladd, Esq. and Kunal A. Parikh, Esq., Vranesh and Raisch, LLP, 5303 Spine Road, Suite 202, Boulder, CO 80301; Email: asl@vrlaw.com; kap@vrlaw.com; Telephone: (303) 443-6151. **CLAIM NO. 1: APPLICATION FOR UNDERGROUND WATER RIGHTS IN JEFFERSON COUNTY** 2. Name of Wells and Permit Numbers: Antenucci Well No. 1 (Permit No. 271602), Antenucci Well No. 2 (a/k/a “Caretaker Well”) (Permit No. 175757-A), and Antenucci Well No. 3 (Permit No. 236986). 3. Legal Description of the Wells: Antenucci Well No. 1 is located in the NW1/4 SW1/4 of Section 5, Township 5 South, Range 71 West of the 6th P.M., Jefferson County, Colorado, UTM coordinates of Easting 468768, Northing 4388181. Antenucci Well No. 2 is located in the NE1/4 SW1/4 of Section 5, Township 5 South, Range 71 West of the 6th P.M., Jefferson County Colorado, 1,926 feet from the South section line, 1,373 feet from the West section line. Antenucci Well No. 3 is located in the NW1/4 SW1/4 of Section 5, Township 5 South, Range 71 West of the 6th P.M., in Jefferson County Colorado, UTM coordinates of Easting 468461, Northing 4388105. 4. Source of Water: Drainage of Bear Creek, tributary to the South Platte River. a. Date of Appropriation: Antenucci Well No. 1 has an appropriation date of February 20, 2008. Antenucci Well No. 2 has an appropriation date of August 13, 1993. Antenucci Well No. 3 has an appropriation date of January 14, 2004. b. How Appropriation was Initiated: By drilling and applying the well to beneficial use. c. Date Water Applied to Beneficial Use: Antenucci Well No. 1 was applied for beneficial use on February 20, 2008. Antenucci Well No. 2 was applied for beneficial use on August 13, 1993. Antenucci Well No. 3 was applied for beneficial use on

January 14, 2004. 5. Amounts claimed: Antenucci Well No. 1 produces 15 gpm, absolute. Antenucci Well No. 2 produces 3.5 gpm, absolute. Antenucci Well No. 3 produces 1.0 gpm, absolute. 6. Uses: Antenucci Well No. 1 uses include fire protection, ordinary household purposes inside not more than three (3) single family dwellings, the watering of poultry, domestic animals and livestock on a farm or ranch and the irrigation of not more than (1) acre of home gardens and lawns. Antenucci Well No. 2 uses include ordinary household purposes inside one (1) single family dwelling, and the irrigation of not more than 3,500 square feet of home gardens and lawns. Antenucci Well No. 3 uses include ordinary household purposes inside one single family dwelling. 7. Names and Addresses of Owners of Land on which the Wells are Located: Applicants: Antenucci Ranch and NKR. 8. Remarks: All three wells being adjudicated herein are permitted as exempt from administration pursuant to §37-92-602, C.R.S., and shall maintain said permitted exempt status pursuant to the decree to be entered in this case. These wells will not be used for purposes other than those described above, and will not be subject to the augmentation plan described below. **CLAIM NO. 2: APPLICATION FOR APPROVAL OF A PLAN FOR AUGMENTATION AND EXCHANGE RIGHT** 9. General Statement of Plan for Augmentation: Applicants Antenucci Ranch and NKR own approximately 68 acres lying in the S1/2, Section 5, Township 5 South, Range 71 West of the 6th P.M., Jefferson County, Colorado (“Subject Property”) as further described with the maps and table of parcel numbers attached as **Exhibit A**. The Subject Property is in the drainage of Bear Creek, tributary to the South Platte River. The water uses on the Subject Property subject to this augmentation plan will be three single-family dwellings (3.5 capita), six rental units (2.0 capita), irrigation, horse watering, refilling of reservoir evaporation losses to maintain a full reservoir, and fire protection, all as described in more detail below. The present and future water supply will be supplied by the wells listed in paragraph 10 below, and diversions to Downes Reservoir, which is a decreed off-channel reservoir located on the Subject Property, which reservoir will fill in-priority, and will be maintained at full-pool through the irrigation season pursuant to this augmentation plan. The augmentation plan set forth herein will replace out-of-priority depletions for the uses described herein in the manner described in this Application. 10. Names of Structures to be Augmented: The “Augmented Structures” consist of the following: a. Downes Reservoir, decreed on September 24, 1935 in Civil Action No. 91471. It is located in the NE1/4 SW1/4 of Section 5, Township 5 South, Range 71 West of the 6th P.M., Jefferson County, Colorado. It derives its supply of water from Bear Creek. Its inlet has its headgate on the south bank of said creek, at a point whence the North Quarter Corner of said section bears south 55° 50’ 34’’ east 1,323.7 feet. This reservoir is used for storing water for irrigation purposes. The Downes Reservoir has an Irrigation Priority of No. 33, with an appropriation date of March 16, 1913, for 42,200 cubic feet of water. The Downes Reservoir can be filled by the following: i. The Downes Ditch, which was decreed on September 24, 1935, in Civil Action No. 91471, and has an appropriation date of May 16, 1894, in the amount of 2.18 cubic feet per second for irrigation purposes. The Downes Ditch also has an appropriation date of May 16, 1894, in the amount of 0.12 of a cubic foot per second for domestic purposes, including the watering of livestock. The original point of diversion for the Downes Ditch is described as follows: The source of water for the Downes Ditch is Bear Creek. The decreed point of diversion is in the NW1/4 SW1/4, Section 5, Township 5 South, Range 71 West, 6th P.M., Jefferson County, Colorado, at a point whence the West Quarter Corner of said Section 5 bears North 49° 53’ 34’’ West, a distance of approximately 917.7 feet. The alternate points of diversion are as follows: (1) A point along the bank of Bear Creek in the N1/2 SW1/4 of Section 5, Township 5 South, Range 71 West, 6th P.M., located approximately 1,370 feet from the West section line and 1,840 feet from the South section line of said Section 5; (2) A point along the bank of Bear Creek in the N1/2 SW1/4 of Section 5, Township 5 South, Range 71 West, 6th P.M., located approximately 1,820 feet from the West section line and 2,100 feet from the South section line of said Section 5; (3) A point along the bank of Bear Creek in the N1/2 SW1/4 of Section 5, Township 5 South, Range 71 West, 6th P.M., located approximately 2,270 feet from the West section line and 2,310 feet from the South section line of said Section 5, all as described in Case No. 91CW40, Water Division 1. These Downes Ditch points of diversion may also be used to irrigate additional areas pursuant to the augmentation plan sought in this case, so long as the total irrigation resulting from the augmentation does not exceed the amounts set forth

in Paragraph 12. b. Antenucci Well No. 4 and Antenucci Well No. 5 (existing wells, presently associated with Commercial Well Permit Nos. 78610 and 51105). Antenucci Well No. 4 is located in the NW1/4 SW1/4 of Section 5, Township 5 South, Range 71 West of the 6th P.M., in Jefferson County, Colorado, 1,875 feet from the South section line, 773 feet from the West section line, and a street address of 31983 Upper Bear Creek Road, Evergreen, Colorado 80439. Antenucci Well No. 5 is located in the NW1/4 SW1/4 of Section 5, Township 5 South, Range 71 West of the 6th P.M., in Jefferson County, Colorado, 1,876 feet from the South section line, 920 feet from the West section line, and a street address of 31983 Upper Bear Creek Road, Evergreen, Colorado 80439. Together, these two existing wells serve or will serve up to 6 rental properties and will be re-permitted consistent with the decree to be entered in this case. c. Antenucci Well Nos. 6, 7 and 8 (not yet constructed) are to be located on the Subject Property in the SW1/4, Section 5, Township 5 South, Range 71 West of the 6th P.M., Jefferson County, Colorado, and to be used for ordinary household purposes inside a single-family dwelling, watering of horses, and the irrigation of home garden and lawns. The precise locations of the wells will be determined when drilled. 11. Water Rights to be Used for Augmentation Purposes: Antenucci Ranch and NKR have entered into a contract with North Fork Associates, LLC to purchase 21.3 shares of Mountain Mutual Reservoir Company (“MMRC”) stock, which represents a firm annual yield of 0.668 of an acre-foot to satisfy present and future replacement needs, as shown in **Exhibit B**. These rights were removed from Water Court Case No. 18CW3140, and the application was dismissed. a. The water rights associated with the MMRC shares described above in paragraph 11 include the following: 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 B**. 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). 12. Statement of Plan for Augmentation: This augmentation plan will use the MMRC shares of stock described in paragraph 11, to replace out-of-priority depletions associated with the Augmented Structures, for the following uses and in the following manner: a. The water requirements for the Augmented Structures are for three single-family dwellings (3.5 capita) with 10% consumption based on subsurface discharge from individual septic tank-soil absorption systems, six rental dwellings (2 capita) with 5% consumption based on central treatment by the Upper Bear Creek Water and Sanitation District (WSD), turf and garden irrigation with 80% consumption, horses with 100% consumption, and pond evaporation at a rate of 1.83 af/ac. The total requirements are shown in following table:

Table of Water Requirements					
Use	Water Requirements	Units	Quantity AF	CU Rate	Replacement Requirements Total Ac-Ft
Single-Family* In-house Use	80 gl/cap/dy(3.5 cap)	3	0.9420	10%	0.0942
Rental Units (Served by Upper Bear Creek WSD)	80 gl/cap/dy(2.0 cap)	6	1.0753	5%	0.0538
Pond	1.83 af/ac	0.23	0.4200	100%	0.4200
Turf Irrig.** 2400 sq. ft.	1.25 af/ac	0.055	0.0689	80%	0.0551
Horses	10 gl/hd/dy	4	0.0448	100%	0.0448
Total			1.47		0.614

*Single-Family In-house Use ALT (for any dwelling using the Upper Bear Creek WSD)	80gl/cap/dy(3.5 cap)	1	0.0314	5%	0.0157
** Alt to turf: Garden Irrig. 6000 sq. ft.	0.50 af/ac	0.138	0.069	80%	0.0552

See attached **Exhibit C** for the calculation of monthly evaporation from the Downes Reservoir. It is proposed that the uses as stated in the table above can be varied as long as the total need for replacement water does not exceed 0.668 of an acre-foot. The monthly depletions are as follows in acre-feet:

Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct
0.030	0.017	0.016	0.017	0.036	0.051	0.077	0.103	0.102	0.086	0.082	0.051

This equates to a maximum stream depletion of 0.74 of a gallon per minute. b. It is also requested that any portion of the water rights obtained from North Fork Associates that is not used in the subject plan for augmentation may be sold to a third party for use within the Bear Creek basin. c. The total consumptive use water requirement will be 0.668 of an acre-foot of the annual firm yield of 39.0 acre-feet of the Bear Creek Rights. These requirements are needed at the point of depletion in the NW1/4 SW1/4 of Section 5, Township 5 South, Range 71 West of the 6th P.M. This is upstream of the points of replacement at the confluence of Bear Creek and Turkey Creek in the NE1/4 NW1/4 of Section 5, Township 5 South, Range 69 West of the 6th P.M. 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. 13. Water Exchange Reach: Since the point of depletion associated with the augmented structures are upstream of the augmentation supplies, the Applicants assert an appropriate right of exchange pursuant to sections 37-80-120 and 37-83-104, C.R.S. to the intake of Downes Reservoir and Downes Ditch and an exchange project right pursuant to, 37-92-103(9), 37-92-302(1)(a), 37-92-302(5), 37-92-305(3), 37-92-305(5), and 37-92-305(8)(a), C.R.S to the point of depletions for the wells described in paragraph 10 above. The reach of said exchange shall extend from the confluence of Bear Creek and Turkey Creek in the NE1/4 NW1/4, Section 5, Township 5 South, Range 69 West, thence up Bear Creek to the point of depletion in the NW1/4 SW1/4, Section 5, Township 5 South, Range 71 West, all in the 6th P.M. The exchange project right shall be operated at a maximum flow rate of 0.001 of a cubic foot per second. The water sources associated with the MMRC shares have been exchanged in all or part of the reaches referenced above. This has been accomplished in most of the Water Court cases shown in the "Bear Creek" column of **Exhibit B**, and more specifically Water Court Decree Nos. 94CW290, 95CW196, 96CW1046, 97CW280, 97CW338, 99CW035, 01CW161, 04CW073, 04CW160, 04CW232, and 05CW176. In the event that there is a senior call between the source of the water and the point of depletion that precludes the exchange, Antenucci Ranch and NKR can have replacement water delivered via trucking to a point above the calling right or release water from an onsite container. The exchange project right will operate to replace depletions to the flow of water in the stream system as the depletions occur. 14. Administration of Plan: Appropriate accounting forms will be established for reporting usage and releases throughout each year. Such forms have been approved by MMRC and the appropriate staff of the Office of the Division Engineer. WHEREFORE, Applicants request the entry of a decree approving this Application, specifically (1) granting the appropriations sought in this Application, (2) authorizing use of the augmentation supplies described in this Application, (3) determining that the source and location of delivery of augmentation water are sufficient to prevent material injury to vested water rights. The Applicants also request entry of an Order directing the State Engineer to issue well permits for the construction and use of the wells described herein. (12 pgs., 3 Exhibits)

21CW3083 PREVIOUS CASE NO. 85CW479; CASTLE PINES METROPOLITAN DISTRICT, c/o Burt Knight, Manager, 5880 Country Club Drive, Castle Rock, CO 80108 and **CASTLE PINES NORTH METROPOLITAN DISTRICT,** c/o Jim Worley, Manager, 7404 Yorkshire Drive, Castle Rock, CO 80108. (Please send all pleadings and correspondence to Co-Applicants' attorneys: Scott A. Clark; Burns, Figa & Will, P.C.; 6400 S. Fiddlers Green Circle, Suite 1000, Greenwood Village, CO 80111; (303) 796-2626; and Austin Hamre; Hamre, Rodriguez, Ostrander & Dingess, P.C., 3600 S. Yosemite Street, Suite 500, Denver, CO 80237; (303) 779-0200. **APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE in DOUGLAS COUNTY.** 2. Description of Conditional Water Rights:

2.1. Original Decree: The conditional water rights for which findings of continued diligence are sought were originally decreed by this Court in Case No. 85CW479 on November 12, 1993, as follows: 2.1.1. Castle Pines Well No. G-1. 2.1.1.1. Appropriation Date: December 17, 1985, subject to paragraph 16.d of the Decree in Case No. 85CW479. 2.1.1.2. Location: SE 1/4, SW 1/4, Section 21, Township 7 South, Range 67 West, 6th P.M., 565 feet from the South Section Line, 1911 feet from the West Section Line, in Douglas County, Colorado. 2.1.1.3. Source: The alluvium of East Plum Creek. 2.1.1.4. Depth and Construction: Vertical depths of not less than 40 feet or more than 110 feet from the ground surface to the bottom of the well with horizontal pipe, which extends along and generally parallel to East Plum Creek for a distance not to exceed 2,250 feet. The portion of the horizontal pipe that is along and generally parallel to East Plum Creek shall be perforated; the vertical portion of the well and any portion of the horizontal pipe that is not along and generally parallel to East Plum Creek shall not be perforated. 2.1.1.5. Pumping Rate: 2,000 g.p.m., conditional. 2.1.2. Castle Pines Well No. G-2. 2.1.2.1. Appropriation Date: December 17, 1985, subject to paragraph 16.d of the Decree in Case No. 85CW479. 2.1.2.2. Location: SE 1/4, SW 1/4, Section 21, Township 7 South, Range 67 West, 6th P.M., 465 feet from the South Section Line, 2,183 feet from the West Section Line, in Douglas County, Colorado. 2.1.2.3. Source: The alluvium of East Plum Creek. 2.1.2.4. Depth and Construction: Vertical depths of not less than 40 feet or more than 110 feet from the ground surface to the bottom of the well with horizontal pipe, which extends along and generally parallel to East Plum Creek for a distance not to exceed 1,000 feet. The portion of the horizontal pipe that is along and generally parallel to East Plum Creek shall be perforated; the vertical portion of the well and any portion of the horizontal pipe that is not along and generally parallel to East Plum Creek shall not be perforated. 2.1.2.5. Pumping Rate: 2,000 g.p.m., conditional. 2.1.3. Castle Pines Well No. T-1. 2.1.3.1. Appropriation Date: April 14, 1985. 2.1.3.2. Location: SW 1/4, NE 1/4, Section 4, Township 7 South, Range 67 West, 6th P.M., 1,455 feet from the North Section Line, 2,155 feet from the East Section Line, in Douglas County, Colorado. 2.1.3.3. Source: Happy Canyon Creek (tributary to Cherry Creek). 2.1.3.4. Depth and Construction: Vertical depth up to 30 feet; there will also be horizontal pipe not more than 100 feet in length, which extends along and generally parallel to Happy Canyon Creek. The portion of the horizontal pipe that extends along and generally parallel to Happy Canyon Creek shall be located between the vertical portion of the well and the stream and shall be the only perforated pipe in the well. 2.1.3.5. Pumping Rate: 150 g.p.m., conditional. 2.1.4. Castle Pines Well No. T-2. 2.1.4.1. Appropriation Date: April 14, 1985. 2.1.4.2. Location: SE 1/4, NE 1/4, Section 32, Township 6 South, Range 67 West, 6th P.M., 1,490 feet from the North Section Line, 278 feet from the East Section Line in Douglas County, Colorado. 2.1.4.3. Source: Unnamed tributary to Happy Canyon Creek (tributary to Cherry Creek). 2.1.4.4. Depth and Construction: Vertical depth up to 30 feet; there will also be horizontal pipe not more than 100 feet in length, which extends along and generally parallel to the unnamed tributary to Happy Canyon Creek. The portion of the horizontal pipe that extends along and generally parallel to the unnamed tributary to Happy Canyon Creek shall be located between the vertical portion of the well and the stream and shall be the only perforated pipe in the well. 2.1.4.5. Pumping Rate: 150 g.p.m., conditional. 2.1.5. Castle Pines Well No. T-3. 2.1.5.1. Appropriation Date: April 14, 1985. 2.1.5.2. Location: NE 1/4, NW 1/4, Section 33, Township 6 South, Range 67 West, 6th P.M., 340 feet from the North Section Line, 2,221 feet from the West Section Line, in Douglas County, Colorado. 2.1.5.3. Source: Unnamed Tributary to Happy Canyon Creek (tributary to Cherry Creek). 2.1.5.4. Depth and Construction: Vertical depth up to 30 feet; there will also be horizontal pipe not more than 100 feet in length, which

extends along and generally parallel to the unnamed tributary to Happy Canyon Creek. The portion of the horizontal pipe that extends along and generally parallel to the unnamed tributary to Happy Canyon Creek shall be located between the vertical portion of the well and the stream and shall be the only perforated pipe in the well. 2.1.5.5. Pumping Rate: 150 g.p.m., conditional. 2.1.6. Conditional Appropriative Rights of Exchange. The decree in Case No. 85CW479 confirmed conditional rights of exchange that enable replacement of out-of-priority depletions to the East Plum Creek system resulting from out-of-priority diversions from Well Nos. G-1 and G-2. The rights of exchange are described as follows: 2.1.6.1. Exchange Reach: The upstream point of exchange is Well No. G-3 (originally decreed in Case No. 85CW479), proposed to be located in the SE 1/4, SW 1/4, Section 21, Township 7 South, Range 67 West, 6th P.M., and the downstream point of exchange is the confluence of the unnamed tributary with Plum Creek in the SW 1/4, NW 1/4, Section 19, Township 7 South, Range 67 West, 6th P.M. 2.1.6.2. Maximum Rate of Exchange: 13.36 c.f.s. 2.1.6.3. Appropriation Date: December 17, 1985. 2.1.6.4. Sources of Substitute Supply: The initial source of replacement water for daily out-of-priority depletions from use of Well Nos. G1 and G-2 will be reusable return flows from use of certain nontributary and nontributary water rights described in paragraphs 12 and 13 of the Decree in Case No. 85CW479. The return flows accrue to East Plum Creek from both the Plum Creek Wastewater Treatment Plant and from outdoor use. If the total adjusted reusable return flows to the East Plum Creek System, as defined in paragraph 16.f. of the Decree in Case No. 85CW479, are less than the Applicants' daily out-of-priority depletions, the Districts shall release reusable water from storage or deliver reusable water from one or more of the nontributary or nontributary wells identified in paragraphs 12 and 13 of the Decree in Case No. 85CW479 directly to East Plum Creek to satisfy the Districts' depletion replacement obligation, all as decreed in Case No. 85CW479. 2.2. Change Decrees: 2.2.1. Case No. 96CW174: This decree, entered on June 3, 2002, authorized Castle Pines Metro to store the Subject Water Rights by injection in the Denver Basin aquifers and to recapture and use such stored water for all previously decreed beneficial purposes. 2.2.2. Case No. 98CW426: This decree, entered March 29, 2000, changed the decreed point of diversion for the T-1 Well to a point approximately 1,226 feet north-northwest of the originally decreed location. 2.2.3. Case No. 02CW297: This decree, entered on November 26, 2004, authorized Castle Pines North to store the Subject Water Rights by injection in the Denver Basin aquifers and to recapture and use such stored water for all previously decreed beneficial purposes. 2.2.4. Case No. 03CW079: This decree, entered December 30, 2003, changed the decreed point of diversion for the T-3 Well to a point approximately 594 feet east-northeast of the originally decreed location. 2.2.5. Case No. 04CW293: This decree, entered on March 13, 2013, authorized the Districts to divert the Subject Water Rights at the Alternate Points of Diversion described below and to store the Subject Water Rights at the Alternate Places of Storage, as described below. The Applicants will pump/divert the Subject Water Rights through any combination of Wells No. G-1 and G-2 and the Alternate Points of Diversion, so long as the total rate of pumping/diversion pursuant to the Subject Water Rights does not exceed the amounts allowed in Case No. 04CW293. 2.2.5.1. Alternate Points of Diversion: 2.2.5.1.1. Well No. G-4: Located in the SE 1/4, SW 1/4, Section 21, Township 7 South, Range 67 West, 6th P.M., 90 feet from the South Section Line, 1,480 feet from the West Section Line, Douglas County, Colorado; with a depth approximately 100 feet; and a pumping rate of 1,000 g.p.m. 2.2.5.1.1. Well No. G-5: Located in the SW 1/4, SW 1/4, Section 21, Township 7 South, Range 67 West, 6th P.M., 450 feet from the South Section Line, 1,120 feet from the West Section Line, Douglas County, Colorado; with a depth approximately 100 feet; and a pumping rate of 1,000 g.p.m. 2.2.5.1.3. Well No. G-6: Located in the SW 1/4, SW 1/4, Section 21, Township 7 South, Range 67 West, 6th P.M., 480 feet from the South Section Line, 790 feet from the West Section Line, Douglas County, Colorado; depth approximately 100 feet; with a pumping rate of 1,000 g.p.m. 2.2.5.1.4. Well No. G-7: Located in the NE 1/4, SW 1/4, Section 20, Township 7 South, Range 67 West, 6th P.M., 2,370 feet from the South Section Line, 2,130 feet from the West Section Line, Douglas County, Colorado; depth approximately 100 feet; with a pumping rate of 1,000 g.p.m. 2.2.5.1.5. Well No. G-8: Located in the NE 1/4, SW 1/4, Section 20, Township 7 South, Range 67 West, 6th P.M., 2,300 feet from the South Section Line, 1,790 feet from the West Section Line, Douglas County, Colorado; depth approximately

100 feet; with a pumping rate of 1,000 g.p.m. 2.2.5.1.6. Castle Pines Diversion Point S-1: Located in the SE 1/4, SW 1/4, Section 21, Township 7 South, Range 67 West, 6th P.M., 20 feet from the South Section Line, 1,530 feet from the West Section Line, Douglas County, Colorado; rate of diversion of 8.9 c.f.s.; source is surface water from East Plum Creek. 2.2.5.1.7. Castle Pines Diversion Point S-2: Located in the NE 1/4, SW 1/4, Section 20, Township 7 South, Range 67 West, 6th P.M., 2,540 feet from the South Section Line, 2,590 feet from the West Section Line, Douglas County, Colorado; rate of diversion of 8.9 c.f.s.; source is surface water from East Plum Creek. 2.2.5.2. Alternate Places of Storage: 2.2.5.2.1. Plum Creek Reservoir: Located in the N 1/2, SW 1/4, the SE 1/4, SW 1/4, and the W 1/2, W 1/2, SW 1/4, Section 20, Township 7 South, Range 67 West, 6th P.M., Douglas County, Colorado; 1,700 acre-feet all active; rate of fill of 4,000 g.p.m. (8.9 c.f.s.); depth of 50 feet; area at high water line is 50 acres. 2.2.5.2.2. Rueter-Hess Reservoir as Enlarged: In Section 36, the SE1/4 of Section 25 and the SE1/4 SE1/4 of Section 35, Township 6 South, Range 67 West; in Section 31 and the SW 1/4 of Section 30, Township 6 South, Range 66 West; in the N1/2, the SW1/4 and the NE1/4 SE1/4 of Section 1 and the E1/2 of Section 2, Township 7 South, Range 67 West; in the NW1/4 and NW1/4 NE1/4 of Section 6, Township 7 South, Range 66 West, all of the 6th P.M., Douglas County, Colorado. The axis of the dam intersects the thread of Newlin Gulch at a point in the SE1/4 SW1/4 of Section 30, Township 6 South, Range 66 West of the 6th P.M., which point is approximately 98 feet north of the south section line and 2,348 feet east of the west section line of said Section 30; rate of fill of 4,000 g.p.m. (8.9 c.f.s.); area at high water line is 1,180 acres; maximum dam height of 196 feet; total active capacity is 71,920 a.f. 2.3. Uses: The Subject Water Rights can be used for municipal, domestic, agricultural, commercial, irrigation, stock watering, recreation, fish and wildlife, fire protection, and other beneficial uses within the Castle Pines Development. These water rights will be withdrawn and used for immediate application to beneficial use, storage, and subsequent application to beneficial use, substitution and exchange, replacement of depletions resulting from use of water from other sources, and for all other augmentation purposes. 2.4. Castle Pines Well Nos. G-1 and G-2 are decreed as alternate points of diversion for one another. 2.5. Castle Pines Well Nos. T-1, T-2, and T-3 are decreed alternate points of diversion for one another, for a total appropriation of 300 g.p.m. out of the alluvium of Happy Canyon Creek or the unnamed tributary of Happy Canyon Creek may be withdrawn through those wells. 2.6. Prior Diligence: The Districts' reasonable diligence toward completion of the appropriations described in this Application was confirmed by the Water Court, Water Division 1, on June 13, 2001 in Case No. 99CW194, on March 21, 2008 in Case No. 07CW139, and on May 21, 2015 in Case No. 14CW3039. 3. Outline of Diligence Activities: The Districts have been making orderly and systematic progress on their development plans, continuing to develop their water supply systems and to plan for and pursue the use of the conditional ground water rights and exchanges in their overall water supply systems. The Districts have devoted a substantial amount of money and many hours to the development, operation, maintenance, and improvement of their integrated municipal water supply systems. Specifically, the Applicants have undertaken the following work during the diligence period, all of which is related to completion of the subject appropriation and application of water to beneficial use: 3.1. Changes to Water Rights During the diligence period, the Castle Pines Metropolitan District ("Metro District") filed an application for change of water rights in Case 18CW3232, which proposes alternate points of diversion and additional places of storage for the Subject Water Rights identified in Sections 2.1.1, 2.1.2., and 2.2.5. 3.2. Protection of the Subject Water Rights: To protect the Subject Water Rights, the Applicants have hired water attorneys and consultants to monitor Water Court resumes for Notice of Applications potentially affecting the subject rights and have filed Statements of Opposition where necessary to protect the rights. The Applicants have filed Statements of Opposition to various applications filed in Water Division 1, including applications for nontributary and not-nontributary ground water rights in the Denver Basin aquifers and for approval of plans for augmentation and exchanges involving Plum Creek. 3.3. Rights to Use Land and Facilities: The Metro District engaged in continuing negotiations with the Town of Castle Rock for use of structures owned by the Town of Castle Rock, including structures to divert and store the water rights described in Sections 2.1.1. and 2.1.2. above. 3.4. Integrated Diligence: The conditional water rights, exchanges and plans for

augmentation confirmed in Case No. 85CW479 were determined, in that case, to be part of an integrated water supply system for the Castle Pines Development. Therefore, the water rights decreed in Case No. 85CW479 and the other water rights in which the Districts have a legal interest, as described in the Case No. 85CW479 Decree, are part of a single integrated water system for purposes of diligence requirements. Components of those systems include, among other elements, Denver Basin Wells, water treatment plants, and distribution lines. Work on other components of the integrated water systems included: 3.4.1. Metro District: Repairs, maintenance and improvements to Denver Basin wells, pipelines, the Metro District treatment plants, meters, pump stations, and a telemetry system; design and planning for drilling and re-drilling wells; long range planning; aquifer water level studies; membership in and payment of fees to the Chatfield Watershed Authority; membership in and payment of fees to South Platte Water Related Activities Program (SPWRAP); and other organizations; and participation in the Chatfield Reservoir re-allocation project. 3.4.2. North District: Repairs, maintenance and improvements to Denver Basin wells, pipelines, and the North District's treatment plant; participation in a 3 MGD expansion of the PCWRA Wastewater Treatment Plant; membership and payment of fees to South Platte Water Related Activities Program (SPWRAP) in connection with its ownership of Reallocated Chatfield Reservoir storage space; participation in the Chatfield Reallocation Mitigation Company by holding a seat on the board of directors and participation on the Operational Advisory Committee. 3.4.3. Expenditures: During the Diligence Period, the Metro District's expenditures on all the activities described above have been in excess of \$3,600,000 and the North District's expenditures have been in excess of \$5,270,000. 4. Can and Will: The Districts still intend to develop and use the subject water rights, as demonstrated by the diligence activities described herein. Both Districts currently rely on Denver Basin water for all or most of their water supply. The Districts intend to use the Subject Water Rights to reduce their reliance on Denver Basin supplies. Current and projected demand in the Districts exceeds the volumetric limits placed on the Subject Water Rights in Case No. 04CW293. Therefore, the Districts' planned use of the water is not speculative and they can and will use the Subject Water Rights. 5. Names and Addresses of Owners of the Land on which Structures will be located, upon which Water is or will be Stored, or upon which Water is or will be Placed to Beneficial Use: 5.1 Plum Creek Water Reclamation Authority, 5880 Country Club Drive, Castle Rock, CO 80108, owns the land on which G-1, G-2, G-7, G-8, S-2, and Plum Creek Reservoir will be located. 5.2 Parker Water and Sanitation District, 19801 E. Main Street, Parker CO 80138, owns the land on which Rueter-Hess Reservoir is located. 5.3 Town of Castle Rock, 100 N. Wilcox Street, Castle Rock, CO 80104, owns the land on which the following structures will be located: G-4, G-5, G-6, and S-1. Water Stored in Denver Basin Aquifers and Placed to Use Within the Service Areas of the Applicants: The water involved herein may be used on lands or placed in storage under lands owned by any landowner within the Applicants' boundaries, or others to whom water may be supplied by Applicants pursuant to agreement. The names of such landowners are too numerous to list. WHEREFORE, Applicants Castle Pines Metropolitan District and Castle Pines North Metropolitan District respectfully request a Judgment and Decree of this Court that: 1. The Applicants have diligently pursued completion of the water rights originally decreed in Case No. 85CW479; 2. Such water rights shall be continued as conditional water rights for another six-year diligence period; and 3. Such other relief as the Court deems proper. Number of pages of Application: 11.

21CW3084 (12CW292) LOWER LOGAN WELL USERS, INC. ("LLWU") 100 Broadway Plaza, Suite 12, Sterling Colorado 80751, (970) 521-1028 c/o Ryan Donovan and Rebecca Spence, Lawrence Custer Grasmick Jones & Donovan, LLP, 5245 Ronald Reagan Blvd., Suite 1, Johnstown, CO (970) 622-8181, ryan@lcwaterlaw.com, rebecca@lcwaterlaw.com and GOLDEN EAGLE RANCH, LLC. GOLDEN EAGLE RANCH, LLC ("GER"), 600 Grant Street, Suite 620, Denver, Colorado, 80203, (303) 864-0444 c/o 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 IN**

LOGAN, MORGAN, WASHINGTON and SEDGWICK COUNTIES. By application in this matter, Golden Eagle Ranch, LLC (“Golden Eagle”) and the Lower Logan Well Users, Inc. (collectively “Applicants”) seek findings of reasonable diligence for the water rights originally decreed in Case No. 12CW292 for wells in Golden Eagle’s waterfowl habitat project. 2. **Names of Structures:** 2.1. **Saltgrass Meadow Well** 2.1.1. Original Decree: The conditional water right was originally decreed in Case No. 12CW292, entered on May 12, 2015 by District Court, Water Division No. 1, Weld County. 2.1.2. Subsequent Decree: Not Applicable. 2.1.3. Legal Description: In the SW1/4 SE1/4 of Section 32, Township 10 North, Range 50 West of the 6th P.M., Logan County, Colorado at a point 519 feet from the south section line and 2258 feet from the east section line. 2.1.4. Source: Groundwater tributary to the South Platte River. 2.1.5. Appropriation: 2.1.5.1. Date of Appropriation: December 27, 2012. 2.1.5.2. Amount: 1,500 g.p.m., CONDITIONAL, with an annual volumetric limit of 715 acre feet during any Water Year (November 1 to October 31). 2.1.6. Uses: Wildlife and wildlife recovery and recharge by diversion into the two ponds described below 2.1.6.1. PWC Recharge/Reservoir Site No. 24 (Saltgrass Meadow Pond 1S; WDID 6402427) located in Section 32, Township 10, North, Range 50 West of the 6th P.M., Logan County, Colorado. The centroid of the pond is located at a point approximately 40°47’34”N latitude; 102°57’58” W longitude. The surface area at the high water line of the Saltgrass Meadow Pond 1S is 8.2 acres. 2.1.6.2. PWC Recharge/Reservoir Site No. 25 (Saltgrass Meadow Pond 2S; WDID 6402428) located in Section 32, Township 10, North, Range 50 West of the 6th P.M., Logan County, Colorado. The centroid of the pond is located at a point approximately 40°47’41”N latitude; 102°57’41” W longitude. The surface area at the high water line of the Saltgrass Meadow Pond 2S is 8.5 acres. 2.1.7. Saltgrass Meadow Well aquifer parameters. W = 9,000 feet, X = 1,340 feet, Harmonic T = 192,000 gpd/ft. 2.1.8. Well Permit. The Saltgrass Meadow Well is permitted as Well Permit No. 77826-F. This well permit shall be cancelled and a new permit shall be issued in accordance with the 12CW292 Decree prior to use. 2.1.9. Depth: 59 feet. 2.2. **South Side Well**. 2.2.1. Original Decree: See paragraph 2.1.1. 2.2.2. Subsequent Decree: Not Applicable. 2.2.3. Legal Description: In the NE1/4 SE1/4 of Section 6, Township 9 North, Range 50 West of the 6th P.M., Logan County, Colorado at a point 1,500 feet from the south section line and 450 feet from the east section line. 2.2.4. Source: Groundwater tributary to the South Platte River. 2.2.5. Appropriation: 2.2.5.1 Date of Appropriation: December 27, 2012. 2.2.5.2. Amount: 2,500 g.p.m., CONDITIONAL, with an annual volumetric limit of 1,193 acre-feet during any Water Year. 2.2.6. Uses: Wildlife and wildlife recovery and recharge by diversion into the following two ponds 2.2.6.1. PWC Recharge/Reservoir Site No. 26 (South Side Pond S1; WDID 6402429) located in Section 5, Township 9, North, Range 50 West of the 6th P.M., Logan County, Colorado. The centroid of the pond is located at a point approximately 40°46’50” N latitude; 102°58’32” W longitude. The surface area at the high water line of the South Side Pond S1 is 9.2 acres. 2.2.6.2. PWC Recharge/Reservoir Site No. 27 (South Side Pond S1b; WDID 6402430) located in Section 5, Township 9, North, Range 50 West of the 6th P.M., Logan County, Colorado. The centroid of the pond is located at a point approximately 40°46’46” N latitude; 102°58’39” W longitude. The surface area at the high water line of the South Side Pond S2 is 4.3 acres. 2.2.7. South Side Well parameters. W = 10,600 feet, X = 1,250 feet, Harmonic T = 374,000 gpd/ft. 2.2.8. The South Side Well is permitted under Permit No. 77827-F. This well permit shall be cancelled and a new permit shall be issued in accordance with the 12CW292 Decree prior to use. 2.2.9. Depth: 103 feet. 2.3 **Map:** A map of the subject wells and PWC Recharge/Reservoir Site Nos. 24-27 is included as **EXHIBIT A**. 3. **Claim of Diligence:** The Applicants seek a decree finding that Applicants have been diligent with respect to completing the appropriations for the conditional water rights described in paragraph 2 herein, and that Applicants are entitled to continue these conditional water rights for another six-year diligence period. In support of their claim of diligence, the Applicants provide the following outline of what has been done toward completion of the appropriations and application of water to beneficial use as conditionally decreed during the diligence

period spanning from May 12, 2015 to May 31, 2021: 3.1 Repair of Damage to Wells: In 2015, both wells and the PWC Recharge/Reservoir Site Nos. 24-27 were heavily damaged and rendered inoperable by a major flood event. Golden Eagle's work to repair those wells and ponds includes the following: 3.1.1. Saltgrass Meadow Well: Golden Eagle paid Canfield Drilling to repair and equip the well at a cost of \$31,301.44. 3.1.2. Southside Well: Golden Eagle paid Canfield Drilling to install a new turbine in the well at a cost of \$23,705.94. 3.2 Property Management and Maintenance: Golden Eagle has paid property managers \$180,000 from May 2015–May 2021 to manage Golden Eagle's property, including the wells and the habitat project in which the subject wells and ponds are included. Golden Eagle also paid \$82,000 for other expenses related to maintaining the PWC Recharge/Reservoir Sites Nos. 24 and 25 suitable for waterfowl habitat. Golden Eagle also contracted with Ducks Unlimited in January, 2021 for the amount of \$60,000 for work in designing the PWC Recharge/Reservoir Site Nos. 26 and 27. 3.3. Protection of Water Rights: 3.3.1. Golden Eagle has kept the subject wells enrolled in LLWU plan for augmentation decreed in Case No. 03CW208, including the payment of annual assessments to LLWU each year from 2015-present totaling \$40,800. 3.3.2. Golden Eagle filed a Statement of Opposition in 19CW3253, Division 1, and is actively litigating to protect its land and water rights, including the subject well rights and the land on which they are located. 3.3.3. LLWU filed a Statement of Opposition in 19CW3253, Division 1, and is actively litigating to protect its rights, including those associated with the augmentation plan decreed in 03CW208. 3.4. Reservations: This list is not inclusive, and Applicant reserves the right to supplement this list. 4. No absolute claim is made by Applicant. 5. Name(s) of Owner(s) of the Land Upon Which any Modification to any Existing Storage Structure is Constructed or Upon Which Water Will be Stored: The Saltgrass Meadow Well and the Southside Well and the associated PWC Recharge/Reservoir Site Nos. 24-27 are located on land owned by Golden Eagle. DATED: May 28, 2021. The application is 7 pages, excluding the exhibit.

*****AMENDED 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., 1391 Speer Blvd. Suite 730, Denver, CO 80204. **AMENDMENT TO APPLICATION FOR FINDING OF REASONABLE DILIGENCE, in LARIMER COUNTY.** The application filed in this case incorrectly stated the location of the Magic Sky Reservoir, for which a finding of reasonable diligence is sought, as being in Range 68 West of the 6th P.M. The Magic Sky Reservoir is located in Range 72 West of the 6th P.M. Paragraph 3.E of the Application is amended as follows: 3.E Decreed location as corrected in Case No. 00CW145. Magic Sky Reservoir: SW 1/4 SW 1/4, Sec. 5, Township 9 North, Range 72 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. There are no other changes to the Application.

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

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