

SUBSTITUTE WATER SUPPLY PLAN NOTIFICATION LIST

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

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

PRODUCED NONTRIBUTARY GROUND WATER NOTIFICATION LIST

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

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

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

**DISTRICT COURT, WATER DIVISION 1, COLORADO
DECEMBER 2017 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 **DECEMBER 2017** for each County affected.

17CW55 THOMAS A. AND SALLY R. KOST, 20453 Sly Meadow Lane, Golden, CO 80401. 303-526-1062. APPLICATION FOR ABSOLUTE UNDERGROUND WATER RIGHT IN CLEAR CREEK AND JEFFERSON COUNTIES. Kost Well, permit 78027, located NW1/4, NE1/4, S9, T4S, R70W, of the 6th PM at a distance 1030 ft. from N and 2075 ft. from W. Sky Meadow Estates, Lot 4A. Source: Groundwater trib to S. Platte river. Date of appropriation: 1995. How appropriation was initiated: Filed Augmentation Plan. Date water applied to beneficial use: July 2015. Amount: 1.5 gpm Absolute. Use: domestic and household inside one single family dwelling and irrigation of 3682 sf of lawns, gardens and landscaping. Applicant also seeks approval of an appropriative right of exchange as part of the plan for augmentation in case 95CW271.

17CW56 JOHN AND KAREN ENGSTROM, 816 Fox Hollow Lane, Golden, CO 80401. 303-475-6139. APPLICATION FOR ABSOLUTE UNDERGROUND WATER RIGHT IN CLEAR CREEK AND JEFFERSON COUNTIES. Undeveloped Well No 2, located NE1/4 NW1/4, S9, T4S, R70W of the 6th PM. 20593 Sky Meadow Lane, Golden, CO. Sky Meadow Estates Adjustment 1; Lot 2A. Source: Groundwater trib to S. Platte river. Date of appropriation: 1995. How appropriation was initiated: Filed Augmentation Plan. Amount: 15 gpm, Absolute. Amount claimed in af annually; .51 af, Absolute. Use: domestic and household inside one single family dwelling and irrigation of 3682 sf of lawns, gardens and landscaping. Applicant also seeks approval of an appropriative right of exchange as part of the plan for augmentation in case 95CW271.

17CW57 FRANK DWORAK AND KRISTIN MIKKELSON, 20573 Sky Meadow Lane, Golden, CO 80401. 303-590-5645 or 262-352-3525. APPLICATION FOR ABSOLUTE UNDERGROUND WATER RIGHT IN CLEAR CREEK AND JEFFERSON COUNTIES. Dworak Well, permit 78004-F, located NE1/4 NW1/4, S9, T4S, R70W of the 6th PM. Sky Meado Estates; Lot 3A. Source: Groundwater trib to S. Platte river. Date of appropriation: 1995. How appropriation was initiated: Filed Augmentation Plan. Amount: 15 gpm, Absolute. Amount claimed in af annually; .51 af, Absolute. Use: domestic and household inside one single family dwelling and irrigation of 3682 sf of lawns, gardens and landscaping. Applicant also seeks approval of an appropriative right of exchange as part of the plan for augmentation in case 95CW271.

17CW58 DENIS M. AND YOLANDA M. MEADE, 507 W. Valleyview Ave., Littleton, CO 80120. 303-798-6366 or 303-319-3254. APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN PARK COUNTY. Date of original decree: 05-03-05 in case 96CW905, WD1. Subsequent decree: 12-06-11 in case 11CW85, D1. Meade Lot 4-98 Well located NW1/4, NE1/4, S17, T9S, R76W of the 6th PM at a distance 1200 fe. From N and 2000 ft. from E. 920 Reinecker Court, Como, CO 80432. Bar D Ranch, Lot 98, Filing 4. Source: Groundwater. Amount: 0.033 cps (15 gpm) conditional. Use: Domestic.

17CW59 DANIEL N. WARNER, 8080 S. Holly St., Centennial, CO 80122. 303-886-0650. APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN JEFFERSON COUNTY. Date of original decree: 01-07-05 in case 03CW340, WD 1. Subsequent decree: 12-28-11 in case 11CW11, WD 1. Legal description: Warner owns a parcel of property approximately 75 acres in size that is located in the W1/2 SW1/4 NE1/4 and the W1/2 NW1/4 SE1/4 and the NE1/4 SE1/4, S7, T6S, R70W of the 6th PM. The property will be divided into 7 residential lots. A community stable if proposed to be included in the development. Wter for each of the lots and the stable will be obtained from individual

wells, designated as Warner Well Nos. 1, 2, 3, 4, 5, 6, 7, and 8 with Well No. 1 drilled in 2016 and put into use February 2017. Source: Groundwater Tributary to S. Turkey Creek. Amount 15 gpm each well, Conditional. Use: Domestic and ordinary household purposes, the watering of domestic animals, Irrigation of lawns and gardens and fire protection.

17CW3188 Groundwater Management Subdistrict of the Central Colorado Water Conservancy District (Applicant), 3209 West 28th Street, Greeley, Colorado 80634 C/O Lawrence Jones Custer Grasmick LLP, 5245 Ronald Reagan Blvd., Suite 1, Johnstown, CO, 80534. APPLICATION FOR WATE RIGHT AND TO ADD WELL TO AUGMENTATION PLAN IN **WELD COUNTY**. Application for Water Right. 2. Name of Structure. Heinze Well No. 2 Supplemental. 2.1. Owner. Yoshi & Suzu, LLLLP, P.O. Box 508, Brighton, Colorado 80601.2.2. Location. In the SW1/4 NW1/4, Section 20, Township 1 North, Range 65 West of the 6th P.M., Weld County, Colorado at a point 1334 feet South and 53 feet East of the NW corner of said Section 20. See Figure 1, Exhibit 1. 2.3. Appropriation Date. October 17, 2017 by approval of GMS Contract 1188 on that date. 2.4. Amount Claimed. 2.667 c.f.s, conditional. 2.5. Source. Groundwater tributary to the South Platte River. 2.6. Use. Irrigation of 130 acres in the NW1/4 Section 20, Township 1 North, Range 65 West of the 6th P.M., Weld County, Colorado. 2.7. Prior Decree. W-2207, Water Division No. 1 described below and attached as Exhibit 2. 3. Augmentation Plan. Applicant operates an augmentation plan decreed in Case No. 02CW335. ¶14.5 of the decree in Case No. 02CW335 (Decree) allows the addition of wells to the plan subject to notice and terms and conditions. 4. Structures to be Added and Augmented. 4.1. Decreed Name of Structures to be Added and Augmented. Heinze Well No. 2-15275 (WDID 02-06541) and Heinze Well No. 2 Supplemental, described in ¶2, hereinafter “Wells.” 4.2. Wells Owner. Yoshi & Suzu, LLLLP, P.O. Box 508, Brighton, Colorado 80601. 4.3. Well Decree. A decree was entered in Water Court, Water Division No. 1, Case No. W-2207 on November 6, 1973, adjudicating Heinze Well No. 2 located in the SW1/4 NW1/4, Section 20, Township 1 North, Range 65 West of the 6th P.M., Weld County, Colorado at a point 1334 feet South and 53 feet East of the NW corner of said Section 20 in the amount of 2.667 c.f.s absolute with an appropriation date of August 31, 1955 for the irrigation of 70 acres located in the NW1/4 Section 20, Township 1 North, Range 65 West of the 6th P.M., Weld County, Colorado. Exhibit 2. 4.4. GMS Contract 1188 approved October 17, 2017. Exhibit 1. 5. Proposed Terms and Conditions. 5.1. The terms and conditions for the Wells will be the same as for the other Member 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 ¶17.3.3.2. The Wells will be subject to all the terms and conditions for operation as for other Member Wells in the Decree. 5.2. 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. See White Sands Water Engineers, Inc., report dated November 29, 2017, Exhibit 1.

Distance to Stream from Aquifer Boundary (ft)	Distance to Stream from Well (ft)	Specific Yield	Mean Harmonic Transmissivity (gpd/ft)
(1)	(2)	(3)	(4)
11,930	2,650	0.2	153,800

- (1) Shortest measured distance between the wells and Beebe Draw plus the shortest measured distance between the wells and the aquifer boundary [4].
- (2) Shortest measured distance between the wells and the Beebe Draw.
- (3) Calculated by dividing the distance from the stream to the wells by the sum of the quotient of the length of the path across each crossed grid cell and that grid cell's transmissivity value (SPDSS tgrid0309) [4].
- (4) Administrative Reach where depletions modeled to accrue.

5.3. Out of priority depletions from pumping of the Wells will be augmented by GMS.

17CW3189 Colorado Water Conservation Board ("CWCB"), 1313 Sherman Street, Suite 718, Denver, CO 80203. Telephone: (303) 866-3441. Please direct all future correspondence and pleadings regarding this Application to: Jennifer Mele, First Assistant Attorney General, Natural Resources and Environment Section, Colorado Department of Law, 1300 Broadway, 7th Floor, Denver, CO 80203. Telephone: (720) 508-6282. E-mail: jennifer.mele@coag.gov. APPLICATION FOR INSTREAM FLOW WATER RIGHTS TO PRESERVE THE NATURAL ENVIRONMENT TO A REASONABLE DEGREE IN **CLEAR CREEK COUNTY**, COLORADO. **2. Name of Water Rights:** A. Square Top Lake (Upper) Natural Lake Level (NLL) Water Right; B. Square Top Lake (Lower) NLL Water Right. **3. Legal Description:** A. **Square Top Lake (Upper) NLL Water Right.** Maps depicting the approximate location of Square Top Lake (Upper) NLL are attached as **Exhibits 1 and 2**. **1. Location:** Square Top Lake (Upper) Centerpoint: a. UTM: Northing: 4382782.46; Easting:436057.06 (NAD 1983 Zone 13 North) b. Lat/Long: latitude 39° 35 ' 32.59"N & longitude 105° 44' 40.87"W **2. Size:** a. Surface Area: 7.55 Acres b. Volume: 113.14 acre-feet **Source:** Square Top Lake (Upper), tributary to Duck Creek, tributary to Geneva Creek, tributary to the North Fork of the South Platte River, tributary to the South Platte River. B. **Square Top Lake (Lower) NLL Water Right.** Maps depicting the approximate location of the Square Top Lake (Lower) NLL are attached as **Exhibits 1 and 2**. **1. Location:** Square Top Lake (Lower) Centerpoint: a. UTM:Northing:4382623.44; Easting:436440.44 (NAD 1983 Zone 13 North) b. Lat/Long: latitude 39° 35' 27.53"N & longitude 105° 44' 24.74" W **2. Size:** a. Surface Area: 6.99 Acres b. Volume: 26.79 acre-feet **Source:** Square Top Lake (Lower), tributary to Duck Creek, tributary to Geneva Creek, tributary to the North Fork of the South Platte River, tributary to the South Platte River. C. The Universal Transverse Mercator (UTM) is provided as the legal description for the decree in this matter. The Lat/Long coordinates are provided as cross-reference locations only. The UTM and Lat/Long locations were derived from CWCB GIS using the National Hydrography Dataset (NHD). **4. Appropriation A. Date of initiation of appropriation:** January 24, 2017 for the Square Top Lake (Upper) NLL and Square Top Lake (Lower) NLL. **B. How appropriation was initiated:** Appropriation and beneficial use of both water rights occurred on January 24, 2017, by the action of the CWCB pursuant to sections 37-92-102(3) and (4) and 37-92-103(3), (4) and (10), C.R.S. (2017). **C. Date applied to beneficial use:** January 24, 2017 for both water rights. **5. Amount of water claimed:** A. Square Top Lake (Upper) NLL: 113.14 acre-feet absolute, at a lake surface-level elevation of 12,322 feet (North American Vertical Datum of 1988 or "NAVD88"); B. Square Top Lake (Lower) NLL: 26.79 acre-feet absolute, at a lake surface-level elevation of 12,084 feet (NAVD88). **6. Proposed Uses:** Natural surface water levels or volumes to preserve the natural environment to a reasonable degree. **7. Names and addresses of owners or reputed owners of the land upon which any new or existing diversion structure will be located:** The notice required by section 37-92-302(2)(b), C.R.S. (2017), to the owners or reputed owners of the land upon which any new or existing diversion or storage structure is or will be constructed is not applicable in this case. This Application is for natural lake level water rights, exclusive to the CWCB under the provisions of section 37-92-102(3), C.R.S. (2017). As natural lake level water rights, the CWCB's appropriation does not require diversion structures or storage. *See Colo. River Water*

Conservation Dist. V. Colo. Water Conservation Bd., 594 P.2d 570, 574 (Colo. 1979); § 37-92-103(4)(c), C.R.S. (2017). As a surface water right, the CWCB’s appropriation of natural lake level water rights does not involve construction of a well. **8. Remarks:** This appropriation by the CWCB, on behalf of the people of the State of Colorado, is made pursuant to sections 37-92-102(3) & (4) and 37-92-103(3), (4) & (10), C.R.S. (2017). The purpose of the CWCB’s appropriation is to preserve the natural environment to a reasonable degree. At its regular meeting on May 17, 2017, the CWCB determined, pursuant to section 37-92-102(3)(c), C.R.S. (2017), that the natural environment of Square Top Lake (Upper) and Square Top Lake (Lower) will be preserved to a reasonable degree by the water available for the appropriations to be made; that there is a natural environment that can be preserved to a reasonable degree with the CWCB’s water rights herein, if granted; and that such environment can exist without material injury to water rights.

17CW3190 The Well Augmentation Subdistrict of the Central Colorado Water Conservancy District (WAS), 3209 West 28th Street, Greeley, Colorado 80634. (970) 330-4540 c/o Lawrence Jones Custer Grasmick, LLP, 5245 Ronald Reagan Blvd., Suite 1, Johnstown, CO, 80534 (970)622-8181. APPLICATION TO ADD A WELL TO THE WAS AUGMENTATION PLAN IN WELD COUNTY.
 2. Augmentation Plan Addition. ¶11.1.2 of the Decree in Case No. 03CW99 allows the addition of Member Wells to the Plan subject to notice and terms and conditions. 3. Decreed Name of Structure to be Added and Augmented. Odenbaugh Well No. 2-11650 (WDID 0207527) (Well). 3.1. Name and Address of Well Owners. Shirley E. and Stacey L. Odenbaugh, 16114 WCR 23, Platteville, Colorado 80651. 3.2. Decree W-547. A decree was entered in Water Court, Water Division No. 1, Case No. W-547 on October 27, 1972 adjudicating Well No. 2-11650 at a point on the South Line and 531 feet East of the SW Corner of Section 12, T3N, R67W of the 6th P.M., Weld County, Colorado in the amount of 2.67 c.f.s with an appropriation date of May 31, 1934 for irrigation purposes. Exhibit 1. 3.3. WAS Contract 50. Contract 50 was approved September 17, 2017 allocating 94.20 acre-feet for the irrigation of 60 acres in part of the SW1/4, SW1/4, Section 12, Township 3 North, Range 67 West. See White Sands Water Engineers, Inc., Report, Exhibit 2, Attachment A. 4. The Ground Water Management Subdistrict of the Central Colorado Water Conservancy District (GMS) has filed a Motion in Case No. 02CW335 to delete Odenbaugh Well No. 2-11650, WDID 02-07527, decreed in Case No. W-547 and located at a point on the South Line and 531 feet east of the SW corner of Section 12, Township 3 North, Range 67 West of the 6th P.M., Weld County, Colorado (Well) from the plan for augmentation decreed in Case No. 02CW335. The Division of Water Resources, WAS and GMS have determined that the WDIDs, permit numbers, and meter serial numbers for Odenbaugh Well No. 1, the Clyncke Well No. 22238, both owned and operated by James and Aaron Clyncke, as well as Odenbaugh Well No. 2-11650, owned and operated by Shirley E. and Stacey L. Odenbaugh, and decreed in Case No. W-547 were not correctly associated. The Division of Water Resources has recently corrected these associations for Odenbaugh Well No. 2-11650, and the two wells owned by the Clynckes. GMS and WAS have subsequently revised the associated contracts and meter serial numbers accordingly. Table 1 provides the prior associations for the wells and Table 2 shows the corrected associations.

**Table 1
Prior Associations for Wells**

Contract	GMS Contract 515		WAS Contract 50	No Contract
Name	Odenbaugh Well No. 2		Odenbaugh Well No. 1	Clyncke Well
Well Permit	11650		11649	22238-F
WDID	0207527		0207525	0210350
Meter Serial Number	05-8-4201	07-6-1219	05-8-4201	92-8-2440N

**Table 2
Corrected Associations for Wells**

Contract	WAS Contract 50		GMS Contract 515	
Contract/Well Owner	Shirley and Stacey Odenbaugh		James and Aaron Clyncke	
Name	Odenbaugh Well No. 2		Odenbaugh	Clyncke

	(Subject Well)	Well No. 1	Well
Well Permit	11650	11649	22238-F
WDID	0207527	0207525	0210350
Meter Serial Number	05-8-4201	07-6-1219	92-8-2440N

5. The WSWE Report, Exhibit 2, provides the meter records for the Well and determines the on-going net depletions from past pumping set out in Table 3 which will be replaced by WAS.

Table 3
Ongoing Net Depletions from Past Pumping
Odenbaugh Well No. 2
(all values in ac-ft)

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
2017												1.30	1.30
2018	0.99	0.81	0.69	0.61	0.55	0.51	0.47	0.44	0.41	0.39	0.36	0.34	6.57
2019	0.32	0.30	0.28	0.27	0.25	0.24	0.22	0.21	0.20	0.19	0.18	0.17	2.84
2020	0.16	0.15	0.14	0.13	0.12	0.12	0.11	0.10	0.10	0.09	0.09	0.08	1.40
2021	0.08	0.07	0.07	0.06	0.06	0.06	0.05	0.05	0.05	0.05	0.04	0.04	0.69
2022	0.04	0.04	0.03	0.03	0.03	0.03	0.03	0.03	0.02	0.02	0.02	0.02	0.34
2023	0.02	0.02	0.02	0.02	0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.17
2024	0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.00	0.08
Total													13.39

6. Proposed Terms and Conditions. 6.1. The terms and conditions for the Well will be the same as for the other Covered Wells in the 03CW99 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 03CW99 Decree. 6.2. 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. Harmonic Mean Transmissivity (gallons/day/foot) T = 140,100. Specific Yield = 0.2. Total Distance of Alluvial Aquifer Boundary from River W = 11,780 feet. Distance of Well from River X = 1,760 feet. See WSWE Report, Exhibit 2. 6.3. Depletions. WAS will replace all net out of priority depletions caused by past pumping of the Well shown in Table 3 and all future net out of priority depletions, which depletions impact Reach F-3. 7. 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.

17CW3191 Well Augmentation Subdistrict of the Central Colorado Water Conservancy District (WAS) and Groundwater Management Subdistrict of the Central Colorado Water Conservancy District (GMS), 3209 West 28th Street, Greeley, Colorado 80634, (Applicants)/ Lawrence Jones Custer Grasmick LLP, 5245 Ronald Reagan Blvd., Suite 1, Johnstown, CO, 80534 (970)622-8181. APPLICATION TO DELETE A WELL FROM THE WAS AUGMENTATION PLAN, FOR CHANGE OF WATER RIGHTS AND TO ADD A WELL TO THE GMS AUGMENTATION PLAN in WELD, ADAMS and MORGAN COUNTIES. 2. Augmentation Plan Deletion. WAS operates an augmentation plan decreed in Case No. 03CW99. ¶11.1.3 of the decree in Case No. 03CW99 (03CW99

Decree) allows the deletion of Member Wells from the Plan subject to notice and terms and conditions. 3. Augmentation Plan Addition. GMS operates an augmentation plan decreed in Case No. 02CW335. ¶14.5 of the decree in Case No. 02CW335 (02CW335 Decree) allows the addition of wells to the plan subject to notice and terms and conditions. 4. Deletion of Odenbaugh Well No. 1-11649 (WDID 02-02525). 4.1. Owner. Shirley E. and Stacey L. Odenbaugh, 16114 WCR 23, Platteville, Colorado 80651. 4.2. Well Information. Original WAS Contract No. 50; WAS Reach F-3. 4.3. GMS Contract 515. The Well is also included in the GMS plan, 02CW335 Decree. Since the Well does not need to be included in both plans it is being deleted from the WAS Plan, 03CW99 Decree. 4.4. Post-Pumping Depletions. Net out of priority depletions have been replaced pursuant to GMS Contract 515 and the 02CW335 Decree. The Well is located close to the South Platte River so there are no remaining depletions from pumping under the WAS SWSP approved prior to approval of the WAS 03CW99 Decree. See White Sands Water Engineers Inc., report (WSWE), Exhibit 1. 4.5. Distribution of Future Well Depletions. The 03CW99 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 deletion of Well in this application does not require adjustment to the percentages used to distribute stream depletions. See Exhibit 1. 4.6. Proposed Terms and Conditions for Deletion. ¶11.1.3 of the 03CW99 Decree requires that “WAS shall continue to replace all out-of-priority depletions caused by predeletion pumping of the well that occurred while the well was covered under the WAS plan or associated substitute supply plan.” The WSWE report concludes there are no such depletions. GMS will replace all out of priority depletions for the Well based on GMS Contract 515 and the 02CW335 Decree. WAS requests the Court approve revised Exhibit 1 to the 03CW99 Decree, Attachment A to Exhibit 1 herein, the WSWE Report, which reflects the revised Member Wells included in the 03CW99 Decree. 5. Correction of Location, Odenbaugh Well No. 1-11649 (WDID 02-02525). As a result of an investigation it has been determined the actual location of the Well is 370 feet from the decreed location set out in Case W-547. The actual location is at a point 15 feet north of the South Section line and 720 feet west of the South ¼ corner of Section 12, Township 3 North, Range 67 West. See Exhibit 1, Figure 1. The Well is an “established but erroneously described point of diversion” as defined in §37-92-305(3.6)(a)(II), C.R.S. Applicants seek a decree term correcting the location of the well and approving the Glover Factors set out below.

Aquifer Parameters for Odenbaugh Well No. 1

WDID	Distance to Stream from Aquifer Boundary (ft)	Distance to Stream from Well (ft)	Specific Yield	Mean Harmonic Transmissivity (gpd/ft)	GMS Administrative Reach
	(1)	(2)	(3)	(4)	(5)
0207525	11,780	3,180	0.2	139,800	F

(1) Shortest measured distance between the well the South Platte River plus the shortest measured distance between the well and the aquifer boundary [3].

(2) Shortest measured distance between the well and the South Platte River.

(4) Calculated by dividing the distance from the stream to the well by the sum of the quotient of the length of the path across each crossed grid cell and that grid cell’s transmissivity value (SPDSS tgrid0309) [3].

(5) Administrative Reach where depletions modeled to accrue.

6. Change of Water Right. Odenbaugh Well No. 1-11649 (WDID 02-02525); Clyncke Well. 6.1. Decree. A decree was entered in Water Court, Water Division No. 1, Case No. W-547 on October 27, 1972, adjudicating Odenbaugh Well No. 1-11649 at a point 360 feet west of the South 1/4 corner of Section 12, T3N, R67W of the 6th P.M. in the amount of 3.11 c.f.s absolute with an appropriation date of June 30,

1955 for irrigation purposes on land located in Section 12, T3N, R67W of the 6th P.M., in Weld County, Colorado. Exhibit 2. 6.2. Permit 22238-F. A Supplemental Permit No. 22238-F was approved April 21, 1977 permitting a supplemental well but limiting both permits to a combined diversion of 130 acre-feet for irrigation for 52 acres in Section 12 at a flow rate limited to 3.11 c.f.s. The permit required a change of use be filed in the Water Court. Exhibit 3. 6.3. Proposed Change. Applicants seek a decree approving the diversion groundwater for irrigation of 52 acres in accordance with the decree in Case No. 547, Supplemental Permit No. 22238-F and GMS Contract 515. 6.4. Clyncke Well. Supplemental Permit No. 22238-F is known as the Clyncke Well No 22238-F. 6.5. Clyncke Well Location. At a point 11 feet north of the South Section line, approximately 270 feet west of the South 1/4 corner of Section 12, T3N, R67W of the 6th P.M., in Weld County, Colorado. 6.6. Appropriation. June 30, 1955. 6.7. Amount. 3.11 c.f.s, in combination with Odenbaugh Well No. 1. 6.8. Use. Irrigation of 52 acres in part of the E½ SW1/4, Section 12, T3N, R67W of the 6th P.M., in Weld County, Colorado. 7. Structure to be Added and Augmented. 7.1. Name of Structure to be Added and Augmented. Clyncke Well No. 22238-F. 7.2. Name of Well Owner. James M. and Aaron Clyncke, 16134 WCR 23, Platteville, Colorado 80651 7.3. GMS Contract 515 Contract approved April 19, 2016. Attachment C, Exhibit 1. 8. Proposed Terms and Conditions. 8.1. The terms and conditions for Clyncke Well No. 22238-F 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. 8.2. 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.

Aquifer Parameters for Clyncke Well

WDID	Distance to Stream from Aquifer Boundary (ft)	Distance to Stream from Well (ft)	Specific Yield	Mean Harmonic Transmissivity (gpd/ft)	GMS Administrative Reach
	(1)	(2)	(3)	(4)	(5)
0210350	11,780	3,640	0.2	139,200	F

- 1) Shortest measured distance between the well the South Platte River plus the shortest measured distance between the well and the aquifer boundary [3].
- (2) Shortest measured distance between the well and the South Platte River.
- (4) Calculated by dividing the distance from the stream to the well by the sum of the quotient of the length of the path across each crossed grid cell and that grid cell's transmissivity value (SPDSS tgrid0309) [3].
- (5) Administrative Reach where depletions modeled to accrue.

8.3. Out of priority depletions from pumping of Clyncke Well No. 22238-F occur in Reach F and will be augmented by GMS.

17CW3192 FOOTHILLS PARK AND RECREATION DISTRICT, 6612 S. Ward St., Littleton, CO 80127, (Robert F. T. Krassa, Krassa & Miller, LLC, 2300 Canyon Blvd., Ste. 2, Boulder, CO 80302; (303) 442-2156). Application for Conditional Water Storage Right JEFFERSON COUNTY. 2. Purpose of application. Foothills has a pending application in case 17CW3046 as filed in this Court on March 22, 2017 for a storage right for Beers Sisters Reservoir. The water storage right in that case is an on-stream right on Coon Creek, on which Beers Sisters Reservoir is located. The present application seeks a

supplemental water storage right for the same reservoir out of Turkey Creek, to be diverted, carried through and temporarily stored in the facilities of the Bergen Ditch and Reservoir Company system. Beers Sisters Reservoir is an off-stream reservoir as to Turkey Creek. The reason for applying for water rights out of Turkey Creek is that there are times when both the water rights in this application, and those in said Case 17CW3046, are in-priority, but because of the small drainage basin of Coon Creek there is little or no physical water available in Coon Creek at times when there is water available in Turkey Creek.

3. Name and location of reservoir. Beers Sisters Reservoir is located in the NW/4SW/4 and the NE/4SW/4 of Sec. 16, T.5 S., R. 69 W. of the 6th P.M. in Jefferson County. It occupies most of Blue Heron Park, which itself comprises Tract C of Foothill Green Filing No. 3, a Jefferson County subdivision. The dam of Beers Sisters Reservoir crosses Coon Creek at a point which is located 1,860 feet from the west section line, and 2,170 feet from the south section line, of said Section 16. The UTM coordinates of that point are NAD 83, UTM Zone 13 North, Easting 489526, Northing 4385115.

4. Source: Turkey Creek, tributary to Bear Creek, tributary to the South Platte River.

5. If filled from a ditch:

a. Name of ditch used to fill reservoir and capacity in cubic feet of water per second (cfs): Bergen Ditch and Reservoir Company system of ditches and canals. The maximum flow rate sought in this application is 20 cfs.

b. The point of diversion of the Bergen Ditch is on the south side of Turkey Creek in the NE 1/4 NW 1/4 Sec. 14 T.5 S, R.70W of the 6th P.M. at a point approximately 2120 feet from the west line and 1240 feet from the north line of said Sec. 14. The UTM coordinates of the Bergen Ditch diversion point are NAD 83, UTM Zone 13 North, Easting 483232, Northing 4385667.

6. The subject water may also be stored in one or more of the following reservoirs which are components of the Bergen Ditch and Reservoir Company system along the system of ditches and reservoirs which will carry the subject water to storage in, and use in and from, Beers Sisters Reservoir:

a. Bergen Reservoir No. 1, 375 A.F., located near the center of Sec. 18, T.5 S. R.69W of the 6th P.M., fed by the said Bergen Ditch. (Its decree states that it is in the E/2 NW/4 and the W/2 NE/4 of said Section 18.) The centroid of said Bergen Reservoir No. 1 is approximately 2380 feet from the west section line and 1715 feet from the north section line of said Sec. 18. The UTM coordinates of said centroid are: NAD 83, UTM Zone 13 North, Easting 486464, Northing 4385567.

b. Bergen Reservoir No. 2, 574 A.F., located near the center of Sec. 18, T.5 S. R.69W of the 6th P.M., fed by the said Bergen Ditch. (Its decree states that it is in the W/2 NE/4 and the NW/4 SE/4 of said Section 18.) The centroid of said Bergen Reservoir No. 2 is approximately 1840 feet from the east section line and 2040 feet from the north section line of said Sec. 18. The UTM coordinates of said centroid are: NAD 83, UTM Zone 13 North, Easting 486773, Northing 4385438.

c. Deane Reservoir (a/k/a Bergen No. 3, Polly A. Deane Reservoir, Hine Lake or Meffley Lake), 518 A.F., located in the NW 1/4 Sec. 20, T.5 S, R.69 W of the 6th P.M., fed by the Bergen Ditch. The centroid of said Deane Reservoir is approximately 1900 feet from the west section line and 1880 feet from the north section line of said Sec. 20. The UTM coordinates of said centroid are: NAD 83, UTM Zone 13 North, Easting 487904, Northing 4383922. Such storage will facilitate delivery of water to Beers Sisters Reservoir and to serve as a supply of water to fill and refill Beers Sisters Reservoir. The ultimate beneficial use of this water will be at or out of Beers Sisters Reservoir.

7. Appropriation.

a. Date of appropriation: December 12, 2017.

b. How appropriation was initiated: by evaluation of the availability of and need for the subject water by Foothills' staff and engineers, formation by the Foothills Board of Directors of the intent to appropriate the subject water rights, adoption of a resolution on December 12, 2017 by the Foothills Board of Directors manifesting that intent, and posting a notice at the diversion point of the Bergen Ditch on December 14, 2017. Copy of resolution attached as Exhibit C.

c. Date water applied to beneficial use: not applicable, conditional.

8. Amount claimed:

a. 40 acre feet, conditional.

b. If filled from a ditch, rate of diversion: 20 cfs conditional.

9. Uses: to supplement the on-stream water storage right for Beers Sisters Reservoir pending in case 17CW3046. Water stored in Beers Sisters Reservoir will be used for irrigation of up to 6 acres in Blue Heron Park and up to 70 acres in Clement Park. The stored water may be used for recreational and fishing/piscatorial purposes at Beers Sisters Reservoir and may also be delivered to Clement Park to be stored in Johnston Reservoir where it may be used for recreational and fishing/piscatorial purposes. Johnston Reservoir is located in said Clement Park, in the Northwest quarter of Sec. 23, T.5S, R. 69 W of the 6th P.M. in Jefferson County.

10.

Additional information concerning Beers Sisters Reservoir: a. **Surface area of high water line:** 8.3 acres. b. **Vertical height of dam** in feet measured vertically from the elevation of the lowest point of the natural surface of the ground where that point occurs along the longitudinal centerline of the dam up to the crest of the emergency spillway of the dam: 16 feet c. **Length of dam:** 800 feet d. Total capacity of reservoir: 35.3 acre feet e. Active capacity: 35.3 acre feet f. Dead storage: zero (0) acre feet 11. **Names and addresses of owner of the land upon which any new diversion or storage structure or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool:** Applicant is the owner of the land upon which Beers Sisters Reservoir is located. The land upon which the Bergen Ditch and Reservoir System, including the Bergen Ditch headgate and diversion facilities, the above mentioned Bergen Reservoirs Nos. 1, 2 and Deane Reservoir, and the other ditches in said system are located, is owned by or subject to a dominant easement owned by: Bergen Ditch and Reservoir Company c/o Robert Easton, Manager 9329 Lark Sparrow Trail Highlands Ranch, CO 80126 Foothills is a major stockholder in said system. The facilities of the Bergen system will only be used for diversion, storage and transportation of the subject water rights pursuant to Foothills' rights as a shareholder and under supplemental agreements with the Bergen Company. The land upon which Johnston Reservoir is located, including the reservoir itself, is owned by Jefferson County, and is leased and managed by Foothills. The name and address of the land owner is: Jefferson County Open Space, 700 Jefferson County Parkway, Ste. 100, Open Space Building, Golden, CO 80401. 12. **Remarks.** a. **This application does not seek any change** in the water rights of the Bergen Ditch and Reservoir Company, the water rights of Johnston Reservoir, or the water rights of Beers Sisters reservoir as pending or decreed in Case 17CW3046. b. **All of the structures mentioned in this application are shown** on the general location map attached as Exhibit A and also shown on the detail maps attached as Exhibit B.

17CW3193 City of Longmont, c/o Public Works and Natural Resources Department, 1100 South Sherman Street, Longmont, Colorado 80501, (303) 651-8340, water@ci.longmont.co.us. CONCERNING THE APPLICATION FOR WATER RIGHTS OF THE CITY OF LONGMONT IN **BOULDER AND WELD COUNTIES** 1. **Name, address and telephone number of Applicant:** City of Longmont, c/o Public Works and Natural Resources Department, 1100 South Sherman Street, Longmont, Colorado 80501, (303) 651-8340, water@ci.longmont.co.us. Copies of pleadings to: David S. Hayes, Petros & White, LLC, 1999 Broadway, Suite 3200, Denver, Colorado 80202 (303) 825-1980 dhayes@petros-white.com. 2. **Name of structures:** Well Nos. 1-22 (the "Subject Wells"). 3. **Description of conditional water rights:** A. **Decrees:** A decree for the Subject Wells was entered by the District Court, Water Division No. 1 in Case No. W-65 on June 1, 1978. A subsequent decree was entered on July 3, 1984, in Case No. 82CW226, changing the point of diversion and approving a plan of augmentation for Well No. 3. Findings of reasonable diligence have been made in Case Nos. 82CW216, 86CW152, 96CW115, 04CW194, and 11CW009, District Court, Water Division No. 1. B. **Location:** The attached Exhibits A-D depict the following well locations: Well No. 1: Located at a point in Section 20, T3N, R70W of the 6th P.M., whence the NE Corner of said Section bears N35°20'00" E 2480 feet. Well No. 2: Located at a point in Section 20, T3N, R70W of the 6th P.M., whence the NE Corner of said Section bears N27°05'00" E 2270 feet. Well No. 3: As changed by decree in Case No. 82CW226 (Permit #27261-F), this perforated drain pipe system is located north of the North Water Treatment Plant of the City of Longmont in the SE1/4 NE1/4 of Section 20, Township 3 North, Range 70 West, 6th P.M., Boulder County, with a pump whose location is more particularly described as follows: commencing at the NE Corner of the SE1/4 NE1/4 of said Section 20, whence the E1/4 corner bears S0°26'9" W 1,316.09 feet; thence S58°37'00" W 520 feet more or less to said pump. Well No. 4: Located at a point in Section 21, T3N, R70W of the 6th P.M., whence the NE Corner of said Section bears N38°35'00" E 3310 feet. Well No. 5: Located at a point in Section 9, T3N, R69W of the 6th P.M., whence the W 1/4 Corner of said Section bears N0°51'00" W 970 feet. Well No. 6: Located at a point in Section 16, T3N, R69W of the 6th P.M., whence the W 1/4 Corner of said Section bears S19°30'00" W 370 feet. Well No. 7: Located at a point in Section 16, T3N, R69W of the 6th P.M., whence the W1/4 Corner of said Section

bears S89°30'00" W 40 feet. Well No. 8: Located at a point in Section 27, T3N, R69W of the 6th P.M., whence the N 1/4 Corner of said Section bears N53°20'00" W 1180 feet. Well No. 9: Located at a point in Section 27, T3N, R69W of the 6th P.M., whence the SE Corner of said Section bears N89°59'00" E 210 feet. Well No. 10: Located at a point in Section 35, T3N, R70W of the 6th P.M., whence the NE Corner of said Section bears N49°10'00" E 2190 feet. Well No. 11: Located at a point in Section 35, T3N, R70W of the 6th P.M., whence the E 1/4 Corner of said Section bears N27°05'00" E 340 feet. Well No. 12: Located at a point in Section 36, T3N, R70W of the 6th P.M., whence the S 1/4 Corner of said Section bears S12°10'00" E 510 feet. Well No. 13: Located at a point in Section 9, T2N, R69W of the 6th P.M., whence the W 1/4 Corner of said Section bears N13°05'00" W 840 feet. Well No. 14: Located at a point in Section 30, T2N, R69W of the 6th P.M., whence the SW Corner of said Section bears S85°30'00" W 1320 feet. Well No. 15: Located at a point in Section 20, T2N, R69W of the 6th P.M., whence the SW Corner of said Section bears S01°25'00" W 2590 feet. Well No. 16: Located at a point in Section 10, T2N, R69W of the 6th P.M., whence the E 1/4 Corner of said Section bears S85°30'00" E 2400 feet. Well No. 17: Located at a point in Section 7, T2N, R68W of the 6th P.M., whence the SW Corner of said Section bears S83°20'00" W 1510 feet. Well No. 18: Located at a point in Section 1, T2N, R68W of the 6th P.M., whence the NE Corner of said Section bears N5°40'00" E 1750 feet. Well No. 19: Located at a point in Section 21, T3N, R67W of the 6th P.M., whence the SW Corner of said Section bears S86°30'00" W 2620 feet. Well No. 20: Located at a point in Section 15, T3N, R67W of the 6th P.M., whence the SW corner of said Section bears S80°10'00" W 1230 feet. Well No. 21: Located at a point in Section 10, T3N, R67W of the 6th P.M., whence the SW corner of said Section bears S83°30'00" W 1750 feet. Well No. 22: Located at a point in Section 6, T2N, R68W of the 6th P.M., whence the SW corner of said Section bears S11°30'00" W 800 feet. C. Source: Ground water tributary to the South Platte River and its tributaries, particularly St. Vrain Creek. D. Appropriation Date: April 1, 1969, for all of the Subject Wells. E. Amount: The amounts decreed conditional for the Subject Wells are as follows:

Well No. 1:	1000 GPM	Well No. 12:	400 GPM
Well No. 2:	1000 GPM	Well No. 13:	600 GPM
Well No. 3:	400 GPM	Well No. 14:	750 GPM
Well No. 4:	600 GPM	Well No. 15:	750 GPM
Well No. 5:	500 GPM	Well No. 16:	1000 GPM
Well No. 6:	1000 GPM	Well No. 17:	1000 GPM
Well No. 7:	1000 GPM	Well No. 18:	1000 GPM
Well No. 8:	500 GPM	Well No. 19:	750 GPM
Well No. 9:	500 GPM	Well No. 20:	2250 GPM
Well No. 10:	400 GPM	Well No. 21:	2500 GPM
Well No. 11:	400 GPM	Well No. 22:	1000 GPM

F. Use: All municipal uses including domestic, mechanical, manufacturing, fire protection, use for sewage treatment, street sprinkling, water for parks, trees, lawns and grounds, maintaining of adequate storage reserves, irrigation, recreation, replacement adjustment and regulation of the units of the Longmont Water System within itself, together with the practice of using said waters following withdrawal from the aquifer for the purposes of effectuating an exchange or transfer of water by the use of any public stream or waters in substitution for water supply. 4. Detailed outline of work done to complete project and apply water to beneficial use: The 22 Subject Wells conditionally decreed in Case No. W-65 are a part of a unified plan by the City of Longmont to develop groundwater to supplement its surface water supplies. This court specifically decreed in Case Nos. W-65, and in subsequent decrees, that the Subject Wells are an integral part of the entire Longmont water supply and distribution system, which includes, but is not limited to, all surface decrees, underground decrees, and storage reservoirs, particularly Button Rock Reservoir. Longmont is developing this water system pursuant to a phased development program that provides for the construction of the Subject Wells and the use of other water rights as needed to meet the expanding residential, commercial and industrial water demand of Longmont. During the relevant Diligence Period (December 2011–Present), Longmont has spent a significant amount of time and money in the development of its water system, and large expenditures of money will be required in the future to

continue this development. Longmont's efforts to develop its water system and the Subject Wells, are detailed in the affidavit, attached as Exhibit E, of Mr. Wes Lowrie, Water Resources Analyst for the City of Longmont. These efforts support a finding of reasonable diligence for the subject conditional water rights for Well Nos. 1-22. 5. Name(s) and address(es) of owner(s) or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool: As set forth in the Application. WHEREFORE, Longmont respectfully requests that the Court enter a finding of reasonable diligence with respect to the conditional Subject Wells described in Paragraph 3 above, continuing such conditional rights in full force.

17CW3194 The Water Supply and Storage Company, PO Box 2017, Fort Collins, CO 80522. APPLICATION FOR CONDITIONAL STORAGE WATER RIGHT AND CHANGE OF CONDITIONAL WATER RIGHT IN LARIMER AND WELD COUNTIES. Please send all further pleadings and correspondence to Donald E. Frick, Esq., Fischer, Brown, Bartlett & Gunn, P.C., 1319 E. Prospect Road, Fort Collins, CO 80525. 2. Overview of Application. The Water Supply and Storage Company ("WSSC") owns Curtis Lake, an off-channel reservoir originally constructed in or around 1885, located in Sections 16 and 17, Township 8 North, Range 69 West, 6th P.M. No storage water right has previously been adjudicated for Curtis Lake. WSSC also owns the conditional water right decreed to Trap Lake II in Case No. 82CW289, District Court, Water Division 1. Trap Lake II is a proposed on-channel reservoir to be located on Trap Creek in the S 1/2 of Section 21, Township 7 North, Range 75 West, 6th P.M. The purpose of this application is to decree Curtis Lake as an alternate point of storage for the conditional water right decreed to Trap Lake II, and adjudicate a storage water right for Curtis Lake. 3. Application for Conditional Water Storage Right. 3.1. Name of Structure: Curtis Lake Reservoir. 3.2. Location: Curtis Lake Reservoir is an existing on-channel reservoir located in the NE 1/4 of Section 17, and the West 1/2 of Section 16, Township 8 North, Range 69 West, 6th P.M., in Larimer County. 3.3. Diversion Structure: The Larimer County Canal, which diverts water from the Cache la Poudre River in the SW 1/4 of the SE 1/4 of the SW 1/4 of Section 13, Township 8 North, Range 70 West, 6th P.M., in Larimer County. 3.4. Source: West fork of Dry Creek and the Cache la Poudre River. 3.5. Amount Claimed: 1,500 acre-feet, absolute. To the extent the Court determines that the claimed water right has not been previously made absolute, WSSC requests the Court award a conditional water right. 3.6. Date of Appropriation: September 29th, 1921. 3.7. Uses: Irrigation, commercial, industrial and municipal, either directly or by exchange. Applicant seeks the right to use, reuse and successively use the water diverted under the water decreed herein. 4. Application for Change of Conditional Water Right. 4.1. Decreed name of structure for which change is sought: Trap Lake II. 4.2. From previous decree: 4.2.1. Decree: Case No 82CW289, District Court, Water Division No. 1, dated April 19, 1988. 4.2.2. Originally Decreed Location: Trap Lake II will be located on Trap Creek in the S 1/2 of Section 21, Township 7 North, Range 75 West, 6th P.M. The northerly point of the main embankment will be located at a point from which the NW Corner of Section 27 bears South 66 degrees, 30' East 5457 feet; the northerly point of the NE embankment will be located at a point from whence the NW Corner of Section 27 bears South 42 degrees 18'20" East 3136 feet; and the northerly point beginning of the southeast embankment will be located at a point whence the NW Corner of Section 27 bears South 69 degrees 41'35" East 2363 feet. 4.2.3. Source: Trap Creek, a tributary to the Cache la Poudre River. 4.2.4. Appropriation Date and Amount: July 16, 1982 for 3,800 acre-feet. 4.2.5. Decreed uses: Agricultural, industrial, municipal, recreational and fisheries. Note: the conditional water right for Trap Lake II was previously the subject of changes of use decreed in Consolidated Case Nos. 86CW401, 86CW402, 86CW403 and 87CW332, and Case Nos. 03CW421, 03CW422, 07CW190, and 11CW265. 4.2.6. Historical Use: N/A. 4.3. Proposed change: Applicant seeks to change the conditional water storage right decreed to Trap Lake II to allow the water available under the right to be stored in Curtis Lake Reservoir as described in Paragraph 3.2 above, following diversion at the headgate of the Larimer County Canal as described in Paragraph 3.3 above, and subsequently used for the originally decreed purposes. 5. Names and addresses of owners or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing

diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool (other than Applicant): 5.1. Holcim (US) Inc., 3060 W County Road 56, Fort Collins, CO, 80524. 4 pages.

17CW3195 City of Boulder, c/o Joe Taddeucci, taddeuccij@bouldercolorado.gov, PO Box 791, Boulder, CO 80306, (303) 441-3200. Attorneys: Douglas M. Sinor, Trout Raley, 1120 Lincoln Street, Suite 1600, Denver, CO 80203, (303) 861-1963, dsinor@troutlaw.com; and Jessica L. Pault-Atiase, City of Boulder, Colorado Office of the City Attorney, PO Box 791, Boulder, CO 80306, (303) 441-3020, pault-atiasej@bouldercolorado.gov. **APPLICATION FOR WATER RIGHTS AND APPROVAL OF PLAN FOR AUGMENTATION, INCLUDING EXCHANGE IN BOULDER COUNTY, COLORADO**

1. Name, Mailing Address, Email Address, and Telephone Number of Applicant: City of Boulder (“Boulder”) c/o Joe Taddeucci, P.E., Water Resources Manager P.O. Box 791 Boulder, Colorado 80306-0791 Telephone: (303) 441-3200 Email: taddeuccij@bouldercolorado.gov Please transmit all correspondence to: Douglas M. Sinor, Esq. TROUT RALEY 1120 Lincoln Street, Suite 1600 Denver, Colorado 80203 Telephone: (303) 861-1963 Email: dsinor@troutlaw.com and Jessica L. Pault-Atiase, Esq. CITY OF BOULDER, COLORADO OFFICE OF THE CITY ATTORNEY P.O. Box 791 Boulder, Colorado 80306-0791 Telephone: (303) 441-3020 Email: pault-atiasej@bouldercolorado.gov

2. Description of Application: The Evert Pierson Kids’ Fishing Ponds are two interconnected and unlined ponds (hereinafter referred to as the “West Pond” and the “East Pond” individually, or the “Ponds” collectively) located along the Boulder Creek Path near the intersection of Canyon Boulevard and 6th Street in Boulder, Colorado. The Ponds intercept and are partially filled by ground water tributary to Boulder Creek, and are further supplied by water diverted from Boulder Creek via an inlet channel and headgate into the West Pond. Surface water diverted into the West Pond flows to the East Pond via 1) a notched rectangular weir and a gate valve and 2) a buried ungated pipe between the two Ponds. Water is released from the East Pond via either a gated outlet structure or overflow structure, and is returned to Boulder Creek via a return flow channel. The Ponds and their diversion and return flow structures were created by sand and gravel mining that began in the 1920s and was completed in the 1940s. Since the completion of mining, the Ponds have been stocked with trout and water has been diverted year-round from Boulder Creek into and through the Ponds and back to Boulder Creek for piscatorial, aesthetic, and recreational purposes to create a fishing area for children. By this application, Boulder seeks confirmation of an absolute ground water right for the Ponds, an absolute surface right from Boulder Creek to provide freshening flows through the Ponds and to refill the Ponds after the water levels have been partially lowered for maintenance and rehabilitation or due to limited water availability for surface diversions. Boulder also seeks a determination that the Ponds are exempt from replacement of evaporative losses from ground water exposed as a result of sand and gravel mining that occurred prior January 1, 1981 and approval of a plan for augmentation to replace out-of-priority depletions caused by evaporation from a portion of the surface area of the Ponds as a result of raising the water levels in the Ponds by operation of the surface diversion. Application for Ground Water Rights

3. Ground Water Right a. Evert Pierson Kids’ Fishing Ponds: The Ponds are located on the north bank of Boulder Creek in the NE1/4 NE1/4 of Section 36 and the SE1/4 SE1/4 of Section 25, Township 1 North, Range 71 West of the 6th P.M., Boulder County, Colorado. The Ponds have a combined maximum surface area of 0.68 acres when surface flows are diverted through the Ponds. b. A map depicting the approximate locations of the Ponds, inlet channel, headgate and return flow channel is attached to the application as **Exhibit A**. c. Source: Ground water tributary to Boulder Creek. d. Amount Claimed: 0.01 c.f.s., Absolute. e. Uses: Recreation, wildlife, aesthetic, and piscatorial uses in and around the Ponds. f. Appropriation Date: May 23, 1949, based on completion of mining and creation of a fishing area for children.

4. Surface Water Right a. Evert Pierson Kids’ Fishing Ponds Diversion Structure: The diversion structure for the Ponds is comprised of a constructed inlet channel and headgate, which are located on the north bank of Boulder Creek in the NE1/4 NE1/4 of Section 36, Township 1 North, Range 71 West of the 6th P.M., Boulder County, Colorado. The inlet channel diverts water from the main channel of Boulder Creek at a Universal Transverse Locator (UTM) coordinate of Zone 13, Northing 4429322 meters, Easting 475500 meters and

conveys the diverted water to a headgate located at a UTM coordinate of Zone 13, Northing 4429339 meters, Easting 475532 meters. Diverted water enters the West Pond and then flows through the East Pond before returning to Boulder Creek through a return flow channel at a UTM coordinate of Zone 13, Northing 4429396 meters, Easting 475726 meters. The source of the above UTM coordinates is a Trimble R2 device with a 3-foot accuracy of location. b. A map depicting the approximate location of the Ponds, inlet channel, headgate and return flow channel is attached to the application as **Exhibit A**. c. Source: Boulder Creek. d. Amount Claimed: 5.0 c.f.s., ABSOLUTE. e. Uses: Piscatorial, aesthetic, and recreational purposes in and around the Ponds. f. Appropriation Date: May 23, 1949, based on completion of mining and creation of a fishing area for children. Application for Approval of Plan for Augmentation, Including Exchange 5. Name of Structures to be Augmented: The Evert Pierson Kids' Fishing Ponds and the Evert Pierson Kids' Fishing Ponds Diversion Structure. 6. Sources of Augmentation Water: a. Reusable Instream Flow Water Rights: Fully consumable water from the water rights described in section 6.a.i., below, that is available to Boulder after the first use of the water rights for instream flow purposes by the Colorado Water Conservation Board ("CWCB"). These water rights were the subject of decrees entered by the District Court, Water Division No. 1 on May 31, 1989 in Case Nos. W-7569, W-7570 and W-8520-77, on December 20, 1993 in Case No. 90CW193, on July 20, 1996 in Case No. 94CW268, on December 22, 1997 in Case No. 94CW285, on May 8, 2000 in Case No. 94CW284, and on January 11, 2011 in Case No. 08CW163. By those decrees, the water rights were changed to allow use by Boulder for municipal purposes, use by the CWCB for instream flow purposes, and reuse after a first use by the CWCB for instream flow purposes. The percentages of the water rights that are reusable after their first use for instream flow purposes were quantified in the decree entered in Case No. 90CW193. Only water which is actually used by the CWCB in accordance with the decree in Case No. 90CW193, and is physically delivered to the terminus of "Segment C," shall be available for use by Boulder for augmentation purposes. Such usage by the CWCB must be in accordance with the limitations contained in Part IV of the decree in Case No. 90CW193, specifically including but not limited to those conditions contained in paragraph 4.14 of said decree. i. Date Decrees Entered, Case Nos. and Courts, Amount, Appropriation Date, Decreed Use: 1. Anderson Ditch: 2.23 c.f.s. of the Anderson Ditch water right. The Anderson Ditch was decreed a water right for 25.0 c.f.s. for irrigation use, with an appropriation date of October 1, 1860, by the District Court in and for Boulder County on June 2, 1882. 2. Farmers Ditch: 12.17 c.f.s. of the Farmers Ditch water right. The Farmers Ditch was decreed a water right for 73.29 c.f.s. for irrigation use, with an appropriation date of October 1, 1862, by the District Court in and for Boulder County on June 2, 1882. 3. Harden Ditch: 1.8 c.f.s. of the Harden Ditch water right. The Harden Ditch was decreed a water right for 21 c.f.s. for irrigation use, with an appropriation date of June 1, 1862, by the District Court in and for Boulder County on June 2, 1882. 4. McCarty Ditch: 0.643 c.f.s. of the McCarty Ditch water right. The McCarty Ditch was decreed a water right for 5 c.f.s. for irrigation use, with an appropriation date of June 1, 1862, by the District Court in and for Boulder County on June 2, 1882. 5. Smith and Goss Ditch: 0.451 c.f.s. of the Smith and Goss Ditch water right. The Smith and Goss Ditch was decreed a water right for 44.3 c.f.s. for irrigation use, with an appropriation date of November 15, 1859, by the District Court in and for Boulder County on June 2, 1882. ii. Source: Boulder Creek, North Boulder Creek and Middle Boulder Creek. b. Windy Gap Project Water: Fully consumable water that is available to Boulder through its ownership of 37 units of water supplied by the Windy Gap Project of the Municipal Subdistrict of the Northern Colorado Water Conservancy District. Windy Gap water is fully consumable and reusable. Windy Gap water, or return flows from the use of Windy Gap water for municipal purposes in Boulder's water supply system, may be used for augmentation hereunder. The original decrees for the water rights for the Windy Gap Project were entered by the District Court, Water Division No. 5, in Case Nos. 1768, W-4001 and 80CW108, on October 27, 1980. The sources of water are the Colorado River and Willow Creek, a tributary of the Colorado River. The features, structures, appropriation dates, amounts, and beneficial uses of the Windy Gap Project water rights are as set forth in the decrees in Case Nos. 1768, W-4001 and 80CW108. The return flows attributable to the City's use of its 37 Windy Gap units were previously quantified in the decrees entered in the following cases: Case No. 90CW193, District Court, Water Division No. 1, on December 20, 1993; Case No. 94CW285, District

Court, Water Division No. 1, on December 22, 1997; Case No. 94CW284, District Court, Water Division No. 1, on May 8, 2000; and Case No. 08CW163, District Court, Water Division No. 1, on January 11, 2011. c. North Boulder Farmers Water Rights: Fully consumable water that is available to Boulder from water rights represented by the City's ownership of 656.2 shares of stock in North Boulder Farmers Ditch as these shares and rights are decreed for the alternate uses in Case No. 94CW285, District Court, Water Division No. 1, entered on December 22, 1997. Return flows from municipal use of such rights were quantified in the Case No. 94CW285 decree. The North Boulder Farmers Water Rights are more fully described as follows: i. Description of Water Rights: The North Boulder Farmers Ditch Company is a mutual ditch company with 5,712 shares of stock outstanding. The North Boulder Farmers Ditch Company operates the North Boulder Farmers Ditch. The following water rights are decreed to the North Boulder Farmers Ditch: 1. Dates, Case Nos., and Court for Previous Decrees: June 2, 1882, Original Adjudication of Water Rights in Water District 6, District Court in and for Boulder County; June 9, 1914, Case No. 6582, District Court in and for Boulder County. 2. Decreed Point of Diversion: The decreed point of diversion for the North Boulder Farmers Ditch is on the north bank of Boulder Creek in the SW1/4 SW1/4, Section 30, Township 1 North, Range 70 West of the 6th P.M., commonly known as the 12th Street Bridge Headgate at the intersection of Broadway with Boulder Creek, between Canyon Boulevard and Arapahoe Avenue in the City of Boulder, Colorado. 3. Source: Boulder Creek. 4. Appropriation Dates and Amounts: June 1, 1862 for 10.78 c.f.s.; June 1, 1863 for 37.22 c.f.s. d. Lower Boulder and Baseline Water Rights: Fully consumable water that is available to Boulder from water rights represented by the City's ownership of 7 shares of the preferred capital stock and 10 shares of the common capital stock of the New Consolidated Lower Boulder Reservoir and Ditch Company and its pro-rata share of the water rights decreed to Baseline Reservoir represented by 11.265 shares of stock of the Base Line Land and Reservoir Company decreed for the alternate uses in Case No. 94CW284, District Court, Water Division No. 1, entered on May 8, 2000. Return flows from municipal use of such rights were quantified in the Case No. 94CW284 decree. The Lower Boulder and Baseline Water Rights are more fully described as follows: i. Description of Lower Boulder Ditch Water Rights: The New Consolidated Lower Boulder Reservoir and Ditch Company ("New Lower Boulder Company") is a mutual ditch company. The New Lower Boulder Company operates the Lower Boulder Ditch. The following water rights are decreed to the Lower Boulder Ditch: 1. Date, Case No. and Court: June 2, 1882, Civil Action No. 1282, District Court in and for Boulder County. 2. Decreed Point of Diversion: The headgate of the Lower Boulder Ditch is located on the south bank of Boulder Creek at a point in the SW1/4 SW1/4, Section 16, Township 1 South, Range 69 West, 6th P.M., Boulder County, Colorado. 3. Source: Boulder Creek. 4. Appropriation Dates and Amounts: October 1, 1859 for 25.0 c.f.s.; June 1, 1870 for 97 c.f.s. ii. Description of Baseline Reservoir Water Rights: The Base Line Land and Reservoir Company ("Base Line Company") is a mutual ditch company with 553 shares of stock outstanding. The Base Line Company operates Baseline Reservoir. The following water rights are decreed to Baseline Reservoir: 1. Dates, Case Nos., and Court: June 21, 1926, Civil Action No. 6672; January 9, 1935, Civil Action No. 6672 (supplemental decree); September 28, 1953, Civil Action No. 12111, Boulder County District Court. 2. Decreed Point of Diversion: Baseline Reservoir is located in Sections 2 and 3, Township 1 South, Range 70 West, 6th P.M., and in Sections 34 and 35, Township 1 North, Range 70 West, 6th P.M., all in Boulder County, Colorado. Water has historically been diverted into Baseline Reservoir from Boulder Creek, Bear Creek, and South Boulder Creek at the following points: a. A point on the south or east bank of Boulder Creek near the east line of the NE1/4 NE1/4, Section 35, Township 1 North, Range 71 West, 6th P.M., Boulder County, Colorado. The structure is known as the Anderson Ditch. b. A point on the south bank of Bear Creek in the SW1/4 SE1/4, Section 5, Township 1 South, Range 70 West, 6th P.M., Boulder County, Colorado. The structure is known as the Anderson Extension Ditch. c. A point on the east bank of South Boulder Creek in the SW1/4 SW1/4, Section 3, Township 1 South, Range 70 West, 6th P.M., Boulder County, Colorado. The structure is known as the New Dry Creek Carrier and the Enterprise Ditch. 3. Source: Boulder Creek, Bear Creek, and South Boulder Creek. 4. Appropriation Dates and Amounts: November 4, 1904 in the amount of 2,929.9 acre-feet; November 29, 1922 in the amount of 1,671.7 acre-feet; November 30, 1935 in the amount of 847 acre-feet; December 31, 1929 in

the amount of 1,395 acre-feet (refill). e. Case No. 99CW217 Barker Reservoir Storage Right: Fully consumable water that is available to Boulder from water diverted pursuant to the water right decreed to the Barker Meadow Reservoir in Case No. 99CW217 by the District Court for Water Division No. 1 on April 5, 2013. Return flows from indoor use of the 99CW217 Decree Barker Storage Rights were previously quantified in the decree entered in Case No. 15CW3047, District Court, Water Division No. 1, on October 18, 2016. The 99CW217 Barker Storage Rights are more particularly described as follows: i. Legal Description: Barker Meadow Reservoir is located on Middle Boulder Creek, in the West 1/2, Section 17, and in Section 18, Township 1 South, Range 72 West of the 6th P.M., and in the East 1/2 of Section 13, Township 1 South, Range 73 West of the 6th P.M., Boulder County, Colorado. ii. Source: Middle Boulder Creek, a tributary of Boulder Creek. iii. Date of Appropriation: November 17, 1999. iv. Amount: 3,687 acre-feet per year fill, CONDITIONAL; 1,307 acre-feet per year refill, CONDITIONAL. v. Use: All municipal purposes including, without limitation, domestic, irrigation, commercial, industrial, power generation, fire protection, recreation, fish and wildlife preservation and propagation, exchange, substitution, augmentation, replacement and recharge, within the Boulder service area and outside the Boulder service area for such extra-territorial customers as Boulder may serve from time to time pursuant to City Charter and contracts. Such use shall include the right to make a fully consumptive first use of the water and to use, reuse, and successively use the water to extinction for the purposes described in the foregoing sentence. f. 2015 Barker Reservoir Storage Rights: Fully consumable water available to Boulder from water diverted pursuant to the water rights for Barker Meadow Reservoir pending in the application filed in Case No. 15CW3175, District Court, Water Division No. 1, on December 30, 2015, which rights are more particularly described as follows: i. Legal Description: Barker Meadow Reservoir is located on the mainstem of Middle Boulder Creek in the W1/2 of Section 17 and in Section 18, Township 1 South, Range 72 West, of the 6th P.M. and in the E1/2 of Section 13, Township 1 South, Range 73 West, of the 6th P.M. ii. Source: Middle Boulder Creek, a tributary of Boulder Creek. iii. Uses: All municipal purposes, including, without limitation, domestic, storage, irrigation, commercial, industrial, power generation, fire protection, recreation, fish and wildlife preservation and propagation, exchange, substitution, augmentation, replacement and recharge, within the Boulder service area and outside the Boulder service area for such extra-territorial customers as Boulder may serve from time to time pursuant to City Charter and contracts. Such use shall include the right to make a fully consumptive first use of the water and to use, reuse, and successively use the water to extinction for the purposes described in the foregoing sentence. g. Additional Water Rights: Water from additional and alternative sources may be used for augmentation in this plan for augmentation if such sources are decreed or lawfully available for such use or are part of a substitute water supply plan approved by the State Engineer pursuant to §37-92-308, C.R.S., or an interruptible supply agreement approved under §37-92-309, C.R.S., or other applicable and/or successor statutes. 7. Description of Plan for Augmentation: By this application, Boulder seeks approval of a plan for augmentation to augment out-of-priority depletions caused by evaporation from a portion of the surface area of the Ponds and by the occasional refilling of the Ponds after they have been allowed to drain for maintenance by shutting off the surface diversion or due to limited water availability for surface diversions. The Ponds have a maximum total surface area of 0.68 acres. Boulder seeks a determination that evaporation from 0.29 surface acres of the Ponds is attributable to ground water exposed as a result of sand and gravel mining that occurred prior to January 1, 1981, the depletions from which do not need to be replaced. Out-of-priority depletions resulting from evaporation attributable to the remaining 0.39 acres of surface area results from surface diversions into the Ponds and will be augmented when the claimed surface water right is out of priority pursuant to this application. These depletions occur to Boulder Creek at the location of the Ponds and are instantaneous to Boulder Creek. The approximate location of the Ponds and the Ponds Diversion Structure on Boulder Creek is shown on the map attached to the application as **Exhibit A**. a. Pre-1981 Exemption: The Ponds and their diversion and return flow structures were created by sand and gravel mining that began in the 1920s and was completed in the 1940s. The configuration and total surface area of the Ponds has not materially changed since the cessation of mining activities. The Ponds are unlined and intercept groundwater tributary to Boulder Creek, but only to a certain water level elevation. When the Ponds are

full, their water surface level is higher than the adjacent segment of Boulder Creek and water flows over the Ponds' overflow structure into Boulder Creek and seeps from the Ponds through the creek bank and into Boulder Creek. When the Ponds Diversion Structure is closed, the Ponds' water levels decline to a point where they are in equilibrium with the creek and the adjacent groundwater. The minimum combined water surface area of the Ponds at equilibrium with local groundwater is 0.29 acres. Boulder claims an exemption from the obligation to replace evaporative depletions from the 0.29 acres of the Ponds' water surface area exposed prior to 1981 pursuant to §37-90-137(11)(b), C.R.S. and the Order dated August 27, 2009 in Division 1 Water Court Case No. 09CW49. b. Instream Flows and Pre-Existing Use of Surface Diversion: Following the completion of mining and creation of a fishing area for children on May 23, 1949, the Ponds have been stocked with trout and water has been diverted year-round from Boulder Creek into and through the Ponds and back to Boulder Creek for piscatorial, aesthetic, and recreational purposes. Since 1949, the water levels in the Ponds have historically been lowered annually by shutting off the surface diversion in order to perform maintenance, and the Ponds were allowed to refill with surface diversions over a short period in the early spring. Historical diversions into the Ponds have been approximately 5 c.f.s. year-round. Boulder claims that Pond operations constitute pre-existing uses with respect to the instream flow appropriation decreed on January 21, 1980 in Case No. W-7636-74 with a priority date of October 1, 1973. Pursuant to §37-92-102(3)(b), C.R.S., the CWCB's instream flow right decreed in Case No. W-7636-74 is subject to practices in existence on the date of such appropriation, whether or not previously confirmed by court order or decree. As the CWCB's agent for purposes of administering the instream flow program along Boulder Creek, Boulder will closely monitor the streamflow in Boulder Creek at the Evert Pierson Kids' Fishing Ponds Diversion Structure. c. Depletions: i. Evaporation: The Ponds' water surface levels will be measured and recorded daily and the surface area and net evaporation calculated daily. The maximum annual evaporative depletions from 0.39 acres of the Ponds are estimated to be approximately 1.74 acre-feet. On days when the Ponds water surface levels are not measured and recorded, the Ponds' surface area will be assumed to be 0.68 acres, of which 0.39 acres are not exempt and require replacement. Ice cover may be used to reduce the amount of evaporative losses that must be replaced. ii. Out-of-Priority Diversions to Refill the Ponds: Minor additional depletions will occur from the occasional refilling of the Ponds after the water levels have been partially lowered for maintenance by shutting off the surface diversion or due to limited water availability for surface diversions. Boulder has developed a stage-area-capacity curve for the Ponds and will determine any such additional depletions on a daily basis based upon the volume of the Ponds that is filled with surface water. d. Delivery of Augmentation Water: Boulder shall replace the current day stream depletion on days when the call from water rights downstream of the Ponds is senior to the date of the filing of the application in this case, except as provided in paragraph 7(b) above with respect to the instream flow right, at one or more of the following locations: (i) outlet of the Boulder Creek Supply Canal, (ii) outlet of Skyscraper Reservoir, (iii) outlet of Barker Meadow Reservoir, (iv) outlet of Silver Lake Reservoir, (v) terminus of "Segment C" of the instream flow reach on Boulder Creek at the 75th Street Bridge, and (vi) outfall of the Boulder Wastewater Treatment Facility. 8. Claim for Appropriative Right of Substitution and Exchange: a. Name of Exchange: Evert Pierson Kids' Fishing Ponds Augmentation Exchange. b. Exchange-to Location: The Evert Pierson Kids' Fishing Ponds Diversion Structure described in paragraph 3.a. above and depicted on **Exhibit A**. c. Exchange-From Locations (all located in Boulder County, Colorado): i. The terminus of "Segment C" of the instream flow reach on Boulder Creek at or near the 75th Street Bridge near the center of Section 13, Township 1 North, Range 70 West of the 6th P.M. ii. At or near the intersection of Boulder Creek and 75th Street, in the SW1/4 SW1/4 NE1/4, Section 13, Township 1 North, Range 70 West of the 6th P.M., at a point located approximately 2,500 feet from the north section line and 2,340 feet from the east section line of said Section 13, Boulder County, Colorado, which is the approximate location of Boulder's Wastewater Treatment Facility outfall; iii. The outlet of the Boulder Creek Supply Canal located on the north bank of Boulder Creek in the NW1/4 SW1/4, Section 13, Township 1 North, Range 70 West, 6th P.M., at a point located approximately 200 feet from the west section line and 2,500 feet from the south section line of said Section 13. d. Rate: 5.0 c.f.s., CONDITIONAL. e. Sources of Substitute Supply: The water rights and water sources described in

paragraph 6 above. f. Date of Appropriation: December 21, 2017 g. Uses: Augmentation and replacement of depletions from the Evert Pierson Kids' Fishing Ponds described in paragraph 3.a. 9. Name and address of owner of land upon which any new diversion or storage structure or modification to any existing diversion or storage structure or existing storage pool is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool: No new diversion or storage structures or modification to any existing diversion or storage structure or existing storage pool is or will be constructed. Applicant is the owner of the land upon which water is or will be stored. (14 pages).

17CW3196 DBS, LLC, 4501 S. Santa Fe Blvd., Littleton, CO 80110 (James J. Petrock, Petrock & Fendel, 700 17th Street, #1800, Denver, CO 80202), APPLICATION FOR CHANGE OF WATER RIGHT, **DOUGLAS COUNTY**. Decree information for which change is sought: Case No. 05CW243, decreed on February 24, 2006. The property which is the subject of the decree is 36.2 acres, being Tract 1, Chatfield Ridge Third Amendment, generally located in the NW1/4NE1/4 of Section 28, T6S, R68W of the 6th P.M., Douglas County, as shown on Attachment A (Subject Property). Applicant is the owner of the Subject Property and the groundwater which is the subject of this application. Proposed change: In the original decree, an augmentation plan was approved for use of 5 acre-feet per year for 200 years of not nontributary Arapahoe aquifer groundwater for commercial use in a landscaping business operation, including irrigation. By this application, Applicant requests that the decreed uses be changed to include in house use in two residences and stockwatering use. Applicant reserves the right to revise the uses without having to amend the application or republish the same. Return flow from in-house use will be approximately 90% of that use. Applicant is required to replace 4% of the annual amount and return flow from commercial, in house and irrigation use is sufficient to replace the required amount annually. (The actual depletion at 200 years of pumping is only 0.72% of the annual amount withdrawn). Depletions occur to the Plum Creek stream system and return flows accrue to that stream system. No other provisions of the original decree will be changed, including reservation of an equal amount of nontributary groundwater for replacement of post pumping depletions. Further, Applicants pray that this Court grant the application and for such other relief as seems proper in the premises. (4 pages).

17CW3197 REJECTED APPLICATION.

17CW3198 Larimer County Canal No. 2 Irrigating Company, c/o Brent Bartlett, Esq. Sara J.L. Irby, Esq. Fischer, Brown, Bartlett & Gunn, P.C. 1319 E. Prospect Road, Fort Collins, CO 80525, (970)407-9000. APPLICATION FOR CORRECTION OF ESTABLISHED BUT ERRONEOUSLY DESCRIBED POINT OF DIVERSION PURSUANT TO C.R.S. §37-92-305(3.6) IN LARIMER COUNTY. Please send all further pleadings to: Brent Bartlett, Esq. and Sara J.L. Irby, Esq., Fischer, Brown, Bartlett & Gunn, P.C., 1319 E. Prospect Road, Fort Collins, CO 80525. 2. Purpose of Application. The Larimer County Canal No. 2 Irrigating Company ("Applicant") is the owner of certain water rights decreed on April 11, 1882 in the original adjudication under Civil Action No. 320, Larimer County District Court. Applicant obtained a subsequent decree on June 27, 1907 in Case No. 2026, Larimer County District Court changing the point of diversion of the Larimer County Canal No. 2 from the originally decreed point to the point of diversion of the headgate for the ditch commonly referred to as the City Ditch ("Case No. 2026"). By this application, Applicant seeks to correct the established but erroneously described point of diversion set forth in Case No. 2026, pursuant to C.R.S. §37-92-305(3.6). 3. Decreed Water Right for which Correction is Sought. 3.1. Name of Structure: Larimer County Canal No. 2. 3.2. Decrees. 3.2.1. Original Decree: Civil Action No. 320, District Court for Larimer County, Colorado dated April 11, 1882. 3.2.2. Change Case: Case No. 2026, District Court for Larimer County, Colorado dated June 7, 1907. 3.3. Legal Description of Structure decreed in Case No. 2026. Case No. 2026 described the location of the Larimer County Canal No. 2 headgate as follows: Such headgate being located about one mile above the Town of La Porte on the south side of the Cache la Poudre River in the SW 1/4 of Section 28, Township 8 North, Range 69 West at or near the place called Point of Rocks. 3.4.

Decreed source of water. Cache la Poudre River, a tributary to the South Platte River. 3.5. Appropriation Date. April 1, 1873. 3.6. Amount. 175 cfs. 3.7. Use. Irrigation of lands and domestic purposes. 4. Detailed description of proposed corrections to an established but erroneously described point of diversion. 4.1. Statement of Correction. Applicant seeks to correct the established but erroneously described point of diversion in the decree entered on June 27, 1907 in Case No. 2026, Larimer County District Court, to the established point of diversion for the Larimer County Canal No. 2 described below. On April 11, 1906, Applicant and the City of Fort Collins entered into a 99-year lease agreement whereby the Applicant obtained the right to use the ditch right of way known as the City Ditch and to divert its water rights at the City Ditch headgate (the "Lease Agreement"). In 1907, Applicant obtained a decree in Case No. 2026 allowing Applicant to change its point of diversion from the point described in Civil Action 320 to the City Ditch headgate located upstream of the original point of diversion between the north section line of Section 32 and the south section line of Section 29, in Township 8 North, Range 69 West of the 6th P.M., Larimer County. Since entry of the decree in Case No. 2026, Applicant has used the City Ditch headgate to divert its water rights originally decreed in Civil Action 320. The point of diversion was erroneously described in Case No. 2026 due to a presumed clerical error that has been perpetuated in various subsequent cases concerning the Larimer County Canal No. 2. The erroneous description was discovered by Applicant's counsel in January 2017. Upon information and belief, the City Ditch headgate has always been located in the corrected point of diversion location. Accordingly, in support of this Application, Applicant meets all of the requirements set forth in C.R.S. §37-92-305(3.6)(a) and (b) for correcting an established but erroneously described point of diversion: (A) Applicant is the owner of the water rights for the Larimer County Canal No. 2; (B) The established headgate for the City Ditch, which Larimer County Canal No. 2 has used since the entry of the decree in 1907 in Case No. 2026, has been at the same physical location since entry of the decree in Case No. 2026; (C) Applicant has diverted water with the intent to divert pursuant to Case No. 2026; (D) This Application does not include nor will it be consolidated or joined with an action by Applicant seeking any type of change of water right or diligence proceeding or application to make absolute with respect to the water right or rights included in this application; and (E) The established point of diversion is more than 500 feet away from the legal description for the point of diversion set forth in the Case No. 2026. 4.2. Legal Description of the Corrected Point of Diversion. The correct legal description of the Larimer County Canal No. 2 point of diversion is as described below. A map showing the decreed point of diversion and the corrected point of diversion is attached hereto as Exhibit A. 4.2.1. UTM coordinates: 4.2.1.1. NAD 1983, Zone 13N; Easting: 487189; Northing: 4497228. 4.2.2. Legal Description: 4.2.2.1. The SW ¼ of the SW ¼ of Section 29, Township 8 North, Range 69 West of the 6th P.M., Larimer County, Colorado, 240 feet from the West Section line and 16 feet from the South Section line. 5. Name and addresses of owner(s) or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool. 5.1. James S. Brink Trust, c/o Rose L. Brinks, P.O. Box 710, LaPorte, CO 80535 5.2. Harry G. Nequette and Michelle R. Nequette, 4009 Green Ridge Drive, LaPorte, CO 80535. WHEREFORE, pursuant to C.R.S. §37-92-305(3.6), Applicant respectfully asks the Court to enter a decree granting the correction of the established but erroneously described point of diversion as set forth herein and such other relief as the Court deems necessary and proper. 5 pages.

17CW3199 The New Mercer Ditch Company, c/o Brent Bartlett, Esq., Sara J.L. Irby, Esq., Fischer, Brown, Bartlett & Gunn, P.C., 1319 E. Prospect Road, Fort Collins, CO 80525, (970)407-9000. CORRECTION OF ESTABLISHED BUT ERRONEOUSLY DESCRIBED POINT OF DIVERSION PURSUANT TO C.R.S. §37-92-305(3.6) in LARIMER COUNTY. Please send all further pleadings to: Brent Bartlett, Esq. and Sara J.L. Irby, Esq., Fischer, Brown, Bartlett & Gunn, P.C., 1319 E. Prospect Road, Fort Collins, CO 80525. 2. Purpose of Application. The New Mercer Ditch Company ("Applicant") is the owner of certain water rights decreed on April 11, 1882 in the original adjudication under Civil Action No. 320, Larimer County District Court, in which the point of diversion was erroneously described. By this application, Applicant seeks to correct the established but erroneously

described point of diversion set forth in Civil Action No. 320, pursuant to C.R.S. §37-92-305(3.6). CORRECTION OF ESTABLISHED BUT ERRONEOUSLY DESCRIBED POINT OF DIVERSION PURSUANT TO C.R.S. §37-92-305(3.6). 3. Decreed Water Right for which Correction is Sought. 3.1. Name of Structure: New Mercer Ditch 3.2. Decrees. Civil Action No. 320, District Court for Larimer County, Colorado dated April 11, 1882. 3.3. Legal Description of Structure decreed in Civil Action No. 320. 3.3.1. Civil Action 320 describes the location of the New Mercer Ditch headgate as follows: “[T]aking its supply of water from the Cache la Poudre river, with headgate on the south side thereof, one mile above the town of La Porte on said river, and situated on the south-west quarter of Section No. 28, Township No. Eight North, Range No. Sixty-Nine West at a place called Point of Rocks.” 3.4. Decreed source of water. Cache la Poudre River, a tributary to the South Platte River. 3.5. Appropriation Dates and Amounts. 3.5.1 Original Construction: September 1, 1869 – 4.17 cfs 3.5.2. First Extension: October 10, 1871 – 8.33 cfs 3.5.3. First Enlargement: July 1, 1872 – 15 cfs 3.5.4. Second Enlargement: February 15, 1880 – 136 cfs¹ [An abandonment decree was entered on December 26, 1985 in Case No. 84CW663, District Court, Water Division No. 1, in which the water right declared partially abandoned was the New Mercer Ditch Third (sic) Enlargement, 136 cfs, February 15, 1880, Civil Action 320. The amount decreed abandoned was 85.53 cfs]. 3.6. Use. Irrigation of lands and domestic purposes. 4. Detailed description of proposed corrections to an established but erroneously described point of diversion. 4.1. Statement of Correction. Applicant seeks to correct the established but erroneously described point of diversion in the decree entered on April 11, 1882 in Civil Action No. 320, Larimer County District Court, to the established point of diversion for the New Mercer Ditch, which is generally located at a point between the north section line of Section 32 and the south section line of Section 29, in Township 8 North, Range 69 West of the 6th P.M., Larimer County, Colorado, as more specifically described below in Paragraph 4.2. The point of diversion was erroneously described in Civil Action No. 320, and such erroneous description has been perpetuated in various subsequent cases concerning the New Mercer Ditch. The erroneous description was discovered by Applicant’s counsel in February 2017 when preparing an application for correction of the established but erroneously described point of diversion for the Larimer County Canal No. 2, which uses the same headgate as the New Mercer Ditch. Upon information and belief, the point of diversion for the New Mercer Ditch has always been located in the corrected point of diversion location described below in Paragraph 4.2. Accordingly, in support of this Application, Applicant meets all of the requirements set forth in C.R.S. §37-92-305(3.6)(a) and (b) for correcting an established but erroneously described point of diversion: (A) Applicant is the owner of the water rights for the New Mercer Ditch; (B) The established point of diversion for the New Mercer Ditch has been at the same physical location since entry of the decree in Civil Action No. 320; (C) Applicant has diverted water with the intent to divert pursuant to Civil Action No. 320 and any subsequent cases permitting diversion of Applicant’s water right at the established point of diversion; (D) This Application does not include nor will it be consolidated or joined with an action by Applicant seeking any type of change of water right or diligence proceeding or application to make absolute with respect to the water right or rights included in this application; and (E) The established point of diversion is more than 500 feet away from the legal description for the point of diversion set forth in Civil Action No. 320. 4.2. Legal Description of the Corrected Point of Diversion. The correct legal description of the New Mercer Ditch point of diversion is as described below. A map showing the decreed point of diversion and the corrected point of diversion is attached hereto as **Exhibit A**. 4.2.1. UTM coordinates: NAD 1983, Zone 13N; Easting: 487189; Northing: 4497228. 4.2.2. Legal Description: The SW1/4 of the SW1/4 of Section 29, Township 8 North, Range 69 West of the 6th P.M., Larimer County, Colorado, 240 feet from the West Section line and 16 feet from the South Section line. 5. Name and addresses of owner(s) or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool. 5.1. James S. Brink Trust, c/o Rose L. Brinks, P.O. Box 710, LaPorte, CO 80535. 5.2. Harry G. Nequette and Michelle R. Nequette, 4009 Green Ridge Drive, LaPorte, CO 80535.

WHEREFORE, pursuant to C.R.S. §37-92-305(3.6), Applicant respectfully asks the Court to enter a decree granting the correction of the established but erroneously described point of diversion as set forth herein and such other relief as the Court deems necessary and proper.

17CW3200 Camp St. Malo Religious Retreat and Conference Center, Inc. c/o Real Estate Department, 1300 S. Steele St., Denver, CO 80210-2599. Please direct all correspondence to Paul J. Zilis, Esq., and Geoffrey M. Williamson, Esq., Vranesh and Raisch, LLP, 1720 14th Street, Suite 200, Boulder, CO 80302. Telephone: (303) 443-6151. Fax: (303) 443-9586. E-mail: pjz@vrlaw.com, gmw@vrlaw.com. APPLICATION FOR CONDITIONAL WATER STORAGE RIGHT in **BOULDER COUNTY**. 2.Name of structure: Camp St. Malo Pond No. 6. 3.Legal description of structure: Camp St. Malo Pond No. 6 is located in the NE1/4 NW1/4 of Section 11 and the SE1/4 SW1/4 of Section 2, T3N R73W, 6th P.M., Boulder County, with outlet works located at a point approximately 1,800 feet east of the NW corner of Section 11. The UTM coordinates are 4455281N, 454474E, UTM Zone 13N NAD83. PLSS distances and UTM coordinates were determined electronically using ArcGIS. Camp St. Malo Pond No. 6 is an on-channel pond formed by water impounded against the raised roadbed of Colorado State Highway 7. Water is released from the pond via a culvert underneath Colorado State Highway 7. A map showing Camp St. Malo Pond No. 6 is attached as Exhibit 1 to the Application. 4.Source: Cabin Creek and Rock Creek, both tributary to St. Vrain Creek. 5.Date of appropriation: April 30, 2016. a.How appropriation was initiated: Applicant and the Colorado Department of Transportation constructed Camp St. Malo Pond No. 6 in conjunction with remediation and repair work on Applicant's property and Colorado State Highway 7 following extensive flooding in September 2013. Applicant's staff, consultants, and legal counsel studied and developed the details of the claimed absolute water right in preparation for filing this application. b.Date water applied to beneficial use: The entire volume of the claimed water right is conditional. 6.Amount claimed: 1.0 acre-foot, CONDITIONAL, in any water year plus the right to refill continuously in accordance with the claimed priority. 7.Proposed Uses: Applicant has historically operated various church-related facilities at the property on which Camp St. Malo Pond No. 6 is located, including a camp, chapel, and visitor center. Exhibit 1 shows the boundaries of Applicant's property. Applicant is currently repairing and redeveloping the facilities on this property following a fire that destroyed the majority of those facilities, and following the September 2013 floods, which caused significant additional damage to Applicant's facilities and altered the natural landscape. Applicant will use the water right for multiple uses associated with the redeveloped facilities on the property, including, but not limited to, recreational, piscatorial, storage, flood protection, and environmental mitigation and restoration. 8.Surface area of high water line: 0.3 acre. a.Vertical height of dam: Not applicable, as water is impounded by the roadbed of Colorado State Highway 7 instead of a dam. b.Length of dam: Not applicable. 9.Total capacity of structure: approximately 1.0 acre-foot. 10.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: All lands upon which Camp Saint Malo Pond No. 6 is located are owned by Applicant. 11.Remarks: Camp St. Malo Pond No. 6 is an unlined, on-channel structure that fills with surface water from Cabin Creek and Rock Creek. The surface area and capacity described herein are estimates based on available information at the time of filing this application. The actual surface area at the high water line may be larger or smaller. Applicant has filed concurrently a separate application that seeks to amend the augmentation plan decreed in Case No. 86CW390, Water Division 1, on September 28, 1987 to include Camp St. Malo Pond No. 6 as a structure to be augmented under that decree. (3 pages).

17CW3201 Camp St. Malo Religious Retreat and Conference Center, Inc. c/o Real Estate Department, 1300 S. Steele St., Denver, CO 80210-2599. Please direct all correspondence to: Paul J. Zilis, Esq., and Geoffrey M. Williamson, Esq., Vranesh and Raisch, LLP, 1720 14th Street, Suite 200, Boulder, CO 80302. Telephone: (303) 443-6151, Fax: (303) 443-9586. E-mail: pjz@vrlaw.com, gmw@vrlaw.com. **APPLICATION TO AMEND PLAN FOR AUGMENTATION in BOULDER COUNTY.** 2.By this application, Applicant seeks to amend the decree entered in Case No. 86CW390, Water Division 1, on September 28, 1987 (“Case No. 86CW390 Decree”) to add a new pond as a structure to be augmented under the plan for augmentation decreed in that case. 3.Names and legal descriptions of structure to be augmented: a.Camp St. Malo Pond No. 6, located in in the NE1/4 NW1/4 of Section 11 and the SE1/4 SW1/4 of Section 2, T3N R73W, 6th P.M., Boulder County, with outlet works located at a point approximately 1,800 feet east of the NW corner of Section 11. The UTM coordinates are 4455281N, 454474E, UTM Zone 13N NAD83. PLSS distances and UTM coordinates were determined electronically using ArcGIS. Camp St. Malo Pond No. 6 is an unlined, on-channel pond formed by surface water impounded against the raised roadbed of Colorado State Highway 7. Water is released from the pond via a culvert underneath Colorado State Highway 7. Camp St. Malo Pond No. 6 is not decreed at the time of this application, but Applicant is seeking a decree for Camp St. Malo Pond No. 6 under a separate application. In that separate application, Applicant is claiming a storage right for Camp St. Malo Pond No. 6 in the amount of 1.0 acre-foot in any water year, plus the right to refill the pond continuously in accordance with a claimed appropriation date of April 30, 2016. The surface area of Camp St. Malo Pond No. 6 at the high water line will be approximately 0.3 acre. The sources of water for Camp St. Malo Pond No. 6 are Cabin Creek and Rock Creek, both tributary to St. Vrain Creek. Applicant will use the Camp St. Malo Pond No. 6 water right for multiple uses associated with recently redeveloped facilities on the property, including, but not limited to, recreational, piscatorial, storage, flood protection, and environmental mitigation and restoration. No other water rights are diverted or stored in this structure. A map showing Camp St. Malo Pond No. 6 and the boundaries of Applicant’s property is attached as Exhibit 1 to the Application. 4.Water rights to be used for augmentation: Applicant seeks to use the water right decreed for augmentation in the Case No. 86CW390 Decree to replace any out-of-priority depletions caused by the structures identified in Paragraph 3 above. That water right is a portion of a 1/2 share in the Longmont Supply Ditch, which is described in Paragraph 12 of the Case No. 86CW290 Decree and was originally decreed as follows: a.Date entered: June 2, 1882. b.Case number: C.A. 1383 (original adjudication for Water District 5) c.Court: Boulder County District Court. d.Legal description of point of diversion or place of storage: The headgate for the Longmont Supply Ditch is located on the north bank of St. Vrain Creek in the SE 1/4 SW 1/2, Section 22, Township 3 North, Range 70 West, 6th P.M., at a point whence the South 1/4 Corner of said Section 22 bears North 68°, 12’ 00” West, a distance of 1,020 feet, more or less. e.Source: St. Vrain Creek f.Amount: 53.37 c.f.s. g.Appropriation: May 1, 1865. h.Decreed use: Irrigation. 5.Complete statement of plan for augmentation: a.Applicant seeks to add Camp St. Malo Pond No. 6 as an additional structure to be augmented under the plan for augmentation decreed in Case No. 86CW390. b.Camp St. Malo Pond No. 6 is an unlined, on-channel pond that is filled with surface water. Camp St. Malo Pond No. 6 will have a surface area of approximately 0.3 acre, and net evaporation will total approximately 0.4 acre-feet per year. Replacement of out-of-priority depletions from the evaporation will be made in accordance with the requirements of the decree entered in this case and the Case No. 86CW390 Decree. The maximum surface area of Camp St. Malo Pond No. 6 described herein may be modified upon final surveys or other methods. c.To the extent Applicant’s ownership and use of Camp St. Malo Pond No. 6 results in other out-of-priority depletions, Applicant will also replace those depletions in accordance with the terms and conditions of the decree entered in this case and the Case No. 86CW390 Decree. d.Applicant will use the water right listed in Paragraph 4 above to replace the out-of-priority depletions in accordance with the

terms and conditions of the Case No. 86CW390 Decree. The Case No. 86CW390 Decree found that this water right provides Applicant with approximately 7.91 acre-feet per year of replacement water. The previous consumptive uses were decreed to be 5.03 acre feet and the Decree in Case No. 86CW290 provides that the Applicant may use the remaining augmentation water as it desires. e. Time periods when Camp St. Malo Pond No. 6 is frozen will be assumed to not result in any evaporation losses or replacement obligations for such losses. Replacements will be made above the headgate of the calling water right located downstream of the points of depletion for Camp St. Malo Pond No. 6. The administrative date for determining when depletions are out-of-priority for Camp St. Malo Pond No. 6 will be the priority date for the water right claimed separately for that structure. f. Applicant is not seeking any other revisions or amendments to the Decree in Case No. 86CW390, and the terms and conditions therein. 6. 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: All lands upon which Camp St. Malo Pond No. 6 is located are owned by Applicant. 7. Remarks. The current Applicant is the successor-in-interest to the Archdiocese of Denver, which is the party to which the original Plan for Augmentation was decreed in Case No. 86CW390. (4 pages).

17CW3202, Co-Applicants, the Board of County Commissioners of the County of Weld, State of Colorado, ("Weld County"), P.O. Box 758, 915 10th Street, Greeley, CO 80632, 970-304-6496; and the Ground Water Management Subdistrict of the Central Colorado Water Conservancy District, ("Central"), 3209 West 28th Street, Greeley, CO 80634, (970) 330-4540. Please send all future pleadings and correspondence to: Kelly J. Custer and Wesley S. Knoll, Lawrence Jones Custer Grasmick, LLP, 5245 Ronald Reagan Blvd, Ste. 1, Johnstown, CO 80534, Telephone: 970-622-8181. CORRECTED APPLICATION FOR STORAGE WATER RIGHTS AND CHANGE OF WATER RIGHTS, in **WELD COUNTY**. CLAIM FOR CONDITIONAL AND ABSOLUTE WATER STORAGE RIGHTS 2. Name of Reservoir: Hokestra Pit 2.1 Legal Description of Location: In the N 1/2 of Section 2, Township 2 North, Range 68 West, and the S 1/2 of Section 35, Township 3 North, Range 68 West, 6th P.M., Weld County, Colorado. 2.2 Sources: Water tributary to the South Platte River from Boulder Creek, Idaho Creek, and the St. Vrain River. 3. Points of Diversion: 3.1 Last Chance Ditch river headgate located on St. Vrain Creek in the SE1/4 NW1/4 Section 3, Township 2 North, Range 68 West of the 6th P.M., Weld County, Colorado. 3.2 Rural Ditch river headgate located on Boulder Creek in the NE1/4 Section 20, Township 2 North, Range 68 West of the 6th P.M., Weld County, Colorado. 3.3 Rural Ditch headgate located on Idaho Creek in the SE1/4 of Section 16, Township 2 North, Range 68 West, 6th P.M., Weld County, Colorado. 3.4 Idaho Creek Carrier diversion structure located on Boulder Creek in the SW1/4 of Section 29, Township 2 North, Range 68 West, 6th P.M., Weld County, Colorado, which on information and belief is owned by The Godding Ditch Company. 3.5 St. Vrain River Inlet No.1 located on the south bank of St. Vrain Creek in the SW1/4 Section 35, Township 3 North, Range 68 West, 6th P.M., Weld County, Colorado. 3.6 St. Vrain River Inlet No. 2 located on the south bank of St. Vrain Creek in the SE1/4 Section 35, Township 3 North, Range 68 West, 6th P.M., Weld County, Colorado. 4. Date of appropriation: September 21, 2006. 4.1 How appropriation was initiated: By formation of intent to appropriate water for beneficial uses, acquisition and revision of Division of Reclamation and Mining Safety permit, by the passing of resolutions by the Board of County Commissioners of Weld County and the Board of Directors of Central, by the construction of a clay liner and two slurry walls to create storage space, by the diversion and storage of water, and the filing of this application. 5. Amounts claimed: 5.1 1250 acre-feet, with one annual refill of 1250 acre-feet. Of these amounts, 423.4 acre-feet of the initial fill is claimed as absolute, and the remaining amounts are claimed as conditional. 5.2 Last Chance Ditch: 50 cfs, conditional. 5.3 Rural Ditch headgate on Boulder Creek: 30 cfs, of which 12.73 cfs is claimed as absolute, which flow rate was recorded on December 14, 2016, and the remaining amount is claimed as conditional. 5.4 Rural Ditch headgate on Idaho Creek: 30 cfs, conditional. 5.5 Idaho Creek Carrier: 30

cfs, conditional. 5.6 St. Vrain River Inlet No. 1: 25 cfs, of which 7.32 cfs is claimed as absolute, which flow rate was recorded on May 24, 2017, and the remaining amount is claimed as conditional. 5.7 St. Vrain River Inlet No. 2: 25 cfs, conditional. 6. Proposed Uses: Augmentation, agricultural, industrial, mineral resource development, mining operations and construction of public works projects including operating air emissions control devices; controlling fugitive particulate emissions; washing and processing sand, gravel and aggregate; washing equipment; accounting for evaporative losses of water from mined materials stockpiled or removed from the site; irrigating and reclaiming mine site; maintaining wetlands; construction and maintenance of roads, irrigation of landscaping, reclamation of construction sites for public facilities, fire suppression, emergency response, recreation and piscatorial uses within the storage cells, recharge, replacement, irrigation, municipal, and exchange. Applicants claim the right to totally consume the water stored, either by first use, successive use, or disposition. The water right may be used as a source of substitution and replacement supply in the plans for augmentation in Case No. 02CW335 (Ground Water Management Subdistrict of the Central Colorado Water Conservancy District (“GMS”)) and Case No. 03CW99 (Well Augmentation Subdistrict of the Central Colorado Water Conservancy District (“WAS”)), and such other decreed augmentation plans or substitute water supply plans as Applicants shall obtain, for replacing ground water depletions and return flows. The water right may be leased to others for use. 7. Remarks: Weld County and Central have entered into an agreement by which Weld County will sell the Hokestra Pit to Central along with the 3.75 shares of the Rural Ditch Company described below in this application. A clay liner and two slurry walls have been constructed around the cells which comprise the Hokestra Pit, and all three have been tested and approved by the Office of the State Engineer. CLAIM FOR CHANGE OF WATER RIGHT 8. Decreed water right for which change is sought: 8.1 Name of Structure: Rural Ditch. 8.2 Date of original and subsequent decrees: CA 1336, June 2, 1882, Boulder County District Court; Case No. 84CW412, August 30, 1985, Water Division No. 1. 8.3 Legal description of location: On Boulder Creek in the NE1/4 Section 20, Township 2 North, Range 68 West of the 6th P.M., Weld County, Colorado. 8.4 Source: Boulder Creek through Idaho Creek 8.5 Appropriation Dates: May 5, 1862 and March 10, 1863 8.6 Total amount decreed to structure: 22.75 cfs (1862) and 60.25 cfs (1863) 8.7 Decreed use: Irrigation 8.8 Amount of water that Applicants intend to change: 3.75 shares out of the outstanding 50 shares of the Rural Ditch Company represented by stock certificate nos. 317, 330, 356, and 360 (subject to change upon re-issuance) owned by Weld County. (“Shares”). 9. Historical use: The Shares were historically used to irrigate portions of four separate farms as described below. The areas irrigated are shown on the attached Figure 1. 9.1 Adler Farm. One of the Shares was used along with four other shares on approximately 299.3 acres located in the NW1/4 and the E 1/2 of the SW1/4 and the West 1/2 of the SE 1/4, Section 2, Township 2 North, Range 68 West; along with a parcel located in the SW1/4 of Section 35, Township 3 North, Range 68 West, 6th P.M., Weld County. 9.2 Gould Farm. One of the Shares was used along with one other share on approximately 65.8 acres located in the West 1/2 of the NE1/4 of Section 2, Township 2 North, Range 68 West of the 6th P.M., Weld County. 9.3 Slovek Farm. One-quarter of the Shares was used along with three-quarters of a share on approximately 51.9 acres in the SE 1/4 of the SE1/4 of Section 35, Township 3 North, Range 68 West, and the NE1/4 of the NE1/4 of Section 2, Township 2 North, Range 68 West, of the 6th P.M., Weld County. 9.4 Villa Farm. One and one-half of the Shares was used on approximately 64.7 acres in the West 1/2 of the SW1/4 of Section 2, Township 2 North, Range 68 West of the 6th P.M., Weld County. 10. Proposed change: 10.1 Use. Applicants seek to change the use of the water rights represented by the Shares to include augmentation, recharge, replacement, industrial, municipal, and exchange, in addition to the decreed irrigation use, with the right to totally consume the consumable portion of the water, either by first use, successive use, or disposition. All diversions attributable to the Shares shall be made through the river headgate of the Rural Ditch. The Shares may be used as a source of substitution and replacement supply in the plans for augmentation in Case No. 02CW335 (Ground Water Management Subdistrict of the Central Colorado Water Conservancy District (“GMS”)) and Case No. 03CW99 (Well Augmentation Subdistrict of the Central Colorado Water Conservancy District (“WAS”)), and such other decreed augmentation plans or substitute water supply plans as Applicants shall obtain, for replacing ground water depletions and return

flows. The Shares may be leased to others for use. Fully consumable water associated with the water delivered under the Shares may be used directly, or after storage, recharge or exchange, consistent with the terms and conditions of Central storage and recharge decrees including but not limited to Case Nos. 81CW382, 82CW413, 83CW184, 85CW370, 87CW304, 88CW127, 92CW021, 92CW165, 94CW96, 94CW97, 94CW199, 00CW83, 01CW48, 02CW269, 02CW270, 05CW331, and 12CW304-A. 10.2 Storage at Rinn Valley Parcel: L.G. Everist, Inc. is in the process of mining and constructing lined storage reservoirs on lands located in Section 10, Township 2 North, Range 68 West of the 6th P.M., Weld County. The Shares can be delivered directly to Rinn Valley via the Rural Ditch. The Central Colorado Water Conservancy District and L.G. Everist, Inc. have entered into a Purchase and Sale Agreement that includes the future storage reservoirs. An application has been filed in Case No. 16CW3119 for water rights at the reservoirs. Central may take delivery of the Shares at these storage reservoirs and make releases for the uses claimed herein. 10.3 Storage at Hokestra Pit: Weld County is in the process of mining and constructing lined storage reservoirs collectively referred to as the Hokestra Pit, the location of which is described above. Central and Weld County entered into an Agreement dated June 22, 2015 which allows Central to store the Shares at the Hokestra Pit. The Shares can be delivered directly to Hokestra Pit via the Rural Ditch. Central may take delivery of the Shares at these storage reservoirs and make releases for the uses claimed herein. 10.4 Storage at Shores Lake: Central owns and operates the Shores Lake located in the SE1/4 of the NE1/4 and E 1/2 of the SE1/4 of Section 2, the W 1/2 of the SW 1/4 and S 1/2 of the NW1/4 and SW1/4 of the NE1/4 of Section 1, all in Township 2 North, Range 68 West of the 6th P.M., Weld County, Colorado. The Shares can be delivered directly to Shores Lake via the Rural Ditch. Central may take delivery of the Shares at these storage reservoirs and make releases for the uses claimed herein. 10.5 Dry up. The historically irrigated area which is attributable to the 3.75 shares is 170.5 acres. The dry up needed on each of the historically irrigated farms is as follows: Slovek: 13.0 acres; Gould: 32.9 acres; Villa: 64.7 acres; Adler 59.9 acres. Acreage equal to or exceeding these areas has been permanently removed from irrigation due to development and/or mining activities and is dried up. A figure showing the areas dried up is attached as Figure 2. 10.5 Diversion Period. April 1 through October 31. 10.6 Farm Headgate Delivery. Farm headgate deliveries attributable to the Shares averaged a total of 361.3 acre-feet assuming a 10% ditch loss for the ditch. This amount is preliminary and subject to modification upwards or downwards as additional information becomes available to Applicants. 10.7 Historical Consumptive Use. The historical consumptive use was determined using the following study periods: Adler: 1950 through 1998; Gould and Slovek: 1950 through 1986; Villa: 1950 through 1996. The consumptive use of the Shares was determined to be an average of 212.7 acre-feet per year, with an average annual consumptive use per share of 56.7 acre-feet. This amount is preliminary and subject to modification upwards or downwards as additional information becomes available to Applicants. 10.8 Return Flows. Total return flows from historical use of the Shares averaged 148.6 acre-feet per year and historically occurred as surface and subsurface return flows for all of the historical farms except the Villa farm. Return flows were assumed to be 100 percent subsurface for the Villa farm pursuant to a stipulation entered in Case No. 02CW335, the GMS Plan for Augmentation. Surface return flows from historical use of the Shares averaged 36.1 acre-feet per year. The lagged subsurface return flows from historical use of the Shares averaged 112.4 acre-feet per year. These amounts are preliminary and subject to modification upwards or downwards as additional information becomes available to Applicants. The timing of lagged return flows will be determined using AWAS parameters and the Glover equation. 11. Diversion Records: Applicants' engineering consultants have reviewed records of diversions by the Rural Ditch Company and Applicants will rely on the records in the quantification of the historical use of the water rights. Copies of the records will be provided to any party on request. 12. Return flows: Applicants will replace the historical return flow portion of the water rights. Applicants hereby appropriate the use of the historical return flows of the water rights and the return flows will be replaced when there is a call senior to the date of the filing of this application. The return flows will be used for the changed uses described herein. The sources of return flow replacement include any sources available to Applicants including but not limited to a portion of the Shares and the sources described in the cases listed in paragraph 10.1 above. 13. Proposed terms and conditions for delivery of the Shares through the

Rural Ditch: 13.1 Applicants may take delivery of the Shares at any of the following points of delivery: 1) the Shores Pond B Inlet Structure, located at a point in the SE1/4 of the NE1/4 of Section 2, Township 2 North, Range 68 West of the 6th P.M. in Weld County, Colorado (Shores Reservoir is owned by Central and is described in the decree in Case No. 00CW83, Water Division No. 1); 2) an augmentation structure located near the downstream end of the Rural Ditch at a point in the NE1/4 NE1/4 NW1/4 of Section 1, Township 2 North, Range 68 West, 6th P.M., Weld County, Colorado; 3) a future augmentation/bypass structure to be constructed by the Rural Ditch Company at or near its river headgate on Boulder Creek; 4) a future augmentation structure associated with the City of Firestone's plans to construct drainage to St. Vrain Creek near the downstream end of the Rural Ditch; 5) a future Shores Pond C Inlet Structure; 6) future storage reservoirs located on the Rinn Valley Parcel described in ¶10.2, which property is currently owned by L.G. Everist, Inc.; and 7) Hokestra Pit, located in the North 1/2 of Section 2, Township 2 North, Range 68 West of the 6th P.M., in Weld County, Colorado, from which the Shares may be delivered to St. Vrain Creek. 13.2 The Shares shall be subject to transit loss in the Rural Ditch as determined by the ditch rider, applying the same percentage to all shareholders. In the event that Applicants take delivery of the Shares at the future augmentation station at the river headgate, the ditch loss portion of the delivery shall remain in the ditch. 13.3 The diversion season applicable to the Shares shall be the same as the season for all shareholders. 13.4 Central entered executed a Second Amendment to the Operating Agreement with the Rural Ditch Company on or about December 8, 2017, which governs Central's deliveries of the Shares. 14. Names and addresses of owners, if other than Applicants, of land on which structures are or will be located: Last Chance Ditch Company 11955 Weld County Rd. 15, Longmont, CO 80504. Rural Ditch Company, PO Box 1826 Longmont, CO 80502-1826. Town of Firestone, 151 Grant Avenue, Firestone, CO 80520. L.G. Everist, Inc., 7321 E. 88th Ave., Suite 200, Henderson, CO 80640. The Godding Ditch Company, PO Box 1826 Longmont, CO 80502-1026. 10 pages, 2 exhibits.

17CW3203 ALICE SPRINGS LAND & CATTLE COMPANY, LLC, in the South Platte River and its tributaries, in LARIMER COUNTY. APPLICATION FOR WATER STORAGE RIGHT AND APPROVAL OF PLAN FOR AUGMENTATION.

1. Name, address and phone number of applicant: The Alice Springs Land & Cattle Company, LLC, c/o Ralph Antillon, 2146 Benedictine Way, Livermore, CO 80536. (720) 917-9140. copies of all pleadings to: Kevin J. Kinnear, Porzak Browning & Bushong LLP, 2120 13th Street, Boulder, CO, 80302. 2. Application for Water Storage Rights: A. Name of Reservoir: Owl Rock Reservoir. 1. Legal description of location of pond: the center point of the Owl Rock Reservoir embankment will be located in the NE1/4 of the NW1/4 of Section 18 of Township 11N, Range 71W of the 6th P.M. at a point 435 feet south of the north section line and 2,373 feet east of the west section line, which can also be described in NAD 83 UTM coordinates as 466616 m E, 4530940 m N. 2. Source: Bull Creek, which is tributary to the North Fork of the Cache La Poudre River ("North Fork"), tributary of the Cache La Poudre River, tributary of the South Platte River. Owl Rock Reservoir will also obtain water by pump and pipeline from Dale Creek Pond, described in paragraph 2.B below, which derives its supply from Dale Creek. 3. Date of appropriation: July 26, 2016. 4. How appropriation was initiated: Applicant began site investigations, drilling, and related engineering work on that date. 5. Date water applied to beneficial use: n/a. 6. Uses: irrigation, stock watering, piscatorial, recreation, wildlife, fire protection, and augmentation/replacement purposes. 7. Amount claimed: 30 acre-feet, conditional, plus the right to refill and for a continuous flow-through to maintain reservoir storage levels. 8. Surface area of high water line: 5.0 acres. 9. Total capacity of reservoir in acre-feet: 30 acre-feet. Active capacity: 30 acre-feet. Dead storage: 0 acre-feet. B. Name of Reservoir: Dale Creek Pond. 1. Legal description of pond center: located in the SW1/4 of the NW1/4 of Section 9 of Township 11N, Range 71W of the 6th P.M. at a point 1,820 feet south of the north section line and 1,127 feet east of the west section line, which can also be described in NAD 83 UTM coordinates as 469517 m E, 4532221 m N. 2. Source: Dale Creek, which is tributary to the North Fork, tributary of the Cache La Poudre River, tributary of the South Platte River. 3. Date of appropriation: July 1, 2017. 4. How appropriation was initiated: field inspection and discussions with the Abbey of St. Walburga. 5. Date water applied to

beneficial use: n/a. 6. Uses: irrigation, stock watering, piscatorial, recreation, wildlife, fire protection, and augmentation/replacement purposes. Dale Creek Pond is intended primarily to augment depletions caused by storage and use of water in Owl Rock Reservoir, described in paragraph 2.A above, by making releases to Dale Creek, tributary to the North Fork, and to supplement the supply of water to Owl Rock Reservoir by pump and pipeline from Dale Creek Pond to Owl Rock Reservoir. 7. Amount claimed: 20 acre-feet, conditional, with a right to refill and for a continuous flow-through to maintain storage levels, filled at a rate of up to 5.0 cfs. 8. Surface area of high water line: 2.0 acres. 9. Total capacity of reservoir in acre-feet: 20 acre-feet. Active capacity: 20 acre-feet. Dead storage: 0 acre-feet. Applicant will store water in Owl Rock Reservoir whenever it is in-priority, Applicant will store water in Owl Rock Reservoir when such storage is out of priority so long as Applicant has sufficient water available in Dale Creek Pond to release to augment out of priority depletions associated with such out of priority storage in Owl Rock Reservoir, and Applicant will continuously flow water through Owl Rock Reservoir (an on-channel reservoir) to maintain water levels in-priority and out of priority when replacement water is available. When replacement water is not available and there is a valid and administrable senior call for water downstream of Owl Rock Reservoir, Applicant will release water in an amount equal to inflows. Applicant will store water in Dale Creek Pond when water is available in Dale Creek in-priority through a new diversion structure. Water stored in Dale Creek Pond will be released to Dale Creek to augment out of priority depletions associated with Owl Rock Reservoir, and water stored in Dale Creek Pond will be delivered by pump and pipeline to Owl Rock Reservoir to supplement the supply of water available to Owl Rock Reservoir for all uses associate with Owl Rock Reservoir, including augmentation. A general location map associated with this Application is attached hereto as **Figure 1**, the location and design elements of the Owl Rock Reservoir is attached as **Figure 2**, and the location and design elements of Dale Creek Pond is attached hereto as **Figure 3**.

3. Application for Surface Water Rights: A. Name of Structure: Dale Creek Pond Diversion. 1. Legal description of headgate: to be located in the SW1/4 of the NW1/4 of Section 9 of Township 11N, Range 71W of the 6th P.M. at a point 1,348 feet south of the north section line and 1,074 feet east of the west section line, which can also be described in NAD 83 UTM coordinates as 469500 m E, 4532367 m N. 2. Source: Dale Creek, which is tributary to the North Fork of the Cache La Poudre River (“North Fork”), tributary of the Cache La Poudre River, tributary of the South Platte River. 3. Date of appropriation: July 1, 2017. 4. How appropriation was initiated: field inspection and discussions with the Abbey of St. Walburga. 5. Date water applied to beneficial use: n/a. 6. Uses: to fill Dale Creek Pond, described in paragraph 2.B above, for subsequent use for irrigation, stock watering, piscatorial, recreation, wildlife, fire protection, and augmentation/replacement purposes. 7. Amount claimed: 5.0 cfs, conditional. 4. Application for Approval of Plan for Augmentation: By this application, Applicant will augment out of priority depletions resulting from the storage and use of water in Owl Rock Reservoir, described in paragraph 2.A above. A. Names of Structures to be Augmented: Owl Rock Reservoir, described in paragraph 2.A above. B. Augmentation Water Rights: Applicant’s water stored in Dale Creek Pond, described in paragraph 2.B above, and as pumped to storage in Owl Rock Reservoir. C. Statement of plan for augmentation: Applicant will store water in and out of priority in Owl Rock Reservoir for all decreed uses, and Applicant will continuously flow water through said reservoir. In addition, Applicant will store water in Dale Creek Pond when water is available in priority. When Owl Rock Reservoir is out of priority, the resulting out of priority depletions will be replaced by releases from Dale Creek Pond to Dale Creek, then to the North Fork, then to the South Platte River, or water stored in Dale Creek Pond can be pumped over to Owl Rock Reservoir for storage and/or release for augmentation on Bull Creek. Owl Rock Reservoir will have measuring devices and outlet structures so any water that is stored out of priority and that cannot be replaced with augmentation sources, will be released to Bull Creek below the reservoir. 4. Name(s) and address(es) of owner(s) or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool. Applicant is the owner of the land upon which the Owl Rock Reservoir will be located and the owner of land upon which all water will be placed to beneficial use. The Abbey of St. Walburga, whose address is 1029 Benedictine Way, Virginia Dale, CO 80536, is the owner of the land

upon which Dale Creek Pond, its diversion structure, the pump, and a portion of the pipeline will be located. Applicant will notify the Abbey that the Applicant is applying for this water storage right and plan for augmentation, and will certify to the Court that it has done so by no later than 14 days after filing this application. (6 pages + exhibits).

17CW3204 (2009CW276) THE CITY OF BLACK HAWK, c/o Director of Public Works, P.O. Box 68, Black Hawk, Colorado 80422, Telephone: (303) 582-1324, tisbester@cityofblackhawk.org. Harvey W. Curtis, Esq., David L. Kueter, Esq., Harvey W. Curtis & Associates, 8310 South Valley Highway, Suite 230, Englewood, Colorado 80112, (303) 292-1144, hcurtis@curtis-law.com, dkueter@curtis-law.com. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE AND TO MAKE A PORTION OF CONDITIONAL WATER RIGHTS ABSOLUTE IN GILPIN AND CLEAR CREEK COUNTIES.** 2. **Name of water rights:** Black Hawk Green Lake Exchanges 3. **Describe conditional water rights giving the following from the Judgment and Decree:** 3.a. **Date of prior decree:** Original decree entered December 30, 2011, Case No. 2009CW276, in the District Court, Water Division No. 1, State of Colorado. 3.b. **Description of exchanges.** Under the exchanges, Black Hawk will divert by exchange up to 50 c.f.s at each of the locations ("exchange-to points") identified in paragraph 3.c., below, for storage in Green Lake for subsequent use, based upon the introduction of substitute supplies made available under the water rights described in paragraph 3.d., below ("substitute supplies"). Black Hawk will make the substitute supplies available at the locations identified in paragraph 3.e., below (the "exchange-from points") by making deliveries, by forgoing diversions and/or storage, and/or by releases from storage. A map showing the location of the rights of exchange is attached hereto as Exhibit A. 3.c. **Exchange-to points.** The names and locations of structures through which or into which water will be diverted and/or stored by exchange and the sources of water at the exchange-to points are as follows: 3.c.(1) *Green Lake*. Green Lake is located on the channel of an unnamed tributary to South Clear Creek in Clear Creek County, Colorado, located in the West half of Section 29 and the East half of Section 30, Township 4 South, Range 74 West of the 6th P.M., as described in Exhibit B hereto. The outlet is located approximately 330 feet east of the West section line and approximately 1,600 feet south of the north section line of Section 29, Township 4 South, Range 74 West, in the Southwest quarter of the Northwest quarter of said Section 29. The source of water is local inflows captured in Green Lake. Green Lake is located in the South Clear Creek drainage basin. 3.c.(2) *Green Lake Ditch or Flume a/k/a Leavenworth Pipeline*. Located approximately 2,580 feet east of the West section line and approximately 80 feet south of the North section line of Section 30, Township 4 South, Range 74 West, of the 6th P.M. in Clear Creek County. The source of water is Leavenworth Creek, a tributary of South Clear Creek. 3.d. **Sources of substitute supply:** 3.d.(1) Vidler Tunnel Water Rights: The City of Black Hawk currently has the right to the annual delivery of at least 100 acre feet of fully consumable water from the Vidler Tunnel system. The Vidler Tunnel system water rights are comprised of the following west slope water rights: 3.d.(1)(i) Rice Ranch Rights. A total of 361 consumptive acre feet, at a total maximum diversion rate of 31.22 c.f.s., was decreed by the District Court in and for Water Division No. 5, in Case Nos. W-217 and W-2110, as being historically attributable to the following described water rights. 3.d.(1)(i)(a) Rice Ditch, decreed for 4.50 c.f.s. with a May 3, 1893 appropriation date and a March 2, 1910 adjudication date. The originally decreed headgate of the Rice Ditch is located on the left (south) bank of the Snake River in the Northwest quarter Southeast quarter of Section 22, Township 5 South, Range 77 West, 6th P.M.; 3.d.(1)(i)(b) Soda Creek Ditch, decreed for 2.72 c.f.s. with a July 1, 1900 appropriation date and March 10, 1952 adjudication date. The originally decreed headgate of the Soda Creek Ditch is located on the right (east) bank of the Soda Creek at a point whence the South quarter corner of Section 27, Township 5 South, Range 77 West, 6th P.M., bears South 10 degrees 5 minutes East a distance of 940 feet; 3.d.(1)(i)(c) Phillips Ditch, decreed for 4.00 c.f.s. with a June 1, 1904 appropriation date and a March 2, 1910 adjudication date. The originally decreed headgate of the Phillips Ditch is located on the left (west) bank of the Keystone Creek in the Southwest quarter Southwest quarter of Section 14, Township 5 South, Range 77 West, 6th P.M.; 3.d.(1)(i)(d) Rice Ditch - Riley Enlargement, decreed for 10.00 c.f.s. with a July 5, 1914 appropriation date and an October 26,

1937 adjudication date. The originally decreed headgate of the Riley Enlargement is located on the left (south) bank of the Snake River at a point whence the Southwest corner of Section 22, Township 5 South, Range 77 West, 6th P.M., bears South 54 degrees 46 minutes West a distance of 3,845 feet; and 3.d.(1)(i)(e) Rice Ditch - Rice Enlargement, decreed for 10.00 c.f.s. with a July 5, 1914 appropriation date and a March 10, 1952 adjudication date. The originally decreed headgate of the Rice Enlargement is the same as the Rice Ditch - Riley Enlargement. 3.d.(1)(ii) Arduser Ditch Rights. A total of 52.5 consumptive acre feet, at a total maximum diversion rate of 3 c.f.s., was decreed by the Summit County District Court in Case No. 2350 as being historically attributable to the Arduser Ditch, Ditch No. 230, Priority No. 249, decreed by the Summit County District Court in Civil Action No. 1709 for 3 c.f.s., with a September 28, 1934 appropriation date and an October 26, 1937 adjudication date. 3.d.(2) Water legally stored by the City of Black Hawk in Georgetown Lake, described in paragraph 3.e.(2), below, including, but not limited to, water delivered pursuant to the Assignment and Water Delivery Agreement, dated June 7, 2007, between Applicant and the City of Golden for Vidler Tunnel Water, and the water storage right and water stored by the exchange decreed in Case No. 2007CW327. 3.d.(3) Water leased from the City of Golden including, but not limited to, water delivered pursuant to the Assignment and Water Delivery Agreement, dated June 7, 2007, for Vidler Tunnel Water as described in said agreement, and water leased from the City of Golden pursuant to said agreement and stored and released from Guanella Reservoir located in the North Half of the Southwest quarter and the Northwest quarter of the Southeast quarter of Section 29 and the Northeast quarter of the Southeast quarter of Section 30, Township 3 South, Range 74 West of the 6th P.M., Clear Creek County, Colorado. 3.d.(4) Water legally available for diversion by exchange by the City of Black Hawk at the Hidden Valley Surface Water Diversion Point described in paragraph 3.e.(4), below, limited to water attributable to Black Hawk's proportionate interest in the Church Ditch (a/k/a The Golden City and Ralston Creek Ditch) pursuant to the decree entered in Case No. 92CW059. 3.d.(5) Water legally available for diversion by exchange by the City of Black Hawk at the Hidden Valley Groundwater Diversion Point described in paragraph 3.e.(5), below, limited to water attributable to Black Hawk's proportionate interest in the Church Ditch (a/k/a The Golden City and Ralston Creek Ditch) pursuant to the decree entered in Case No. 92CW059. 3.d.(6) Fully consumable water, and water available under the water right decreed to the City of Black Hawk Effluent Diversion in Case No. 93CW055, released to North Clear Creek at the Black Hawk-Central City Sanitation District Wastewater Treatment Plant located in the Northeast quarter of the Southwest quarter of Section 26, Township 3 South, Range 72 West of the 6th P.M., Gilpin County, Colorado, at a point 1,550 feet east of the West section line and 2,100 feet north of the South section line of said Section 26. 3.d.(7) Water legally stored by the City of Black Hawk and released to North Clear Creek and its tributaries from the following structures: 3.d.(7)(i) Pickle Gulch Reservoir, to be located in the Northwest quarter Southeast quarter of Section 35, Township 2 South, Range 73 West of the 6th P.M., Gilpin County, Colorado, with the dam axis intersecting Pickle Gulch at a point approximately 1,500 feet from the East section line and approximately 1,700 feet from the South section line of said Section 35. 3.d.(7)(ii) Missouri Creek Reservoir, to be located in the West half of Section 36, Township 2 South, Range 73 West of the 6th P.M., Gilpin County, Colorado, with the dam axis intersecting Missouri Creek at a point approximately 1,700 feet from the West section line and 2,400 feet from the North section line of said Section 36. 3.d.(7)(iii) Black Hawk Chase Gulch Reservoir, to be located in the South half Northwest quarter and the North half Southwest quarter, Section 2, Township 3 South, Range 73 West of the 6th P.M., Gilpin County, Colorado, with the dam axis to intersect Chase Gulch at a point approximately 1,600 feet from the West section line and 2,400 feet from the North section line of said Section 2. 3.d.(7)(iv) Quartz Valley Reservoir, to be located in an unsurveyed area, based on the 1975 USGS Central City 7-1/2 minute quadrangle map, in the Northwest quarter Northwest quarter Section 12, Township 3 South, Range 73 West of the 6th P.M., Gilpin County, Colorado, with the dam axis to intersect Chase Gulch at a point approximately 4,014 feet from the West section line of Section 7, Township 3 South, Range 72 West, and 259 feet from the South section line of Section 1, Township 3 South, Range 73 West. 3.e. Exchange-from points. Points at which the City of Black Hawk shall make substitute supplies available to allow diversion by exchange at the exchange-to points are as follows: 3.e.(1) Confluence of Leavenworth Creek

and South Clear Creek located in the Northeast quarter of the Southwest quarter of Section 20, Township 4 South, Range 74 West of the 6th P.M., Clear Creek County, Colorado. 3.e.(2) Georgetown Lake, an on-channel reservoir located in the Southeast quarter and portions of the Northeast quarter of Section 5, and the Northeast quarter of Section 8, Township 4 South, Range 74 West of the 6th P.M., Clear Creek County, Colorado. 3.e.(3) Confluence of Clear Creek and West Fork Clear Creek located in the Northwest quarter of the Southeast quarter of Section 27, Township 3 South, Range 74 West of the 6th P.M., Clear Creek County, Colorado. 3.e.(4) Hidden Valley Surface Water Diversion Point located in the Southwest quarter of the Southeast quarter of the Northeast quarter of Section 32, Township 3 South, Range 72 West of the 6th P.M., at a location 1,000 feet West of the East boundary of Section 32 and 2,140 feet South of the North boundary of Section 32, Clear Creek County, Colorado. 3.e.(5) Hidden Valley Groundwater Diversion Point located in the Southwest quarter of the Southeast quarter of the Northeast quarter of Section 32, Township 3 South, Range 72 West of the 6th P.M., at a location 800 feet West of the East boundary of Section 32 and 2,030 feet South of the North boundary of Section 32, Clear Creek County, Colorado. 3.e.(6) Confluence of Clear Creek and North Clear Creek located in the Northeast quarter of the Southwest quarter of Section 36, Township 3 South, Range 72 West of the 6th P.M., Clear Creek and Gilpin Counties, Colorado. 3.f. The exchanges decreed herein will at times operate in conjunction with the exchanges decreed in Case No. 92CW059 and/or the exchanges decreed in Case No. 2007CW327, but the exchanges decreed herein shall be administered independently and operated under the priorities decreed in this case. 3.g. Date of appropriation: December 3, 2009. 3.h. Decreed amount: 50 c.f.s., conditional. The rate of exchange from each exchange-from point and to each exchange-to point shall not exceed the respective amounts shown in the matrix attached hereto as Exhibit C, and the exchanges shall be limited to 50 c.f.s. total diversion at both exchange-to points at any given time. Exchanges made under this decree to all exchange-to points are limited to a volumetric limit of 540 acre feet in any water year (November 1 through October 31). 3.i. Use: The decreed uses for these exchanges are all municipal purposes, including domestic, irrigation, industrial, commercial, fire protection, stockwatering, recreation, piscatorial, sewage treatment, street sprinkling, irrigation, maintenance and preservation of wildlife and aesthetic values, lake and reservoir evaporation, lake level maintenance, augmentation, and replacement, adjustment and regulation of water supply system, including exchange within Black Hawk's water system and with other water users, and including, without limitation, storage in Green Lake for subsequent use for the aforesaid purposes. Black Hawk shall at all times be entitled to fully consume the same amount of water diverted by exchange as the amount of decreed fully-consumable water being simultaneously delivered to or made available at the exchange-from points under the subject water rights. Black Hawk shall only be entitled to a single use of water diverted at the exchange-to points based upon delivery of single use water at the exchange-from points. To the extent that Black Hawk has the decreed right to fully consume water diverted under the exchanges, Black Hawk shall be entitled to fully consume such water by direct use, storage and subsequent release, reuse, successive use, further exchange and disposition. 3.j. Place of use. The place of use for the conditional appropriative rights of substitution and exchange is any place served in the present or in the future by the City of Black Hawk's treated water and raw water systems. 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**: Pursuant to paragraph 17 of the decree in Case No. 2009CW276, Black Hawk's potable water system and raw water system and each of the water rights and structures decreed in Case No. 2009CW276 that now and in the future will provide water for the Applicant were determined to be integrated systems of water rights and structures, and pursuant to C.R.S. § 37-92-301(4)(b) work on one or more of the separate components constitutes diligence for all. 4.a. During the diligence period beginning on January 1, 2012, the City of Black Hawk has spent in excess of \$29,450,000 on its integrated water system of which the subject water right is a part: 4.a.(1) For the year ending December 31, 2012, the City of Black Hawk expended \$9,698,437 on its water system including \$1,010,465 on capital projects. Projects included infiltration gallery construction, continuation of the Green Lake pipeline replacement, water rights purchase, and additional property purchases for future reservoirs. 4.a.(2) For the year ending December 31, 2013, the City of Black Hawk

expended \$3,267,585 on its water system including \$573,167 on capital projects. Projects included design of the new Dory Hill Water Treatment Plant, continuation of the Green Lake pipeline replacement, and design of the new Georgetown Lake outlet structure. 4.a.(3) For the year ending December 31, 2014, the City of Black Hawk expended \$6,560,453 on its water system including \$3,826,497 on capital projects. Projects included construction of the Georgetown Lake outlet, continuation of the Green Lake pipeline replacement, and construction of the Dory Hill Water Treatment Plant. 4.a.(4) For the year ending December 31, 2015, the City of Black Hawk expended \$5,276,333 on its water system including \$2,594,343 on capital projects. Projects included the design and construction of the Highway 119 waterline loop, continuation of the Green Lake pipeline replacement, and completion of the Dory Hill Water Treatment Plant. 4.a.(5) For the year ending December 31, 2016, the City of Black Hawk expended \$2,768,008 on its water system including \$464,615 on capital projects. Projects included installation of a fire suppression system at the Dory Hill Water Treatment Plant, sand blasting and painting the 350,000 gallon steel water tank, continued work on the Georgetown Lake outlet, and completion of the Green Lake pipeline replacement. 4.a.(6) For this year through November 30, 2017, the City of Black Hawk expended \$1,888,710 on its water system including 431,974 on capital projects. Projects included design of the Church Ditch Augmentation Station replacement, sand blasting and painting the exterior of the Dory Hill water tank, installation of new Gregory Street pipeline and pressure reducing valve vault, installation of fiber optics within the distribution system, installation of new chlorine dioxide system at the Hidden Valley Treatment Plant, completion of the Georgetown Lake outlet, preliminary design and survey for a new headgate for the Green Lake inflow pipeline, and preliminary design of power generators for the Hidden Valley Treatment Plant and Pump Stations. 4.b. The amounts in paragraph 4.a include more than \$3,471,736 for engineering and \$2,186,311 for legal fees and costs during the diligence period. 4.c. During the diligence period, Black Hawk participated in rulemaking hearings and other proceedings before the Colorado Water Quality Control Commission regarding water quality standards and the Black Hawk-Central City Sanitation District's CDPEs permit. 4.d. During the diligence period, Black Hawk has participated as an objector in numerous Water Court proceedings in order to protect its water rights, including the subject water rights. 5. **Claim to Make Absolute:** Black Hawk operated the appropriate rights of substitution and exchange on numerous occasions during the diligence period, with a maximum rate of 1.85 c.f.s. from the confluence of Clear Creek and West Fork Clear Creek to the Green Lake Ditch on July 5, 2016. The peak rate of exchange operated from each exchange-from point to the Green Lake Ditch is shown in the accounting attached hereto as Exhibit D. 5.a. Date water applied to beneficial use: July 5, 2016. 5.b. Use: See paragraph 3.i., above. 5.c. Place of Use: See paragraph 3.j., above. 5.d. Portion Remaining Conditional: 48.15 c.f.s. 5.e. Applicant further requests that the Court make absolute any additional portions of the conditional water rights identified above which may be diverted and placed to beneficial use prior to the date of the decree to be entered herein. 6. **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.** 6.a. Green Lake is located on land owner by the Applicant and the County of Clear Creek, P.O. Box 2000, Georgetown, Colorado 80444. 6.b. The headgate of the Green Lake Ditch or Flume a/k/a the Leavenworth Pipeline is located on land owned by the United States Forest Service, 2150 Centre Avenue, Building E, Fort Collins, Colorado 80526-8119. WHEREFORE, Applicant requests that diligence be found for the Black Hawk Green Lake Exchanges and that 1.85 c.f.s. of the water rights be decreed as absolute and that the remaining 48.15 c.f.s. be continued as conditional in full force and effect until the due date of the next diligence filing herein. Additional Information. Number of pages of Application: 19 pages, including 10 page of exhibits.

17CW3205 THE CITY OF AURORA, COLORADO, a municipal corporation of the Counties of Adams, Arapahoe, Denver, Douglas and Jefferson, acting by and through its Utility Enterprise ("Aurora"), 15151 East Alameda Avenue, Suite 3600, Aurora, Colorado 80012-1555, (303) 739-7370, E-mail: AuroraWater@auroragov.org. Attorneys: John M. Dingess, Anthony J. Basile and Teri L. Pettit, Hamre, Rodriguez, Ostrander & Dingess, P.C., 3600 S. Yosemite Street, Suite 500, Denver, Colorado

80237-1829, phone (303) 779-0200, fax (303) 779-3662, mail@hrodllaw.com, jdingess@hrodllaw.com, abasile@hrodllaw.com, poolteri@hrodllaw.com. **APPLICATION FOR CHANGE OF WATER RIGHTS IN PARK, JEFFERSON, DOUGLAS, ARAPAHOE, DENVER, ADAMS AND WELD COUNTIES.** **2. Application for Change of Water Rights:** 2.1. **Decreed water rights for which change is sought:** 2.1.1. Name of Structure: McArthur Ditch. 2.1.2. Original Decree: CA 1678, Park County District Court, entered May 22, 1913; priority number 258. 2.1.3. Relevant Subsequent Decrees: None. 2.1.4. Decreed point of diversion: The East Bank of the East Fork of Cook Creek in the SW/4 SE/4 of Section 27, Township 7 South, Range 73 West, 6th P.M., in Park County, Colorado, at a point whence the Southeast Corner of Section 27 bears South 67° 39' East 2,304 feet. This location is identified on Exhibit A hereto. 2.1.5. Source: East Fork of Cook Creek (a.k.a. McArthur Gulch), a tributary to the North Fork of the South Platte River. 2.1.6. Appropriation Date: May 1, 1868. 2.1.7. Rate of Diversion: 1.41 cfs, absolute. 2.1.8. Decreed use: Irrigation. 2.2. **Description of proposed changes:** The Applicant requests the following changes of use for the subject water rights: 2.2.1. Change to alternate types of use: In addition to use for agricultural irrigation on the historically irrigated lands, Applicant seeks to add the following uses: Municipal, domestic, agricultural, energy production, manufacturing, mechanical and industrial purposes including, but not limited to: fire protection, irrigation, commercial, recreation, fish and wildlife propagation, reservoir evaporation replacement, creation and maintenance of wetlands, maintenance of storage reserves, stock watering, reclamation, revegetation, dust suppression, water treatment and supply, wastewater treatment, storage for such uses, and use as a supply or substitute supply for augmentation, replacement, exchanges decreed or to be decreed, and substitute supply plans. All uses include reuse and successive reuse to extinction for the above purposes, or disposition of effluent for the above purposes. 2.2.2. Change to alternate places of use: In addition to use on the historically irrigated lands, which may continue for a time after the entry of this change Decree, Applicant seeks to add the following place of use: Aurora's current and future service areas served by its municipal water supply and water reuse systems, including areas served by its connections with other systems, and by any current or future water supply contracts or obligations of Aurora. Currently, Aurora is located in Township 3 South, Ranges 64, 65, 66 and 67 West, 6th P.M. in Adams County; Township 4 South, Ranges 64, 65, 66 and 67 West and Township 5 South, Ranges 65, 66 and 67 West, 6th P.M. in Arapahoe County; and Township 6 South, Ranges 65 and 66 West, 6th P.M. in Douglas County. Aurora's service area has changed from time to time and will continue to do so. Aurora may also use the water to meet its replacement or delivery obligations in Water Division 1. 2.2.3. Change from Direct Flow to Direct Flow or Storage: After diversion and prior to initial use by Aurora, water diverted pursuant to the subject water rights may be stored at any of the locations set forth below in paragraphs 2.2.3.5. to 2.2.3.17. Such water may be delivered to storage by means of the use of natural stream channels, component facilities of Aurora's South Platte diversion and conveyance system in which Aurora is the owner or in privity with the owner, component facilities of Aurora's Prairie Waters System, and/or any points of diversion authorized in the respective decrees for those storage structures including, but not limited to, the City of Aurora Intake Structure, the Brighton Ditch, the Lupton Bottom Ditch, and the Western Mutual Ditch, described below in paragraphs 2.2.3.1. to 2.2.3.4. Reusable effluent resulting from the initial use for the changed uses of the historical consumptive use component of the water diverted pursuant to the subject water rights may be stored in any reservoir Aurora is authorized to use. See Exhibit B attached hereto. 2.2.3.1 City of Aurora Intake Structure. For direct flow into the existing intake tower and tunnel at the Strontia Springs Diversion Dam, in Douglas County, Colorado and across the channel of the South Platte River. The Dam is located on the South Platte River in the NW/4 of the NW/4 of Section 21, T7S, R69W, 6th P.M. This structure is filled by the pool in Strontia Springs Reservoir and then conveys water to Quincy Reservoir, Aurora Reservoir, and the East Reservoir Complex. 2.2.3.2. The Brighton Ditch. The headgate of the Brighton Ditch is on the west bank of the South Platte River in the SE/4 SE/4, Section 11, T1S, R67W, 6th P.M. in Adams County, Colorado, at a point approximately 780 feet north and 1,120 feet west of the SE corner of Section 11. 2.2.3.3. Lupton Bottom Ditch. The headgate of the Lupton Bottom Ditch is generally located on the west bank of the South Platte River in the NW/4 of the SW/4 of Section 19, T1N, R66W, 6th P.M., in Weld County, Colorado. 2.2.3.4. Western Mutual Ditch

(a.k.a. Hewes Cook Ditch). The headgate of the Western Mutual Ditch is on the east bank of the South Platte River in the SE/4 of the SW/4 of Section 11, T3N, R67W of the 6th P.M., in Weld County, Colorado, approximately 230 feet north and 2,510 feet east of the SW corner of Section 11. 2.2.3.5. Strontia Springs Dam and Reservoir. The Strontia Springs Dam is constructed on the South Platte River in Douglas County, Colorado, with the east-end of dam (right) abutment located at a point from whence the NW corner of Section 21, T7S, R69W, 6th P.M., bears North 52 degrees West a distance of 1,300 feet. The approximate (right) abutment latitude is 39°25'56" North and longitude is 105°07'31" West. Decreed in Water Division 1, Case No. 04CW218. 2.2.3.6. Quincy Reservoir. Quincy Reservoir is an off-channel reservoir located in the NE/4, E/2 of the NW/4, and N/2 of the SE/4 of Section 9, and the S/2 of the NW/4, N/2 of the SW/4 of Section 10, T5S, R66W, 6th P.M., in Arapahoe County, Colorado. The approximate (right) abutment is latitude 39°38'15" north, and longitude 104°46'36" west, which point is also described as a point in the NE/4 of the NE/4 of Section 9, T5S, R66W, 6th P.M. that lies 370 feet from the north line and 1,145 feet from the east line of Section 9. Decreed in Water Division 1, Case No. 03CW415. 2.2.3.7. Aurora Reservoir. The Aurora Reservoir is an off-channel reservoir located upon Senac Creek, an intermittent stream, in Sections 15, 16, 20, 21 and 22, T5S, R65W, 6th P.M., in Arapahoe County, Colorado. The east-end of the dam (right) abutment is located at a point from whence the northwest corner of Section 15, T5S, R65W, 6th P.M. bears north 45° west a distance of 2,970 feet, which point is also described as a point in the SE/4 of the NW/4 of Section 15, T5S, R65W, 6th P.M. that lies 2,110 feet from the north line and 2,105 feet from the west line of Section 15. The approximate (right) abutment is latitude 39°37'06" north, and longitude 104°39'11" west. Decreed in Water Division 1, Case No. 03CW415. 2.2.3.8. East Reservoir Complex. The East Reservoir will be located in one or more of the following off-channel locations: Site 1A: In Sections 14 and 23 and the N/2 of Section 26, T4S, R65W, 6th P.M. in Arapahoe County, Colorado. Site 1B: In Sections 9, 10 and 15 and S/2 of Sections 3 and 4 and N/2 of Section 16, T4S, R65W, 6th P.M. in Arapahoe County, Colorado. Site 2B: In Sections 26 and 27 and N/2 of Sections 34, 35 and 36, T4S, R65W, 6th P.M., in Arapahoe County, Colorado. Decreed in Water Division 1, Case No. 03CW415. 2.2.3.9. Gravel Pit Reservoir A and Aquifer Recharge and Recovery Facility A ("ARR-A") located on all or portions of the following quarter-sections, all located in T1N, R67W, 6th P.M.; the S/2 of Section 13, and the N/2 of the NW/4 of Section 24, in Weld County, Colorado. Decreed in Water Division 1, Case No. 06CW104. 2.2.3.10. Aurora-Everist (Fort Lupton) Reservoir Complex No. 1. This reservoir complex is a group of interconnected gravel pits that are located on a portion of the NE/4 of Section 25, T2N, R67W, 6th P.M., and portions of the NW/4 and portions of the SW/4 of the NE/4, Section 30, T2N, R66W, 6th P.M., in Weld County, Colorado. Decreed in Water Division 1, Case No. 02CW330. 2.2.3.11. Aurora-Everist (Fort Lupton) Reservoir Complex No. 2. This reservoir complex is a group of interconnected gravel pits located on portions of the SE/4 and SE/4 of the SW/4 of Section 25, T2N, R67W, 6th P.M., and portions of the SW/4, Section 30, T2N, R66W, 6th P.M., in Weld County, Colorado. Decreed in Water Division 1, Case No. 13CW3080. 2.2.3.12. Stillwater Ranch Reservoir ("Walker North"). Walker North is located in the S/2 NE/4 of Section 36, T1N, R67W of the 6th P.M., in Weld County, Colorado. Decreed in Water Division 1, Case No. 97CW392. 2.2.3.13. Robert W. Walker Reservoir ("Walker South"). Walker South is located on portions of the SE/4 of Section 36, T1N, R67W, 6th P.M., in Weld County, Colorado. Decreed in Water Division 1, Case No. 97CW272. 2.2.3.14. Kirby-Dersham Gravel Pit Reservoir. The Kirby-Dersham Gravel Pit Reservoir is located on portions of the NW/4 of the SE/4, the SW/4 of the SE/4, and the NE/4 of the SE/4, of Section 36, T1N, R67W, 6th P.M., in Weld County, Colorado. 2.2.3.15. Challenger Gravel Pit Reservoir. The Challenger Gravel Pit Reservoir is located on a portion of the E/2 of the NW/4 of Section 1, T1S, R67W, 6th P.M., in Adams County Colorado. 2.2.3.16. Aurora Tucson South Storage Facility ("Tucson South") and Aquifer Recharge and Recovery Facility B ("ARR-B"). These facilities will occupy all or portions of the N/2 of the SE/4, the SW/4 of the SE/4, and the SW/4, all in Section 1, T1S, R67W, 6th P.M., in Adams County, Colorado. Decreed in Water Division 1, Case No. 03CW414. 2.2.3.17. Gilcrest Reservoir. An off-channel reservoir to be constructed within part of Section 2, T3N, R67W and parts of Sections 23, 26, 34, and 35, T4N, R67W of the 6th P.M., in Weld County, Colorado. Decree pending in Water Division 1, Case No. 16CW3058. 2.3. Historical use

information: The subject water rights were used for the irrigation of meadow and pasture lands located generally in the SE/4 of Section 27 and in the SW/4 of Section 26, T7S, R73W of the 6th P.M., in Park County, Colorado. 2.3.1. The water rights have been used to irrigate approximately 35 acres of land as shown on Exhibit A. 2.3.2. Summaries of records of actual diversions of the McArthur Ditch water right are attached as Exhibit C, attached hereto. **3. 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 or existing storage pool is or will be constructed or upon which water is or will be stored:** 3.1. Aurora is the owner of, or the holder of a contractual right to purchase, each of the storage structures identified in paragraph 2.2.3., except Strontia Springs Reservoir, East Reservoir Complex, Walker North Reservoir, and Walker South Reservoir. On information and belief other or additional owners of the lands on which said structures are located or will be constructed are those set forth below. 3.2. The Strontia Springs Dam and Reservoir Complex is owned by the City and County of Denver, acting by and through its Board of Water Commissioners, 1600 West 12th Avenue, Denver, Colorado 80204-3412. Aurora has contract rights to use the complex. 3.3. East Reservoir Complex sites: See attached Exhibit D. 3.4. Walker North Reservoir: Carl F. Eiberger, 303 S. Broadway Ste 200, Denver, Colorado 80209. 3.5. Walker South Reservoir: HIBE, LLC, 301 Centennial Drive, Milliken, Colorado 80543. 3.6. Tucson South and ARR-B site: Aggregate Industries - WCR, Inc., 1687 Cole Boulevard, Suite 300, Golden, Colorado 80401 **4. Prayers for Relief:** 4.1. Applicant respectfully requests this Court grant a decree for the requested changes of Applicant's interests in the subject water rights. 4.2. Applicant requests this Court also grant such additional relief that it deems necessary and appropriate to further the purposes of the change of water right requested herein. (Application and attachments are 13 pages)

17CW3206 City and County of Denver, acting by and through its Board of Water Commissioners ("Denver Water" or "Applicant"), 1600 West 12th Avenue, Denver, Colorado 80204. APPLICATION FOR FINDING OF REASONABLE DILIGENCE AND TO MAKE ABSOLUTE, CONCERNING THE APPLICATION FOR WATER RIGHTS OF THE CITY AND COUNTY OF DENVER, ACTING BY AND THROUGH ITS BOARD OF WATER COMMISSIONERS IN THE SOUTH PLATTE RIVER OR ITS TRIBUTARIES, IN DOUGLAS, JEFFERSON, ARAPAHOE, DENVER, BROOMFIELD, WELD, BOULDER AND ADAMS COUNTIES, District Court, Water Division 1, Colorado, Weld County Courthouse, 901 9th Avenue, P.O. Box 2038, Greeley, Colorado 80632. 1. Name, Mailing Address, Email Address, and Telephone Number of Applicant. City and County of Denver, acting by and through its Board of Water Commissioners ("Denver Water" or "Applicant"), 1600 West 12th Avenue, Denver, Colorado 80204, Email: daniel.arnold@denverwater.org, Telephone: 303-628-6460. 2. Name of Water Rights. a. Recycling Plant Intake Water Right b. Recycling Plant Substitution and Exchange Water Right 3. Description of Recycling Plant Intake Water Right. a. Type of Water Right. Direct flow. b. Date of Original and All Relevant Subsequent Decrees. The original decree for the Recycling Plant Intake Water Right was entered on December 6, 2011 in Case No. 2001CW287 WD1. c. Legal Description of Structure. The Recycling Plant Intake Pump Station is located near the Metro North and South Outfalls at the Metro Plant. The Recycling Plant Intake Pump Station diverts treated wastewater through two intakes from the Metro wastewater treatment plant effluent streams located in the North and South channels that feed into Metro's chlorine contact basin. The two intakes are located in the NE 1/4 of the NW 1/4, S12, T3S, R68W, 6th P.M. in Adams County, Colorado, approximately 777 feet from the north section line and 1,455 feet from the west section line and approximately 797 feet from the north section line and 1,553 feet from the west section line. d. Source of Water. Wastewater effluent tributary to the South Platte River that is diverted from the North and South Outfalls of Metro. e. Date of Appropriation. December 28, 2001. f. Amount. (1) Flow Rate. A maximum flow rate not to exceed 70 cubic feet per second ("c.f.s.") (conditional). (2) Volumetric Limit. 17,500 acre-feet diversion limit annually from November 1 through October 31 of the following year, in combination with the volume of water diverted under the Recycling Plant Substitution and Exchange Water Right, and the exchange from the Lupton Lakes Reservoir Complex to the Recycling Plant Intake

Pump Station claimed in Case No. 2009CW123 WD1. g. Use. The water diverted under the Recycling Plant Intake Water Right will be diverted through the Recycling Plant Intake Pump Station for use by Denver Water's recycled plant water customers following treatment at the Recycling Plant, for nonagricultural irrigation, commercial, industrial, and municipal uses, including mechanical, manufacturing, industrial, power generation, fire protection, street sprinkling, irrigation of parks, schools, yards, lawns, grounds and open spaces, maintenance and filling of lakes and ponds, recreation, piscatorial, and maintenance and preservation of wildlife and aesthetic values. The water so delivered may be fully consumed and, if not fully consumed in the first use, any return flows from such first use may be reused and successively used, subject to the terms and conditions of this Decree, by Denver Water and its customers, directly or after storage or exchange, for the uses described above, as well as for all municipal uses, including but not limited to domestic uses, augmentation, substitution, replacement of lake and reservoir evaporation, and sewage treatment. h. Place of Use. Waters diverted under this water right may be placed to beneficial use by Denver Water wherever it may, now or in the future, legally provide water.

4. Description of Recycling Plant Substitution and Exchange Water Right. a. Type of Water Right. Appropriative right of substitution and exchange. b. Appropriative Right of Substitution and Exchange. The Recycling Plant Substitution and Exchange Water Right will be used to divert water out-of-priority at the Recycling Plant Intake Pump Station, described in paragraph 0.0, by substitution and exchange from the exchange-from points set forth in paragraph 0.0 of this Application. Maps generally depicting the exchange reaches are attached hereto as Exhibit A. c. Date of Original and All Relevant Subsequent Decrees. The original decree for the Recycling Plant Substitution and Exchange Water Right was entered on December 6, 2011 in Case No. 2001CW287 WD1. d. Source of Water at Exchange-to Point. Wastewater effluent tributary to the South Platte River that is diverted from the North and South Outfalls of Metro. e. Locations of Exchange-to Point. The Recycling Plant Intake Pump Station is located near the Metro North and South Outfalls at the Metro Plant. The Recycling Plant Intake Pump Station diverts treated wastewater through two intakes from the Metro wastewater treatment plant effluent streams located in the North and South channels that feed into Metro's chlorine contact basin. The two intakes are located in the NE 1/4 of the NW 1/4, S12, T3S, R68W, 6th P.M., in Adams County, Colorado. The first intake is located approximately 777 feet from the north section line and 1,455 feet from the west section line. The second intake is located approximately 797 feet from the north section line and 1,553 feet from the west section line. f. Locations of Exchange-from Points. (1) Metro Outfall. The point where the Metro Outfall physically discharges wastewater to the South Platte River, located within the NE 1/4 of the NW 1/4, S12, T3S R68W, 6th P.M., in Adams County, Colorado, at a point located approximately 37 feet from the north section line and 1,367 feet from the west section line. (2) The Outlet of the South Reservoir Complex. The South Reservoir Complex consists of two off-channel reservoirs designated as Bambei-Walker Reservoir (f.k.a. Miller Dam and Reservoir) and Welby Reservoir (f.k.a. Cat Reservoir). A pipeline located under the South Platte River connects the two reservoirs so they operate as an integrated unit. The outlet for the South Reservoir Complex is located on the west bank of the South Platte River in the NE 1/4 of the NW 1/4 of S1, T3S, R68W of the 6th P.M., Adams County, Colorado, at a point located approximately 997 feet from North section line and 2,477 feet from West section line. (3) Confluence of South Platte River and Clear Creek. The confluence of the South Platte River and Clear Creek located in the SW 1/4 of the SE 1/4 of S36, T2S, R68W of the 6th P.M., in Adams County, Colorado. (4) The Outlet of the North Reservoir Complex. The North Reservoir Complex consists of five off-channel reservoirs designated as Howe-Haller A Reservoir, Howe-Haller B Reservoir, Hazeltine Reservoir, Dunes Dam and Reservoir and Tanabe Reservoir. The five reservoirs are connected by pipelines so that they function as an integrated unit. The outlet of the North Reservoir Complex is located within the NW 1/4 of the NE 1/4 of S3, T2S, R67W, 6th P.M., in Adams County, Colorado at a point commencing from the NE corner of Section 3 South 85° 25' 40" West, a distance of 2583.58 feet. (5) South Adams County Water and Sanitation District Wastewater Treatment Plant Outfall. The point where the South Adams County Wastewater Treatment Plant physically discharges wastewater to the South Platte River located within the SW 1/4 of the SE 1/4 of S17, T2S, R67W, 6th P.M., in Adams County, Colorado, at a point located approximately 1,245 feet from South section line and 2,607 feet from

East section line. (6) Outfall of Northern Treatment Plant. To accommodate municipal growth and increasing water treatment requirements, Metro constructed a second wastewater treatment facility - the Northern Treatment Plant - which is located in Weld County near the City of Brighton, Colorado, adjacent to the South Platte River, at a location approximately 20 miles downstream from the Metro Outfall. The legal description of the Northern Treatment Plant Outfall is in the SE 1/4 of the SW 1/4 of S31, T1N, R66W, 6th P.M., Weld County, Colorado. g. Locations of Upstream Substitute Supply Release Points. Water will be released from the sources listed in Exhibit B from the structures or locations described below and transported downstream to the confluence of the Metro Outfall and the South Platte River pursuant to C.R.S. § 37-83-101 for use as a substitute supply for wastewater tributary to the South Platte that is diverted from the locations described in paragraph 0.0. (1) Lawn Irrigation Return Flows. Denver Water's Lawn Irrigation Return Flows ("LIRFs") as quantified and decreed for use and at the locations decreed in Case No. 2004CW121 WD1. (2) The Littleton/Englewood Waste Water Treatment Plant Outfall. The Littleton/Englewood Waste Water Treatment Plant Outfall is located in the SE 1/4 of the SE 1/4 of S28, T4S, R68W of the 6th P.M., 128 feet from South Section line and 34 feet from East Section line, Denver County, Colorado. (3) Chatfield Reservoir Outlet. The Reservoir formed by the Chatfield Dam, an existing structure located approximately eight miles southwest of the City and County of Denver, Colorado on the main stem of the South Platte River; the right abutment of which is located in Douglas County, Colorado in S6 and S7, T6S, R68W, of the 6th P.M.; and the left abutment of which is located in Jefferson County, Colorado in S1, T6S, R69W of the 6th P.M. (4) Harriman Ditch Headgate. The Harriman Ditch Headgate from Bear Creek is located at a point on the South side of said creek in the NE 1/4 of the NE 1/4 of S2, T5S, R70W, 6th P.M., in Jefferson County, Colorado, approximately 199 feet from North section line and 783 feet from East section line. The Turkey Creek point of diversion is located on the south bank of Turkey Creek in the NW 1/4 of the NW 1/4 of S7, T5S, R69W, 6th P.M., in Jefferson County, Colorado, approximately 38 feet from North section line and 541 feet from West section line. h. Sources of Substitute Supply for Exchange. The water rights that will be used as substitute supplies to operate the Recycling Plant Substitution and Exchange described in paragraph 0 are those identified in Exhibit B. i. Exchange Reaches. (1) Exchange Reach A. From the point where the Metro Outfall physically discharges wastewater to the South Platte River, located in the NE1/4 of the NW1/4, S12, T3S, R68W, 6th P.M., in Adams County, Colorado to the Recycling Plant Intake Pump Station located in the NE1/4 of the NW1/4, S12, T3S, R68W, 6th P.M., in Adams County, Colorado. (2) Exchange Reach B. From the South Reservoir Complex outlet located on the west bank of the South Platte River in the SW 1/4 of the NE 1/4 of S1, T3S, R68W of the 6th P.M., Adams County, Colorado to the Recycling Plant Intake Pump Station located in the NE1/4 of the NW1/4, S12, T3S, R68W, 6th P.M., in Adams County, Colorado. (3) Exchange Reach C. From the confluence of the South Platte River and Clear Creek, located in the SW1/4 of the SE1/4 of S36, T2S, R68W of the 6th P.M., in Adams County, Colorado to the Recycling Plant Intake Pump Station located in the NE1/4 of the NW1/4, S12, T3S, R68W, 6th P.M., in Adams County, Colorado. (4) Exchange Reach D. From the outlet of the North Reservoir Complex which is located within the NW1/4 of the NE1/4 of S3, T2S, R67W, 6th P.M., in Adams County, Colorado to the Recycling Plant Intake Pump Station located in the NE1/4 of the NW1/4, S12, T3S, R68W, 6th P.M., in Adams County, Colorado. (5) Exchange Reach E. From the confluence of the outfall of the South Adams County Wastewater Treatment Plant with the South Platte River located within the SW1/4 of the SE1/4 of S17, T2S, R67W, 6th P.M., in Adams County, Colorado to the Recycling Plant Intake Pump Station located in the NE1/4 of the NW1/4, S12, T3S, R68W, 6th P.M., in Adams County, Colorado. (6) Exchange Reach F. From the Northern Treatment Plant Outfall which is located at the SE1/4 of the SW1/4 of Section 31, T1N, R66W, 6th P.M., Weld County, Colorado to the Recycling Plant Intake Pump Station located in the NE1/4 of the NW1/4, S12, T3S, R68W, 6th P.M., in Adams County, Colorado. j. Date of Appropriation. December 28, 2001. k. Amount. (1) Flow Rate. A maximum flow rate not to exceed 70 c.f.s., (conditional) provided that the combined diversion rate at the Recycling Plant Intake Pump Station from all sources shall not exceed a flow rate of 70 c.f.s. at any one time. (2) Volumetric Limit. 17,500 acre-feet annually from November 1 through October 31 of the following year, in combination with the exchange from the Lupton Lakes Reservoir Complex to the

Recycling Plant Intake Pump Station decreed in Case No. 2009CW123 WD 1 and the Recycling Plant Intake Water Right. l. Use. The water diverted under the Recycling Plant Substitution and Exchange will be diverted through the Recycling Plant Intake Pump Station for use by Denver Water's recycling plant water customers following treatment at the Recycling Plant for nonagricultural irrigation, commercial, industrial, and municipal uses, including mechanical, manufacturing, industrial, power generation, fire protection, street sprinkling, irrigation of parks, yards, schools, lawns, grounds and open spaces, recreation, piscatorial, maintenance and filling of lakes and ponds, and maintenance and preservation of wildlife and aesthetic values. If Denver Water uses a fully consumable substitute supply to perform the Substitution and Exchange, the water so diverted and delivered may be fully consumed and, if not fully consumed in the first use, any return flows from such first use may be reused and successively used, subject to the terms and conditions of this Decree, by Denver Water and its customers, directly or after storage or exchange, for the uses described above, as well as for all municipal uses, including but not limited to domestic uses, augmentation, substitution, replacement of lake and reservoir evaporation, and sewage treatment. m. Place of Use. Waters diverted under the Recycling Plant Substitution and Exchange will be placed to beneficial use by Denver Water wherever it may, now or in the future, legally provide water. 5. Claim for Finding of Reasonable Diligence. The following work, undertaken during the diligence period, was necessary to operate the diversion and beneficial use of water under the Recycling Plant Intake Water Right and the Recycling Plant Substitution and Exchange Water Right: a. Recycling Plant. Denver Water completed the following diligence activities related to the recycling plant during the diligence period: (1) In 2011, the Board installed 16,689 linear feet of 36-inch recycle pipe between East 33rd Avenue and Boston Street to East 47th Avenue and Peoria Street to extend recycle water Conduit 302 to more customers. (2) In 2011, completed design, drafting and surveying for the Montbello recycled water mains project to extend Conduit 308 to serve the Montbello neighborhood with recycled water. (3) In 2012, installed Conduit 308, which consists of a 24-inch diameter recycled water conduit that extends from the intersection of Peoria Street and East Andrews Drive approximately 20,000 feet to the intersection of East 56th Avenue and Montbello. The project also included the installation of 23,000 linear feet of 4-inch to 12-inch recycled water distribution mains and appurtenances to distribute water to City and County of Denver and Adams County customers. (4) In 2012, furnished and installed appurtenances to connect 23 customers as part of the Montbello recycled water project. (5) In 2011, converted cooling towers at Denver International Airport ("DIA") and other Denver area cooling towers from potable water to recycled water. (6) In 2012, completed the recycling plant safety shower upgrades project. The project consisted of upgrading the existing safety shower system at the Denver Water's recycling plant by installing tempered water systems, ADA compliant safety shower units and flow detection alarm systems in 4 buildings to a total of 26 safety shower units. (7) In 2012, extended Conduit 302, a recycled water conduit, by installing 10,860 linear feet of 36-inch recycled water pipeline along 56th Avenue from Chambers Road to Tower Road to connect more customers to the recycled water system. (8) Purchased PVC pipe to be used for the recycled water system from HD Supply Waterworks through 2014. (9) Retained CH2M Hill in 2015 to evaluate the chlorination systems at Denver Water's water recycling plant. (10) Completed the Montbello recycled water distribution system point of service modifications in 2012. (11) Completed electrical inspections at the Denver Water recycling plant in 2012. (12) Retained Smith Environmental and Engineering for prairie dog management along the Conduit 302 alignment. (13) In 2012, executed an agreement with the Denver Museum of Nature & Science ("DMNS") to construct a ground source heat pump ("GSHP") system for heating and cooling its new Education and Collection Facility ("ECF") with recycled water. The closed-loop GSHP system utilizes water circulating within the Denver Water recycled water system as the heat sink/source. (14) In the 2015, completed the installation of Conduit 309, a 24-inch recycled water pipeline that extends from the intersection of East 47th Avenue and Havana Street approximately 7,700 feet to Prairie Meadow Drive and Central Park Boulevard, which included a 57-foot bore under a railroad track. (15) In 2015, replaced a recycled water motor pump on the main line. (16) In 2015, executed the North Stapleton Recycled Water Infrastructure Agreement with Park Creek Metropolitan District for the Conduit 309 extension. (17) Retained Carollo Engineers Inc. in 2015 to analyze recycled water demand management. (18) In 2016, converted six Denver Public Schools from

potable to recycled water for irrigation. The schools are Denver Center for International Studies (“DCIS”) at Ford, Montbello High School, Maxwell Elementary, McGlone Academy, Farrall B Howell ECE and South High School and City Stadium. Matching funds for a grant were provided for DCIS at Ford and Maxwell Elementary for the conversions. (19) In 2016, executed an inter-governmental agreement with the Denver Parks and Recreation Department for irrigation efficiencies, conversions and sources of water for Denver Parks. (20) In 2017, executed a memorandum of understanding with Sand Creek Metropolitan District (“SCMD”) which lays out responsibilities and contingencies related to the permit application process and subsequent permit holding for the discharges of recycled water to be provided to the SCMD lakes located in the Gateway Park neighborhood. (21) Denver Water expended at least \$17,900,000 during the last diligence period on the recycle plant and its infrastructure. b. South Reservoir Complex. Denver Water completed the following diligence activities related to the South Reservoir Complex exchange-from point during the diligence period: (1) Storage, diversion and beneficial use of water right during the diligence period. (2) Completed a dewatering well MODFLOW stream depletion analysis at Bambei-Walker Reservoir. (3) Installed ventilation systems in the pump house to eliminate buildup of hydrogen sulfide. (4) Placed fill to rehabilitate banks along the east side of Bambei-Walker Reservoir. (5) Extended mounding drain outlet pipes with like materials to accommodate the stable slope and riprap material thickness, and construct a concrete rundown at the pumped mounding drain outlet. (6) Performed erosion control as required by all local, state, and federal requirements. (7) Acquired a permanent easement from Sam E. Hill at Bambei-Walker Reservoir for access to the reservoir for maintenance, construction and repairs. (8) Began initial design of a water quality mitigation project. Installation of the equipment and appurtenant facilities is scheduled for 2018. (9) Made drainage improvements at Welby Reservoir on the west side of the complex including grading Gardeners Ditch and adjacent overflow area to protect water quality; installation of concrete pipe, manholes and drop inlets; removal of trash, old structures and trees; cleaning of culverts and installation of two grouted overflow structures. (10) Rezoned and replatted 69th Way adjacent to Welby Reservoir. The work included relocating a gas line, additional support during the County review process and survey work necessary for required subdivision plat. (11) Constructed a stormwater pond and realigned the Gardeners Ditch to convey runoff away from the reservoir. (12) Purchased part of the Meyer Property parcel at Welby Reservoir. (13) Denver Water, Adams County, and South Adams County Water and Sanitation District signed an Inter-governmental Agreement on July 9, 2013 to abandon a portion of the private drive and construct a new public street dedicated to Adams County. The dedicated street will provide access to the reservoir, to adjacent property owned by Denver Water and South Adams Co. as well as to property of private land owners. (14) Denver Water and South Adams County Water and Sanitation District signed an Inter-governmental Agreement on April 9, 2014 for the operation of the North and South Reservoir Complexes and delivery of 5K Water to South Adams. (15) Initiated initial design of a water quality mitigation project to replace the existing floating electrical powered reservoir mixers. Installation of the equipment and appurtenant facilities is scheduled for 2018. (16) Expended approximately \$3,700,000 during the last diligence period on the South Reservoir Complex. c. North Reservoir Complex: Denver Water completed the following diligence activities related to the North Reservoir Complex exchange-from point during the diligence period: (1) Constructed the First Creek drainage crossing at Howe-Haller Reservoir site. (2) Completed hydroseeding on the reservoir slopes at Howe-Haller. (3) Acquired a Section 404 Permit through the U.S. Army Corps of Engineers to construct an emergency spillway between Howe-Haller A and First Creek. (4) Surveyed slopes and completed as-builts of outlet, inlets and spillway between Howe-Haller A & B. (5) Topographic survey of flood damaged reservoir slopes for future design, repair and stabilization of westerly slopes along the South Platte River and the Bull Seep. (6) Performed a geotechnical engineering study and developed a final design for the repair of reservoir bank slopes impounding the Howe-Haller A and B Reservoirs. Portions of the slopes for the two reservoirs were damaged by surface water runoff erosion occurring during the regional flooding in 2013 and 2015. (7) Conducted a hydraulic and structural engineering analysis for the new spillway/rundown structure at Denver Water’s Howe-Haller Reservoir A that was destroyed in the 2013 floods. (8) Completed the South Platte Collection System - North Metro Howe-Haller A and B Reservoirs Flood

Repair Project. The project consists of re-grading and reconstructing the reservoir slopes damaged during 2013 and 2015 flooding and constructing a new concrete rundown and spillway structure to pass future flood flows from First Creek safely into Howe-Haller A Reservoir. (9) Completed the South Platte Collection System- North Metro Howe-Haller and Hazeltine Reservoirs Property Fencing Project. Denver Water initiated a safety and security protocol at the facility to fence the perimeter of our property. This project completes the property fencing around Howe-Haller A, B, and Hazeltine Reservoirs. The fencing will connect to Adams County fencing on the western border at their open space trail. (10) Received notification that the liners for Howe-Haller A and Howe-Haller B continue to meet the State's standards for lining following repair of the slopes. (11) Completed the outlet works and interconnect installation at Dunes Reservoir. (12) Signed an exclusive easement agreement for the Dunes Outlet Works with South Adams County Water & Sanitation District. (13) Signed a Crossing Agreement for the Dunes Outlet Works with the Fulton Irrigation Ditch Company. (14) Approved the purchase of 6.1 acres of land at the Dunes Reservoir site. The additional land was required to construct a security fence and reservoir outlet conduit. (15) Completed inundation mapping for Dunes Dam and Reservoir. (16) Received acceptance from State Engineer's Office for First Fill Plan. (17) Completed a water quality modeling study to evaluate potential water quality concerns at the reservoir and evaluate mitigation equipment that could be used to mitigate those concerns. (18) Designed water quality mitigation equipment and appurtenant facilities. Construction of equipment is budgeted for the first quarter of 2018. (19) Designed and constructed electrical, instrumentation, and controls necessary to operate the reservoir. (20) Continued removal of material at Hazeltine. (21) Entered into an agreement with Asphalt Specialties Company, Inc. for the Hazeltine Gravel Pit reclamation project. This project includes removal of common fill, site management, dewatering, mining record keeping and foreign material handling. Additional work was completed by the contractor including the removal of 429 cubic yards (CY) of additional material, the removal of approximately 3,000 CY of concrete debris and trash from the north embankment. This allowed for a drainage trench to be constructed to dewater the pit to the final grade of the reservoir floor. (22) Completed stabilizing the mining slopes within Hazeltine Reservoir by designing and constructing internal buttress slopes as required by the reclamation plan. (23) Designed and constructed the Hazeltine outlet structure. (24) Completed the Hazeltine Reservoir Slurry Wall Repair Project. Upon completion of the repair work the State approved the reservoir's liner as meeting reservoir lining criteria. (25) Conducted phase 1 environmental site assessment of two vacant parcels adjacent to Tanabe Reservoir. (26) Purchased parcels 1 and 2 adjacent to Tanabe Reservoir. (27) Completed the Tanabe Reservoir Outlet and Interconnect pipeline. The work includes construction of interconnect conduit by both open cut and trenchless installation, reinforced concrete inlet/outlet structure, pipeline access vault, a building to house controls for regulating flow between Tanabe Reservoir and the Fulton Inlet Pipeline valve vault, and the Hazeltine Pump Station Pipeline which connects the Fulton Inlet Pipeline valve vault to the Hazeltine outlet structure, which returns all water from the North complex to the South Platte River. (28) Completed a water quality modeling study to evaluate potential water quality concerns at the reservoir and evaluate mitigation equipment that could be used to mitigate those concerns. (29) Designed water quality mitigation equipment and appurtenant facilities. Construction of equipment is budgeted for the first quarter of 2018. (30) Designed and constructed electrical, instrumentation, and controls necessary to operate the reservoir. (31) In 2015, Denver Water and South Adams completed the obligations relating to the construction of the improvements to the Fulton Ditch and enlargement of the Fulton Ditch pursuant to the June 15, 2001 Agreement between Fulton, Denver Water and South Adams. Under the Agreement, Denver Water and South Adams have completed certain improvements to the Fulton Ditch, including reconstruction of the ditch headgate at the South Platte River and lining portions of the ditch, in exchange for a carriage agreement and easement in the Fulton Ditch. The purpose of these improvements is to increase the ditch's carrying capacity, such that Denver Water and South Adams may carry, pursuant to the carriage agreement and easement, up to 150 c.f.s. of non-Fulton water in the ditch from the ditch's headgate to Denver Water's first turnout structure at the North Reservoir Complex between 108th and 115th Avenues. Denver Water and South Adams, together with the City of Thornton, have now completed these improvements to the Fulton Ditch and Fulton has granted carriage rights as contemplated

by the Agreement. (32) Denver Water spent approximately \$29,000,000 during the last diligence period on the North Reservoir Complex. 6. Claim to Make Amount Absolute. a. Of the 70 c.f.s. conditionally decreed, Denver Water claims 60.36 c.f.s. of the Recycling Plant Intake Water Right absolute. This claim is based on a diversion of water on October 25, 2017, and subsequent application to beneficial use. b. Of the 70 c.f.s. conditionally decreed, Denver Water claims 32.72 c.f.s. of the Recycling Plant Substitution and Exchange Water Right absolute. This claim is based on the operation of a substitution to, and exchange from the Metro Outfall at the South Platte River to the Recycling Plant Intake Pump Station, on August 1, 2008. c. Denver Water may rely on other diversions under the Recycling Plant Intake Water Right and Recycling Plant Substitution and Exchange Water Right to support its claim to make absolute an amount equivalent to the amounts set forth in paragraph 6.a. and b. above or a lesser amount. 7. Names and addresses of owners or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool. Denver Water is not proposing new diversion or storage structures that do not already exist, nor is Denver Water proposing modifications to any existing diversion or storage structure for the diversion of the water rights described herein. However, Denver Water is providing notice to the following entities because this application relates to certain structures and property in which the following entities may have a property interest. (a) Burlington Ditch, Reservoir and Land Company, 80 South 27th Avenue, Brighton, CO 80601. (b) Farmers Reservoir and Irrigation Company, 80 South 27th Avenue, Brighton, CO 80601. (c) Wellington Reservoir Company, 80 South 27th Avenue, Brighton, CO 80601. (d) Henrylyn Irrigation District, 29490 County Road 14, Keenesburg, CO 80643. (e) Metro Wastewater Reclamation District, 6450 York Street, Denver, CO 80229. (f) South Adams County Water and Sanitation District, 6595 East 70th Avenue, Commerce City, CO 80022.

17CW3207 CENTENNIAL WATER AND SANITATION DISTRICT AND CENTER OF COLORADO WATER CONSERVANCY DISTRICT (Centennial Water and Sanitation District c/o John Kaufman, General Manager, 62 West Plaza Drive, Highlands Ranch, Colorado 80129, (“Centennial” – send all correspondence and pleadings to counsel, Veronica A. Sperling and Paul F. Holleman of Buchanan, Sperling & Holleman, PC, 1525 Spruce St., Ste. 200, Boulder, CO 80302)) (Center of Colorado Water Conservancy District, c/o R. Briggs Cunningham, President, P.O. Box 1747, Fairplay, Colorado 80440, (“Center” – send all correspondence and pleadings to counsel, David M. Shohet and Ryan W. Farr of Monson, Cummins & Shohet, LLC, 13511 Northgate Estates Drive, Ste. 250, Colorado Springs, CO 80921)) Centennial and Center are collectively referred to as the “Applicants.” Applicants seek a finding of reasonable diligence and to make absolute in part the conditional water storage right decreed in Case No. 2009CW180, District Court, Water Division 1 (“Decree”). **PARK COUNTY**. Name of Surface Water Right. James Tingle Reservoir (“James Tingle”). Legal Description of Location of Dam Centerline. The dam centerline for James Tingle is located approximately 920 feet from the East section line and 960 feet from the South section line in the SE1/4 of the SE1/4 of Section 18, Township 8 South, Range 75 West of the 6th P.M., Park County, Colorado. Date of Original Decree. The date of the original decree is December 8, 2011. Case Number. The case number of the original decree is 2009CW180, District Court, Water Division 1. Source. The source of water for James Tingle is Michigan Creek, tributary to Tarryall Creek, tributary to the South Platte River. Name and capacity of ditch used to fill James Tingle and the legal description of the point of diversion. Sessions Ditch. The capacity of the Sessions Ditch is 13 c.f.s. The headgate of the Sessions Ditch is located on Michigan Creek, in the NW1/4 of the SE1/4 of Section 13, Township 8 South, Range 76 West of the 6th P.M., at a point approximately 2,056 feet from the East section line and 1,557 feet from the South section line of said section 13, Park County, Colorado. Appropriation Date. The appropriation date for James Tingle is April 22, 2009. Decreed Amount. The amount decreed to James Tingle is 235 acre-feet. Of the 235 acre-feet, 5.5 acre-feet is absolute with the remaining 229.5 conditional with one refill conditional, at a rate of 13 c.f.s., of which 6.28 c.f.s. is absolute with the remaining amount of 6.72 c.f.s. conditional. The maximum annual diversions are limited to 470 acre-feet in an accounting year. The accounting year

pursuant to the Decree is April 1 through March 31 of the following year. Water stored in the previous accounting year under the first fill right and the refill right that remains in storage at the beginning of the new accounting year shall be considered carryover storage against the first fill right in the new accounting year. Water from other sources that remains in storage in James Tingle when the first fill right is filling in priority and there is insufficient capacity in the reservoir for such first fill right shall, at Applicants' option, be released from James Tingle, booked over to the first fill right, or kept in the reservoir but counted against the first fill right for that accounting year. Decreed Uses. The decreed use for James Tingle is for use, reuse, successive use to extinction for municipal, augmentation, domestic, industrial, commercial, irrigation, stock watering, recreation, fish and wildlife preservation and propagation, fire protection, aquifer recharge purposes, substitution and exchange and replacement within Park County, Colorado, within Centennial's existing service area in Douglas County, Colorado, within Centennial's future service area, and at other locations in the South Platte River Basin capable of being served by the diversion and storage location described herein that are within the areas where Applicants may legally serve water. James Tingle is a component part of Applicants' integrated water supply systems, which consist of storage water rights, plans for augmentation, appropriative rights of exchange, surface water rights and for Centennial, groundwater rights. Pursuant to §37-92-301(4)(b), C.R.S., work on one component of an integrated system shall be considered in finding that reasonable diligence has been shown for all components of the integrated system. During the subject diligence period, Applicants have outlaid the following expenditures or completed the following work related to James Tingle and their integrated water systems: Installed a weather station at James Tingle as required in Paragraph 14 of the Decree and then subsequently operated and maintained the weather station. Hired a caretaker to oversee the operation and maintenance of James Tingle. Acquired a tractor for snow removal at James Tingle. Installed Supervisory Control and Data Acquisition System control system equipment at James Tingle. Employed the services of a consulting engineering firm to coordinate the information gathering, annual reporting, and annual inspections by state officials to establish safe operation of James Tingle. Developed and updated annually the Emergency Action Plan for James Tingle. Weekly monitoring of well water level measurements and dam safety operations which are reported annually to state officials. Annual surveying at the reservoir of strategically placed markers to show the condition of possible ground movements upon the embankments and near the reservoir. Fencing installed and repairs made adjacent to James Tingle. Television surveying of drain lines at James Tingle. The total cost of the above listed actions was approximately \$147,575.00. Propane expenditures of \$5,311.02. Legal expenditures of \$15,615.70. Weed management activities costing \$7,938.94. Payments to Center's operations manager in the amount of \$4,297.29 for James Tingle related work. Centennial has expended more than \$27,332,000 on the continuing development of its municipal water system and water rights. Such expenditures include expenditures associated with Centennial's water treatment and wastewater treatment plants, water and wastewater pipelines, groundwater wells, raw water storage facilities and miscellaneous water infrastructure. Applicants both continue to operate their respective integrated water systems to provide water service to their current and future customers. Applicants have continued to file statements of opposition to numerous Water Court applications to protect Applicants' water rights, including water rights subject of this Application. Center pursued an Application for Approval for Plan for Augmentation including Appropriative Rights of Exchanges in Case No. 12CW50, District Court, Water Division 1 ("Case No. 12CW50"). Case No. 12CW50 was decreed on July 7, 2015. Case No. 12CW50 is an additional blanket augmentation plan for Center and its water authority, the Headwater Authority of the South Platte ("HASP"), jointly created with the Upper South Platte Water Conservancy District ("USPWCD"), utilizing the water rights subject of this application together with other water rights in order to provide augmentation water throughout Center and HASP's service areas. Center pursued an Application for Approval of Plan for Augmentation including Appropriative Rights of Exchange in Case No. 03CW19, District Court, Water Division 2 ("Case No. 03CW19"). Case No. 03CW19 was decreed on June 29, 2016. Case No. 03CW19 is an additional blanket augmentation plan for Center, USPWCD, and HASP. Case No. 03CW19 is Center, USPWCD, and HASP's first augmentation plan that extends their ability to augment stream depletions occurring in a majority of that portion of Park County that is

located in Water Division 2. Such augmentation plan utilizes the water rights subject of this application together with other water rights in order to provide augmentation water in Division 2. Center pursued an Application for Water Storage Right in Chatfield Reservoir in Case No. 13CW3148, District Court, Water Division 1. This case was decreed on November 5, 2015 and is to be utilized by Center within its decreed plans for augmentation. Center and USPWCD are currently pursuing an Application for Conditional Surface Water Right in Case No. 15CW3146, District Court, Water Division 1, in order to obtain a junior water right to be used to provide water throughout Center and USPWCD's service areas. Applicants seek to make absolute the first fill right of James Tingle, to make partially absolute the refill right of James Tingle, and to make partially absolute the rate of flow for filling James Tingle as follows: First Fill Right. The Decree awarded 5.5 acre-feet of the James Tingle first fill right as absolute with the 229.5 acre-feet of the remainder of the first fill right conditional. In May and June of 2014, Applicants stored the full amount of the first fill right in-priority, including the previously decreed 5.5 acre-foot absolute right and the previously decreed 229.5 acre-foot conditional right. Pursuant to § 37-92-301(4)(e), C.R.S., Applicants seek a determination that the James Tingle first fill right is absolute for all uses in the amount of an additional 229.5 acre feet, for a total absolute of 235 acre feet. Right of Refill. In August, September and October of 2014, Applicants stored a total of 157.41 acre-feet of the James Tingle refill right. As such, Applicants seek a determination that 157.41 acre-feet of the conditional refill right of 235 acre-feet is absolute for all uses pursuant to § 37-92-301(4)(e), C.R.S. Rate. In June of 2015, Applicants diverted in-priority under the James Tingle first fill right at a rate of 12.84 c.f.s. Therefore, Applicants seek a finding making an additional 6.56 cfs of the conditional 13 c.f.s. absolute, for a total absolute of 12.84 cfs. TBar Ranch, LLC, c/o Steve Bargas, P.O. Box 30, Como, Colorado 80432. Applicants request the Court to enter a decree (1) finding that reasonable diligence has been exercised in the development of the subject conditional water storage right, (2) making the conditional water storage right first fill for James Tingle Reservoir absolute in the additional amount of 229.5 acre-feet for all uses, for a total of 235 acre-feet absolute, (3) making absolute the amount of 157.41 acre-feet for all uses of the 235 acre-foot conditional water storage right refill for James Tingle Reservoir, (4) making the James Tingle Reservoir filling rate absolute in the additional amount of 6.56 c.f.s. for a total absolute of 12.84 c.f.s., and (5) continuing the remaining conditional water storage refill right for James Tingle Reservoir in the amount of 77.59 acre-feet and the remaining conditional filling right for James Tingle Reservoir in the amount of 0.16 c.f.s. in full force and effect for an additional diligence period.

17CW3208 Lower Logan Well Users Inc., hereinafter "Applicant," P.O. Box 1065, Sterling, CO 80751 c/o Lawrence Jones Custer Grasmick LLP, 5245 Ronald Reagan Blvd., Suite 1, Johnstown, CO, 80534 (970)622-8181. APPLICATION FOR FINDING OF REASONABLE DILIGENCE AND TO MAKE ABSOLUTE CONDITIONAL WATER RIGHTS in LOGAN, MORGAN, WASHINGTON AND SEDGWICK COUNTIES. The following water rights were decreed in Applicant's decree in Case No. 03CW208 entered January 19, 2005 and all or portions were made absolute or remained conditional in the diligence decree in Case No. 11CW12 entered December 7, 2011. 1. Name of Structure. Iliff and Platte Valley Ditch Recharge Project (IPV). 1.1 Diversion Points. 1.1.1 Ditch Headgate. In the NE1/4 SW1/4 of Section 25, Township 9 North, Range 52 West of the 6th P.M., Logan County, Colorado at the diversion works of the Iliff and Platte Valley Ditch. 1.1.2 Sevenmile Creek. In the SE1/4 SW1/4 of Section 18, Township 9 North, Range 51 West of the 6th P.M., Logan County, Colorado where Sevenmile Creek is intercepted by the ditch. 1.1.3. Trap Draw. In the NW1/4 NE1/4 of Section 18, Township 9 North, Range 51 West of the 6th P.M., Logan County, Colorado where Trap Draw is intercepted by the ditch. 1.1.4. Korrey Draw. In the NE1/4 NE1/4 of Section 8, Township 9 North, Range 51 West of the 6th P.M., Logan County, Colorado where Korrey Draw is intercepted by the ditch. 1.1.5. Lewis Creek. In the SW1/4 NE1/4 of Section 35, Township 10 North, Range 51 West of the 6th P.M., Logan County, Colorado, where Lewis Creek is intercepted by the ditch. 1.1.6. Schuppe Draw. In the SW1/4 NE1/4 of Section 30, Township 10 North, Range 50 West of the 6th P.M., Logan County, Colorado where Schuppe Draw is intercepted by the ditch. 1.1.7. Simpson Draw. In the SE1/4 NE1/4 of Section 30, Township 10 North, Range 50 West of the 6th P.M., Logan County, Colorado, where Simpson Draw is intercepted by

the Ditch. 1.2. Source. The South Platte River and its tributaries. 1.3. Appropriations. 1.3.1. Ditch Headgate. December 23, 2002. 1.3.2. Sevenmile Creek. March 12, 2002. 1.3.3. Trap Draw. March 12, 2002. 1.3.4. Korrey Draw. March 12, 2002. 1.3.5. Lewis Creek. March 12, 2002. 1.3.6. Schuppe Draw. March 12, 2002. 1.3.7. Simpson Draw. March 12, 2002. 1.4. Description of Recharge. Water is diverted at the points described in ¶1.1 and is allowed to percolate from the ditch into the underground aquifer for Applicant's stated beneficial uses. To avoid loss of water to the stockholders during the irrigation season, no action shall be taken by any person to increase the seepage or percolation from the ditch, and nothing in the Decree shall be construed to prevent or restrict work on the ditch to decrease seepage losses. Recharge credit may not be claimed from ditch seepage that occurs whenever any water is being diverted by the ditch under a water right senior to the recharge diversion water right granted in ¶1. The water so diverted may also be delivered either above or below the ditch to facilities proximate to the ditch for the same purposes. The following initial sites have been identified. These sites may be modified and other sites added as long as the source of water is from the same diversion points described above, Applicant provides notice to the objectors and the Division Engineer, pursuant to ¶16 of the Decree, and the Division Engineer approves the modification of the existing site or use of the new site. 1.4.1. IPV Recharge/Reservoir Site No. 1 (Shuppe No. 1). In the SW1/4 NE1/4 of Section 29, Township 10, North, Range 50 West of the 6th P.M., Logan County, Colorado. Surface area of high water line: 4 acres. Total active capacity in acre feet: 16 a.f. with 0 dead storage. 1.4.2. IPV Recharge/Reservoir Site No. 2 (Kielian No. 1). In the SW1/4 SW1/4 of Section 30, Township 10 North, Range 50 West of the 6th P.M., Logan County, Colorado. Surface area of high water line: 3 acres. Total active capacity in acre feet: 12 a.f. with 0 dead storage. 1.4.3. IPV Recharge/Reservoir Site No. 3 (Kielian No. 2). In the SW1/4 SE1/4 of Section 30, Township 10 North, Range 50 West of the 6th P.M., Logan County, Colorado. Surface area of high water line: 3 acres. Total active capacity in acre feet: 12 a.f. with 0 dead storage. 1.4.4. IPV Recharge/Reservoir Site No. 4 (No. 1). In the SW1/4 NW1/2 of Section 34, Township 10 North, Range 51 West of the 6th P.M., Logan County, Colorado. Surface area of high water line: 4 acres. Total active capacity in acre feet: 40 a.f. with 0 dead storage. 1.4.5. IPV Recharge/Reservoir Site No. 5 (No. 2). In the SW1/4 SE1/4 of Section 33, Township 10 North, Range 51 West of the 6th P.M., Logan County, Colorado. Surface area of high water line: 4 acres. Total active capacity in acre feet: 40 a.f. with 0 dead storage. 1.4.6. IPV Recharge/Reservoir Site No. 6 (No. 3). In the SE1/4 SE 1/4 of Section 33, Township 10 North, Range 51 West of the 6th P.M., Logan County, Colorado. Surface area of high water line: 2 acres. Total active capacity in acre feet: 20 a.f. with 0 dead storage. 1.5. Amounts. 1.5.1. Ditch Headgate. 4.4 c.f.s., absolute and 145.6 c.f.s., conditional. 1.5.2. Sevenmile Creek. 1.2 c.f.s., absolute and 3.8 c.f.s., conditional. 1.5.3. Trap Draw. 1.9 c.f.s., absolute and 3.1 c.f.s., conditional. 1.5.4. Korrey Draw. 2.2 c.f.s., absolute and 2.8 c.f.s., conditional. 1.5.5. Lewis Creek. 0.8 c.f.s., absolute and 4.2 c.f.s., conditional. 1.5.6. Schuppe Draw. 5.0 c.f.s., conditional. 1.5.7. Simpson Draw. 5.0 c.f.s., conditional. 1.6. Use. Augmentation, directly and by exchange, of water rights used for irrigation, municipal, commercial, livestock, fire protection, recharge, replacement, wildlife and wildlife recovery. Absolute amounts are for direct augmentation of water rights used for irrigation, livestock, commercial, recharge and replacement. All other uses are conditional. 2. Name of Structure. Upper Harmony Ditch Recharge Project (UHD). 2.1. Diversion Points. 2.1.1. Ditch Headgate. In the SE1/4 NE1/4 of Section 1, Township 9 North, Range 51 West of the 6th P.M., Logan County, Colorado, at the diversion works of the Harmony No. 2 Ditch. 2.1.2. Corral Creek No. 1. In the SW1/4 NE1/4 of Section 15, Township 10 North, Range 50 West of the 6th P.M., Logan County, Colorado at the site in ¶ 2.4.7. 2.1.3. Corral Creek No. 2. In the NE1/4 SW1/4 of Section 10, Township 10 North, Range 50 West of the 6th P.M., Logan County, Colorado at the site in ¶ 2.4.8. 2.1.4. Corral Creek No. 3. In the SW1/4 SW1/4 of Section 14, Township 10 North, Range 50 West of the 6th P.M., Logan County, Colorado where Corral Creek is intercepted by the Harmony no. 2 Ditch. 2.1.5. Spring Canyon Draw No. 1. In the NE1/4 SE1/4 of Section 7, Township 10 North, Range 49 West of the 6th P.M., Logan County, Colorado at the site in ¶ 2.4.9. 2.1.6. Spring Canyon Draw No. 2. In the SE1/4 SE1/4 of Section 7, Township 10 North, Range 49 West of the 6th P.M., Logan County, Colorado where Spring Canyon Draw is intercepted by the Harmony No. 2 Ditch. 2.1.7. Ramsey Draw No. 1. In the SE1/4 NW1/4 of Section 12, Township 10

North, Range 50 West of the 6th P.M., Logan County, Colorado, at the site in ¶ 2.4.10. 2.1.8. Ramsey Draw No. 2. In the NE1/4 NE1/4 of Section 13, Township 10 North, Range 50 West of the 6th P.M., Logan County, Colorado where Ramsey Draw is intercepted by the Harmony No. 2 Ditch. 2.2. Source. The South Platte River and its tributaries. 2.3. Appropriation. April 23, 2003. 2.4. Description of Recharge. Water is diverted at the points described in ¶2.1 and is allowed to percolate from the ditch or ponds into the underground aquifer for Applicant's stated beneficial uses. To avoid loss of water to the stockholders during the irrigation season, no action shall be taken by any person to increase the seepage or percolation from the ditch, and nothing in the Decree shall be construed to prevent or restrict work on the ditch to decrease seepage losses. Recharge credit may not be claimed from ditch seepage that occurs whenever any water is being diverted by the ditch under a water right senior to the recharge diversion water right granted in ¶2. The water so diverted may also be delivered either above or below the ditch to facilities proximate to the ditch for the same purposes. The following initial sites have been identified. These sites may be modified and other sites added as long as the source of water is from the same diversion points described above, Applicant provides notice to the objectors and the Division Engineer, pursuant to ¶16 of the Decree, and the Division Engineer approves the modification of the existing site or use of the new site. 2.4.1. UHD Recharge/Reservoir Site No. 1 (Monheiser No. 1). In the S1/2 NE1/4 of Section 13, Township 10 North, Range 50 West of the 6th P.M., Logan County, Colorado. Surface area of high water line: 0.5 acres. Total active capacity in acre feet: 2 a.f. with 0 dead storage. 2.4.2. UHD Recharge/Reservoir Site No. 2 (Monheiser No. 2). In the NE1/4 SE1/4 of Section 13, Township 10 North, Range 50 West of the 6th P.M., Logan County, Colorado. Surface area of high water line: 2.5. acres. Total active capacity in acre feet: 10 a.f. with 0 dead storage. 2.4.3. UHD Recharge/Reservoir Site No. 3 (Mowery No. 1). In the SW1/4 NE1/4 of Section 18, Township 10 North, Range 49 West of the 6th P.M., Logan County, Colorado. Surface area of high water line: 6.5. acres. Total active capacity in acre feet: 26 a.f. with 0 dead storage. 2.4.4. UHD Recharge/Reservoir Site No. 4 (George No. 1). In the SW 1/4 SW1/4 of Section 8, Township 10 North, Range 49 West of the 6th P.M. Logan County, Colorado. Surface area of high water line: 4 acres. Total active capacity in acre feet: 16 a.f. with 0 dead storage. 2.4.5. UHD Recharge/Reservoir Site No. 5 (George No. 2). In the NSW1/4 NE1/4 of Section 8, Township 10 North, Range 49 West of the 6th P.M., Logan County, Colorado. Surface area of high water line: 4 acres. Total active capacity in acre feet: 16 a.f. with 0 dead storage. 2.4.6. UHD Recharge/Reservoir Site No. 6 (Coy No. 1). In the NE1/4 SW1/4 of Section 7, Township 10 North, Range 49 West of the 6th P.M., Logan County, Colorado. Surface area of high water line: 4.2 acres. Total active capacity in acre feet: 8.4 a.f. with 0 dead storage. 2.4.7. UHD Recharge/Reservoir Site No. 7 (Rudy No. 1). In the SW1/4 NE1/4 of Section 15, Township 10 North, Range 50 West of the 6th P.M., Logan County, Colorado. Surface area of high water line: 4 acres. Total active capacity in acre feet: 16 a.f. with 0 dead storage. 2.4.8. UHD Recharge/Reservoir Site No. 8 (Rudy No. 2). In the NE1/4 SW1/4 of Section 10, Township 10 North, Range 50 West of the 6th P.M., Logan County, Colorado. Surface area of high water line: 2.3 acres. Total active capacity in acre feet: 9.2 a.f. with 0 dead storage. 2.4.9. UHD Recharge/Reservoir Site No. 9 (Coy No. 2). In the NE1/4 SE1/4 of Section 7, Township 10 North, Range 49 West of the 6th P.M., Logan County, Colorado. Surface area of high water line: 3 acres. Total active capacity in acre feet: 6 a.f. with 0 dead storage. 2.4.10. UHD Recharge/Reservoir Site No. 10 (Coy No. 3). In the SE1/4 NW1/4 of Section 12, Township 10 North, Range 50 West of the 6th P.M., Logan County, Colorado. Surface area of high water line: 3 acres. Total active capacity in acre feet: 6 a.f. with 0 dead storage. 2.5. Amounts. 2.5.1. Headgate Diversion. 90 c.f.s., conditional. 2.5.2. Diversion Points. At each point of diversion in ¶2.1.2. through ¶2.1.8., 5.0 c.f.s., conditional. 2.6. Use. Augmentation, directly and by exchange, of water rights used for irrigation, municipal, commercial, livestock, fire protection, recharge, replacement, wildlife and wildlife recovery. 3. Name of Structure. Proctor Water Company Recharge Project (PWC). 3.1. Diversion Points. 3.1.1. Powell & Blair Ditch. In the SE1/4 NE1/4 of Section 1, Township 9 North, Range 51 West of the 6th P.M., Logan County, Colorado, at the diversion works of the Powell and Blair Ditch. 3.1.2. Corral Creek: In the SW1/4 SW1/4 of Section 14, Township 10 North, Range 50 West of the 6th P.M., Logan County, Colorado. 3.1.3. Unnamed Draw: In the SW1/4 SE1/4 of Section 15, Township 10 North, Range 50 West of the 6th P.M., Logan County,

Colorado. 3.1.4. Skinner Draw: In the SE1/4 SW1/4 of Section 21, Township 10 North, Range 50 West of the 6th P.M., Logan County, Colorado. 3.2. Source. The South Platte River and its tributaries. 3.3. Appropriation. April 23, 2003. 3.4. Description of Recharge. Water is diverted at the points described in ¶3.1 and is allowed to percolate from the ditch into the underground aquifer for Applicant's stated beneficial uses. To avoid loss of water to the stockholders during the irrigation season, no action shall be taken by any person to increase the seepage or percolation from the ditch, and nothing in the Decree shall be construed to prevent or restrict work on the ditch to decrease seepage losses. Recharge credit may not be claimed from ditch seepage that occurs whenever any water is being diverted by the ditch under a water right senior to the recharge diversion water right granted in ¶3. The water so diverted may also be delivered either above or below the ditch to facilities proximate to the ditch for the same purposes. The following initial sites have been identified. These sites may be modified and other sites added as long as the source of water is from the same diversion points described above, Applicant provides notice to the objectors and the Division Engineer, pursuant to ¶16 of the Decree, and the Division Engineer approves the modification of the existing site or use of the new site. 3.4.1. PWC Recharge/Reservoir Site No. 1 (Parker No. 1). In the NW1/4 NW1/4 of Section 32, Township 10 North, Range 50 West of the 6th P.M., Logan County, Colorado. Surface area of high water line: 5 acres. Total active capacity in acre feet: 15 a.f. with 0 dead storage. 3.4.2. PWC Recharge/Reservoir Site No. 2 (Parker No. 2). In the SW/4SW/4 of Section 14, Township 10 North, Range 50 West of the 6th P.M., Logan County, Colorado. Surface area of high water line: 5 acres. Total active capacity in acre feet: 25 a.f. with 0 dead storage. 3.4.3. PWC Recharge/Reservoir Site No. 3 (Parker No. 3). In the SE/4SW/4 of Section 21, Township 10 North, Range 50 West of the 6th P.M., Logan County, Colorado. Surface area of high water line: 5 acres. Total active capacity in acre feet: 25 a.f. with 0 dead storage. 3.4.4. PWC Recharge/Reservoir Site No. 4 (Parker No. 4). In the SW/4SE/4 of Section 21, Township 10 North, Range 50 West of the 6th P.M., Logan County, Colorado. Surface area of high water line: 5 acres. Total active capacity in acre feet: 25 a.f. with 0 dead storage. 3.4.5. PWC Recharge/Reservoir Site No. 5 (Parker No. 5). In the NE/4SE/4 of Section 22, Township 10 North, Range 50 West of the 6th P.M., Logan County, Colorado. Surface area of high water line: 5 acres. Total active capacity in acre feet: 25 a.f. with 0 dead storage. 3.4.6. PWC Recharge/Reservoir Site No. 6 (Parker No. 6). In the NW/4SW/4 of Section 23, Township 10 North, Range 50 West of the 6th P.M., Logan County, Colorado. Surface area of high water line: 5 acres. Total active capacity in acre feet: 25 a.f. with 0 dead storage. 3.4.7. PWC Recharge/Reservoir Site No. 7 (Parker No.7). In the NW/4NW/4 of Section 26, Township 10 North, Range 50 West of the 6th P.M., Logan County, Colorado. Surface area of high water line: 5 acres. Total active capacity in acre feet: 25 a.f. with 0 dead storage. 3.4.8. PWC Recharge/Reservoir Site No. 8 (Parker No. 8). In the NW/4NE/4 of Section 27, Township 10 North, Range 50 West of the 6th P.M., Logan County, Colorado. Surface area of high water line: 5 acres. Total active capacity in acre feet: 25 a.f. with 0 dead storage. 3.4.9. PWC Recharge/Reservoir Site No. 9 (Parker No. 9). In the NE/4NW/4 of Section 28, Township 10 North, Range 50 West of the 6th P.M., Logan County, Colorado. Surface area of high water line: 5 acres. Total active capacity in acre feet: 25 a.f. with 0 dead storage. 3.4.10 PWC Recharge/Reservoir Site No. 10 (Parker No. 10). In the NE/4NE/4 of Section 11, Township 9 North, Range 51 West of the 6th P.M., Logan County, Colorado. Surface area of high water line: 5 acres. Total active capacity in acre feet: 25 a.f. with 0 dead storage. 3.4.11. PWC Recharge/Reservoir Site No. 11 (Schuppe No. 1). In the SE/4NE/4 of Section 29, Township 10 North, Range 50 West of the 6th P.M., Logan County, Colorado. Surface area of high water line: 5 acres. Total active capacity in acre feet: 25 a.f. with 0 dead storage. 3.4.12. PWC Recharge/Reservoir Site No. 12 (Schuppe No. 2). In the SW/4NE/4 of Section 29, Township 10 North, Range 50 West of the 6th P.M., Logan County, Colorado. Surface area of high water line: 5 acres. Total active capacity in acre feet: 25 a.f. with 0 dead storage. 3.4.13. PWC Recharge/Reservoir Site No. 13 (Lueck No. 1). In the NW/4NE/4 of Section 22, Township 10 North, Range 50 West of the 6th P.M., Logan County, Colorado. Surface area of high water line: 5 acres. Total active capacity in acre feet: 25 a.f. with 0 dead storage. 3.4.14. PWC Recharge/Reservoir Site No. 14. In the NE/4SE/4 of Section 22, Township 10 North, Range 50 West of the 6th P.M., Logan County, Colorado. Surface area of high water line: 5 acres. Total active capacity in acre feet: 25 a.f. with 0 dead storage. 3.4.15. PWC

Recharge/Reservoir Site No. 15. In the NW/4SE/4 of Section 22, Township 10 North, Range 50 West of the 6th P.M., Logan County, Colorado. Surface area of high water line: 5 acres. Total active capacity in acre feet: 25 a.f. with 0 dead storage 3.4.16. PWC Recharge/Reservoir Site No. 16. In the SW/4SE/4 Section 22, Township 10 North, Range 50 West of the 6th P.M., Logan County, Colorado. Surface area at high water line: 5 acres. Total active capacity in acre feet: 25 a.f. with 0 dead storage. 3.4.17 PWC Recharge/Reservoir Site No. 17. In the SE/4SE/4 Section 22, Township 10 North, Range 50 West of the 6th P.M., Logan County, Colorado. Surface area at high water line: 5 acres. Total active capacity in acre feet: 25 a.f. with 0 dead storage. 3.4.18. PWC Recharge/Reservoir Site No. 18. In the SW/4SW/4 Section 23, Township 10 North, Range 50 West of the 6th P.M., Logan County, Colorado. Surface area at high water line: 5 acres. Total active capacity in acre feet: 25 a.f. with 0 dead storage. 3.4.19. PWC Recharge/Reservoir Site No. 19. In the NE/4NE/4 Section 27, Township 10 North, Range 50 West of the 6th P.M., Logan County, Colorado. Surface area at high water line: 5 acres. Total active capacity in acre feet: 25 a.f. with 0 dead storage. 3.4.20. PWC Recharge/Reservoir Site No. 20. In the NW/4NE/4 Section 27, Township 10 North, Range 50 West of the 6th P.M., Logan County, Colorado. Surface area at high water line: 5 acres. Total active capacity in acre feet: 25 a.f. with 0 dead storage. 3.4.21. PWC Recharge/Reservoir Site No. 21. In the SW/4NE/4 Section 27, Township 10 North, Range 50 West of the 6th P.M., Logan County, Colorado. Surface area at high water line: 5 acres. Total active capacity in acre feet: 25 a.f. with 0 dead storage. 3.4.22. PWC Recharge/Reservoir Site No. 22. In the SE/4NE/4 Section 27, Township 10 North, Range 50 West of the 6th P.M., Logan County, Colorado. Surface area at high water line: 5 acres. Total active capacity in acre feet: 25 a.f. with 0 dead storage. 3.5. Amounts. 3.5.1. Headgate Diversion. 90 c.f.s., conditional. 3.5.2. Corral Creek, Unnamed Draw and Skinner Draw. 20.0 c.f.s. each, conditional. 3.6. Use. Augmentation, directly and by exchange, of water rights used for irrigation, municipal, commercial, livestock, fire protection, recharge, replacement, wildlife and wildlife recovery. 4. Name of Structure. Stromberger Land and Cattle LLC Recharge Project (SLC). 4.1. Stromberger Recharge Well No. 58700-F. 4.1.1. In the NE1/4 SE1/4, Section 6, Township 9 North, Range 50 West of the 6th P.M., Logan County, Colorado, approximately 2422 feet north and 862 feet west from the southeast corner of said section. 4.1.2. Appropriation. November 22, 2002. 4.1.3. Amount. 6.66 c.f.s., 3000 acre feet, conditional. 4.2. Stromberger Recharge Well No. 58701-F. 4.2.1. In the NW1/4 SE1/4, Section 6, Township 9 North, Range 50 West of the 6th P.M., Logan County, Colorado, approximately 2442 feet north and 1483 feet west from the southeast corner of said section. 4.2.2. Appropriation. November 22, 2002. 4.2.3. Amount. 6.66 c.f.s., 3000 acre feet, conditional. 4.3. Stromberger Recharge Well No. 58702-F. 4.3.1. In the NW1/4 SE1/4, Section 6, Township 9 North, Range 50 West of the 6th P.M., Logan County, Colorado, approximately 2139 feet north and 2295 feet west from the southeast corner of said section. 4.3.2. Appropriation. November 22, 2002. 4.3.3. Amount. 6.66 c.f.s., 3000 acre feet, conditional. 4.4. Stromberger Recharge Well No. 58703-F. 4.4.1. In the NW1/4 SW1/4, Section 12, Township 9 North, Range 51 West of the 6th P.M., Logan County, Colorado, approximately 2391 feet north and 352 feet east from the southwest corner of said section. 4.4.2. Appropriation. November 22, 2002. 4.4.3. Amount. 6.44 c.f.s. absolute, 0.22 c.f.s., conditional; 1377.3 acre feet, absolute, 1622.7 acre feet, conditional. 4.5. Stromberger Recharge Well No. 58704-F. 4.5.1. In the NE1/4 SE1/4, Section 11, Township 9 North, Range 51 West of the 6th P.M., Logan County, Colorado, approximately 1786 feet north and 36 feet west from the southeast corner of said section. 4.5.2. Appropriation. November 22, 2002. 4.5.3. Amount. 8.06 c.f.s. absolute, 0.82 conditional; 1980.3 acre feet, absolute, 1019.7 acre feet, conditional. 4.6. Stromberger Recharge Well No. 58705-F. 4.6.1. In the SE1/4 SE1/4, Section 11, Township 9 North, Range 51 West of the 6th P.M., Logan County, Colorado, approximately 1287 feet north and 373 feet west from the northwest corner of said section. 4.6.2. Appropriation. November 22, 2002. 4.6.3. Amount. 6.66 c.f.s. absolute, 2.22 conditional; 92.7 acre feet, absolute, 2907.3 acre feet, conditional. 4.7. Stromberger Recharge Well No. 58832-F. 4.7.1. In the NW1/4 SE1/4, Section 11, Township 9 North, Range 51 West of the 6th P.M., Logan County, Colorado, approximately 1380 feet north and 2320 feet west from the southeast corner of said section. 4.7.2. Appropriation. December 24, 2002. 4.7.3. Amount. 6.66 c.f.s. conditional; 3000 acre feet, conditional. 4.8. Stromberger Recharge Well No. 58837-F. 4.8.1. In the NW1/4 SE1/4, Section 11, Township 9 North,

Range 51 West of the 6th P.M., Logan County, Colorado, approximately 1380 feet north and 1640 feet west from the southeast corner of said section. 4.8.2. Appropriation, December 27, 2002. 4.8.3. Amount. 4.94 c.f.s., absolute, 1.72 c.f.s., conditional; 1388.1 acre feet absolute; 1611.9 acre feet, conditional. 4.9. Source. The South Platte River and its tributaries. 4.10. Description of Recharge. Water is diverted at the recharge wells and is allowed to percolate into SLC Recharge/Reservoir Sites No. 1-7. 4.11. Use. Augmentation, directly and by exchange, of water rights used for irrigation, municipal, commercial, livestock, fire protection, recharge, replacement, wildlife and wildlife recovery. Absolute amounts are for direct augmentation of water rights used for irrigation, livestock, commercial, recharge and replacement. All other uses are conditional. 5. Name of Structure. Svoboda/Stromberger Land and Cattle LLC Recharge Project (SSLC). 5.1. Svoboda Recharge Well No. 58835-F. 5.1.1. In the SE1/4 SE1/4, Section 33, Township 10 North, Range 50 West of the 6th P.M., Logan County, Colorado, approximately 1280 feet north and 280 feet west from the southeast corner of said section. 5.1.2. Amount. 5.78 c.f.s. absolute, 0.89 c.f.s., conditional; 1376.6 acre feet, absolute, 623.4 acre feet, conditional. 5.2. Svoboda Recharge Well No. 58836-F. 5.2.1. In the SE1/4 SE1/4, Section 33, Township 10 North, Range 50 West of the 6th P.M., Logan County, Colorado, approximately 1200 feet north and 500 feet west from the southwest corner of said section. 5.2.2. Amount. 5.72 c.f.s. absolute, 0.89 c.f.s., conditional; 1429.4 acre feet, absolute, 570.6 acre feet, conditional. 5.3. Appropriation. December 27, 2002. 5.4. Source. The South Platte River and its tributaries. 5.5. Description of Recharge. Water is diverted at the recharge wells and is allowed to percolate in SSLC Recharge/Reservoir Sites No. 1-3. 5.6. Use: Augmentation, directly and by exchange, of water rights used for irrigation, municipal, commercial, livestock, fire protection, recharge, replacement, wildlife and wildlife recovery. Absolute amounts are for direct augmentation of water rights used for irrigation, livestock, commercial, recharge and replacement. All other uses are conditional. 6. Name of Structure. Stieb Land Company Recharge Project (StLC). 6.1. Stieb Land Recharge Well No. 58771-F. 6.1.2. In the SE1/4 SE1/4, Section 20, Township 9 North, Range 51 West of the 6th P.M., Logan County, Colorado approximately 1160 feet north and 380 feet west from the southeast corner of said section. 6.1.2. Appropriation. December 10, 2002. 6.1.3. Amount. 6.66 c.f.s., absolute; 333.9 acre feet, absolute, 2666.1 acre feet, conditional. 6.2. Stieb Land Recharge Well No. 59187-F. 6.2.1. In the SE1/4 SE1/4, Section 20, Township 9 North, Range 51 West of the 6th P.M., Logan County, Colorado, approximately 1100 feet north and 1020 feet west from the southeast corner of said section. 6.2.2. Appropriation. March 3, 2003. 6.2.3. Amount. 6.66 c.f.s., conditional; 3000 acre feet, conditional. 6.3. Stieb Land Recharge Well No. 59187-F. 6.3.1. In the SE1/4 SE1/4, Section 20, Township 9 North, Range 51 West of the 6th P.M., Logan County, Colorado, approximately 1100 feet north and 1020 feet west from the southeast corner of said section. 6.3.2. Appropriation: March 3, 2003. 6.3.3. Amount. 6.66 c.f.s., conditional; 3000 acre feet, conditional. 6.4. Source. The South Platte River and its tributaries. 6.5. Description of Recharge. Water is diverted at the recharge wells and is allowed to percolate in StLC Recharge/Reservoir Sites No. 1 and 2. 6.6. Use. Augmentation, directly and by exchange, of water rights used for irrigation, municipal, commercial, livestock, fire protection, recharge, replacement, wildlife and wildlife recovery. Absolute amounts are for direct augmentation of water rights used for irrigation, livestock, commercial, recharge and replacement. All other uses are conditional. 7. Name of Structure. Liberal Colorado LLC Recharge Project (LC). 7.1. Liberal Colorado Recharge Well No. 2-61853-F. 7.1.1. In the NE1/4 NW1/4, Section 4, Township 9 North, Range 50 West of the 6th P.M., Logan County, Colorado, approximately 1280 feet south and 2340 feet east from the northwest corner of said section. 7.1.2. Amount. 11.11 c.f.s., 8050 acre feet, conditional. 7.2. Liberal Colorado Recharge Well No. 3-61270-F. 7.2.1. In the SE1/4 SE1/4, Section 33, Township 10 North, Range 50 West of the 6th P.M., Logan County, Colorado, approximately 90 feet north and 1240 feet west from the southeast corner of said section. 7.2.2. Amount. 6.69 c.f.s., 4800 acre feet, conditional. 7.3. Source. The South Platte River and its tributaries. 7.4. Appropriation. April 30, 2003. 7.5. Description of Recharge. Water is diverted at recharge wells and is allowed to percolate in LC Recharge/Reservoir Sites No. 1-5. 7.6. Use. Augmentation, directly and by exchange, of water rights used for irrigation, municipal, commercial, livestock, fire protection, recharge, replacement, wildlife and wildlife recovery. 8. Debus Augmentation Well No. 1-58027-F. 8.1. In the NW1/4 NE1/4, Section 10, Township 9 North, Range 51 West of the 6th

p.m., Logan County, Colorado, approximately 150 feet south and 2200 feet west from the northeast corner of said section. 8.2. Appropriation. August 16, 2002. 8.3. Amount. 1.77 c.f.s., absolute, 1.55 c.f.s., conditional. 9. Debus Augmentation Well No. 2-58028-F. 9.1. In the NW1/4 NE1/4, Section 10, Township 9 North, Range 51 West of the 6th P.M., Logan County, Colorado, approximately 300 feet south and 1750 feet west from the northeast corner of said section. 9.2. Appropriation. August 16, 2002. 9.3. Amount. 1.77 c.f.s. absolute, 1.55 c.f.s., conditional. 10. Hernandez Augmentation Well No. 60461-F. 10.1. In the SW1/4 SW1/4, Section 8, Township 10 North, Range 49 West of the 6th P.M., Logan County, Colorado, approximately 1150 feet north and 70 feet east from the southwest corner of said section. 10.2. Appropriation. April 30, 2003. 10.3. Amount. 3.34 c.f.s., conditional. 11. Liberal Colorado 49 Augmentation Well No. 60836-F. 11.1 In the SW1/4 NE1/4, Section 8, Township 9 North, Range 50 West of the 6th P.M., Logan County, Colorado, approximately 1880 feet south and 2590 feet west from the northeast corner of said section. 11.2. Appropriation. April 30, 2003. 11.3. Amount. 4.45 c.f.s., conditional. 12. Liberal Colorado 50 Augmentation Well No. 60829-F. 12.1. In the SW1/4 NW1/4, Section 8, Township 9 North, Range 50 West of the 6th P.M., Logan County, Colorado, approximately 2047 feet south and 1024 feet east from the northwest corner of said section. 12.2. Appropriation. April 30, 2003. 12.3. Amount. 4.45 c.f.s., conditional. 13. Manuello Brothers Augmentation Well No. 1-58031-F. 13.1. In the SW1/4 NW1/4, Section 29, Township 9 North, Range 51 West of the 6th P.M., Logan County, Colorado, approximately 2650 feet north and 100 feet east from the southeast corner of said section. 13.2. Appropriation, August 16, 2002. 13.3. Amount. 5.44 c.f.s., absolute, 1.23 c.f.s., conditional. 14. Manuello Brothers Augmentation Well No. 2-58032-F. 14.1. In the NW1/4 NW1/4, Section 31, Township 9 North, Range 51 West of the 6th P.M., Logan County, Colorado, approximately 850 feet south and 50 feet east from the northwest corner of said section. 14.2. Appropriation. August 16, 2002. 14.3. Amount. 6.11 c.f.s., absolute, 0.92 c.f.s., conditional. 15. Manuello Brothers Augmentation Well No. 3-58033-F. 15.1. In the SE1/4 NW1/4, Section 32, Township 9 North, Range 51 West of the 6th P.M., Logan County, Colorado, approximately 2200 feet south and 1000 feet east from the northwest corner of said section. 15.2. Appropriation. August 16, 2002. 15.3. Amount. 2.60 c.f.s., absolute, 2.95 c.f.s., conditional. 16. Manuello Brothers Augmentation Well No. 4-58034-F. 16.1. In the SE1/4 SE1/4, Section 31, Township 9 North, Range 51 West of the 6th P.M., Logan County, Colorado, approximately 1050 feet north and 1000 feet west from the southeast corner of said section. 16.2. Appropriation. August 16, 2002. 16.3. Amount. 3.18 c.f.s., absolute, 3.48 c.f.s., conditional. 18. 2000 Ranch, LLC Well No. 1-59285-F. 17.1. In the SW1/4 SW1/4, Section 8, Township 9 North, Range 50 West of the 6th P.M., Logan County, Colorado, approximately 200 feet north and 1250 feet east from the southwest corner of said section. 17.2. Appropriation. March 26, 2003. 17.3. Amount. 5.56 c.f.s., conditional. 18. 2000 Ranch, LLC Well No. 2-59286-F. 18.1. In the NE1/4 SW1/4, Section 3, Township 9 North, Range 50 West of the 6th P.M., Logan County, Colorado, approximately 1550 feet north and 1450 feet from the southwest corner of said section. 18.2. Appropriation. March 26, 2003. 18.3. Amount. 5.56 c.f.s. conditional. 19. 2000 Ranch, LLC Well No. 3-59297-F. 19.1. In the NE1/4 SW1/4, Section 8, Township 9 North, Range 50 West of the 6th P.M., Logan County, Colorado, approximately 2000 feet north and 1770 feet east from the southwest corner of said section. 19.2. Appropriation. March 26, 2003. 19.3. Amount. 5.56 c.f.s., conditional. 20. 2000 Ranch Well, LLC No. 4-59298-F. 20.1. In the NW1/4 SW1/4, Section 18, Township 9 North, Range 50 West of the 6th P.M., Logan County, Colorado, approximately 1840 feet north and 1200 feet east from the southwest corner of said section. 20.2. Appropriation. March 26, 2003. 20.3. Amount. 5.56 c.f.s., conditional. 21. Stieb Land Co., Augmentation Well No. 1-58029-F. 21.1. In the SW1/4 SW1/4, Section 10, Township 9 North, Range 51 West of the 6th P.M., Logan County, Colorado, approximately 650 feet north and 100 feet east from the southwest corner of said section. 21.2. Appropriation. August 16, 2002. 21.3. Amount. 3.11 c.f.s., absolute; 1.34 c.f.s., conditional. 22. Stieb Land Co., Augmentation Well No. 2-59325-F. 22.1. In the NW1/4 SW1/4, Section 28, Township 9 North, Range 51 West of the 6th P.M., Logan County, Colorado, approximately 2603 feet north and 195 feet east from the southwest corner of said section. 22.2 Appropriation. February 28, 2003. 22.3. Amount. 6.66 c.f.s., conditional. 23. Stieb Land Co., Augmentation Well No. 3-60623-F. 23.1. In the SW1/4 SW1/4, Section 10, Township 9 North, Range 51 West of the 6th P.M., Logan County, Colorado, approximately

1290 feet north and 910 feet east from the southwest corner of said section. 23.2. Appropriation. February 26, 2003. 23.3. Amount. 6.66 c.f.s., conditional. 24. Stromberger Land Co., Augmentation Well No. 1-59294-F. 24.1. In the NW1/4 SE1/4, Section 13, Township 9 North, Range 51 West of the 6th P.M., Logan County, Colorado, approximately 2630 feet north and 2370 feet west from the southeast corner of said section. 24.2. Appropriation. March 26, 2003. 24.3. Amount. 5.56 c.f.s., conditional. 25. Stromberger Land Co., Augmentation Well No. 2-59295-F. 25.1. In the NE1/4 SW1/4, Section 8, Township 9 North, Range 50 West of the 6th P.M., Logan County, Colorado, approximately 2540 feet north and 2440 feet east from the southwest corner of said section. 25.2. Appropriation. March 26, 2003. 25.3. Amount. 5.56 c.f.s., conditional. 26. Stromberger Land Co., Augmentation Well No. 3-59296-F. 26.1. In the SE1/4 SW1/4, Section 13, Township 9 North, Range 51 West of the 6th P.M., Logan County, Colorado, approximately 1070 feet north and 1710 feet east from the southwest corner of said section. 26.2. Appropriation. March 26, 2003. 26.3. Amount. 5.56 c.f.s., conditional. 27. P & B 1, Augmentation Well No. 21085-F. 27.1 In the NW1/4 NW1/4, Section 32, Township 10 North, Range 50 West of the 6th P.M., Logan County, Colorado, approximately 850 feet south and 25 feet east from the northwest corner of said section. 27.2. Appropriation. April 30, 2003. 27.3. Amount. 4.45 c.f.s., conditional. 28. Svoboda Augmentation Well No. 59883-F. 28.1. In the NE1/4 SE1/4, Section 35, Township 10 North, Range 50 West of the 6th P.M., Logan County, Colorado, approximately 3000 feet south and 0 feet west from the northeast corner of said section. 28.2. Appropriation. November 12, 2002. 28.3. Amount. 5.56 c.f.s., conditional. 29. Parker Augmentation Well No. 2-13930. 29.1. In the SW1/4 SW1/4, Section 2, Township 9 North, Range 51 West of the 6th P.M., Logan County, Colorado, approximately 600 feet north and 100 feet east from the southwest corner of said section. 29.2. Appropriation. April 30, 2003. 29.3. Amount. 4.45 c.f.s., conditional. 30. Stromberger Land Co. Augmentation Well No. 4(6831-F). 30.1. In the NW1/4 NW1/4, Section 3, Township 9 North, Range 50 West of the 6th P.M., Logan County, Colorado, at a point approximately 821 feet south and 617 feet east from the northwest corner of said Section 3. 30.2. Appropriation. June 15, 2004. 30.3. Amount. 2.67 c.f.s., conditional. 31. Stromberger Land Co. Augmentation Well No. 5(14711-F). 31.1. In the SE1/4 SE1/4, Section 13, Township 9 North, Range 51 West of the 6th P.M., Logan County, Colorado, at a point 390 feet north and 1160 feet west from the southeast corner of said section. 31.2. Appropriation. June 15, 2004. 31.3. Amount. 2.67 c.f.s., conditional. 32. Stromberger Land Co. Augmentation Well No. 6(14713). 32.1. In the NE1/4 NE1/4, Section 13, Township 9 North, Range 51 West of the 6th P.M., Logan County, Colorado, at a point 1275 feet south and 1160 feet west from the northeast corner of said section. 32.2. Appropriation. June 15, 2004. 32.3. Amount. 3.91 c.f.s., conditional. 33. Stromberger Land Co. Augmentation Well No. 7(14714-R). 33.1. In the NE1/4 NW1/4, Section 24, Township 9 North, Range 51 West of the 6th P.M., Logan County, Colorado, at a point 1300 feet south and 1500 feet east from the northwest corner of said section. 33.2. Appropriation. June 15, 2004. 33.3. Amount. 4.23 c.f.s., conditional. 34. Cullip Augmentation Well No. 1(2931-F). 34.1. In the NW1/4 SW1/4, Section 19, Township 9 North, Range 51 West of the 6th P.M., Logan County, Colorado, at a point 2036 feet north and 476 feet east from the southwest corner of said section. 34.2. Appropriation. June 15, 2004. 34.3. Amount. 1.66 c.f.s., conditional. 35. Cullip Augmentation Well No. 2(RF-113-7047). 35.1. In the SW1/4 NW1/4, Section 19, Township 9 North, Range 51 West of the 6th P.M., Logan County, Colorado, at a point 1594 feet south and 434 feet east from the northwest corner of said section. 35.2. Appropriation. June 15, 2004. 35.3. Amount. 1.85 c.f.s., conditional. 36. Wagner Augmentation Well No. 1(10011). 36.1. South 19°21'20" West a distance of 1719 feet from the NE corner of section 18, Township 9 North, Range 51 West of the 6th P.M., Logan County, Colorado. 36.2. Appropriation. June 15, 2004. 36.3. Amount. 1.67 c.f.s., conditional. 37. Wagner Augmentation Well No. 2(23051-F). 37.1. In the NE1/4 NW1/4, Section 17, Township 9 North, Range 51 West of the 6th P.M., Logan County, Colorado, at a point 1050 feet south and 1600 feet east from the northwest corner of said section. 37.2. Appropriation. June 15, 2004. 37.3. Amount. 5.56 c.f.s., conditional. 38. Wagner Augmentation Well No. 3(9451-F). 38.1. South 36°41'30" East a distance of 1645 feet from the NW corner of section 17, Township 9 North, Range 51 West of the 6th P.M., Logan County, Colorado. 38.2. Appropriation. June 15, 2004. 38.3. Amount. 1.33 c.f.s., conditional. 39. 2000 Ranch, LLC Augmentation Well No. 4(6673-F). 39.1. In the SW1/4 SE1/4, Section 3, Township 9 North,

Range 50 West of the 6th P.M., Logan County, Colorado, at a point 1000 feet east of the north south center line and 375 feet north of the east west center section line. 39.2. Appropriation. June 15, 2004. 39.3. Amount. 2.67 c.f.s., conditional. 40. Exchange: Applicant claims the following right of substitution and exchange pursuant to §§37-80-120, 37-82-106, 37-83-104, and 37-92-101, et. seq., *C.R.S. 40.1*. Legal Description of Points of Diversion. The points of diversion are the headgates of the Iliff and Platte Valley Ditch; the Upper Harmony Ditch; the Proctor Water Company; the Bravo Ditch, and the Recharge Wells all described in the Decree. 40.2. Legal Description of the Reach of the South Platte River Within the Substitution and Exchange. The recharge water delivered to the South Platte River will be delivered within a reach of the South Platte River, consisting of an upstream point at the Bravo Ditch headgate, described in ¶45.1 of the Decree, and a downstream point at the east line of Section 15, Township 10 North, Range 49 West of the 6th P.M., Logan County, Colorado. 40.3. Appropriation. April 30, 2003. 40.4 Amount. 65 c.f.s., conditional. 40.5 Use. Augmentation of water rights used for irrigation, municipal, commercial, livestock, fire protection recharge, and replacement. 41. Outline of What Has Been Done Toward Completion. 41.1. During the diligence period Applicant has expended funds to install monitoring wells, for certification of well meters, for reading of well meters, maintenance of recharge ponds, accounting, engineering and legal services, which total \$72,284.63. 41.2. During the diligence period Applicant diverted conditional water rights for the beneficial uses allowed by the Decree as described in ¶42. 41.3. During the diligence period Applicant opposed and participated in Case No. 11CW292, the State Engineer proposed Well Measurement Rules for the South Platte River, which proposed rules were contrary in part to a stipulation by the State Engineer to Lower Logan's augmentation plan Decree in Case No. 02CW208. Lower Logan reached a stipulation in that case and expended \$7,709.16. 42. Claims To Make Absolute and for Finding of Reasonable Diligence Pursuant to §37-92-304 *C.R.S.* The Decree at ¶59 provides "Integrated System: Applicant's water rights and recharge system and each of the water rights and structures which will provide augmentation, substitution, replacement and exchange supplies under this decree collectively comprise an integrated system of water rights and structures under §37-92-301(4)(b) *C.R.S.* Work performed and effort or costs expended by Applicant on any water rights or structures which are part of its integrated water system shall be considered in finding that reasonable diligence has been shown in the development of water rights for all features of the system as provided in §37-92-301(4)(b), *C.R.S.*" Applicant's Consultant TZA Water Engineers, Inc. reviewed the State Engineer Diversion Records and Applicant's records to determine the diversions made pursuant the conditional water rights described above. Applicant claims the following amounts of each water right should be decreed absolute. Records supporting the claimed diversions herein are attached as Tables 1 and 2 and Attachment A, the State Engineer diversion records for the structures. The conditional water rights amounts not made absolute set out in ¶¶1-40 should remain conditional. 42.1. Stromberger Recharge Well No. 58703-F. 1377.3 a.f. is already decreed absolute (92.7 a.f. plus 1284.6 a.f.). 1622.7 a.f. remains conditional. 6.44 c.f.s. is already decreed absolute and 0.22 c.f.s. additional, diverted January 2012, should be made absolute for a total of 6.66 c.f.s. absolute and 0 c.f.s. conditional. 42.2. Stromberger Recharge Well No. 58704-F. 1980.3 a.f. is already decreed absolute (92.7 a.f. plus 1887.6 a.f.). 55.4 a.f. additional should be made absolute for a total of 2035.70 a.f. absolute diverted in the 2015-2016 water year and 964.3 a.f. conditional. 8.06 c.f.s. is already decreed absolute (6.66 c.f.s. plus 1.4 c.f.s.) and 0.82 c.f.s. additional, diverted January 2012, should be made absolute for a total of 8.88 c.f.s. absolute and 0 c.f.s. conditional. 42.3. Stromberger Recharge Well No. 58837-F. 1388.1 a.f. is already decreed absolute and 1611.9 a.f. remains conditional. 4.94 c.f.s. is already decreed absolute. 1.72 c.f.s. additional, diverted January 2012, should be made absolute for a total of 6.66 c.f.s. absolute and 0 c.f.s. conditional. 42.4. Svoboda Recharge Well No. 58835-F. 1376.6 a.f. is already decreed absolute (179.3 a.f. plus 1197.3 a.f.). 148.2 a.f. additional should be made absolute for a total of 1524.76 a.f. absolute diverted in the 2014-2015 water year and 475.2 a.f. conditional. 5.78 c.f.s. is already decreed absolute (5.56 c.f.s. plus 0.22 c.f.s.) and 0.89 c.f.s. additional, diverted April 2012, should be made absolute for a total of 6.67 c.f.s. absolute and 0 c.f.s. conditional. 42.5. Svoboda Recharge Well No. 58836-F. 1429.4 a.f. is already decreed absolute (179.3 a.f. plus 1250.1 a.f.). 5.72 c.f.s. is already decreed absolute (5.56 c.f.s. plus 0.16 c.f.s.) and 0.95 c.f.s. additional, diverted December 2011, should be made

absolute for a total of 6.67 c.f.s. absolute and 0 c.f.s. conditional. 42.6. Liberal Colorado 50 Augmentation Well No. 60829-F. 2.10 c.f.s. was diverted October 2012, should be made absolute for a total of 2.10 c.f.s. absolute and 2.35 c.f.s. conditional. 42.7. Stromberger Land Co., Augmentation Well No. 59296-F. 3.41 c.f.s. was diverted October 2012, should be made absolute for a total of 3.41 c.f.s. absolute and 2.15 c.f.s. conditional. 43. Applicant requests the Court find that its water rights have been made absolute as described above and that Applicant has been diligent in the development of the conditional water rights not made absolute herein which are part of Applicant's integrated system approved in the Decree, and such other and further relief as the Court deems just.

17CW3209 Water Division One; case 17CW3071 Water Division Two; PRI #2, LLC6385 Corporate Drive, Ste. 200Colorado Springs, Colorado 80919. APPLICATION FOR APPROVAL OF AMENDMENT TO PLAN FOR AUGMENTATION IN EL PASO COUNTY DECREED IN CASE NO. 16CW3180, DIVISION 1 FOR USE OF NOT NONTRIBUTARY GROUNDWATER. Applicant, PRI #2, LLC, by and through its attorneys, Hill & Pollock, LLC, for its Application for Approval of Amendment to Plan for Augmentation Decreed in Case No. 16CW3180, Division 1 for Use of Not Nontributary Groundwater, states as follows: The name and address of the Applicant is: PRI #2, LLC6385 Corporate Drive, Ste. 200Colorado Springs, Colorado 80919. Please forward all correspondence or inquiries regarding this matter to: Alan G. Hill and Ashley N. Pollock, Hill & Pollock, LLC, 1528 Wazee Street, Denver, Colorado 80202. Applicant owns certain groundwater rights underlying approximately 701 acres, more or less, located generally in Sections 30 and 31, Township 11 South, Range 65 West of the 6th P.M., in El Paso County ("701-acre parcel"), which were decreed in Case No. 94CW023(B), Water Division No. 1 (entered June 12, 1996), which amended an original decree in Case No. 85CW446, Water Division No. 1. A map depicting the 701 acres is attached as Exhibit A, and the legal description is attached as Exhibit B. No part of the 701 acres lies within a designated groundwater basin. The Applicant also owns approximately 640 acres, more or less, located generally in Section 36, Township 11 South, Range 66 West of the 6th P.M., in El Paso County ("640-acre parcel"). Applicant's predecessor-in-interest entered into a Groundwater Production Lease, No. OT-109328, with the State Board of Land Commissioners, pursuant to which Applicant leased the not nontributary and nontributary groundwater underlying the 640 acres, decreed in Case No. 04CW098, Water Division No. 1 (entered May 24, 2005) through February 27, 2048. On that date, all of the groundwater rights revert to the Applicant. A map depicting the 640 acres is attached as Exhibit C, and the legal description is attached as Exhibit D. No part of the 640 acres lies within a designated groundwater basin. Applicant seeks, in this application, to amend the decree entered in Case No. 16CW3180, Water Division No. 1 (which was combined with Case No. 16CW3097, Water Division No. 2 by order of the Panel on Consolidated Multidistrict Litigation date April 4, 2017) ("Augmentation Decree"). Applicant seeks to add to the uses for the Dawson aquifer not nontributary groundwater underlying the 701-acre parcel and the 640-acre parcel to include stock watering of up to 300 horses on certain residential lots. There will not be any additional pumping over the 198 acre-feet of Dawson aquifer not nontributary groundwater approved in the Augmentation Decree. Applicant will augment the depletions associated with the operation of not nontributary Dawson aquifer wells located on the 701-acre parcel and the 640-acre parcel for this new purpose through septic return flows, lawngrass irrigation return flows, and reservation of nontributary groundwater to augment post-pumping depletions. The Water Court has jurisdiction over this application pursuant to sections 37-90-137(4) and -137(9), C.R.S. Names of Structures to be Augmented: A. The structures to be augmented are the same as those decreed in the Augmentation Decree, which include individual Dawson aquifer wells within the 701-acre parcel and 640-acre parcel described in Exhibits B and C (Applicant's Property), with a maximum of 283 residential lots. In addition, open space and other landscape features utilize Dawson aquifer groundwater. A well into the Dawson aquifer will be completed on each lot to serve the domestic and irrigation demands of that lot; Applicant seeks to add stock watering of 300 horses, with certain residential lots allocated a limited number of horses. B. Well permit applications have not been submitted at the time of this application for amendment of the Augmentation Plan. Applicant has not determined the specific locations for all the wells required to

withdraw groundwater from the Dawson aquifer; however, each well will be constructed within the Applicant's Property and each well will be designed so that it withdraws water from the Dawson aquifer. Applicant requests the right to locate the wells required to withdraw its entitlement from the Dawson aquifer at any point within the Applicant's Property without the necessity of republishing or petitioning the Court for the reopening of any decree. See 2 CCR 402-7, Rule 11. C. Applicant owns Applicant's Property described herein. To the extent Applicant's Property is not free and clear of all liens or encumbrances, Applicant shall provide certification of its compliance with the lienholder notice provisions set forth in C.R.S. § 37-92-302(2)(b) and § 37-90-137(4)(b.5)(I). Previous Decrees for Water Rights To Be Used for Augmentation Source: A. The decree in Case No. 94-CW-023(B), Water Division 1, adjudicating rights in nontributary and not nontributary ground water including the 701-acre parcel which are to be used as a sources of replacement water in this augmentation plan, is summarized as follows: (1) Decree Entered: June 12, 1996. (2) Court: District Court, Water Division 1. (3) Type of Water Right: Vested property right to withdraw all groundwater underlying the property in specified aquifers, pursuant to §§ 37-90-137(4) and -137(9), C.R.S. (4) Legal Description: The decreed ground water rights underlie parts of Sections 30 and 31, Township 11 South, Range 65 West of the 6th P.M., El Paso County, consisting of 701 acres, more or less. (5) Sources and Amounts of Ground Water Decreed: Aquifer Type Annual Ave. Amount Dawson NNT201 AF Laramie-Fox Hills NT 204AF (6) Decreed Uses: Reuse and successive uses for all beneficial purposes including municipal, domestic, industrial, commercial, irrigation, stock watering, recreation, fish and wildlife, fire protection, and sanitary purposes, including the right to use, reuse, and successively use such water to extinction. Further, such water may be stored for subsequent use and may be used for augmentation, exchange, and replacement purposes. B. The decree in Case No. 04-CW-098, Water Division 1, adjudicating rights in nontributary and not nontributary ground water including the 640-acre parcel which are to be used as a sources of replacement water in this augmentation plan, is summarized as follows: (1) Decree Entered: May 24, 2005. (2) Court: District Court, Water Division 1. (3) Type of Water Right: Vested property right to withdraw all groundwater underlying the property in specified aquifers, pursuant to §§ 37-90-137(4) and -137(9), C.R.S. (4) Legal Description: The decreed ground water rights underlie Section 36, Township 11 South, Range 66 West of the 6th P.M., El Paso County, consisting of 640 acres, more or less. (5) Sources and Amounts of Ground Water Decreed: Aquifer Type Annual Ave. Amount Dawson NNT515 AF DenverNNT577 AF ArapahoeHT239 A Laramie-Fox Hills NT 182 AF (6) Decreed Uses: Reuse and successive uses for all beneficial purposes including municipal, domestic, industrial, commercial, irrigation, stock watering, recreation, fish and wildlife, fire protection, and sanitary purposes, including the right to use, reuse, and successively use such water to extinction. Further, such water may be stored for subsequent use and may be used for augmentation, exchange, and replacement purposes. Statement and Description of Plan for Augmentation: A. Source of Augmentation Water. (1) The augmentation sources for this plan will be the fully augmented not nontributary groundwater in the Dawson aquifer and the nontributary groundwater in the nontributary Laramie-Fox Hills aquifer, including such nontributary groundwater underlying Applicant's Property, described in Exhibits B and D, all as provided in the Augmentation Decree. Such sources may be available by direct discharge to the stream system, by percolation and return to the stream system after domestic use, irrigation, land application, and by rapid infiltration. All of the terms and conditions of the Augmentation Decree shall remain in full force and effect, and shall not be modified by this application, other than to add the additional uses claimed herein. (2) The average amounts of groundwater available for augmentation purposes are those amounts decreed in the above-referenced decree, Case No. 94-CW-023(B), Water Division No. 1 and Case No. 04-CW-098, Water Division No. 1. B. Use and Estimated Demand. (1) The use for stock watering claimed herein is for 300 horses, and the estimated demand will not exceed 4.0 acre-feet per year. This additional demand is included in the 198 acre-feet of Dawson aquifer not nontributary groundwater decreed in the Augmentation Decree. (2) Total average Dawson aquifer amounts available for the development, and decreed in the Augmentation Decree, are 198 acre-feet per year, based on a projected 300-year life of the Dawson aquifer (716 acre-feet per year from the Dawson aquifer based on a 100-year aquifer life, 238.7 acre-feet per year based on a 300-year aquifer life). C. Augmentation and Replacement of Depletions.

(1) Stream Systems Affected: Cherry Creek, tributary to the South Platte River, and Monument Creek, tributary to the Arkansas River. (2) Replacement of Depletions During Pumping Period. (a) Assuming that the development will achieve return flows of 90% of the water used in-house and a minimum of 10% of the water used for irrigation purposes, the total combined return flows at full build-out will exceed the required augmentation amount, including the amounts claimed herein for stock watering. (b) The domestic and lawngrass return flows will be adequate in quantity to replace depletions caused by the withdrawals of not nontributary ground water from the Dawson aquifer. For the period addressed by this plan, stream depletions caused by the withdrawal of all not nontributary ground water will be adequately augmented by return flows of fully augmented not nontributary groundwater sources. (c) Excess Return Flows: To the extent that lawn irrigation and domestic effluent returns exceed the quantities needed to fully augment all projected stream depletions, Applicant reserves the right to apply for alluvial wells in the Cherry Creek and Monument Creek basins to recapture and reuse such excess returns. (3) Replacement of Depletions During the Post-Pumping Period. (a) Applicant reserves the right to claim and demonstrate that the impact of post-pumping depletions are wholly de minimis and non-injurious and need not be replaced under the law. § 37-90-137(9), C.R.S. (b) Assuming that such additional depletions may be determined to be injurious and replacement is required, Applicant will reserve for such purpose the nontributary groundwater in the Laramie-Fox Hills aquifer underlying the property, as such ground water is decreed in Case No. 94-CW-023(B), Water Division No. 1 and Case No. 04-CW-098, Water Division No. 1. Such quantity is sufficient to fully replace all water withdrawn under this plan for augmentation. (4) Summary of Augmentation Plan. (1) The planned development will require up to 198 acre-feet per year to be produced from the Dawson aquifer. Return flows from uses of such ground water will exceed the annual depletions and will, therefore, adequately replace all projected depletions. (2) To the extent that a "short fall" in actual return flows occurs in any given time period during the first 300 years of operation, adequate nontributary ground water reserves exist to compensate for such short fall.

Administration of Plan for Augmentation: The Applicant or any successor in interest shall install and maintain such measuring devices and maintain such accounting forms as necessary to demonstrate the adequacy of Applicant's augmentation efforts as a minimum requirement for administration of its augmentation obligations hereunder. Applicant shall make reports to the Division Engineer as required.

Application Filed in Water Divisions 1 and 2: This Application is being filed in Water Divisions 1 and 2 because depletions from the pumping of the Dawson aquifer may occur in both the South Platte and the Arkansas River systems. The return flows set forth herein will accrue to tributaries of the South Platte River system where the majority of stream depletions will occur. Applicant requests that the total amount of depletions to both the South Platte River and the Arkansas River systems be replaced to the South Platte River as set forth herein, and for a finding that those replacements are sufficient.

Retained Jurisdiction: A. Applicant requests the Court to retain jurisdiction for a period to be determined after the entry of the decree to protect against injury to other water rights. Applicant requests that any party or entity invoking such retained jurisdiction must make a prima facie case that injury to its water rights has been actually caused by Applicant's withdrawals or operation of this plan for augmentation. B. Further, Applicant requests that the Court retain jurisdiction to resolve any controversy which may arise with respect to well construction, well location(s), and amount, timing, and location of replacements hereunder. C. Finally, Applicant requests the Court to retain jurisdiction to allow Applicant to file a separate application for the recapture and reuse of the excess return flows. WHEREFORE, Applicant asks the Court to enter a decree in this matter: (1) Granting the application sought herein. (2) Specifically determining that (a) Applicant's Dawson aquifer ground water withdrawals for stock watering may be augmented with return flows from domestic and lawn irrigation uses of such ground water; (b) Return flows from such uses will be adequate to replace any and all injurious stream depletions caused by pumping of such ground water; (c) Granting this application will not injuriously affect the owners or persons entitled to use water under vested water rights or decreed conditional water rights; (e) Jurisdiction will be retained on the question of injury and as further requested herein; and (f) this Court grant this and such other relief as it deems proper and necessary.

17CW3210 City of Arvada, c/o Kenneth E. Peterson, 8101 Ralston Road, Arvada, CO 80001-8101.

Please send all correspondence and pleadings to: Steven P. Jeffers, Lyons Gaddis Kahn Hall Jeffers Dworak & Grant, PC, 363 Centennial Parkway, Suite 110, Louisville, CO 80027. **APPLICATION FOR APPROVAL OF CHANGE OF WATER RIGHTS, PLAN FOR AUGMENTATION INCLUDING EXCHANGES, AND APPROPRIATION OF RETURN FLOWS IN JEFFERSON AND ADAMS COUNTIES.**

2. General Description of application: Arvada owns and operates a municipal water and sewer utility system for the benefit of its citizens and for the provision of water and sewer service to extra-territorial customers as may be served from time to time pursuant to its City Charter and contracts. Arvada filed this application in order to secure approval of changes of water rights and a plan for augmentation, including replacement and exchanges necessary for the maximum utilization of Arvada's water rights. Arvada proposes to change the water rights to allow continued diversion of water through the historical diversion structures, diversion of some water rights through alternate points or by exchange, and to allow the water to be stored in Arvada Reservoir and other reservoirs owned or controlled by Arvada. The water will be used for municipal and other purposes and for replacement of return flows from the various water rights at specific locations throughout the year. The water not consumed in the initial use may be reused, successively used, or leased or sold to others for all decreed purposes. **CHANGES OF WATER RIGHTS**

3. Decreed water rights for which change is sought:

3.1. Names of structures: Farmers High Line Canal; Church Ditch; Wannamaker Ditch; Manhart Ditch; and the following Slough Ditches: Brown and Baugh Ditch, Bluff Ditch, Lane Ditch, Rhodes South Ditch, and Wadsworth Ditch. **3.2. Date of original and subsequent decrees, appropriation dates, amounts decreed to the structures, and amounts being changed in this application:**

The amounts of the water rights decreed to these structures that are being changed in this case, as described below, are referred to collectively as the "Subject Water Rights." **3.2.1. Farmers High Line Canal:** The following water rights were decreed to the Farmers High Line Canal ("FHL") by the District Court of Arapahoe County by decrees dated October 4, 1884 and October 9, 1895; by the District Court of the City and County of Denver by decree dated May 13, 1936, and by various transfer decrees changing points of diversion:

Stream Priority	Appropriation Date	Total Decreed Amount in FHL (cfs)	Amount to be changed (cfs)
Clear Creek No. 1	02-25-1860	0.275	0
Clear Creek No. 3	05-16-1860	1.00	0.006
Clear Creek No. 5	05-31-1860	3.281	0.019
Clear Creek No. 9	07-01-1860	39.80	0.233
Clear Creek No. 30	05-28-1863	1.61	0.009
Clear Creek No. 32	06-20-1863	2.75	0.016
Clear Creek No. 42	04-23-1865	2.89	0.017
Clear Creek No. 48	11-02-1865	0.807	0
Clear Creek No. 54	05-24-1870	0.33	0.002
Clear Creek No. 57	04-01-1872	154.00	0.900
Clear Creek No. 68	04-01-1886	191.00	1.117
Clear Creek No. 69	04-23-1895	335.86	1.963
Little Dry Creek (Kelly Creek) No. 1	04-01-1872	193.80	1.133
Ralston Creek - No. 21	04-01-1872	60.00	0.351
Leyden Creek - No. 4	07-12-1905	465.00	2.718

Arvada does not claim an interest in the Priority Nos. 1 and 48, because those priorities are owned entirely by the City of Westminster. 3.2.2. **Church Ditch a/k/a The Golden City and Ralston Creek Ditch:** The following water rights in the Church Ditch were originally decreed by the District Court of Arapahoe County in the decrees dated October 4, 1884 and October 9, 1895, and by the District Court of City and County of Denver in the decree dated May 13, 1936. Priority Nos. 21 and 44 were transferred from the Swadley Ditch to the Church Ditch by decree of the District Court of City and County of Denver dated September 23, 1912:

Stream Priority	Appropriation Date	Amount Carried in Church Ditch (cfs)	Amount to be changed (cfs)
Clear Creek No. 21	06-01-1862	0.90	0.013
Clear Creek No. 40	02-28-1865	41.43	0.580
Clear Creek No. 44	05-16-1865	1.25	0.018
Clear Creek No. 62	11-18-1877	18.26	0.256
Clear Creek No. 65	11-15-1878	18.85	0.264
Clear Creek No. 66	11-20-1881	32.34	0.453
Ralston Creek No. 22	11-18-1877	185.00	2.592

3.2.3. **Wannamaker Ditch:** The following water rights were decreed to the Wannamaker Ditch by the District Court of Arapahoe County in C.A. 6963, entered on October 4, 1884:

Clear Creek Priority No.	Appropriation Date	Amount (cfs)	Amount to be changed (cfs)
6	6-1-1860	8.0	0.363
52	11-5-1868	13.0	0.590

3.2.4. **Manhart Ditch:** The following water rights were decreed to the Manhart Ditch by the District Court of Arapahoe County on October 4, 1884.

Ralston Creek Priority No.	Appropriation Date	Amount (cfs)	Amount to be changed (cfs)
1	08/31/1860	0.8	0.036
7	06/20/1862	0.2	0.009
10	06/30/1864	11.8	0.528

3.2.5. **Slough Ditches:** The water rights for the individual member ditches were decreed by the District Court of Arapahoe County on October 4, 1884.

3.2.5.1. **Brown and Baugh Ditch:**

Clear Creek Priority No.	Appropriation Date	Amount (cfs)	Amount to be changed (cfs)
45	05/26/1865	10.0	0.140

3.2.5.2. **Bluff Ditch:**

Clear Creek Priority No.	Appropriation Date	Amount (cfs)	Amount to be changed (cfs)
29	05/26/1863	2.6	0.142
36	05/27/1864	2.4	0.131

3.2.5.3. **Lane Ditch:**

Clear Creek Priority No.	Appropriation Date	Amount (cfs)	Amount to be changed (cfs)
39	06/20/1864	11.0	2.005

3.2.5.4. **Rhodes South Ditch:**

Clear Creek Priority No.	Appropriation Date	Amount (cfs)	Amount to be changed (cfs)
47	07/05/1865	3.16	0.395

3.2.5.5. **Wadsworth Ditch:**

Clear Creek Priority No.	Appropriation Date	Amount (cfs)	Amount to be changed (cfs)
1	02/25/1860	3.035	0.027
48	11/02/1865	8.883	0.080

3.3. **Legal descriptions of structures as described in most recent decrees that adjudicated the locations:**

3.3.1. **Farmers High Line Canal:** 3.3.1.1. The FHL Clear Creek headgate is located on the north bank of Clear Creek in the N1/2 SW1/4 of Section 27, Township 3 South, Range 70 West of the 6th P.M., Jefferson County, Colorado. 3.3.1.2. The Little Dry Creek headgate is located at a point on the west or upper bank of the Farmers High Line Canal where it crosses Little Dry Creek in the NE1/4 of Section 13, Township 3 South, Range 70 West of the 6th P.M., Jefferson County, Colorado. 3.3.1.3. The Ralston Creek headgate is located on the north bank of Ralston Creek at a point about 175 feet west of the point where said canal crosses Ralston Creek and near the center of the NW1/4 of Section 1, Township 3 South, Range 70 West of the 6th P.M., Jefferson County, Colorado. 3.3.1.4. The Leyden Creek headgate is located at a point on the west or upper bank of the Farmers High Line Canal where it crosses Leyden Creek below the embankment of Leyden Reservoir in the NE1/4 of Section 36, Township 2 South, Range 70 West of the 6th P.M., Jefferson County, Colorado. 3.3.2. **Church Ditch:** The north bank of Clear Creek about one mile west of Golden, at a point in the SE1/4 NW1/4 NE1/4 of Section 32, Township 3 South, Range 70 West of the 6th P.M., Jefferson County, Colorado, South 69°30' West, 1,450 feet from the Northeast corner of said section. Another headgate was decreed on the north bank of Ralston Creek in Section 2, Township 3 South, Range 70 West of the 6th P.M., in Jefferson County, at a point 445 feet South 69° West from the center of said Section. 3.3.3. **Wannamaker Ditch:** The north bank of Clear Creek, at a point in the SE1/4 NE1/4 of Section 27, Township 3 South, Range 70 West of the 6th P.M., Jefferson County, Colorado, whence the NE corner of section 27 bears North 38°17.5' East 2,099.64 feet. 3.3.4. **Manhart Ditch:** The north bank of Ralston Creek in the SW1/4, Section 12, Township 3 South, Range 69 West of the 6th P.M., Jefferson County, Colorado. 3.3.5. **Slough Ditches:** In the NE1/4 SE1/4, Section 19, Township 3 South, Range 69 West of the 6th P.M., at a point on the north bank of Clear Creek one-quarter mile west of the Youngfield Street Bridge, Jefferson County, Colorado (formerly the North Channel of Clear Creek). 3.4. **Decreed sources of water:** 3.4.1. **Farmers High Line Canal:** Clear Creek, Little Dry Creek, Ralston Creek, and Leyden Creek as described above. 3.4.2. **Church Ditch:** Clear Creek and Ralston Creek as described above. 3.4.3. **Wannamaker Ditch:** Clear Creek. 3.4.4. **Manhart Ditch:** Ralston Creek. 3.4.5. **Slough Ditches:** Clear Creek. 3.5. **Decreed uses:** Irrigation. 3.6. **Amounts of water that applicant intends to change:** 3.6.1. **Farmers High Line Canal:** Applicant proposes to change the water rights represented by 6.5784 shares of Class A stock out of 1,111.5738 total shares of Class A stock and Class B stock in the Farmers High Line Canal and Reservoir Company as described in paragraph 3.2.1. 3.6.2. **Church Ditch:** The Church Ditch is a carrier ditch. Applicant proposes to change 80.0 inches out of 5,710.64 total inches of water rights decreed to the Church Ditch as described in paragraph 3.2.2. 3.6.3. **Wannamaker Ditch:** The Wannamaker Ditch is a carrier ditch. Applicant proposes to change 53.0 inches of the 1,168.22 total inches of water decreed to the Wannamaker Ditch as described in paragraph 3.2.3. 3.6.4. **Manhart Ditch:** Applicant proposes to change the water rights represented by 22.0 shares of out of 491.52 total shares in the Manhart Ditch Company as described in paragraph 3.2.4. 3.6.5. **Slough Ditches:** 3.6.5.1. **Brown and Baugh Ditch:** Applicant proposes to change the water rights represented by 5 shares out of 356 total shares in the Brown

and Baugh Ditch. 3.6.5.2. **Bluff Ditch:** Applicant proposes to change the water rights represented by 10.5 shares out of 192 total shares in the Bluff Ditch. 3.6.5.3. **Lane Ditch:** Applicant proposes to change 2.005 cfs from the Lane Ditch. 3.6.5.4. **Rhodes South Ditch:** Applicant proposes to change 15.17 inches of the 121.344 total inches of water rights from the Rhodes South Ditch. 3.6.5.5. **Wadsworth Ditch:** Applicant proposes to change the water rights represented by 0.77 of a share out of 86.0 active shares in the Wadsworth Ditch Company. 4. **Detailed description of proposed changes of water rights:** 4.1. **Change of type of use:** Applicant seeks approval to change the type of use of the Subject Water Rights from irrigation to municipal (including domestic, irrigation, commercial and industrial), recreational, fish and wildlife propagation, irrigation, augmentation, replacement and exchange purposes, including replacement of historical return flows to the South Platte River system. Applicant proposes to use the water directly to irrigate municipal parks, golf courses, landscaping, greenbelt or other regularly irrigated municipal land under the ditch to which the water right was originally decreed or in which it has been carried pursuant to a decreed change. Applicant claims the right to fully consume the water by first use, reuse and successive use to extinction for all proposed purposes, and to lease, sell or otherwise dispose of any excess water changed in this case. 4.2. **Change of points of diversion and storage:** Applicant seeks approval to divert the Subject Water Rights at the current decreed points of diversion and to divert and store the Subject Water Rights at the following alternate points of diversion and storage: 4.2.1. **Arvada Reservoir:** Located in Section 3 and the NW1/4 of Section 2, Township 3 South, Range 70 West of the 6th P.M. and the SE1/4 of Section 33, 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 NE 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 delta of 26°07'37", 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. 4.2.2 **Clear Creek Croke Canal Headgate:** Located on the north bank of Clear Creek in the NW1/4 NE1/4 of Section 26, Township 3 South, Range 70 West of the 6th P.M., Jefferson County, Colorado. 4.2.3. **Ralston Creek Croke Canal Headgate:** Located at a point where said canal crosses Ralston Creek in Section 1, Township 3 South, Range 70 West of the 6th P.M., Jefferson County, Colorado. 4.2.4. **Tucker Lake:** Located partly in S1/2 SW1/4, Section 35, Township 2 South, Range 70 West of the 6th P.M., and partly in the N1/2 NW1/4, Section 2, Township 3 South, Range 70 West of the 6th P.M., Jefferson County, Colorado. 4.2.5. **Highway 93 Lakes:** A proposed series of lakes that will be located in the N1/2 and the N1/2 of the S1/2 of Section 34, Township 2 South, Range 70 West, of the 6th P.M. in Jefferson County, Colorado. 4.3. **Change in Manner and Season of Use:** Applicant seeks approval to change the Subject Water Rights from direct use to direct use and storage for subsequent use at any time of the year. Water will be stored in Arvada Reservoir, Tucker Lake and Highway 93 Lakes. 4.4. **Change in Place of Use:** Applicant seeks approval to change the place of use of the Subject Water Rights to include the historically irrigated lands, any location within Applicant's water service area, and any location outside Applicant's water service area served by contract no matter where situated. Maps showing the approximate location of the historical use of the Subject Water Rights are attached as EXHIBIT A. A map showing Applicant's current water service area is attached as EXHIBIT B. 5. **Proposed terms and conditions to prevent injury from change of water rights.** Applicant will determine the amount of historical diversions, historical consumptive use and return flows for the Subject Water Rights on a parcel-specific basis. Summaries of the available diversion records are attached as EXHIBIT C. Applicant proposes the following terms and conditions to prevent injury to other water rights as a result of the proposed changes: 5.1. **Historical Return Flow Obligations.** Applicant proposes to use monthly return flow factors derived from its parcel-specific analyses to determine the amount of return flows that historically accrued to each stream segment. Applicant will deliver water to replace those return flows to stream segments on Clear Creek, Ralston Creek, the South Platte River, or their tributaries if necessary, when the downstream call is senior to the date of filing this application. Applicant may replace all or any portion of its historical return flow

obligations at any other location as long as the senior water right entitled to such return flows is satisfied. All return flows from the Subject Water Rights not needed for replacement to protect a downstream senior calling water right are appropriated by Applicant on the date of filing this application for all uses described in paragraph 4. The sources of replacement water and plan for replacement are described in the plan for augmentation in this application. 5.2. **Volumetric Limitations.** Applicant proposes to limit its future farm headgate deliveries under the Subject Water Rights based on maximum annual and 20-year volumetric limitations. Applicant also proposes to use maximum monthly and 20-year maximum monthly volumetric limitations. Applicant will only divert one-half of the 20-year limit in the first 10 years after entry of the decree. 5.3. **Season of Use.** Applicant will limit its future diversions to the period of March 20 through November 10 for the FHL water rights, and April 1 through October 31 for all other water rights changed. 5.4. **Ditch Losses.** Applicant proposes to account for ditch losses for the FHL and Church Ditches water rights as determined from time to time by the FHL Company and the Church Ditch Water Authority. Applicant will bear ditch losses on the same basis as those charged to all other users in the FHL and Church Ditch. Applicant proposes to use 10 percent for historical ditch losses on the Wannamaker Ditch and Slough Ditches, and 20 percent for ditch losses on the Manhart Ditch. 5.5. **Accounting.** Applicant will report the amounts and dates of water diverted under the Subject Water Rights in a manner consistent with Applicant's prior decreed changes, and modify its existing accounting to include the Subject Water Rights. **PLAN FOR AUGMENTATION, INCLUDING EXCHANGES**

6. **Names of structures to be augmented:** Farmer's High Line Canal, Church Ditch, Wannamaker Ditch, Manhart Ditch, Slough Ditches, Clear Creek Croke Canal headgate, Ralston Creek Croke Canal headgate, Arvada Reservoir, Tucker Lake and Highway 93 Lakes. The decrees for all structures are described below. 7. **Prior decrees for structures:** 7.1. **Structures Decreed for the Subject Water Rights.:** The decrees for the Farmer's High Line Canal, Church Ditch, Wannamaker Ditch, Manhart Ditch, and Slough Ditches are described in ¶ 3.2. 7.2. **Arvada Reservoir (fka Blunn Lake Reservoir):** 7.2.1. **Decrees and dates entered:** The original decree was entered in Case No. W-7484-73, District Court, Water Division No. 1, on April 18, 1977. The Court entered subsequent decrees in Case Nos. 81CW108 on June 24, 1985, 85CW085 on June 29, 1988, 89CW035 on January 17, 1991, 97CW066 on March 26, 1998, 04CW040 on December 22, 2004, 10CW291 on June 28, 2011, and 17CW3085 on December 13, 2017. 7.2.2. **Type of water right:** Storage. 7.2.3. **Legal description of place of storage:** See ¶ 4.2.1. 7.2.4. **Source:** Ralston Creek and Clear Creek. 7.2.5. **Decreed amount:** 5,462 acre-feet, absolute, and 1,838 acre-feet, conditional. 7.2.6. **Appropriation date:** October 23, 1959. 7.2.7. **Decreed uses:** Municipal, irrigation, recreation and other beneficial uses. 7.2.8. **Remarks:** In addition, applicant owns certain other water rights diverting from Ralston and Clear Creeks which may be stored in Arvada Reservoir, including, but not limited to, the water rights known as the Blunn Ranch water rights and the Tucker Lake water rights as decreed in Case Nos. W-8763-77, W-8764-77, 82CW358, 88CW217 and 96CW188 and those water rights and changes of water rights decreed in Case Nos. W-8083-75, W-8762-77, 82CW359, 85CW409, 85CW410, 88CW105, 96CW148, 05CW112 and 11CW237. The water rights described in this subparagraph 7.2 are hereinafter referred to as "Arvada Reservoir Water Rights". 7.3. **Arvada Reservoir Refill:** 7.3.1. **Decrees and dates entered:** The original decree was entered in Case No. 97CW373, District Court, Water Division No. 1, on March 22, 2000. The Court entered subsequent decrees in Case Nos. 06CW271 on November 22, 2006, and 12CW251 on May 15, 2014. 7.3.2. **Type of right:** Storage. 7.3.3. **Legal description of place of storage:** See ¶ 4.2.1. 7.3.4. **Source:** Ralston Creek and Clear Creek. 7.3.5. **Amount:** 5,462 acre feet per year, from all sources for all decreed uses except reuse and successive use, with 616.99 acre-feet absolute and 4,845.01 conditional from Ralston Creek, and 143.42 acre-feet absolute and 5,318.58 conditional from Clear Creek. Reuse and successive use are limited to 4,915.8 acre-feet from all sources, with 173.78 acre-feet absolute and 4,742.02 conditional. 7.3.6. **Appropriation date:** December 30, 1997. 7.3.7. **Decreed uses:** All municipal purposes including, without limitation, domestic, irrigation, commercial, industrial, manufacturing, fire fighting, aesthetic, recreational, fish and wildlife preservation and propagation, exchange, substitution, augmentation, replacement and recharge. Such use includes the right to make a fully consumptive first use of the water and the separate appropriation to reuse and

Well No.	Appropriation Date	Decreed Location		Section	Township __ South	Range __ West
		1/4	1/4			
1.	5/1912	SE	SW	11	3	69
2.	1912	NE	NW	14	3	69

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use the water to extinction for the purposes described above. 7.4. **Tucker Lake:** 7.4.1. **Decrees and dates entered:** The original decree was entered on October 4, 1884, District Court, Arapahoe County; C.A. 60052, and an enlargement was decreed by the District Court, City and County of Denver on May 13, 1936. Applicant’s interest in Tucker Lake was changed to municipal and other uses by decrees entered in Case Nos. W-8764-77, 82CW358, 88CW217 and 96CW188, District Court, Water Division No. 1. 7.4.2. **Type of right:** Storage. 7.4.3. **Legal description of place of storage:** See ¶ 4.2.4. 7.4.4. **Source:** Ralston Creek. 7.4.5. **Amount:** 455.9 acre feet for Priority No. 2, and 629.8 acre feet for Priority No. 4. Applicant owns 266 acre feet of Priority No. 2 and 367 acre feet of Priority 4 involved in this case, which has been changed for Applicant’s uses as described in the remarks below. 7.4.6. **Appropriation Dates:** June 1, 1869, for Priority No. 2, and March 19, 1899, for Priority No. 4. 7.4.7. **Decreed uses:** Municipal, (including domestic, irrigation, commercial and industrial uses), recreational, fish and wildlife propagation and irrigation purposes. 7.4.8. **Remarks:** Applicant owns certain other water rights diverting from Ralston and Clear Creeks which were changed to allow storage in Tucker Lake, including those in Case Nos. 05CW112 and 11CW237. The water rights described in this subparagraph 7.4 are referred to as “Tucker Lake Water Rights.” 7.5. **Highway 93 Lakes:** 7.5.1 **Decrees and dates entered:** The original decree was entered in Case No. 89CW224, District Court, Water Division No. 1 on August 18, 1992. The Court entered subsequent decrees in Case Nos. 98CW332 on January 12, 1999, 05CW09 on October 13, 2005, and 11CW202 on October 28, 2012. 7.5.2. **Type of right:** Storage. 7.5.3. **Legal description of place of storage:** See ¶ 4.2.5. 7.5.4. **Sources:** Clear Creek, Leyden Creek, Coal Creek, Ralston Creek, and surface runoff from the tributary drainage areas of the lakes. 7.5.5. **Amount:** 6,000 acre feet cumulative from all sources, with the right to fill and refill, conditional, with the maximum annual diversion limited to 9,000 acre feet. 7.5.6. **Appropriation date:** December 14, 1989. 7.5.7. **Decreed uses:** Municipal (including domestic, irrigation, commercial, industrial, manufacturing and firefighting), aesthetic, recreational (including fishing, fishery, boating and swimming), fish and wildlife propagation, irrigation and augmentation purposes. 7.5.8. **Remarks:** Applicant owns certain other water rights diverting from Ralston and Clear Creeks which were changed to storage in Highway 93 Lakes, including those in Case Nos. 05CW112 and 11CW237. The water rights described in this subparagraph 7.5 are referred to as “Highway 93 Lakes Water Rights.” 8. **Water rights to be used for augmentation and exchange, including replacement of return flows:** 8.1. Applicant proposes to use the Subject Water Rights, the Arvada Reservoir Water Rights, Arvada Reservoir Refill, Tucker Lake Water Rights, Highway 93 Lakes Water Rights, and the following water rights owned or controlled by Arvada for augmentation, replacement and exchange. 8.2. **Nontributary Groundwater:** 8.2.1. **Decrees and dates entered:** Applicant is the owner of various nontributary groundwater rights decreed by the District Court, Water Division No. 1, in Case No. W-229 on June 17, 1971, Case No. W-8762-77 on January 30, 1981, and Case Nos. 86CW202, 86CW203 and 86CW204 on December 27, 1988 (“Nontributary Groundwater Rights”). 8.2.2. **Type of right:** Underground, nontributary groundwater. 8.2.3. **Legal description of points of diversion and appropriation dates:** Applicant owns the right to withdraw nontributary groundwater underlying lands located generally in portions of Section 31, Township 2 South, Range 68 West, Sections 25-36, Township 2 South, Range 69 West, Sections 6 and 7, Township 3 South, Range 68 West, and Sections 1-17 and 22, Township 3 South, Range 69 West, in Jefferson and Adams County. Applicant’s decreed well locations are described in the following table and depicted on attached EXHIBIT D.

3.	1946	NW	NW	3	3	69
4.	1948	SW	SW	11	3	69
5.	1950	SE	NE	15	3	69
8.	4/17/1953	SE	NW	11	3	69
9.	1953	NW	NW	11	3	69
10.	1/1955	NW	SE	13	3	69
11.	1/1955	NE	SE	14	3	69
12.	4/1955	NE	NE	22	3	69
13.	4/6/1955	SW	SW	15	3	69
14.	5/28/1958	NW	SE	12	3	69
15.	6/13/1958	NW	SW	7	3	68
16.	10/14/1958	SE	SE	33	2	69
17.	2/19/1959	SW	SE	1	3	69
18.	10/9/1959	SE	SW	6	3	68
19.	1957	SW	SE	3	3	69
20a.	1953	SE	NE	3	3	69
20b.	1955	SE	NE	3	3	69
21.	5/25/1959	NE	NW	14	3	69
22.	6/28/1960	NE	SE	2	3	69
23.	10/1955	NW	NW	34	2	69

8.2.4. **Sources:** Upper Arapahoe, Lower Arapahoe and Laramie-Fox Hills aquifers. 8.2.5. **Amounts:** Upper Arapahoe Aquifer: 2,255 acre-feet/year. Lower Arapahoe Aquifer: 1,514 acre-feet/year. Laramie-Fox Hills Aquifer: 2,965 acre-feet/year, and any additional amounts allowed under the banking provisions of Applicant's decrees. 8.2.6. **Appropriation dates:** The decreed appropriation dates as described above. 8.2.7. **Decreed uses:** All beneficial purposes, including, but not limited to, municipal, domestic, industrial, commercial, irrigation, stock watering, recreation, fish and wildlife uses, exchange, replacement of depletions and augmentation. 8.3 **Sewered Effluent:** Sewage effluent discharged at the outfall of the Robert W. Hite Treatment Plant ("Hite Plant"), which is attributable to the following water rights: the Subject Water Rights; Arvada Reservoir Water Rights for which Applicant is entitled to claim reuse credit; Arvada Reservoir Refill; Tucker Lake Water Rights; Highway 93 Lakes Water Rights; and the Nontributary Groundwater Rights. The Hite Plant outfall discharges to the South Platte River in Section 1, Township 3 South, Range 68 West of the 6th P.M., Adams County, Colorado. 8.4. **Consolidated Mutual Contract Water:** Water provided by The Consolidated Mutual Water Company pursuant to the Special Water Service Agreement dated August 11, 2003, and the First Amendment to that agreement dated December 18, 2017. Consolidated Mutual will deliver reusable effluent to Arvada at the outfall of the Hite Plant on the South Platte River. 8.5 **Thornton Contract Water:** Water provided by the City of Thornton to Applicant pursuant to the Intergovernmental Agreement dated October 16, 2006, and the lease between the City of Thornton, Parkwood and the Carlson Group dated April 7, 2010, assigned to Applicant on August 2, 2012. Thornton will deliver water to satisfy Arvada's return flow obligations to Big Dry Creek or the South Platte River. 8.6 **Additional Sources:** Applicant shall have the right to add sources of replacement water that can be provided in the amount, time and location to prevent injury, as authorized by C.R.S. § 37-92-305(8), -308, -309 or successor statutes. 9. **Does Applicant intend to change a water right to provide a source of augmentation?** Yes. Arvada requests a change of the Subject Water Rights for that purpose. 10.0 **Complete statement of the plan for augmentation.** 10.1. Arvada seeks approval of changes of water rights and a plan for augmentation to allow diversion through the structures described above for storage of the Subject Water Rights and reusable effluent in Arvada Reservoir, Tucker Lake, and Highway 93 Lakes, by means of alternate points of diversions, by exchanges, by pumped pipelines or by a combination of the same. Arvada has constructed two pumped pipelines, but others may be required. One pumped pipeline begins near the intersection of the Croke Canal and Ralston Creek, in the SW1/4 NE1/4 of Section 1, Township 3 South,

Range 70 West of the 6th P.M., and continues to Arvada Reservoir. A second pumped pipeline from the Church Ditch begins approximately 700 feet south of where the Church Ditch crosses Ralston Creek, in the NE1/4 SW1/4 of Section 2, Township 3 South, Range 70 West of the 6th P.M., and continues to Arvada Reservoir. 10.2. Once the water is stored, Arvada may treat the water at the Arvada Water Treatment Plant or the Ralston Water Treatment Plant and distribute it for use within Arvada's service area or other areas served by contract, release it to Ralston Creek or to Clear Creek to replace historical return flows to the South Platte River system, or use it for any other decreed purposes. Arvada may also use the water directly to irrigate municipal parks, golf courses, landscaping, greenbelt or other irrigated municipal land under the ditch to which the water right was originally decreed or in which it has been carried pursuant to a decreed change, or used directly to continue irrigating the historically irrigated lands until converted to municipal use. Arvada will replace the historical return flows from the Subject Water Rights in the time, place and amounts needed to prevent injury to other water rights senior to the date of filing the application from any of the sources described in this application. 10.3. Arvada will provide historical return flows from the Subject Water Rights simultaneously or within 24 hours after diversions on which they are based. Arvada may provide return flows by leaving water in the stream, by delivering water to the stream through augmentation stations on any of the subject ditches, by releases from Arvada Reservoir, Tucker Lake, or Highway 93 Lakes, or by releases at any other point to which the water has been diverted, stored, exchanged or pumped. Arvada may provide return flows to Clear Creek from use of treated water from the Subject Water Rights and any other reusable sources described in this application from Arvada's fountain at 7555 W. 57th Avenue. The fountain is located in the SW1/4 SE1/4 of Section 11, Township 3 South, Range 69 West of the 6th P.M. Arvada may provide replacement water by releases from any of its reservoirs or by pumping and delivering nontributary groundwater from its wells to Clear Creek, Ralston Creek, the South Platte River or any of its tributaries. Reusable sewage effluent or water provided by contract will be provided as described above for each of those sources. Arvada will not provide return flows, unless there is a downstream call senior to the date of the application. Arvada claims a right to appropriate any return flows not needed to satisfy a senior call. If the Subject Water Rights are used for continued irrigation under the original ditch systems, no return flow obligation shall be incurred. 11. **Does the plan for augmentation include a claim to adjudicate an exchange?** Yes. 12. **Claim for Conditional Rights of Exchange:** In addition to the use of alternate points of diversions claimed as part of the change of water rights, Arvada seeks to divert and store the Subject Water Rights and reusable effluent in Arvada Reservoir, Tucker Lake, or Highway 93 Lakes, through the exchanges described below. 12.1. **2017 Clear Creek to Croke Canal Exchange:** Water to which Applicant is entitled by its ownership of the Slough Ditches will be exchanged from the Slough Ditches headgate to the Clear Creek Croke Canal headgate at a maximum combined rate of 2.63 c.f.s, conditional. 12.2. **2017 Ralston Creek to Arvada Reservoir Exchange I:** Water conveyed to Ralston Creek from the Croke Canal including Slough Ditch water rights, Church Ditch, Farmers High Line Canal, and Wannamaker Ditch will be exchanged from the outlet structures of those ditches on Ralston Creek to Arvada Reservoir at a maximum combined rate of 8.81 cfs, conditional. 12.3. **2017 Ralston Creek to Arvada Reservoir Exchange II:** Water to which Applicant is entitled by its ownership of the Manhart Ditch will be exchanged from the headgate of the Manhart Ditch to Arvada Reservoir at a maximum rate of 0.46 cfs, conditional. 12.4. **2017 Ralston Creek to Ralston Creek Croke Canal Exchange:** Water to which Applicant is entitled by its ownership of the Manhart Ditch will be exchanged from the headgate of the Manhart Ditch to the Ralston Creek Croke Canal headgate at a maximum rate of 0.46 c.f.s, conditional. 12.5. **2017 Ralston Creek to Clear Creek Croke Canal Exchange:** Water to which Applicant is entitled by its ownership of the Manhart Ditch will be exchanged from the confluence of Ralston Creek and Clear Creek in the NE1/4 NE1/4 of Section 13, Township 3 South, Range 69 West, 6th P.M, to the Clear Creek Croke Canal headgate at a maximum rate of 0.46 c.f.s, conditional. 12.6. **2017 Clear Creek to Ralston Creek Arvada Reservoir Exchange:** Water to which Applicant is entitled by its ownership of the Church Ditch, Farmers High Line Canal, Wannamaker Ditch, and Slough Ditches will be exchanged from the confluence of Ralston Creek and Clear Creek to Arvada Reservoir at a maximum combined rate of 8.81 c.f.s, conditional. 12.7. **2017 Clear Creek to Ralston Creek Croke**

Canal Exchange: Water to which Applicant is entitled by its ownership of the Church Ditch, Farmers High Line Canal, Wannamaker Ditch, and Slough Ditches will be exchanged from the confluence of Ralston Creek and Clear Creek to the Ralston Creek Croke Canal headgate at a maximum combined rate of 8.81 c.f.s, conditional. 12.8. **Metro Wastewater Reclamation District Treatment Plant to Clear Creek Croke Canal or Ralston Creek Arvada Reservoir Exchange:** Arvada's reusable effluent which is not used to replace Arvada's return flow obligations will be exchanged from the outfall of the Hite Plant to the Clear Creek Croke Canal headgate and Arvada Reservoir. The maximum combined rate of exchange is 12 cfs, conditional, when combined with all of Applicant's prior decreed exchanges from the Metro Plant, a/k/a Hite Plant. 12.9. **Appropriation date for all exchanges:** December 21, 2017. 12.10. **How appropriations were initiated:** The appropriations were initiated by purchasing the Subject Water Rights, forming the intent to exchange this water to storage in Arvada's reservoirs, and by filing this application. 13. **Notice to Landowners:** Names and addresses of owners or reputed owners of land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored including any modification to the existing storage pool. Applicant will notify these persons that it is applying for this water right, and certify to the Court that it has done so. 13.1. Arvada owns Arvada Reservoir, Highway 93 Lakes, Croke Canal Ralston Creek headgate, and the nontributary wells. 13.2. Croke Canal is owned by Farmers Reservoir and Irrigation Company, 80 South 27th Avenue, Brighton, Colorado 80601. Arvada has a contractual right to use that structure. 13.3. Farmers High Line Canal is owned by Farmers High Line Canal and Reservoir Company, 8399 W. 89th Ave., Westminster, CO 80021. 13.4. Robert Hite Treatment Plant is owned by Metro Wastewater Reclamation District, 6450 York Street, Denver, Colorado 80229-7499. 13.5. Tucker Lake is owned by Denver-View Reservoir and Irrigation Company, P.O. Box 8101, Arvada, CO 80001-8101. 13.6. Wannamaker Ditch is owned by the Wannamaker Ditch Company, 1801 California St., Suite 4600, Denver, CO 80202. WHEREFORE, Applicant prays that the Court enter a decree approving applicant's changes of water rights, plan for augmentation, including exchanges, and appropriative right to use return flows.

17CW3211 Town of Castle Rock, Attn: Mark Marlowe, Director of Castle Rock Water, 175 Kellogg Court, Castle Rock, Colorado 80109, (720) 733-6001. Please send all pleadings and correspondence to Applicant's counsel: Jeffrey J. Kahn, Madoline Wallace-Gross, Lyons Gaddis Kahn Hall Jeffers Dworak & Grant, PC, P.O. Box 978, Longmont, CO 80502-0978, (303) 776-9900. **APPLICATION FOR CONDITIONAL SURFACE WATER RIGHT, CONDITIONAL WATER STORAGE RIGHTS AND CONDITIONAL RIGHTS OF APPROPRIATIVE EXCHANGE IN DOUGLAS COUNTY CONDITIONAL SURFACE WATER RIGHT** 2. **Name of structure: Plum Creek Diversion.** A. **Background.** Applicant seeks a surface water right from an existing diversion structure located on Plum Creek near Sedalia. Water diverted at the diversion under the surface water right will be: a) pumped and piped to the Plum Creek Water Purification Facility for treatment and then into the Applicant's water distribution system; and/or b) used in any other manner consistent with the decree entered in this case. B. **Legal Description of Point of Diversion:** SE1/4 of Section 15, Township 7 South, Range 68 West of the 6th P.M., Douglas County, Colorado, at a point 1660 feet from the south section line and 725 feet from the east section line. The UTM coordinates are NAD83, Zone 13, Easting 501485, Northing 4365534. C. **Source:** Plum Creek. D. **Date of Appropriation:** December 28, 2017. E. **How Appropriation was Initiated:** Applicant initiated this appropriation by purchasing the diversion structure and easements, conducting engineering studies to determine the water availability for and the need for a direct flow water right from Plum Creek and passing a director's resolution evidencing the appropriation and filing this application. F. **Date Applied to Beneficial Use:** Not applicable. G. **Amount Claimed:** 40 c.f.s., conditional. H. **Proposed Uses:** Direct use for all municipal uses, including industrial, augmentation, replacement and exchange, with the right to use, reuse and successively use the return flows to extinction. I. **Place of Use:** Lands within Applicant's water service area boundaries, as such boundaries currently exist or may exist in the future, and lands outside such boundaries by contract. J. **Comments:** i. Applicant intends to fully consume water diverted pursuant to this surface water right, and

the Town is appropriating the sewered and nonsewered return flows generated from the surface water right. ii. This reservoir is identified as Sedalia Reservoir in Case No. 05CW270, District Court, Water Division No. 1. iii. The total current capacity of the reservoir is 241.4 acre-feet. Applicant intends to expand the reservoir to a capacity of 610 acre-feet. **CONDITIONAL STORAGE WATER RIGHTS**

3. Name of structure: Castle Rock Reservoir No. 1. A. Background. Applicant seeks a storage water right for an existing off-channel and lined reservoir located near Sedalia. Water diverted under the storage water right will be stored in the reservoir. While stored in the reservoir, water will be used for in-reservoir aesthetic, recreational, and fish and wildlife purposes. Water stored in the reservoir may be: a) pumped and piped to the Plum Creek Water Purification Facility for treatment and then into the Applicant's water distribution system; b) released from the outlet structure to Plum Creek for augmentation or exchange; and/or c) used in any other manner consistent with the decree entered in this case. B. Legal Description of a Point on Castle Rock Reservoir No. 1 Dam: NE1/4 of Section 15, Township 7 South, Range 68 West of the 6th P.M., Douglas County, Colorado, at a point 1607 feet from the north section line and 2340 feet from the east section line. The UTM coordinates are NAD 83, Zone 13, Easting 500994, Northing 436618. The total current capacity of the reservoir is 250 acre-feet. C. Sources: Plum Creek. D. Date of Appropriation: December 28, 2017. E. How Appropriation was Initiated: Applicant initiated this appropriation purchasing the reservoir and easements, by conducting engineering studies to determine the water availability for and the need for a storage right for the existing reservoir and its proposed expansion and passing a director's resolution evidencing the appropriation and filing this application. F. Date Applied to Beneficial Use: Not applicable. G. Amount Claimed: 610 acre-feet, conditional. H. Surface Area at High Water Line: 16.1 acres. I. Length of Dam: 1380 feet. J. Active Capacity: 610 acre-feet. K. Dead Storage of Applicant's Portion: 0 acre-feet. L. Filling Structure: Plum Creek Diversion described in ¶ 2.B. M. Filling Rate: 40 c.f.s. N. Proposed Uses: Storage for all municipal uses, including industrial, augmentation, replacement, exchange, fish and wildlife, and recreational with the right to use, reuse and successively use the return flows to extinction. O. Place of Use: Lands within Applicant's water service area boundaries, as such boundaries currently exist or may exist in the future, and lands outside such boundaries by contract. P. Comments: Applicant intends to fully consume water diverted pursuant to this storage water right, and the Town is appropriating the sewered and nonsewered return flows generated from the storage water right. This reservoir is identified as Sedalia Reservoir in Case No. 05CW270, District Court, Water Division No. 1.

4. Name of structure: Castle Rock Reservoir No. 2. A. Background. Applicant seeks a storage water right for a proposed off-channel and lined reservoir located near Sedalia. Water diverted under the storage water right will be stored in the reservoir. While stored in the reservoir, water will be used for in-reservoir aesthetic, recreational, and fish and wildlife purposes. Water stored in the reservoir may be: a) piped and pumped to the Plum Creek Water Purification Facility for treatment and then into the Applicant's water distribution system; b) released from the outlet structure to Plum Creek for augmentation or exchange; and/or c) used in any other manner consistent with the decree entered in this case. B. Legal Description of a Point on the Castle Rock Reservoir No. 2 Dam: E 1/2 of Section 15, Township 7 South, Range 68 West of the 6th P.M., Douglas County, Colorado, at a point 1830 feet from the north section line and 790 feet from the east section line. The UTM coordinates are NAD 83, Zone 13, Easting 501481, Northing 4366106. C. Source: Plum Creek. D. Date of Appropriation: December 28, 2017. E. How Appropriation was Initiated: Applicant initiated this appropriation by purchasing the easement for the reservoir, conducting engineering studies to determine the water availability for and the need for a storage right for the proposed reservoir and passing a director's resolution evidencing the appropriation and filing this application. F. Date Applied to Beneficial Use: Not applicable. G. Amount Claimed: 1,130 acre-feet, conditional. H. Surface Area at High Water Line: 39.3 acres. I. Length of Dam: 4970 feet. J. Active Capacity: 1130 acre-feet. K. Dead Storage: 0 acre-feet. L. Filling Structure: Plum Creek Diversion described in ¶ 2.B. M. Filling Rate: 40 c.f.s. N. Proposed Uses: Storage for all municipal uses, including industrial, augmentation, replacement, exchange, fish and wildlife, and recreational, with the right to use, reuse and successively use the return flows to extinction. O. Place of Use: Lands within Applicant's water service area boundaries, as such boundaries currently exist or may exist in the future, and lands outside

such boundaries by contract. P. Comments: Applicant intends to fully consume water diverted pursuant to this storage water right, and the Town is appropriating the sewered and nonsewered return flows generated from the storage water right. **CONDITIONAL RIGHTS OF APPROPRIATIVE EXCHANGE 5. Name of Exchange: Castle Rock Reservoir Nos. 1 and 2 Outlet to Castle Pines Diversion Points S-1 and S-2 and Castle Rock Surface Diversion Nos. 1, 2 and 3 Exchange.** A. Background. Applicant will release water stored under the storage water rights described in ¶¶ 3 and 4 and any fully consumable and reusable effluent stored in the reservoirs from the outlet to Plum Creek and exchange such water to multiple upstream surface diversions for storage or direct use for decreed purposes. B. Downstream Terminus: The outlet of Castle Rock Reservoir Nos. 1 and 2 to Plum Creek is located in the SE1/4 of Section 15, Township 7 South, Range 68 West of the 6th P.M., Douglas County, Colorado, at a point 1725 feet from the south section line and 751 feet from the east section line. The UTM coordinates are NAD 83, Zone 13, Easting 501483, Northing 4365550. C. Upstream Termini: i. Castle Pines Diversion Point S-1: Located in SE1/4 SW1/4 Section 21, Township 7 South, Range 67 West of the 6th P.M., at a point 20 feet from the south section line and 1530 feet from the west section line. The UTM coordinates are NAD 83, Zone 13, Easting 508672, Northing 4363503. ii. Castle Pines Diversion Point S-2: Located in NE1/4 SW1/4 Section 20, Township 7 South, Range 67 West of the 6th P.M., at a point 2540 feet from the south section line and 2590 feet from the west section line. The UTM coordinates are NAD 83, Zone 13, Easting 507354, Northing 4364227. iii. Castle Rock Surface Diversion No. 1: Located in the SE1/4 NW1/4 of Section 2, Township 8 South, Range 67 West., 6th P.M. 2205 feet from the north section line and 1550 feet from the west section line. The UTM coordinates are NAD 83, Zone 13, Easting: 511851, Northing: 4359533. iv. Castle Rock Surface Diversion No. 2: Located in the SW1/4 SW1/4 Section 21, Township 7 South, Range 67 West of the 6th P.M., at a point 791 feet from the south section line and 45 feet from the west section line. The UTM coordinates are NAD 83, Zone 13, Easting 508168, Northing 436370. v. Castle Rock Surface Diversion No. 3: Located in NW1/4 SE1/4 Section 20, Township 7 South, Range 67 West of the 6th P.M., at a point 1602 feet from the south section line and 1678 feet from the east section line. The UTM coordinates are NAD 83, Zone 13, Easting - 507665, Northing 4363962. D. Sources of Substitute Supply: i. Castle Rock Reservoir No. 1 Storage Right: See ¶ 3. ii. Castle Rock Reservoir No. 2 Storage Right: See ¶ 4. iii. Applicant's effluent stored in Castle Rock Reservoir Nos. 1 and 2 derived from any fully-consumable, reusable source, including, but not limited to, non-tributary groundwater, fully-augmented not non-tributary groundwater and water acquired through the Water Infrastructure System Efficiency Partnership. E. Amount of Exchange: 15 c.f.s., conditional. F. Date of Initiation of Appropriation: December 28, 2017. G. How Appropriation was Initiated: Applicant initiated this appropriation by purchasing the reservoir and reservoir easements, conducting engineering studies to determine the water availability for and the need for the proposed exchange and passing a director's resolution evidencing the appropriation and filing this application. H. Date Applied to Beneficial Use: Not applicable. I. Proposed Uses: Direct use or storage for municipal, augmentation, replacement and exchange. J. Place of Use: Lands within Applicant's water service area boundaries, as such boundaries currently exist or may exist in the future, and lands outside such boundaries by contract. **6. Name of Exchange: Plum Creek Wastewater Reclamation Authority Wastewater Treatment Outfall to Castle Rock Surface Diversion No. 1 Exchange.** A. Background. As one method to reuse and successively use the water rights described in ¶¶ 2 to 4, Applicant will cause to be discharged from the Plum Creek Wastewater Reclamation Authority ("PCWRA") Outfall sewered effluent associated with the water rights described in ¶¶ 2 to 4 and will exchange such water to Castle Rock Surface Diversion No. 1 for direct use for decreed purposes. B. Downstream Terminus: PCWRA Outfall is located in SW1/4 SW1/4 Section 21, Township 7 South, Range 67 West of the 6th P.M., at a point 770 feet from the south section line and 100 feet from the west section line. The UTM coordinates are NAD 83, Zone 13, Easting 508185, Northing 4363729. C. Upstream Terminus: Castle Rock Surface Diversion No. 1. See ¶ 5.C.iii. D. Sources of Substitute Supply: Applicant's effluent discharged from PCWRA Outfall derived from the following water rights: i. Plum Creek Diversion Surface Water Right: See ¶ 2. ii. Castle Rock Reservoir No. 1 Storage Water Right: See ¶ 3. iii. Castle Rock Reservoir No. 2 Storage Water Right: See ¶ 4. E. Amount of Exchange: 10.8 c.f.s., conditional. F. Date of Initiation of

Appropriation: December 28, 2017. G. How Appropriation was Initiated: Applicant initiated this appropriation by purchasing the reservoir and reservoir easements, conducting engineering studies to determine the water availability for and the need for the proposed exchange and passing a director's resolution evidencing the appropriation and filing this application. H. Date Applied to Beneficial Use: Not applicable. I. Proposed Uses: Direct use for municipal, augmentation, replacement and exchange. J. Place of Use: Lands within Applicant's water service area boundaries, as such boundaries currently exist or may exist in the future, and lands outside such boundaries by contract. **7. Comments for All Claims.** A. The Plum Creek Diversion utilized in the surface water right, the conditional storage water rights and conditional exchanges described in ¶¶ 2 to 4 and 6 is equipped with bypass facilities that allow water to flow past the structure when needed to satisfy downstream senior water rights. Applicant will allow water native to the stream to bypass the diversion structure when needed to fulfill downstream senior water rights and will bypass water that has been released to the Plum Creek system by other water users at upstream locations for recapture at locations downstream of the diversion. B. A map showing the location of the structures in this application is attached as **EXHIBIT A.** **8. Name and address of owner of land upon which any new diversion structure or storage structure, or modification to an existing diversion or storage structure is or will be constructed, or upon which water is or will be stored, including any modification to the existing storage pool.** A. Plum Creek Diversion, Castle Rock Reservoir Nos. 1 and 2 and Castle Rock Reservoir Nos. 1 and 2 Outlet, Plum Creek Trust, 5105 DTC Parkway, Suite 450, Greenwood Village, CO 80111. B. Castle Pines Diversion Point S-2 and Castle Rock Surface Diversion No. 3, Plum Creek Wastewater Reclamation Authority, 5880 Country Club Drive, Castle Rock, CO 80108. C. Castle Pines Diversion Point S-1, Castle Rock Surface Diversion Nos. 1 and 2 and PCWRA Outfall. Applicant. WHEREFORE, Applicant requests the Court enter a decree finding that Applicant has appropriated the conditional surface water right, the conditional storage water rights and the conditional rights of appropriative exchange as applied for herein.

17CW3212 City of Lafayette, c/o City Administrator, 1290 South Public Road, Lafayette, Colorado 80026 and **City of Boulder**, c/o Joe Taddeucci, P.E., Water Resources Manager, P. O. Box 791, Boulder, Colorado 80306-0791. (c/o David C. Lindholm, Esq., P.O. Box 18903, Boulder, Colorado 80308-1903; Douglas M. Sinor, Esq., Trout Raley, 1120 Lincoln Street, Suite 1600, Denver, Colorado 80203; and Jessica L. Pault-Atiase, Esq., Boulder City Attorney's Office, 1777 Broadway, P. O. Box 791, Boulder, Colorado 80306-0791). **APPLICATION FOR WATER STORAGE RIGHT. IN BOULDER COUNTY.** 2. Name of Reservoir: Gross Reservoir Environmental Pool. Note: The Gross Reservoir Environmental Pool will be part of a proposed expansion of Gross Reservoir. 3. Legal Description of Location of Dam: Gross Reservoir is an on-stream reservoir that is proposed to be enlarged. The dam of Gross Reservoir is located in Tracts 48 and 49, Township 1 South, Range 71 West of the 6th Principal Meridian (where the north half (N1/2) of the southeast quarter (SE1/4) of Section 20 of Township 1 South, Range 71 West of the 6th Principal Meridian would be located by ordinary survey practices) and creates a reservoir covering parts of Tracts 47, 48, 49, 44, 45, 63, 107, 108, 109 and 110, the south half (S1/2) of the south half (S1/2) of Section 18, Section 19, Section 30, the south half (S1/2) of the northeast quarter (NE1/4) of Section 25 and the east half (E1/2) of the southeast quarter (SE1/4) of Section 24, all in Township 1 South, Range 71 West of the 6th Principal Meridian in Boulder County, Colorado. 4. Source: South Boulder Creek and its tributaries. 5.A. Date of Appropriation: February 24, 2010. 5.B. How Appropriation was Initiated: By entering into an Intergovernmental Agreement with the City and County of Denver, acting by and through its Board of Water Commissioners. 5.C. Date Water Applied to Beneficial Use: N/A. 6. Amount Claimed: 5,000 acre feet, Conditional. 7. Uses: Municipal, domestic, commercial, industrial, irrigation, recreational, piscatorial, wildlife propagation, power generation, fire protection, exchange, replacement, augmentation, and all other beneficial purposes related to, occurring in or deriving from the operation of the municipal utility, parks, and open space systems of each Applicant. The water will be released from Gross Reservoir and conveyed to downstream points of diversion on South Boulder Creek and Boulder Creek for both immediate use and storage in reservoirs owned and available for use by Applicants. Applicants assert the right to reclaim return flows from the

use of water stored under the Gross Reservoir Environmental Pool priority and to totally consume by a first use, reuse, successive use, exchange or other recognized method, all of the water stored. A. Instream flow Use: Pursuant to an Intergovernmental Agreement between the Applicants entered into on February 17, 2010, and an Intergovernmental Agreement among the Applicants and the City and County of Denver, acting by and through its Board of Water Commissioners, entered into on February 24, 2010 (the “Gross Reservoir IGAs”), the Applicants intend to release water stored in the Gross Reservoir Environmental Pool for beneficial use during times when stream flows in South Boulder Creek are below target flows. Boulder and/or Lafayette may enter into water delivery agreements with the Colorado Water Conservation Board (“CWCB”), pursuant to C.R.S. § 37-92-102(3), for protection of water attributable to the subject water storage right released from the Gross Reservoir Environmental Pool to preserve or improve the natural environment to a reasonable degree in South Boulder Creek. The Applicants therefore claim instream flow use by the CWCB in South Boulder Creek between enlarged Gross Reservoir and the confluence with Boulder Creek, pursuant to future water delivery agreement(s) that may be entered into by Boulder and/or Lafayette and the CWCB pursuant to C.R.S. § 37-92-102(3). The Applicants will make successive consumptive use of the water for all of the uses claimed herein after it has been delivered to meet target flows in either the Upper Segment or the Lower Segment of South Boulder Creek described below for instream flow use by the CWCB. The target flow rates and stream segments described in the Gross Reservoir IGAs are summarized as follows.

STREAM SEGMENT	SUMMER SEASON (May- Sept)		WINTER SEASON (Oct – Apr)	
	Average year flow	Dry year flow	Average year flow	Dry year flow
Gross Reservoir to South Boulder Road (“Upper Segment”)	10 cfs	7 cfs	7 cfs	5 cfs
South Boulder Road to confluence with Boulder Creek (“Lower Segment”)	4 cfs	2 cfs	2.5 cfs	1.5 cfs

7.B. Total Number of Acres Irrigated or Proposed to be Irrigated and Legal Description: Irrigation will occur within the service areas of each Applicant. The service areas encompass portions of Township 1 North and 1 South, Range 69 West; Township 1 North and 1 South, Range 70 West; and Township 1 North and 1 South, Range 71 West, all in the 6th P.M., Boulder County, and exceed several hundred acres. Irrigation may also occur on open space property owned or administered by each Applicant in Boulder County. 8. Surface Area of High Water Line: The Gross Reservoir Environmental Pool will be part of an expansion of Gross Reservoir. The Reservoir currently encompasses approximately 418 acres. When enlarged, the Reservoir will encompass approximately 842 acres. 8.A. Maximum Height of Dam: Currently 340 feet. Upon enlargement 471 feet. 8.B. Length of Dam: Currently 1,050 feet. Upon enlargement 1,840 feet. 9. Total Capacity of Reservoir: Currently 41,811 acre feet. Upon enlargement 118,811 acre feet. 9.A. Active Capacity: Upon enlargement 118,811 acre feet. 9.B. Dead Storage: Upon enlargement 0 acre feet. 10. Names and addresses of owners of land on which the dam is located and land within the high water line. City and County of Denver, 1600 West 12th Avenue, Denver, CO 80204-3412; Miramonte Limited Liability Company, c/o Bruce K. Alexander, 1000 E. Tufts Avenue, Cherry Hills Village, CO 80113; and United States Forest Service, Boulder Ranger District, Arapaho and

Roosevelt National Forests, 2140 Yarmouth Avenue, Boulder, CO 80301. 11. Remarks or other Pertinent Information: A plan view map illustrating the location of Gross Reservoir, both as it presently exists and as enlarged, is attached as Exhibit "A." WHEREFORE, Applicants request the adjudication of the Gross Reservoir Environmental Pool, in the amount of 5,000 acre feet, for the above described uses. (7 pages and one exhibit).

17CW3213, Riviera Circle Lake Club ("Riviera"), PO Box 27144, Denver, CO 80227, (303) 986-1551, through counsel Evan D. Ela and Joseph W. Norris, Collins Cockrel & Cole, P.C., 390 Union Boulevard, Suite 400, Lakewood, CO 80215, (303) 986-1551, APPLICATION FOR CONFIRMATION OF WATER STORAGE RIGHT in **DENVER COUNTY**. **2. Name of Structure:** Ward Reservoir No. 5 aka Riviera Circle Lake. **3. Description of Water Right:** (a) Riviera Circle Lake is located in the North One Half of Section 30, Township 4 South, Range 68 West of the 6th P.M., Denver County, Colorado. UTM coordinates for a point on the dam at the outlet of the reservoir are Northing: 672676.925, Easting: 129340.327; (b) Source: Clear Creek; (c) Name of Ditch Used to Fill Reservoir: (i) The Agricultural Ditch: the headgate of the Agricultural Ditch is located on the south bank of Clear Creek in the City of Golden, in the SW 1/4 of Section 27, Township 3 South, Range 70 West, of the 6th P.M., Jefferson County, Colorado; UTM Coordinates (NAD 83) Northing: 4400899; Easting: 481172; (d) Amount Claimed: 216.48 acre-feet, at a divertible flow rate of 7.5 cfs at the river headgate of the Agricultural Ditch; (e) Date of Initiation of Appropriation: April, 1883, for the first 63.17 acre-feet and February 26, 1889 for the remaining 153.31 acre-feet of diversions from Clear Creek for irrigation; (e) How Appropriation was Initiated: As evidenced by the State Engineer's certification of the official map and statement of the Enlargement of the Ward Reservoir No. 5, originally filed May 14, 1889, and approved by the State Engineer August 13, 1926, commencement of construction of the original Ward Reservoir No. 5 and said enlargement to Ward Reservoir No. 5, described therein as taking water through the Agricultural Ditch; (f) Date Water Applied to Beneficial Use of Water: Continuous beneficial use of the water diverted from Clear Creek and stored in Riviera Circle Lake for irrigation since the date of appropriation through the date of this Application; (g) Uses: Storage for irrigation; (h) Description of Irrigated Acreage: Applicant intends to continue to irrigate lands owned by residents and members of the Riviera Circle Lake Club, Harvey Park owned by the City and County of Denver, and the J.W. Allison property; (i) Surface Area of High Water Line: 17.5 acres; (j) Total Capacity of Reservoir: 113.4 acre-feet. **4. Additional Remarks.** In addition to storage in the Riviera Circle Lake, Applicant intends to store the water right sought by this Application in what is known as Harvey Park Lake, located within Harvey Park immediately east of the Riviera Circle Lake and connected to Riviera Circle Lake by pipeline. Said Harvey Park Lake has a surface area of 6.24 acres and a total capacity of 34.73 acre-feet. Harvey Park Lake is owned and operated by the City and County of Denver, is subject to an Agreement between the Applicant and the City and County of Denver, dated January 31, 1957, and has been filled by water claimed by Applicant. (9 pages)

17CW3214 CENTER OF COLORADO WATER CONSERVANCY DISTRICT, c/o R. Briggs Cunningham, President, P.o. Box 1747, Fairplay, CO 80440. Direct all pleadings and correspondence to counsel for the Applicant, David M. Shohet and/or Ryan W. Farr of Monson, Cummins & Shohet, LLC, 13511 Northgate Estates Dr., Ste. 250, Colorado Springs, CO 80921 (719) 471-1212). Application for Conditional Water Storage Right and For Conditional Appropriative Rights of Exchange in **PARK, DOUGLAS AND JEFFERSON COUNTIES**. Applicant seeks a conditional water storage right and conditional appropriative rights of exchange. **Name of Surface Water Right.** Lininger Lake. **Location of Lininger Lake.** Lininger Lake is located in Sections 9 and 16, Township 7 South, Range 75 West of the 6th P.M., Park County, Colorado. The approximate location of Lininger Lake is shown on attached **Exhibit A**. **Source.** The source for Lininger Lake is Beaver Brook, tributary to Hull's Gulch, tributary to the North Fork of the South Platte River, tributary to the South Platte River. **Name of Ditches Used to Fill Reservoir.** Lininger Lake is filled by Lininger Ditch with two points of diversion which have a capacity of 11.4 c.f.s. The headgate of the upstream Lininger Ditch headgate is located at a point whence

the southeast corner of Section 8, Township 7 South, Range 75 West of the 6th P.M. bears South 74° 4' East, 8,765 feet. The location of the downstream Lininger Ditch headgate is located at a point whence the southeast corner of Section 8, Township 7 South, Range 75 West bears South 74° 26' E, 7,550 feet. The approximate locations of the headgates for Lininger Ditch are shown on attached **Exhibit A**. Date of Appropriation. The appropriation date is March 28, 2016, which is the date that Applicant executed an agreement with Kenosha Trout Club for use of 25 acre-feet of storage space in Lininger Lake thereby confirming, implementing, and demonstrating the Applicant's intent and actions to initiate and appropriate the water right for the beneficial uses as set forth herein. Amount of Water Claimed. 25 acre-feet with the right to fill and one refill, conditional. Uses. All beneficial uses including municipal, augmentation, domestic, industrial, commercial, irrigation, stock watering, recreation, fish and wildlife preservation and propagation, wetlands, fire protection and suppression, aquifer recharge, substitution, exchange, and replacement, including use, reuse, successive use, and full consumption and disposition to extinction. Date Water Applied to Beneficial Use. Water has not yet been put to beneficial use. Places of Use. Within the current and future service areas of Applicant and Applicant's water authority, the Headwater Authority of the South Platte ("HASP"), which was jointly created with the Upper South Platte Water Conservancy District. The current extent of such service areas is shown on the attached **Exhibit B**. Ownership. The owner of the land containing Lininger Lake is the Kenosha Trout Club, 3122 S. Pearl Street, Englewood, Colorado 80113. Previous Cases. Water storage rights for Lininger Lake were previously adjudicated in Case No. CA3286, District Court of Park County, with a correction to the legal description of Lininger Lake and a correction to the legal description of the Lininger headgate occurring in Case No. 03CW246, District Court, Water Division 1. Comments. Pursuant to Paragraph 8.8 of the decree entered in Case No. 12CW50, District Court, Water Division 1 on July 7, 2015, the water storage right herein requested along with the storage space in Lininger Lake will be used as an augmentation source in that case. Sources of Substitute Supply for the Exchanges. Randall Ditch. Original Decree Information. The Randall Ditch water rights were originally decreed for irrigation purposes as Priority Nos. 91 and 133 in Water District 23 by decree of the District Court of Park County dated October 18, 1889, Case No. 341, as amended by decree of the District Court of Park County dated July 30, 1896. Original Point of Diversion. SE1/4 of the SE1/4 of Section 13, Township 8 South, Range 76 West, of the 6th P.M., Park County, Colorado. Source. Michigan Creek, tributary to Tarryall Creek, tributary to the South Platte River. Appropriation dates and amounts. Priority No. 91: May 1, 1878; 11.75 c.f.s. Priority No. 133: April 1, 1881; 11.75 c.f.s. Originally Decreed Use. Irrigation. Change Decree Information. The Randall Ditch was changed by Applicant and the Centennial Water and Sanitation District in Case No. 05CW111 to new uses, including augmentation and for diversion at new points. The Randall Ditch water rights were changed again by Applicant in Case No. 12CW214, District Court, Water Division No. 1. Comments. Applicant owns the Randall Ditch the average annual consumptive use of which was quantified as 677 acre-feet in Case No. 05CW111, District Court, Water Division No. 1. Pursuant to a lease between Applicant and Centennial, Applicant has the right to the first 200 acre-feet per year of water from the Randall Ditch and Sessions Ditch water rights as changed in Case No. 05CW111 with the balance being leased to Centennial. Of the 200 average annual acre-feet that Applicant is entitled to during the term of the lease with Centennial, an average of 29.2 acre-feet per year is allocated to the Sessions Ditch water right. In addition, Park County has been allocated a perpetual use right of up to 5.0 acre-feet of consumptive use credit per year from Applicant's first 200 acre-feet for road and bridge purposes, which water is the subject of Park County's application in Case No. 08CW268, District Court, Water Division No. 1. Thus, 165.8 acre-feet per year of the consumptive use credits associated with the Randall Ditch water rights are available to be exchanged. Parmalee Ditch No. 2 and Parmalee Ditch No. 3. Parmalee Ditch No. 2. Original Decree Information. The Parmalee Ditch No. 2 was originally adjudicated for irrigation in Civil Action 1678, District Court, Park County, entered May 22, 1913. Original Point of Diversion. The headgate of the Parmalee Ditch No. 2 was decreed on Deer Creek in Section 5, Township 7 South, Range 72 West of the 6th P.M., at a point whence the S1/4 corner of Section 32, Township 6 South, Range 72 West bears North 9° 4' West, 2,613 feet. Source. Deer Creek, tributary to the North Fork of the South Platte River, tributary to the South Platte River. Appropriation

Date and Amounts. May 1, 1867; 0.83 c.f.s. *Originally Decreed Use.* Irrigation. Parmalee Ditch No. 3. *Original Decree Information.* The Parmalee Ditch No. 3 was originally adjudicated for irrigation in Civil Action 1678, District Court, Park County, entered May 22, 1913. *Original Point of Diversion.* The headgate of the Parmalee Ditch No. 3 was decreed on Deer Creek in Section 5, Township 7 South, Range 72 West, at a point whence the S1/4 corner of Section 32, Township 6 South, Range 72 West bears North 14° 55' West, 2,700 feet. *Source.* Deer Creek, tributary to the North Fork of the South Platte River, tributary to the South Platte River. *Appropriation Date and Amounts.* May 1, 1867; 0.58 c.f.s. *Originally Decreed Use.* Irrigation. Changes of Water Rights for Parmalee Ditch No. 2 and 3. *Case No. 03CW231.* On June 28, 2006 in Case No. 03CW231, District Court, Water Division No. 1 (“03CW231 Decree”), the Court approved a change of water rights for 0.63 c.f.s. of the Parmalee Ditch No. 2 and 0.58 c.f.s. of the Parmalee Ditch No. 3 and abandoned 0.84 c.f.s. of the Parmalee Ditches’ water rights to the stream. Applicant currently owns 0.259 c.f.s. of the 0.37 c.f.s. (or 70 percent) of the Parmalee Ditches’ water rights changed in the 03CW231 Decree. *Case No. 06CW270.* Subsequent to the entry of the decree in Case No. 03CW231, in Case No. 06CW270, District Court, Water Division No. 1, the Applicant changed its then 0.194 c.f.s. interest in the Parmalee Ditches for changed uses and points of diversion and storage. *Comments.* Pursuant to the decrees in Case Nos. 03CW231, 06CW270 Applicant’s diversion of the Parmalee Ditches consumptive use credits is limited to the flow rates and volumes as set forth in those decrees and its measurement requirements are as set forth in those decrees. Flume Ditch. *Original Decree Information.* The Flume Ditch was originally adjudicated in Civil Action 1678, District Court, Park County, entered May 22, 1913. *Original Point of Diversion.* The headgate of the Flume Ditch was decreed on Deer Creek in the SE Corner of Section 4, Township 7 South, Range 72 West of the 6th P.M., at a point whence the SE Corner of Section 4, Township 7 South, Range 72 West bears South 89°30' East, 4,791 feet. *Source.* Deer Creek, tributary to the North Fork of the South Platte River, tributary to the South Platte River. *Appropriation Date and Amounts.* May 1, 1867; 4.41 c.f.s. *Originally Decreed Use.* Irrigation. Changes of Water Rights for Flume Ditch. *Case Nos. W-7434 and 80CW169.* In Case Nos. W-7434 and 80CW169, District Court, Water Division No. 1, 3.93 c.f.s. of the 4.41 c.f.s. originally decreed to this structure was transferred out of the Flume Ditch. *Case No. 03CW231.* In Case No. 03CW231, District Court, Water Division No. 1, the balance of 0.48 c.f.s. of the 4.41 c.f.s. originally decreed to this structure was changed, 0.29 c.f.s. of the Flume Ditch was quantified and 0.19 c.f.s. was abandoned to the stream. Applicant currently owns 0.203 c.f.s. of the 0.29 c.f.s. (or 70 percent) of the water right changed in the 03CW231 Decree. *Case No. 06CW270.* Subsequent to the entry of the decree in Case No. 03CW231, in Case No. 06CW270, District Court, Water Division No. 1, Applicant changed its then 0.152 c.f.s. interest in the Flume Ditch for changed uses and points of diversion and storage. *Comments.* Pursuant to the decrees in Case Nos. 03CW231, 06CW270 Applicant’s diversion of the Flume Ditch consumptive use credits is limited to the flow rates and volumes as set forth in those decrees and its measurement requirements are as set forth in those decrees. London Mining and Smelter Ditch, 1st Enlargement and Smelter Pipeline Reservoir, 1st Enlargement. Applicant adjudicated a conditional enlargement of the Smelter Pipeline Reservoir and the London Mine and Smelter Ditch, which is the filling source for the Smelter Pipeline Reservoir. *Decree Information.* The Smelter Pipeline Reservoir and London Mining and Smelter Ditch, 1st Enlargement was adjudicated in Case No. 09CW145, District Court, Water Division No. 1. *Point of Storage.* The Smelter Pipeline Reservoir is located in the SW1/4 of the NE1/4 of Section 13, Township 9 South, Range 78 West of the 6th P.M., Park County, Colorado. *Filling Structure.* The London Mining and Smelter Ditch is located on the left bank of Mosquito Creek at a point whence the E1/4 corner of Section 13, Township 9 South, Range 78 West of the 6th P.M., Park County, Colorado, bears South 58° 30' East, 1,892 feet. *Source.* Mosquito Creek, tributary to the Middle Fork of the South Platte River, tributary to the South Platte River. *Decreed Uses.* Augmentation, substitution, exchange, domestic, commercial, industrial, irrigation, livestock, recreation, fish and wildlife propagation and fire protection in Park County. The Smelter Pipeline Reservoir and London Mining and Smelter Ditch, 1st Enlargements can only be used to augment depletions in Park County. *Appropriation Date and Amounts.* September 2, 2009 for 1.5 c.f.s. and 50 acre-feet of storage in the Smelter Pipeline Reservoir. *Comments.* The Smelter Pipeline Reservoir is adjudicated as a place of storage for the

Randall Ditch, Sessions Ditch, Parmalee Ditch No. 2 and 3, and Flume Ditch water rights. James Tingle Reservoir. Applicant owns 49.6% and Centennial owns 50.4% of the James Tingle Reservoir. Pursuant to the decree entered in Case No. 05CW111, 165 acre-feet of Applicant's capacity in the reservoir is allocated to non-irrigation season return flow replacement for the Randall and Sessions Ditch water rights leaving Applicant with 30 acre-feet of operable storage capacity. Decree Information. The James Tingle Reservoir was adjudicated in Case No. 09CW180, District Court, Water Division No. 1. Legal description of location of dam centerline. The dam centerline is located approximately 920 feet from the East section line and 960 feet from the South section line in the SE1/4 of the SE1/4 of Section 18, Township 8 South, Range 75 West, 6th P.M., Park County, Colorado. Source. Michigan Creek, tributary to Tarryall Creek, tributary to the South Platte River. Date of Appropriation and Amounts. April 22, 2009. The James Tingle Reservoir is adjudicated for 235 acre-feet, with 5.5 acre-feet absolute and the balance conditional, with a right of one refill. Applicant owns 30 acre-feet of the 235 acre-foot storage right and 30 acre-feet of the operable capacity within the James Tingle Reservoir. Filling Structure. The James Tingle Reservoir is filled through the Sessions Ditch, which has a capacity of 13 c.f.s. and is located in the NW1/4 of the SE1/4 of Section 13, Township 8 South, Range 76 West, 6th P.M., at a point approximately 2,056 feet from the East section line and 1,557 feet from the South section line of said Section 13, Park County, Colorado. Decreed Uses. Use, reuse and successive use to extinction for municipal, augmentation, domestic, industrial, commercial, irrigation, stock watering, recreation, fish and wildlife preservation and propagation, fire protection, aquifer recharge purposes, substitution, exchange and replacement. Additional Comments. Consumptive use credits associated with the Randall Ditch and Sessions Ditch water rights may be stored in Applicant's 30 acre-feet of storage space in the James Tingle Reservoir. Sessions Ditch. Original Decree Information. The Sessions Ditch was originally decreed for irrigation purposes as Priority No. 127 in Water District 23 by decree of the District Court of Park County dated October 18, 1889, Case No. 341, as amended by decree of the District Court of Park County dated July 30, 1896. Original Point of Diversion. On Michigan Creek at a point in the NW1/4 of the SE1/4, Section 13, Township 8 South, Range 76 West, 6th PM, Park County, Colorado 15 rods below where the Denver and South Park Rail Road crosses said Creek. Source. Michigan Creek, tributary to Tarryall Creek, tributary to the South Platte River. Appropriation Date and Amounts. July 31, 1880 for 3.5 c.f.s. Originally Decreed Use. Irrigation. Comments. Applicant is the owner of 1.15 c.f.s. decreed to the Sessions Ditch. In the decree in Case No. 05CW111, water court for Water Division No. 1, entered April 18, 2007, the average annual historical consumptive use of the 1.15 c.f.s. was quantified as 29.2 acre-feet per year and the 1.15 c.f.s. of the Sessions Ditch was changed to all beneficial uses, including augmentation, substitution, replacement and exchange. The place of use was changed to lands within Park County and to allow storage before beneficial use. Applicant has the right to use and successively use until extinction the consumptive use yield of the changed Sessions Ditch water right, subject to the terms and conditions identified in the decree in Case No. 05CW111. Chatfield Reservoir. Applicant is a participant in the proposed reallocation of storage space in Chatfield Reservoir ("Reallocation Project") and as of the date of this Decree, Applicant has the right to acquire 131 acre-feet of storage space in Chatfield Reservoir upon completion of the reallocation process, which will reallocate 20,600 acre-feet of flood capacity in Chatfield Reservoir for other beneficial uses. Decree Information. Case No. 13CW3148. Source. South Platte River and Plum Creek. Date of Appropriation and Amounts. May 9, 2013, 131 acre-feet, conditional, plus the right of one refill. Uses. Municipal, augmentation, domestic, industrial, commercial, irrigation, stock watering, recreation, fish and wildlife preservation and propagation, fire protection, aquifer recharge, substitution, exchange, and replacement. Recreation and fish and wildlife preservation and propagation uses will occur below the high water line of Chatfield Reservoir. Legal description of location of dam. The reservoir formed by Chatfield Dam, an existing structure located on the mainstem of the South Platte River. The right abutment is located in Douglas County, Colorado, in Sections 6 and 7, Township 6 South, Range 68 West of the 6th P.M.; the left abutment is located in Jefferson County, Colorado, in Section 1, Township 6 South, Range 69 West of the 6th P.M. Appropriative Rights of Exchange. Applicant seeks a decree approving the following described appropriative rights of exchange. Exchange-to Point (Upper Terminus). The exchange-to point of the

requested appropriative rights of exchange is Lininger Lake whose location is set forth in Paragraph III.b. Exchange-from Point (Lower Terminus). Deer Creek Water Rights. For direct flow water from the substitute water supply listed in Paragraphs IV.b. and IV.c., and for all points in between, the exchange-from point is the confluence of Deer Creek and the North Fork of the South Platte River located in the NE1/4 of the NE1/4 of Section 36, Township 7 South, Range 72 West of the 6th P.M. Chatfield. For the water rights described in Paragraph IV.g., the exchange-from point is Chatfield Reservoir whose location is set forth in Paragraph IV.g.5. All Other Water Rights. For all other substitute water supplies listed in Paragraph IV not specifically delineated in Paragraphs V.b.1. or V.b.2 above, the exchange-from point is the confluence of the North Fork of the South Platte River and the South Platte River located in the SW1/4 of the SE1/4 of Section 25, Township 7 South, Range 70 West of the 6th P.M. Exchange Rates. The exchanges rates for all exchanges is 11.4 c.f.s., conditional. Operation of Exchange. The sources of supply will be exchanged from the exchange-from points up the exchange reaches to Lininger Lake. Uses. Applicant will use the water diverted by exchange for all types of beneficial uses under their respective existing and future decrees, including, without limitation, direct use and storage and subsequent release for municipal, irrigation, stock watering, fire protection and suppression, domestic, commercial, industrial, and recreational uses, fish and wildlife preservation and propagation, wetlands, augmentation, replacement, substitution, exchange, and recharge, including use, reuse, successive use, and full consumption and disposition to extinction. Appropriation Date. The date of appropriation is December 29, 2017, which is the date of filing of this Application with Water Court, thereby confirming, implementing, and demonstrating Applicant's intent and actions to initiate and appropriate the water rights for the beneficial uses as set forth herein. Ownership. The names and addresses of owners or reputed owners of land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool: Lininger Lake. Ownership is as set forth in Paragraph III.j. James Tingle Reservoir. TBar Ranch, LLC, c/o Steven D. Bargas, P.O. Box 30, Como, Colorado 80432. Chatfield Reservoir. U.S. Army Corps of Engineers, Omaha District, 9307 South Wadsworth, Littleton, Colorado 80128. Smelter Pipeline Reservoir. Applicant is the owner. Sessions Ditch Headgate. James and Phyllis Howell, 300 Dahlia Street, Denver, Colorado 80220.

17CW3215 David W. Hunt and Kayleen J. Hunt, 14460 WCR 40, Platteville, Colorado 80651, Telephone: (970) 737-2437; (P. Andrew Jones, Wesley S. Knoll, Lawrence Jones Custer Grasmick LLP, 5245 Ronald Reagan Blvd., Suite 1, Johnstown, CO 80534, Telephone: (970) 622-8181, E-mail: paj@ljcglaw.com; wes@ljcglaw.com); APPLICATION FOR CONDITIONAL WATER STORAGE RIGHT IN **WELD COUNTY**; HFF RESERVOIR NO. 1, 2. Name of Reservoir: HFF Reservoir No. 1; 3. Legal Description: a. UTM i. Easting: 515,970 meters. Northing: 4,455,287 meters. ii. Zone 13 (12 or 13) iii. Source: Spotted from map (centroid location given). iv. Accuracy: N/A b. PLSS i. In the Southeast 1/4 of Section 6, Township 3 North, Range 66 West of the 6th P.M., Weld County, Colorado. ii. 475 feet from the south section line, 430 feet from east section line. ii. Source: Map. 4. Source: South Platte River 5. Fill Ditch: Platte Valley Canal. a. Capacity: 200 c.f.s. b. Point of Diversion: In the Northeast Quarter of Section 19, Township 2 North, Range 66 West of the 6th P.M. 6. Date of Appropriation: January 4, 2017. 7. How Appropriation was Initiated: Formation of intent to appropriate, engineering review, site review, site acquisition. 8. Amount Claimed: 199 acre feet, with right to fill and refill as many times as priority will allow, conditional. Rate: 20 c.f.s. 9. Uses: Irrigation, augmentation, replacement, and industrial uses by direct delivery from reservoir, recharge following release from the reservoir, or exchange following release from the reservoir. Uses via recharge to include delivery to recharge sites decreed in 08CW71. 10. Surface Area at High Water Line: 20 acres. No dam will be constructed. Any berm surrounding the reservoir will be less than 10 feet in height. 11. Name of Owners of Land: a. Diversion: Platte Valley Irrigation Company, P. O. Box 336483, Greeley, CO 80633. b. HFF Reservoir No. 1 and HFF Reservoir No. 2. Timothy Thompson, 17295 Highway 85, Platteville, CO 80651. Applicant is in the process of purchasing the properties from Mr. Thompson. HFF RESERVOIR NO. 2. 12. Name of Reservoir: HFF Reservoir No. 2. 13. Legal Description: a. UTM i. Easting:

515,562 meters. Northing: 4,455,624 meters. ii. Zone 13 (12 or 13) iii. Source: Spotted from map (centroid location given). iv. Accuracy: N/A b. PLSS i. In the Southeast 1/4 of Section 6, Township 3 North, Range 66 West of the 6th P.M., Weld County, Colorado. ii. 1,600 feet from south section line, 1,750 feet from east section line iii. Source: Map 14. Source: South Platte River 15. Fill Ditch: Platte Valley Canal. a. Capacity: 200 cfs b. Point of Diversion: In the Northeast Quarter of Section 19, Township 2 North, Range 66 West of the 6th P.M. 16. Date of Appropriation: January 4, 2017. 17. How Appropriation was Initiated: Formation of intent to appropriate, engineering review, site review, site acquisition. 18. Amount Claimed: 1200 acre feet, with right to fill and refill as many times as priority will allow, conditional. Rate: 20 c.f.s. 19. Uses: Irrigation, augmentation, replacement, and industrial uses by direct delivery from reservoir, recharge following release from the reservoir, or exchange following release from the reservoir. Uses via recharge to include delivery to recharge sites decreed in 08CW71. 20. Surface Area at High Water Line: 45 acres. No dam will be constructed. Any berm surrounding the reservoir will be less than 10 feet in height. 21. Name of Owners of Land: a. Diversion: Platte Valley Irrigation Company, P. O. Box 336483, Greeley, CO 80633. b. HFF Reservoir No. 1 and HFF Reservoir No. 2. Timothy Thompson, 17295 Highway 85, Platteville, CO 80651. Applicant is in the process of purchasing the properties from Mr. Thompson. HFF RECHARGE RIGHT. 22. Name of Right: HFF RECHARGE RIGHT. 23. Source: South Platte River 24. Fill Ditch: Platte Valley Canal. a. Capacity: 200 c.f.s. b. Point of Diversion: In the Northeast Quarter of Section 19, Township 2 North, Range 66 West of the 6th P.M. 25. Date of Appropriation: January 4, 2017. 26. How Appropriation was Initiated: Formation of intent to appropriate, engineering review, site review, site acquisition. 27. Rate: 20 c.f.s. 28. Uses: Irrigation, augmentation, replacement, and industrial uses by recharge. Augmentation and replacement uses include use in the PVIC Augmentation Group LLC augmentation plan decreed in 08CW71, and in the Central Colorado Water Conservancy District augmentation plans decreed in 02CW335 and 03CW99.29. Recharge Site: HFF RECHARGE SITE NO. 1. a. Legal Description: i. UTM. 1. Easting: 515,364 meters. Northing: 4,455,837 meters. 2. Zone: 13. 3. Source: Spotted from map (centroid location given). 4. Accuracy: n/a ii. PLSS 1. In the Southeast 1/4 of Section 6, Township 3 North, Range 66 West of the 6th P.M., Weld County, Colorado. 2. 2,310 feet from south section line and 2,405 feet from east section. 3. Source: Map. b. Surface Area at High Water Line: 4.1 acres c. Capacity: 16 af. d. Aquifer Parameters: T=106,400 gpd/ft; X=11,400 feet; W= 16,800 feet; S=0.2. 30. Additional Sites. Applicant seeks a decree that allows the addition of recharge sites served by the HFF Recharge right without need of further water court application. This application consists of 5 pages.

17CW3216, Town of Frederick, P.O. Box 435, 401 Locust Street, Frederick, CO 80530. c/o Joseph B. Dischinger, Beth Ann J. Parsons, Fairfield and Woods, P.C., 1801 California Street, Suite 2600, Denver, Colorado 80202. **Application for Absolute and Conditional Water Rights in BOULDER and WELD COUNTIES.** This matter comes before the Court on the Application of the Town of Frederick, Colorado, (“Frederick”) for absolute and conditional water storage rights in the Lower Boulder Extension Reservoir, First Enlargement (a/k/a Milavec Reservoir, First Enlargement), Finley No. 1 Irrigation Pond, Finley No. 2 Irrigation Pond, and Centennial Irrigation Pond. 1. **Names and Locations of Structures:** Frederick seeks to adjudicate the following absolute or conditional water storage rights: 1.1. **Lower Boulder Extension Reservoir, First Enlargement** (a/k/a Milavec Reservoir, First Enlargement). 1.1.1. **Legal description:** The reservoir is located in the SE 1/4 of Section 24, Township 2 North, Range 68 West of the 6th P.M., Weld County, Colorado. A map depicting the location of the four reservoirs claimed herein is attached as Exhibit A and incorporated herein by this reference. 1.1.2. **Name and rate of diversion for facilities used to fill the reservoir, and legal description of each point of diversion:** Water is diverted through the Lower Boulder Ditch and thence through the Layton Lateral. The Lower Boulder Ditch diverts from the South bank of Boulder Creek in the SW 1/4 of the SW 1/4 of Section 16, Township 1 North, Range 69 West of the 6th P.M., Boulder County, Colorado. The Layton Lateral diverts from the Lower Boulder Ditch at a point known as “the saddle” located in the NE 1/4 of the NW 1/4 of Section 25, Township 2 North, Range 68 West of the 6th P.M., Weld County, Colorado. Water is then diverted to Milavec Reservoir at a point known as “the reservoir headgate” located in the NE 1/4 of the SW 1/4 of

Section 24, Township 2 North, Range 68 West of the 6th P.M., Weld County, Colorado, from which the Southwest Corner of said Section bears South 52° West 2,400 feet, more or less. 1.1.3. Amounts claimed: 362 acre-feet, being 193.31 acre-feet ABSOLUTE and 168.69 acre-feet CONDITIONAL, with the right to one refill of 362 acre-feet in priority, CONDITIONAL. 1.1.4. Rate of diversion: Not to exceed 90 cubic feet per second at the Layton Lateral diversion and not to exceed 106 cubic feet per second at the Boulder Creek headgate of the Lower Boulder Ditch. 1.1.5. Surface area of high water line: 64.9 acres. 1.1.6. Maximum height of dam: 19 feet. 1.1.7. Total capacity of reservoir: The current decreed capacity of the reservoir is 768 acre-feet with an appropriation date of February 1, 1892, adjudicated in the March 13, 1907, adjudication. The existing earthen dam (identified as Frederick Dam, DAM ID 055319 by the State Engineer's Office), fully encircles the reservoir and provides mostly above grade storage. The dam has a jurisdictional height of 19 feet. In 2003, the reservoir was excavated to enlarge the capacity by 362 acre-feet. The enlarged capacity is entirely below grade. 1.1.8. Reservoir expansion project: As part of the 2003 expansion project, a low permeability compacted clay liner was installed in the reservoir to reduce seepage losses and a 36-inch diameter ductile iron pipe was installed to increase the discharge capacity of the facility. The outlet works provides for gravity deliveries of water to the Finley No. 1 Irrigation Pond and Finley No. 2 Irrigation Pond, both located within the Bella Rosa Golf Course, and additional capacity for pumped delivery of water to the Centennial Irrigation Pond. 1.2. Finley No. 1 Irrigation Pond 1.2.1. Legal Description: Finley No. 1 Irrigation Pond is located in the E 1/2 of the NE 1/4 of Section 24, Township 2 North, Range 68 West of the 6th P.M., Weld County, Colorado. The pond location is depicted on attached Exhibit A. 1.2.2. Point of Diversion: Water is diverted through the Lower Boulder Ditch and the Layton Lateral, both described above, then carried through the enlarged Milavec Reservoir. Water is then piped to the Finley No. 1 Irrigation Pond by gravity from Milavec Reservoir. 1.2.3. Amounts Claimed: 10.8 acre-feet, ABSOLUTE, with the right to one refill of 10.8 acre-feet in priority, ABSOLUTE. 1.2.4. Rate of Diversion: Not to exceed 10 cubic feet per second at the Layton Lateral diversion and not to exceed 12 cubic feet per second at the Boulder Creek headgate of the Lower Boulder Ditch. 1.2.5. Surface area of high water line: 1.73 acres. 1.2.6. Maximum height of dam, elevation of spillway and length of dam: Not applicable, as pond was excavated below grade. 1.2.7. Total capacity of reservoir: 10.8 acre-feet, with no dead storage. 1.2.8. Pond Construction: Following construction of the pond, Frederick's engineers observed the pond bottom to be dry with no apparent groundwater inflow for thirty days following completion of construction. The pond was constructed with a clay liner to limit seepage losses. Surface water runoff, other than direct precipitation on the pond surface, is precluded from entering the pond by diversion ditches and berming that was constructed around the pond perimeter. 1.3. Finley No. 2 Irrigation Pond 1.3.1. Legal Description: Finley No. 2 Irrigation Pond is located in the E 1/2 of the NE 1/4 of Section 24, Township 2 North, Range 68 West of the 6th P.M., Weld County, Colorado. The pond location is depicted on attached Exhibit A. 1.3.2. Name and capacity of facilities used to fill the reservoir, and legal description of each point of diversion: Water is diverted through the Lower Boulder Ditch and the Layton Lateral, both described above, then carried through the enlarged Milavec Reservoir. Water is then piped to the Finley No. 2 Irrigation Pond by gravity from Milavec Reservoir. 1.3.3. Amounts Claimed: 2.5 acre-feet, ABSOLUTE, with the right to one refill of 2.5 acre-feet in priority, ABSOLUTE. 1.3.4. Rate of Diversion: Not to exceed 10 cubic feet per second at the Layton Lateral diversion and not to exceed 12 cubic feet per second at the Boulder Creek headgate of the Lower Boulder Ditch. 1.3.5. Surface area of high water line: 0.64 acres. 1.3.6. Maximum height of dam, elevation of spillway and length of dam: Not applicable, as pond was excavated below grade. 1.3.7. Total capacity of reservoir: 2.5 acre-feet, with no dead storage. 1.3.8. Pond Construction: Following construction of the pond, Frederick's engineers observed the pond bottom to be dry with no apparent groundwater inflow for six months following completion of construction. The pond was constructed with a clay liner to limit seepage losses. Surface water runoff, other than direct precipitation on the pond surface, is precluded from entering the pond by diversion ditches and berming that was constructed around the pond perimeter. 1.4. Centennial Irrigation Pond 1.4.1. Legal description: Centennial Irrigation Pond is located in the N 1/2 of the SW 1/4 of Section 31, Township 2 North, Range 67 West of the 6th P.M., Weld County, Colorado. The pond location is depicted on attached Exhibit A. 1.4.2. Name and

capacity of facilities used to fill the reservoir, and legal description of each point of diversion: Water is diverted through the Lower Boulder Ditch and the Layton Lateral, both described above, then carried through the enlarged Milavec Reservoir. Water is then pumped to the Centennial Irrigation Pond from Milavec Reservoir. 1.4.3. Amounts Claimed: 12.3 acre-feet, ABSOLUTE, with the right to one refill of 12.3 acre-feet in priority, ABSOLUTE. 1.4.4. Rate of Diversion: Not to exceed 10 cubic feet per second at the Layton Lateral diversion and not to exceed 12 cubic feet per second at the Boulder Creek headgate of the Lower Boulder Ditch. 1.4.5. Surface area of high water line: Approximately 1.94 acres. 1.4.6. Maximum height of dam, elevation of spillway and length of dam: Not applicable, as pond was excavated below grade. 1.4.7. Total capacity of reservoir: 12.3 acre-feet, with no dead storage. 1.4.8. Pond Construction: The pond was constructed in clay soils with a finished bottom elevation above observed water levels reported by Frederick's engineers. Following construction of the pond, Frederick's engineers observed the pond bottom to be dry with no apparent groundwater inflow for over eighteen months following completion of construction. Surface water runoff, other than direct precipitation on the pond surface, is precluded from entering the pond by diversion ditches and berming that was constructed around the pond perimeter. 2. Source for the four reservoirs: Boulder Creek and waste, seepage, and runoff into the Lower Boulder Ditch and the Layton Lateral, all tributary to Boulder Creek and its tributaries. 3. Date of appropriation: January 16, 2003. 3.1. The appropriations for the four reservoirs were initiated by forming the intent to appropriate, conducting field surveys and other engineering analyses, core drilling, a municipal resolution, obtaining financing from the Colorado Water Conservation Board, filing a previous application in Case No. 03CW224 (dismissed, without prejudice) and completing the necessary construction of the three smaller reservoirs and the first enlargement of Lower Boulder Extension Reservoir (a/k/a "Milavec Reservoir"). 3.2. There is unappropriated water available at times for the conditional storage water rights claimed herein. 3.3. Frederick has diverted and stored some amounts of water in priority under the claims in this matter during each of the Water Years 2005-2010. The largest amounts of water stored in priority during that time period occurred during the 2010 Water Year (November 1, 2009 - October 31, 2010). The amounts claimed absolute herein by Frederick are based on said 2010 Water Year storage volumes and subsequent beneficial use. Frederick has maintained inflow-outflow accounting for each of the four reservoirs. Outflows to beneficial use have been measured and documented in said accounting. Frederick has fully exercised both the first fill rights and the refill rights for the Finley No. 1 Irrigation Pond, the Finley No. 2 Irrigation Pond and the Centennial Irrigation Pond. Frederick also has been able to exercise part of the first fill right for the Lower Boulder Extension Reservoir, First Enlargement, but has not been able to fully exercise such right, nor has Frederick been able to store and use any water under the refill right for such structure. 4. Use: All municipal, industrial, commercial, irrigation, environmental mitigation, piscatorial, wildlife conservation, recreation, augmentation, replacement and exchange within Frederick's present and future service area. Frederick may use, reuse, make successive uses and dispose of by sale, exchange or otherwise to extinction all water lawfully diverted or impounded under the priorities claimed herein. No specific plan for augmentation or exchange plan is decreed herein. Reuse of water in the form of lawn irrigation return flows, golf course return flows and other forms of return flow which are not treated effluent returns is not adjudicated herein but may be adjudicated by Frederick in a separate water application. 5. Frederick is a shareholder in the New Consolidated Lower Boulder Reservoir and Ditch Company ("Lower Boulder"). Frederick's use of the Lower Boulder Ditch to carry water to the reservoirs described above is pursuant to an agreement between the Frederick and Lower Boulder dated April 2, 1987 ("Agreement"), which replaced several prior agreements, and such use is also governed by the By-Laws and Rules and Regulations of Lower Boulder. Nothing in this Application shall be construed to prohibit modification of the Agreement, the execution of any future agreements or any amendments to Lower Boulder's By-Laws and/or Rules and Regulations. 6. Nothing in Application shall be construed to grant to the Frederick any right to the use of the Lower Boulder Ditch as against Northern Colorado Water Conservancy District ("NCWCD") or to modify or affect the rights of NCWCD and Lower Boulder with respect to the Lower Boulder Ditch. Further, nothing in this Application shall be construed to grant to the Frederick any preference over other shareholders in the New Consolidated Lower Boulder Reservoir and Ditch

Company for the use of space available capacity to carry the water rights adjudicated herein. Still further, nothing in this Application shall be construed to grant to the Frederick any vested right to use the capacity of the Lower Boulder Ditch to carry the water rights adjudicated herein, except as such rights may be granted by the agreements between the Frederick and Lower Boulder and by the By-Laws and Rules and Regulations of Lower Boulder. 7. Through this Application, Frederick does not seek the right to reuse any of the water it stores in these reservoirs from the NCWCD Colorado Big Thompson Project (“C-BT Water”). 8. The claims herein are lawful and are part of a single integrated water supply system being planned and developed for Frederick. The subject water rights and facilities will be operated in conjunction with Frederick’s previously adjudicated water rights and facilities together with water rights it acquires in the future. 9. **Name and Address of the Owner of the Land Upon Which Structures are Located:** Applicant owns and operates all structures described in this Application. The Lower Boulder Ditch is owned by the Consolidated Lower Boulder Reservoir and Ditch Company, 1632 Broadway, Boulder CO 80308.

17CW3217 Evergreen Metropolitan District, 3901 Evergreen Parkway, Evergreen, CO 80439, (303) 674-4112, through counsel Evan D. Ela and Joseph W. Norris, Collins Cockrel & Cole, P.C., 390 Union Boulevard, Suite 400, Lakewood, CO 80215, (303) 986-1551, APPLICATION FOR WATER RIGHTS AND CHANGE OF WATER RIGHTS in **JEFFERSON COUNTY**. **2. Summary of Application:** Evergreen Metropolitan District (“EMD”) seeks a decree of the Water Court for Water Division 1 granting new conditional water storage rights in the existing but no longer decreed Upper and Lower Buchanan Ponds, a change of EMD’s ownership interests in the Robert Lewis Ditch, and new appropriative rights of exchange on Bear Creek and Troublesome Creek. **3. Description of Conditional Water Storage Rights:** (a) **Background:** The Upper and Lower Buchanan Ponds are reservoir structures situated on the Buchanan Park and Recreation Center property owned by the Evergreen Park and Recreation District (“EPRD”) and physically located at the following street address: 32003 Ellingwood Trail, Evergreen, Colorado 80439. The District Court, Water Division No. 1, previously decreed conditional water storage rights to the same structures in Case No. 81CW369 on December 7, 1982. The applicants in Case No. 81CW369, failed to file the required diligence proceedings for said conditional rights and an Order Abandoning Conditional Water Rights was entered by the District Court, Water Division 1 on April 24, 1990. The applicants in Case No. 81CW369 no longer have any interest in the Upper and Lower Buchanan Ponds or the property on which these structures are located. EMD and the current landowner, EPRD, entered into an Intergovernmental Agreement for Use of Buchanan Ponds, Administration of Water Rights and Cost Sharing (“IGA”) by which EMD is authorized to file this Application to appropriate water rights for the Buchanan Ponds and to operate and account for the water rights stored therein; (b) Upper Buchanan Pond. (1) an on-stream reservoir located in the S/2 of Section 20, Township 4 South, Range 71 West of the 6th P.M., at a point on the dam embankment at which the overflow spillway is located bears North 39°34’ East a distance of 1,570 feet from the Southwest corner of Section 20, Township 4 South, Range 71 West of the 6th P.M., Jefferson County, Colorado; (2) Source: Troublesome Creek; (3) Appropriation date: September 4, 2014; (4) Appropriation was initiated at a meeting involving representatives of EMD, EPRD, and the Water Commissioner for Water District 9, Water Division 1 concerning appropriation of water rights for filling and maintaining storage in the Buchanan Ponds; (5) Amount claimed is 12.01 acre-feet, CONDITIONAL, with the right to fill and refill up to 12.01 acre-feet annually, CONDITIONAL, for maintaining the Upper Buchanan Pond at full capacity whenever in priority to store inflow; (6) Surface area of high water line is 1.66 acres; (7) Total capacity of reservoir is 12.01 acre-feet; (8) All beneficial uses are related to EMD’s operations including, but not limited to, storage for municipal, domestic, irrigation, commercial, industrial, mechanical, power generation, fire protection, recreation, fish, wildlife, evaporation replacement, and exchange, augmentation, and substitution. (c) Lower Buchanan Pond. (1) an on-stream reservoir located in the S/2 of Section 20, Township 4 South, Range 71 West of the 6th P.M., at which a point on the South end of the dam embankment bears North 56°28’ East a distance of 1,750 feet from the Southwest corner of Section 20, Township 4 South, Range 71 West of the 6th P.M., Jefferson County, Colorado; (2) Source:

Troublesome Creek; (3) Appropriation date: September 4, 2014; (4) Appropriation was initiated at a meeting involving representatives of EMD, EPRD, and the Water Commissioner for Water District 9, Water Division 1 concerning appropriation of water rights for filling and maintaining storage in the Buchanan Ponds; (5) Amount claimed is 34.84 acre-feet, CONDITIONAL, with the right to fill and refill up to 34.84 acre-feet annually, CONDITIONAL, for maintaining the Lower Buchanan Pond at full capacity whenever in priority to store inflow; (6) Surface area of high water line is 3.59 acres; (7) Total capacity of reservoir is 34.84 acre-feet; (8) All beneficial uses are related to EMD's operations including, but not limited to, storage for municipal, domestic, irrigation, commercial, industrial, mechanical, power generation, fire protection, recreation, fish, wildlife, evaporation replacement, and exchange, augmentation, and substitution. **4. Additional Remarks.** The amounts and volumes of water claimed are based upon a bathymetric survey of storage capacity for the Buchanan Ponds. **5. Change of Water Rights:** Robert Lewis Ditch. (a) Decreed Water Right for which a Change is Sought: Applicant's 44-inches of the Robert Lewis Ditch (subject "Robert Lewis Ditch Rights"), previously changed and quantified by Mount Carbon Metropolitan District ("Mount Carbon") in Case No. 04CW197, representing 1.15 cfs of the total 17.00 cfs decreed to the Robert Lewis Ditch as Priority No. 19 on Bear Creek; (b) Prior Decrees: Original Decree: Civil Action No. 6832, the general adjudication for Bear Creek, *In the Matter of a Certain Petition for Adjudication of the Priority of Rights to the Use of Water for Irrigation in Water District No. 9*, issued by the District Court, Arapahoe County, on February 4, 1884; (i) The originally decreed point of diversion for the Robert Lewis Ditch was changed to the Arnett Ditch (a/k/a Harriman Ditch) by decree entered in Civil Action No. 51248, issued by the District Court, Arapahoe County, on February 13, 1912; (ii) Prior Quantification and Change in Use: EMD's predecessor in interest, Mount Carbon, previously quantified the historical consumptive use and changed its interest in 44-inches of the Robert Lewis Ditch in Case No. 04CW197, issued by the District Court, Water Division No. 1, State of Colorado, on May 6, 2015. The allowable irrigation season depletion of the said 44-inches was quantified as averaging 39.56 acre-feet over any 40-year period, with a maximum annual irrigation season depletion of 66.02 acre-feet, subject to the obligation to release 12.5 percent of such irrigation season diversions during the following non-irrigation season period, distributed as set out in the 04CW197 Decree. Other terms and conditions of the 04CW197 Decree shall apply, such as limiting all diversions to the historical irrigation season of April through October and a maximum diversion rate of 0.67 cfs during June and lower rates in other months. EMD has acquired all of Mount Carbon Metropolitan District's Robert Lewis Ditch Rights that were the subject of the 04CW197 Decree; (iii) Legal Description: Harriman Ditch: Harriman Ditch headgate located in the NE1/4NE1/4, Section 2, Township 5 South, Range 70 West, 6th P.M., Jefferson County; Bear Creek Infiltration Gallery: Mount Carbon's 44-inches that are the subject of this Application were specifically decreed in Case No. 04CW196 and Case No. 04CW197 for diversion at the "Bear Creek Infiltration Gallery" and for subsequent storage in "Robinson Reservoir" as said structures are legally described in the final decrees entered in said Case Nos. 04CW196 and 04CW197; Decreed Source is Bear Creek; Date of Appropriation is October 1, 1865; the Decreed Amount is 1.15 cfs of the total 17.00 cfs decreed as Priority No. 19 on Bear Creek, less 0.48 cfs dedicated to Bear Creek for irrigation season return flow and 0.0287 cfs dedicated to the Harriman Ditch for ditch loss, and further subject to annual and monthly volumetric limits and non-irrigation season return flow obligations required by the 04CW197 Decree; the Decreed Uses are irrigation, municipal, recreational, piscatorial, fire protection, augmentation, exchange, and storage; (b) Description of Proposed Change: (i) Historical Use: In accordance with Senate Bill 15-183, and the provisions of C.R.S. § 37-92-305(3)(e), EMD will rely on the prior court determinations of historical consumptive use made in Case No. 04CW197 and seeks no changes to the previously determined measure of the Subject Water Rights, the volumetric limits, return flow obligations or season of use limits as set forth in the decree in said Case No. 04CW197; (c) Change in Type of Use: No change in the decreed beneficial uses of EMD's Robert Lewis Ditch rights is sought in this Application. Applicant will use the subject water rights in its municipal water supply system; (d) Alternate Point of Diversion: No change in the decreed point of diversion at the Harriman Ditch is sought in this Application. The Robert Lewis Ditch Rights will continue to be measured and quantified at the headgate of the Harriman Ditch as such rights are currently decreed. EMD

does not seek to maintain the Bear Creek Infiltration Gallery previously decreed in Case No. 04CW197 as an alternate point of diversion for the subject Robert Lewis Ditch rights and will affirmatively abandon such point of diversion by the decree issued in this matter; (e) Change in Place of Use: EMD will use the Robert Lewis Ditch Rights by storage, exchange, augmentation and replacement to enable the use of Bear Creek and Troublesome Creek water throughout EMD's service area as it currently exists or is extended in the future; (f) Change in Place of Storage: EMD will not maintain Robinson Reservoir as a place of storage as was previously decreed in Case Nos. 04CW196 and 04CW197 for the subject Robert Lewis Ditch Rights, and will affirmatively abandon such place of storage for the Robert Lewis Ditch Rights by the decree issued in this matter. EMD seeks to change the place of storage of the Robert Lewis Ditch Rights to the alternate places described as follows: (i) Bear Creek Reservoir. Located downstream of the Harriman Ditch headgate on Bear Creek in portions of Sections 31 and 12, Township 4 South, Range 69 West of the 6th P.M.; portions of Sections 5 and 6, Township 5 South, Range 69 West, 6th P.M., in Jefferson County, Colorado. EMD will store the Robert Lewis Ditch Rights in this location by release at the Harriman Ditch headgate and conveyance downstream to storage in Bear Creek Reservoir; (ii) Soda Lakes Reservoirs. Located in Section 1, Township 5 South, Range 70 West of the 6th P.M., in Jefferson County, Colorado, and filled through the Harriman Ditch. EMD will store the Robert Lewis Ditch Rights in this location by diversion at the Harriman Ditch headgate for conveyance to storage in Soda Lakes; (iii) Evergreen Reservoir (*aka* Evergreen Lake). Located upstream of the Harriman Ditch headgate in the S1/2 NW1/4, N1/2 SW1/4, SW1/4 NE1/4, and NW1/4 SE1/4 of Section 10, Township 5 South, Range 71 West of the 6th P.M., in Jefferson County, Colorado. EMD will store the Robert Lewis Ditch Rights in this location by operation of a lawful exchange upstream, from the Harriman Ditch headgate or from storage, to Evergreen Reservoir; (iv) Buchanan Ponds. The Upper and Lower Buchanan Ponds are located upstream of the Harriman Ditch headgate. EMD will store the Robert Lewis Ditch Rights in this location by operation of a lawful exchange upstream from the Harriman Ditch headgate or from storage to the Buchanan Ponds. **6. Appropriative Rights of Exchange—Buchanan Ponds Exchanges:** EMD seeks appropriative rights of exchange in this case for the purpose of filling or refilling the Buchanan Ponds after any drought period that causes the water level in the Buchanan Ponds to fall below their respective spillway elevations. Water lawfully stored in Soda Lakes or otherwise made available by EMD's Robert Lewis Ditch Rights (changed in Case No. 04CW197 and again in this case), and the Soda Lakes, Pioneer Union Ditch, and Grant A and B Reservoir water rights (changed in Case No. 94CW150) will be released at the exchange-from locations and exchanged upstream to the exchange-to locations described below; (a) Exchange-From Points: (i) Headgate of the Pioneer Union Ditch. On the North side of Bear Creek in Section 32, Township 4 South, Range 69 West of the 6th P.M., Jefferson County, Colorado. Water lawfully available to Applicant under its priorities in the Pioneer Union Ditch may be left in Bear Creek at the Pioneer Union Ditch headgate and then exchanged upstream on Bear Creek; (ii) Bear Creek Reservoir. Located on Bear Creek in portions of Sections 31 and 32, Township 4 South, Range 69 West of the 6th P.M.; portions of Sections 5 and 6, Township 5 South, Range 69 West of the 6th P.M.; and portions of Section 1, Township 5 South, Range 70 West of the 6th P.M., in Jefferson County, Colorado. Water lawfully stored by Applicant in Bear Creek Reservoir may be released to Bear Creek and then exchanged upstream on Bear Creek; (iii) The confluence of Turkey Creek and Bear Creek. Said confluence is located in Bear Creek Reservoir in the NE1/4 NW1/4 of Section 5, Township 5 South, Range 69 West of the 6th P.M., Jefferson County, Colorado. Water lawfully stored by EMD in Soda Lakes Reservoirs may be released from Soda Lakes and delivered to Turkey Creek near the SW1/4 of Section 6, Township 5 South, Range 69 West of the 6th P.M., Jefferson County Colorado, and then delivered down Turkey Creek to its confluence with Bear Creek for exchange upstream on Bear Creek; (iv) Headgate of the Harriman Ditch. Water lawfully available to EMD under its priority in the Robert Lewis Ditch may be left in Bear Creek at the Harriman Ditch headgate for exchange upstream on Bear Creek and/or Troublesome Creek. Additionally, water lawfully stored by EMD in Soda Lakes Reservoirs may be released into the Harriman Ditch, for exchange of that quantity of water (that otherwise would have been diverted into the Harriman Ditch) upstream on Bear Creek from the headgate of the Harriman Ditch; (iv) Exchange-To Point. The Upper and Lower Buchanan Ponds located on Troublesome Creek;

Source is Bear Creek; date of appropriation is September 4, 2014; the appropriation was initiated at a meeting involving representatives of EMD, EPRD, and the Water Commissioner for Water District 9, Water Division 1 concerning appropriation of water rights for filling and maintaining storage in the Buchanan Ponds in Amounts up to 2.25 cfs at Buchanan Ponds from the Pioneer Union Ditch, CONDITIONAL; and up to 5.0 cfs at the Buchanan Ponds from all other exchange-from points, CONDITIONAL; (v) Appropriative Rights of Exchange—Evergreen Reservoir Exchanges: Water lawfully stored in Soda Lakes or otherwise made available by EMD's Robert Lewis Ditch Rights (changed in Case No. 04CW197 and again in this case) will be released at the exchange-from locations and exchanged upstream to the exchange-to locations; Exchange-From Points: Bear Creek Reservoir. Located on Bear Creek in portions of Sections 31 and 32, Township 4 South, Range 69 West of the 6th P.M.; portions of Sections 5 and 6, Township 5 South, Range 69 West of the 6th P.M.; and portions of Section 1, Township 5 South, Range 70 West of the 6th P.M., in Jefferson County, Colorado. Water lawfully stored by EMD in Bear Creek Reservoir may be released to Bear Creek and exchanged upstream on Bear Creek; The confluence of Turkey Creek and Bear Creek. Said confluence is located in Bear Creek Reservoir in the NE1/4 NW1/4 of Section 5, Township 5 South, Range 69 West of the 6th P.M., Jefferson County, Colorado. Water lawfully stored by EMD in Soda Lakes Reservoirs may be released from Soda Lakes and delivered to Turkey Creek near the SW1/4 of Section 6, Township 5 South, Range 69 West of the 6th P.M., Jefferson County Colorado, and delivered down Turkey Creek to its confluence with Bear Creek for exchange upstream on Bear Creek; Headgate of the Harriman Ditch. Water lawfully available to EMD under its Robert Lewis Ditch Rights may be left in Bear Creek at the Harriman Ditch headgate for exchange upstream on Bear Creek. Additionally, water lawfully stored by EMD in Soda Lakes Reservoirs may be released into the Harriman Ditch, for exchange of that quantity of water (that otherwise would have been diverted into the Harriman Ditch) upstream on Bear Creek from the headgate of the Harriman Ditch; The Confluence of Troublesome Creek and Bear Creek. Said confluence is located in the SE1/4 SW1/4 of Section 35, Township 4 South, Range 71 West of the 6th P.M., Jefferson County, Colorado. Water lawfully stored by EMD in Buchanan Ponds may be released to Troublesome Creek and then delivered down Troublesome Creek to its confluence with Bear Creek for exchange upstream on Bear Creek; Exchange-To Point. Evergreen Reservoir. Located on Bear Creek in the S1/2 NW1/4, N1/2 SW1/4, SW1/4 NE1/4, and NW1/4 SE1/4 of Section 10, Township 5 South, Range 71 West of the 6th P.M., in Jefferson County, Colorado; Source is Bear Creek and Troublesome Creek; Date of Appropriation is September 4, 2014; the appropriation was initiated at a meeting involving representatives of EMD, EPRD, and the Water Commissioner for Water District 9, Water Division 1 concerning appropriation of water rights for filling and maintaining storage in the Buchanan Ponds; the Amounts are up to 5.0 cfs at Evergreen Reservoir from the confluence of Troublesome Creek and Bear Creek, CONDITIONAL; up to 10.0 cfs at Evergreen Reservoir from all other exchange-from locations, CONDITIONAL. (18 pages)

17CW3218 Blue Wing Farms, LLC, 1660 17th Street, Suite 300, Denver, CO 80202. Please send correspondence and pleadings to: Kelly J. Custer and Curran A. Trick, Lawrence Jones Custer Grasmick LLP, 5245 Ronald Reagan Blvd., Suite 1, Johnstown, CO 80534, Phone: (970) 622-8181; curran@ljcgllaw.com; CONCERNING THE APPLICATION FOR RECHARGE WATER RIGHTS, PLAN FOR AUGMENTATION, AND APPROPRIATIVE RIGHT OF EXCAHNGE, in **WELD and MORGAN counties**. APPLICATION FOR RECHARGE WATER RIGHTS 2. Name of Project: Blue Wing Farms Recharge Project. 2.1. Point of Diversion: A pump station located on the south bank of the South Platte River at a point in the NE quarter of Section 10, Township 4 North, Range 59 West, 6th P.M., Morgan County, Colorado. 2.2. Source: South Platte River. 2.3. Date of Appropriation: May 20, 2015. 2.4. How appropriation was initiated: Formation of intent to appropriate, the posting of notices near the point of diversion, and publication of public notice in the Fort Morgan Times. 2.5. Description of recharge project: Surface water is diverted at the point of diversion and is delivered via pipeline to ponds and allowed to percolate into the underground aquifer for Applicant's beneficial uses. The following initial recharge pond locations have been identified. Applicant claims the right to modify the

specifications of the ponds and to add ponds. 2.5.1. DW Pond 1. Located in the E1/2 NE1/4 of Section 10, Township 4 North, Range 59 West, 6th P.M., Morgan County, Colorado. Surface area when full: 9.0 acres. Days to Dry Value: 30. 2.5.2. Riverview Pond 1. Located in the SE1/4 SE1/4 of Section 10, Township 4 North, Range 59 West, 6th P.M., Morgan County, Colorado. Surface area when full: 18.7 acres. Days to Dry Value: 30. 2.5.3. Blue Wing Pond 1. Located in the NW1/4 NW1/4 of Section 15 Township 4 North, Range 59 West, 6th P.M., Morgan County, Colorado. Surface area when full: 6.1 acres. Days to Dry Value: 30. 2.5.4. Blue Wing Pond 2. Located in the SE1/4 NW1/4 of Section 15 and the SW1/4 NW1/4 and NW1/4 SW1/4 of Section 14, Township 4 North, Range 59 West, 6th P.M., Morgan County, Colorado. Surface area when full: 14.7 acres. Days to Dry Value: 30. 2.5.5. Blue Wing Pond 3. Located in the SE 1/4 NW1/4, SW1/4 NE1/4, NE1/4 SW1/4, and NW1/4 SE1/4 of Section 15, Township 4 North, Range 59 West, 6th P.M., Morgan County, Colorado. Surface area when full: 17.9 acres. Days to Dry Value: 30. 2.5.6. Blue Wing Pond 4. Located in the SE1/4 SE1/4 of Section 15, SW1/4 SW1/4 of Section 14, NE1/4 NE1/4 of Section 22, Township 4 North, Range 59 West, 6th P.M., Morgan County, Colorado. Surface area when full: 16.6 acres. Days to Dry Value: 30. 2.5.7. Blue Wing Pond 5. Located in the SE1/4 SW1/4 and SW1/4 SE1/4, of Section 15, Township 4 North, Range 59 West, 6th P.M., Morgan County, Colorado. Surface area when full: 10.9 acres. Days to Dry Value: 30. 2.5.8. Blue Wing Pond 6. Located in the SE1/4 NE1/4 of Section 22, Township 4 North, Range 59 West, 6th P.M., Morgan County, Colorado. Surface area when full: 5.0 acres. Days to Dry Value: 30. 2.5.9. Blue Wing Pond 7. Located in the SW1/4 NW1/4 of Section 23, Township 4 North, Range 59 West, 6th P.M., Morgan County, Colorado. Surface area when full: 5.7 acres. Days to Dry Value: 30. 2.5.10. Blue Wing Pond 8. Located in the E1/2 NW1/4 of Section 22, Township 4 North, Range 59 West, 6th P.M., Morgan County, Colorado. Surface area when full: 79.0 acres. Days to Dry Value: 30. 2.5.11. Blue Wing Pond 9. Located in the SE 1/4 and SE1/4 SW1/4 of Section 14, Township 4 North, Range 59 West, 6th P.M., Morgan County, Colorado. Surface area when full: 67.8 acres. Days to Dry Value: 30. 2.6. Amount. 13,000 gpm (29 cfs) conditional. 2.7. Uses. Augmentation, recharge, and replacement. The waters diverted may be used, reused, and placed to successive use either directly or by exchange. The primary use of recharge credits will be an augmentation supply in the plan for augmentation decreed herein. Excess credits may be leased to others including but not limited to Wiggins Farms, LLC, for use in its plans of augmentation decreed in Case No. 09CW7, 13CW3156 and Case No. 14CW3110, Water Court, Water Division No. 1. PLAN FOR AUGMENTATION 3. Wells to be augmented: All wells are located in the 6th P.M., Morgan County, Colorado. 3.1. Well No. 1 (WDID 108858), Permit No. 11012-RR, decreed in Case No. W-4621, Water Division No. 1, dated March 20, 1980. 3.1.1. Legal description of well location: NE1/4 NW1/4 Section 15, Township 4 North, Range 59 West, at a point 1290 feet South and 1340 feet East of the NW Corner of said Section 15. 3.1.2. Decreed flow rate: 2.67 cfs. 3.1.3. Date of appropriation: January 19, 1956. 3.1.4. Use: Irrigation of 160 acres in the NW1/4, Section 15, Township 4 North, Range 59 West. 3.2. Well No. 2 (WDID 108859), Permit No. 11011-R, decreed in Case No. W-4621, Water Division No. 1, dated March 20, 1980. 3.2.1. Legal description of well location: SE1/4 SW1/4 Section 15, Township 4 North, Range 59 West, at a point 1300 feet North and 1350 feet East of SW Corner of said Section 15. 3.2.2. Decreed flow rate: 2.22 cfs. 3.2.3. Date of appropriation: December 29, 1955. 3.2.4. Use: Irrigation of 160 acres in the SW1/4, Section 15, Township 4 North, Range 59 West. 3.3. Well No. 3 (WDID 108857), Permit No. 5096-FR, decreed in Case No. W-4621, Water Division No. 1, dated March 20, 1980. 3.3.1. Legal description of well location: NE1/4 NE1/4 Section 15, Township 4 North, Range 59 West, at a point 1300 feet South and 1310 feet West of NE Corner of said Section 15. 3.3.2. Decreed flow rate: 3.56 cfs. 3.3.3. Date of appropriation: February 9, 1964. 3.3.4. Use: Irrigation of 160 acres in the NE1/4, Section 15, Township 4 North, Range 59 West. 3.4. Well No. 4 (WDID 108860), Permit No. 8894-FR, decreed in Case No. W-4621, Water Division No. 1, dated March 20, 1980. A change of location of the well was decreed in Case No. 96CW258, Water Division No. 1, dated June 12, 1998. 3.4.1. Legal description of well location: NE1/4 SE1/4 Section 15, Township 4 North, Range 59 West, at a point 2595 feet from the South section line and 109 feet from the East section line of said Section 15. 3.4.2. Decreed flow rate: 2.22 cfs. 3.4.3. Date of appropriation: April 20, 1958. 3.4.4. Use: Irrigation of 130 acres in the SE1/4, Section 15, Township 4 North, Range 59

West, together with Well 5095-F. 3.5. Well No. 5 (WDID 105948), Permit No. 5033-F, decreed in Case No. W-3654, Water Division No. 1, dated April 24, 1974. 3.5.1. Legal description of well location: NW1/4 NW1/4 Section 14, Township 4 North, Range 59 West, at a point 1320 feet South and 1320 feet East of the NW Corner of said Section 14. 3.5.2. Decreed flow rate: 2.44 cfs. 3.5.3. Date of appropriation: January 24, 1964. 3.5.4. Use: Irrigation of 160 acres in the NW1/4 of Section 14, Township 4 North, Range 59 West. 3.6. Well No. 6 (WDID 105946), Permit No. 6364-F, decreed in Case No. W-3654, Water Division No. 1, dated April 24, 1974. 3.6.1. Legal description of well location: NE1/4 SW1/4 Section 14, Township 4 North, Range 59 West, at a point 1320 feet North and 1320 feet East of the SW Corner of said Section 14. 3.6.2. Decreed flow rate: 2.44 cfs. 3.6.3. Date of appropriation: November 7, 1964. 3.6.4. Use: Irrigation of 160 acres in the SW1/4 of Section 14, Township 4 North, Range 59 West. 3.7. Well No. 7 (WDID 105947), Permit No. 9273-RF, decreed in Case No. W-3654, Water Division No. 1, dated April 24, 1974. 3.7.1. Legal description of well location: NE1/4 SE1/4 Section 14, Township 4 North, Range 59 West, at a point 1380 feet North and 1320 feet West of the SE Corner of said Section 14. 3.7.2. Decreed flow rate: 2.44 cfs. 3.7.3. Date of appropriation: October 8, 1965. 3.7.4. Use: Irrigation of 160 acres in the SE1/4 of Section 14, Township 4 North, Range 59 West. 3.8. Well No. 8 (WDID 107660), Permit No. 13056-FR, decreed in CA16704, Water Division No. 1, dated January 4, 1971. 3.8.1. Legal description of well location: NE1/4 Section 22, Township 4 North, Range 59 West, at a point 1320 feet South of the North line and 2050 feet East of the center line of said Section 22. 3.8.2. Decreed flow rate: 900 gpm. 3.8.3. Date of appropriation: August, 1956. 3.8.4. Use: Irrigation of 160 acres in the NE1/4 of Section 22, Township 4 North, Range 59 West. 3.9. Wiggins Farms Well No. 37 (WDID 107020), Permit No. 11009, decreed in Case No. W-2225, Water Division No. 1, dated July 25, 1973. 3.9.1. Legal description of well location: NW1/4 NW1/4 Section 22, Township 4 North, Range 59 West, at a point 766 feet South and 1221 feet East of the NW Corner of said Section 22. 3.9.2. Decreed flow rate: 3.12 cfs. 3.9.3. Date of appropriation: March 1, 1956. 3.9.4. Use: Domestic and Irrigation of 140 acres in the NW1/4 of Section 22, Township 4 North, Range 59 West. 3.10. Wiggins Farms Well No. 38 (WDID 107016), Permit No. 5015-F, decreed in Case No. W-2225, Water Division No. 1, dated July 25, 1973. 3.10.1. Legal description of well location: SE1/4 NW1/4 Section 23, Township 4 North, Range 59 West, at a point 1327 feet South and 1333 feet East of the NW Corner of said Section 23. 3.10.2. Decreed flow rate: 2.90 cfs. 3.10.3. Date of appropriation: January 14, 1964. 3.10.4. Use: Domestic and Irrigation of 160 acres in the NW1/4 of Section 23, Township 4 North, Range 59 West. 3.11. Wiggins Farms Well No. 39 (WDID 107017), Permit No. 5014-F, decreed in Case No. W-2225, Water Division No. 1, dated July 25, 1973. 3.11.1. Legal description of well location: SE1/4 NE1/4 Section 23, Township 4 North, Range 59 West, at a point 1380 feet South and 1267 feet West of the NE Corner of said Section 23. 3.11.2. Decreed flow rate: 3.11 cfs. 3.11.3. Date of appropriation: January 19, 1964. 3.11.4. Use: Domestic and Irrigation of 160 acres in the NE1/4 of Section 23, Township 4 North, Range 59 West. 4. Water to be used for augmentation: 4.1. Blue Wing Farms Recharge Project described above. 4.2. Leased excess supplies from Wiggins Farms, LLC, which operates recharge projects decreed in Case No. 09CW7 and Case No. 13CW3156, Water Court, Water Division No. 1. 4.3. Applicant may lease, purchase, or otherwise acquire and use additional replacement and augmentation supplies in this plan, and claims the right to do so without amending and republishing this application if such additional supplies are decreed by the water court or approved by the State Engineer's Office for augmentation. 5. Statement of plan for augmentation: Diversions from the wells listed in paragraph 6 cause depletions to the South Platte River. To the extent that the depletions are out of priority, the plan will replace such out of priority depletions as necessary to prevent injury to vested water rights of others. Depletions from pumping after March 15, 1974 will be replaced as follows: Well Nos. 1- 8 and Wiggins Farms Well 39 were formerly member wells in the Well Augmentation Subdistrict of the Central Colorado Water Conservancy District (WAS) and were removed from WAS prior to entry of a decree in the WAS plan for augmentation, Case No. 03CW99, Water Court, Water Division No. 1. These nine wells operated under the WAS Substitute Water Supply Plans during the years 2003 – 2005. Post pumping depletions from such operations are replaced by WAS pursuant to the terms of the decree in Case No. 03CW99. All other depletions from these wells will be replaced by this plan for augmentation.

6. Applicant claims the right to operate pursuant to the Recharge Protocol for Division 1, and §37-82-308, C.R.S., and successor statutes. Applicant reserves the right to identify additional wells to be augmented, and to remove wells and augmentation supplies from the plan for augmentation described herein.

APPROPRIATIVE RIGHT OF EXCHANGE

7. Operation of Exchange: At such times when recharge accretions from the water rights claimed herein accrue to the South Platte River in excess of the replacement requirements under the plan for augmentation described herein, or at times Applicant has excess replacement water available from other sources, the excess accretions or replacement water will be exchanged for water diverted at the Blue Wing Farms Recharge Project point of diversion described above and delivered to the recharge ponds also described above.

7.1. Description of Exchange-to point: The Blue Wing Farms Recharge Project pump station, the legal description of which is given in paragraph 2.1.

7.2. Description of Exchange-from points: The exchange-from point shall be the location where the substitute supply is delivered to the South Platte River.

7.2.1. Weldon Valley augmentation credits from Case No. 02CW377: A point on the north bank of the South Platte River in the NE1/4 NW1/4 of Section 18, Township 4 N, Range 58 West.

7.2.2. Recharge credits from Applicant's water rights accrue to the South Platte River at various points within a reach described as follows: A point on the south bank of the South Platte River in the SW1/4 SW1/4 of Section 12, Township 4 North, Range 59 West.

7.3. Date of appropriation: May 20, 2015

7.4. How appropriation was initiated: Formation of intent to appropriate, the posting of notices near the point of diversion, and publication of public notice in the Fort Morgan Times.

7.5. Amount claimed: 13,000 gpm, conditional.

7.6. Uses: Augmentation, aquifer recharge, and exchange for replacement of depletions and return flow obligations.

8. Names and addresses of owners of land on which structures are located: The recharge point of diversion and a portion of the recharge pipeline are located on lands owned by DT Ranch, Inc., c/o Inverness Properties, LLC, 2 Inverness Drive East, Ste. 200, Centennial, CO 80112. The land where Riverview Pond 1 is located is owned by Riverview Cemetery Association, c/o Rick or Vivian Lorenzini, 10222 Road Y, Weldona, CO 80653. The land where Blue Wing Ponds 7 and 8 are located is owned by Wiggins Farms, LLC, 1660 17th Street, Ste. 300, Denver, CO 80202. Applicant owns the lands on which all other structures described herein are located. The original format of this application is eight (8) pages in length.

AMENDMENTS

16CW3160, CITY OF BOULDER (“Boulder”), c/o Joe Taddeucci, P.E., Water Resources Manager, P. O. Box 791, Boulder, Colorado 80306—0791, Telephone: (303) 441-3200, E-mail: taddeucci@bouldercolorado.gov. Attorneys: Douglas M. Sinor, Esq., TROUT RALEY, 1120 Lincoln Street, Suite 1600, Denver, Colorado 80203, Telephone: (303) 861-1963, E-mail: dsinor@troutlaw.com; and Jessica L. Pault-Atiase, Esq., CITY OF BOULDER, COLORADO, OFFICE OF THE CITY ATTORNEY, P. O. Box 791, Boulder, Colorado 80306-0791, Telephone: (303) 441-3020, E-mail: pault-atiase@bouldercolorado.gov.

AMENDED AND RESTATED APPLICATION FOR APPROVAL OF CONDITIONAL APPROPRIATIVE RIGHTS OF SUBSTITUTION AND EXCHANGE AND CONDITIONAL WATER STORAGE RIGHT, IN BOULDER COUNTY, COLORADO.

1. Name, Mailing Address, Email Address and Telephone Number of Applicant: see above.

2. Introduction: By this amended and restated application (“Amended Application”), Boulder seeks approval of conditional appropriative rights of substitution and exchange on Boulder Creek and its tributaries (collectively, the “Exchanges”), and a conditional water storage right for proposed ponds that will divert water from Boulder Creek (“Wittemyer Ponds”). The water storage right and the Exchanges will meet some of Boulder's needs for additional fully consumable water supplies and facilitate Boulder meeting its obligations under intergovernmental agreements with the City of Lafayette and the City and County of Denver, acting by and through its Board of Water Commissioners. The sources of supply for the Exchanges will be fully consumable water attributable to Boulder's water rights made available at the Boulder Wastewater Treatment Facility Outfall, located on Boulder Creek just below 75th Street, or released from storage in Wittemyer Ponds to Boulder Creek for direct diversions and storage further upstream on South Boulder Creek, Middle Boulder Creek, and North Boulder Creek for all municipal and

related purposes. The municipal return flows from indoor use attributable to the sources of substitute water supply were previously quantified, or such quantification is pending, in the following cases: the decree entered in Case No. 90CW193, District Court, Water Division No. 1, on December 20, 1993; the decree entered in Case No. 94CW285, District Court, Water Division No. 1, on December 22, 1997; the decree entered in Case No. 94CW284, District Court, Water Division No. 1, on May 8, 2000; the decree entered in Case No. 08CW163, District Court, Water Division No. 1, on January 11, 2011; the decree entered in Case No. 15CW3047, District Court, Water Division No. 1, on October 18, 2016; and the applications pending in Case No. 15CW3175, District Court, Water Division No. 1, filed on December 30, 2015, and the Amended Application in this case. 3. Description of Conditional Substitutions and Exchanges: Pursuant to Sections 37-80-120, 37-83-104 and 37-92-302(1)(a), C.R.S., Boulder seeks adjudication of appropriative rights of substitution and exchange on Boulder Creek, South Boulder Creek, Middle Boulder Creek, and North Boulder Creek, whereby Boulder’s fully consumable water supplies will be delivered to Boulder Creek at the location of the Boulder Wastewater Treatment Facility Outfall or stored and subsequently released from the Wittemyer Ponds to supply downstream appropriators, and an equivalent amount of water will be diverted from 1) South Boulder Creek into the Environmental Pool of enlarged Gross Reservoir; 2) Middle Boulder Creek and its tributaries at Barker Meadow Reservoir, Boulder City Pipeline #3, Peterson Lake, and/or Skyscraper Reservoir; and 3) North Boulder Creek and its tributaries at Lakewood Pipeline, Silver Lake Pipeline, Silver Lake Reservoir, Island Lake, Goose Lake, Lake Albion, Green Lakes Reservoir #1, Green Lakes Reservoir #2, Green Lakes Reservoir #3, Green Lakes Reservoir #4 and/or Green Lakes Reservoir #5, for direct use or for storage for subsequent use by Boulder for the uses described in Section 3.j., below. a. Exchange Reaches: The lower termini of all exchanges are the Wittemyer Ponds release structures, and the Boulder Wastewater Treatment Facility Outfall on Boulder Creek, as described more particularly below. i. South Boulder Creek Exchange. The upper terminus of the substitution and exchange reach on Boulder Creek/South Boulder Creek is the Environmental Pool of Gross Reservoir, as it will be enlarged. ii. Middle Boulder Creek Exchange. The upper termini of the substitution and exchange reach on Boulder Creek/Middle Boulder Creek are Peterson Lake and Skyscraper Reservoir. iii. North Boulder Creek Exchange. The upper termini of the substitution and exchange reach on Boulder Creek/North Boulder Creek are Goose Lake and Green Lakes Reservoir #5. iv. The individual exchange locations are described in more detail below. b. Exchange-From Locations (all in Boulder County, Colorado): i. Boulder Wastewater Treatment Facility Outfall: The Boulder Wastewater Treatment Facility Outfall is located at or near the intersection of Boulder Creek and 75th Street, in the SW1/4 SW1/4 NE1/4, Section 13, Township 1 North, Range 70 West of the 6th P.M., at a point located approximately 2,500 feet from the north section line and 2,340 feet from the east section line of said Section 13. The location of the Boulder Wastewater Treatment Facility Outfall is shown on the maps attached to the Amended Application as **Exhibits 1 and 2**. ii. Wittemyer Ponds Release Structures: Wittemyer Ponds are proposed ponds, including existing gravel pit ponds that may be enlarged or reconfigured, that will be lined to allow storage. The Ponds will be located in the NE1/4 of NW1/4, SE1/4 of NW1/4, NW1/4 of SW1/4, NE1/4 of SW1/4, SW1/4 of SW1/4, and N1/2 of SE1/4 of SW1/4 of Section 1, R69W, T1N, 6th P.M., Boulder County, Colorado. The Wittemyer Ponds will be constructed on lands owned by Boulder and/or Boulder County. Wittemyer Ponds will release water to Boulder Creek through one or more proposed outlet structures described below. A map depicting the proposed location of Wittemyer Ponds and outlet structures is attached to the Amended Application as **Exhibit 2**.

	LAT/LONG		UTM zone 13N	
Structure	<i>x_coord</i>	<i>y_coord</i>	<i>Easting</i>	<i>Northing</i>
1	-105.0651006	40.0771491	494449.2934	4436322.102
2	-105.064295	40.077976	494518.0459	4436413.829
3	-105.0636228	40.079028	494575.4461	4436530.556

4	-105.0627924	40.0798545	494646.3112	4436622.235
5	-105.0577251	40.0868667	495078.8557	4437400.237
6	-105.0560561	40.0914679	495221.459	4437910.851

c. Exchange-To Location South Boulder Creek: i. Gross Reservoir Environmental Pool: Gross Reservoir is an on-stream reservoir that is proposed to be enlarged. The dam of Gross Reservoir is located in Tracts 48 and 49, Township 1 South, Range 71 West of the 6th Principal Meridian (where the north half (N1/2) of the southeast quarter (SE1/4) of Section 20 of Township 1 South, Range 71 West of the 6th Principal Meridian would be located by ordinary survey practices) and creates a reservoir covering parts of Tracts 47, 48, 49, 44, 45, 63, 107, 108, 109 and 110, the south half (S1/2) of the south half (S1/2) of Section 18, Section 19, Section 30, the south half (S1/2) of the northeast quarter (NE1/4) of Section 25 and the east half (E1/2) of the southeast quarter (SE1/4) of Section 24, all in Township 1 South, Range 71 West of the 6th Principal Meridian in Boulder County, Colorado. A map depicting the location of Gross Reservoir is attached to the Amended Application as Exhibit 3. d. Exchange-To Locations Middle Boulder Creek (all in Boulder County, Colorado): i. Boulder City Pipeline #3: The pipeline intake from Barker Reservoir, located at a point whence the northwest corner of Section 17, Township 1 South, Range 72 West, 6th P.M., bears North 16°04' West a distance of 1920± feet. ii. Barker Meadow Reservoir: Barker Meadow Reservoir is located on the mainstem of Middle Boulder Creek in the W1/2 of Section 17 and in Section 18, Township 1 South, Range 72 West, of the 6th P.M. and in the E1/2 of Section 13, Township 1 South, Range 73 West, of the 6th P.M. iii. Peterson Lake: Peterson Lake is a natural on-channel lake that also stores water above the natural lake level. The source for Peterson Lake is Peterson Creek and local inflows, seepage, and springs tributary to Peterson Creek, tributary to Middle Boulder Creek. The Peterson Lake dam centerline is located 65 feet north of the south section line and 1,354 feet east of the west section line of Section 21, Township 1 South, Range 73 West of the 6th P.M. iv. Skyscraper Reservoir: Skyscraper Reservoir is located in the SW1/4 SE1/4, Section 16, Township 1 South, Range 74 West of the 6th P.M. e. Exchange-To Locations North Boulder Creek (all in Boulder County, Colorado) i. Lakewood Pipeline: The pipeline intake from Lakewood Reservoir, also known as Headgate No. 1 of the Boulder City Pipeline (Lakewood Pipeline) is located at a point whence the southeast corner of Section 1, Township 1 South, Range 73 West of the 6th P.M., bears South 3°15' East a distance of 2,300 feet. ii. Silver Lake Pipeline: Headgate No. 3 of the Boulder City Pipeline, located at a point whence the NW corner of Section 34, Township 1 North, Range 73 West of the 6th P.M., bears North 77°35' West a distance of 1076+ feet. iii. Silver Lake Reservoir: Silver Lake Reservoir is located in Sections 20, 21, 28 and 29 of Township 1 North, Range 73 West, 6th P.M. iv. Island Lake: Island Lake is located in Sections 20 and 29, Township 1 North, Range 73 West, 6th P.M. v. Goose Lake: Goose Lake is located in Section 19 and 30, Township 1 North, Range 73 West, 6th P.M. vi. Lake Albion: Lake Albion is located in Section 18, Township 1 North, Range 73 West, 6th P.M. vii. Green Lakes Reservoir #1: Green Lakes Reservoir #1 is located in Section 18, Township 1 North, Range 73 West, 6th P.M. viii. Green Lakes Reservoir #2: Green Lakes Reservoir #2 is located in Section 18, Township 1 North, Range 73 West, 6th P.M. ix. Green Lakes Reservoir #3: Green Lakes Reservoir #3 is located in Section 18, Township 1 North, Range 73 West, 6th P.M. x. Green Lakes Reservoir #4: Green Lakes Reservoir #4 is located in the Northwest Quarter of the Northwest Quarter of Section 18, Township 1 North, Range 73 West of the 6th P.M. and the North Half of the Northeast Quarter of Section 13, Township 1 North, Range 74 West of the 6th P.M. xi. Green Lakes Reservoir #5: Green Lakes Reservoir #5 is located in the Southeast Quarter of the Northwest Quarter and the North Half of the Southwest Quarter of Section 13, in Township 1 North of Range 74 West of the 6th P.M. Maps showing the approximate locations of the above-described structures and the substitution and exchange reaches are attached to the Amended Application as Exhibits 1, 2, and 3. f. Water and Water Rights to be Used for Substitution and Exchange: The sources of substitute water supply for the Exchanges are fully consumable water rights and return flows from indoor use of those water rights more particularly described as follows: i. Windy Gap Project: Windy Gap

Project water, a transmountain water diversion project that delivers water from the Colorado River Basin to the South Platte River Basin. Boulder owns a Water Allotment Contract with the Municipal Subdistrict of the Northern Colorado Water Conservancy District, a political subdivision of the State of Colorado, for 37 units of Windy Gap Project water. The water rights for the Windy Gap Project consist of the Jasper Pump and Pipeline, Jasper Reservoir, Windy Gap Pump, Pipeline and Canal, Windy Gap Pump, Pipeline and Canal First Enlargement, Windy Gap Pump, Pipeline and Canal Second Enlargement, and Windy Gap Reservoir. These water rights were originally decreed in Case No. C.A.1768, Grand County District Court, on October 27, 1980, and in Case Nos. W-4001 and 80CW108, District Court, Water Division No. 5, on October 27, 1980. Windy Gap Project water is introduced, stored, carried and delivered in and through the components of the Colorado-Big Thompson Project, operated by the Northern Colorado Water Conservancy District. The sources of water for the Windy Gap Project are the Colorado River and Willow Creek, a tributary of the Colorado River. a. The return flows attributable to indoor use of the City's use of 37 Windy Gap units were previously quantified in the decrees entered in the following cases: Case No. 90CW193, District Court, Water Division No. 1, on December 20, 1993; Case No. 94CW285, District Court, Water Division No. 1, on December 22, 1997; Case No. 94CW284, District Court, Water Division No. 1, on May 8, 2000; and Case No. 08CW163, District Court, Water Division No. 1, on January 11, 2011. ii. Municipal Water Rights Decreed to Barker Meadow Reservoir: a. 99CW217 Decree Barker Storage Rights: Water diverted pursuant to the water rights decreed to the Barker Meadow Reservoir in Case No. 99CW217 by the District Court for Water Division No. 1 on April 5, 2013, which rights are more particularly described as follows: i. Legal description: Barker Meadow Reservoir is located on Middle Boulder Creek, in the West 1/2, Section 17, and in Section 18, Township 1 South, Range 72 West of the 6th P.M., and in the East 1/2 of Section 13, Township 1 South, Range 73 West of the 6th P.M., Boulder County, Colorado. ii. Source: Middle Boulder Creek, a tributary of Boulder Creek. iii. Date of appropriation: November 17, 1999. iv. Amount: 3,687 acre-feet per year fill, CONDITIONAL; 1,307 acre-feet per year refill, CONDITIONAL. v. Use: All municipal purposes including, without limitation, domestic, irrigation, commercial, industrial, power generation, fire protection, recreation, fish and wildlife preservation and propagation, exchange, substitution, augmentation, replacement and recharge, within the Boulder service area and outside the Boulder service area for such extra-territorial customers as Boulder may serve from time to time pursuant to City Charter and contracts. Such use shall include the right to make a fully consumptive first use of the water and to use, reuse and successively use the water to extinction for the purposes described in the foregoing sentence. vi. The return flows attributable to the indoor use of the 99CW217 Decree Barker Storage Rights were previously quantified in the decree entered in Case No. 15CW3047, District Court, Water Division No. 1, on October 18, 2016. b. 2015 Barker Storage Rights: Water diverted pursuant to the water rights for Barker Meadow Reservoir pending in the application filed in Case No. 15CW3175 by the District Court for Water Division No. 1, on December 30, 2015, which rights are more particularly described as follows: i. Legal Description: Barker Meadow Reservoir is located on the mainstem of Middle Boulder Creek in the W1/2 of Section 17 and in Section 18, Township 1 South, Range 72 West, of the 6th P.M. and in the E1/2 of Section 13, Township 1 South, Range 73 West, of the 6th P.M. ii. Source: Middle Boulder Creek, a tributary of Boulder Creek. iii. Uses: All municipal purposes, including, without limitation, domestic, storage, irrigation, commercial, industrial, power generation, fire protection, recreation, fish and wildlife preservation and propagation, exchange, substitution, augmentation, replacement and recharge, within the Boulder service area and outside the Boulder service area for such extra-territorial customers as Boulder may serve from time to time pursuant to City Charter and contracts. Such use shall include the right to make a fully consumptive first use of the water and to use, reuse and successively use the water to extinction for the purposes described in the foregoing sentence. iv. The quantification of the return flows attributable to the indoor use of the 2015 Barker Storage Rights is pending in the application in Case No. 15CW3175, District Court, Water Division No. 1, filed on December 30, 2015. iii. Lower Boulder and Baseline Water Rights: Water rights represented by the City's ownership of 7 shares of the preferred capital stock and 10 shares of the common capital stock of the New Consolidated Lower Boulder Reservoir and Ditch Company and its pro-rata share of the

water rights decreed to Baseline Reservoir represented by 11.265 shares of stock of the Base Line Land and Reservoir Company decreed for the alternate uses in Case No. 94CW284, District Court, Water Division No. 1, entered on May 8, 2000. The Lower Boulder and Baseline Water Rights are more fully described as follows: a. Description of Lower Boulder Ditch Water Rights: The New Consolidated Lower Boulder Reservoir and Ditch Company (“New Lower Boulder Company”) is a mutual ditch company. The New Lower Boulder Company operates the Lower Boulder Ditch. The following water rights are decreed to the Lower Boulder Ditch: i. Date, Case No. and Court: June 2, 1882, Civil Action No. 1282, District Court in and for Boulder County. ii. Decreed Point of Diversion: The headgate of the Lower Boulder Ditch is located on the south bank of Boulder Creek at a point in the SW1/4 SW1/4, Section 16, Township 1 North, Range 69 West, 6th P.M., Boulder County, Colorado. iii. Source: Boulder Creek. iv. Appropriation Dates and Amounts: October 1, 1859 for 25.0 cfs; June 1, 1870 for 97 cfs. b. Description of Baseline Reservoir Water Rights: The Base Line Land and Reservoir Company (“Base Line Company”) is a mutual ditch company with 553 shares of stock outstanding. The Base Line Company operates Baseline Reservoir. The following water rights are decreed to Baseline Reservoir: i. Dates, Case Nos. and Court: June 21, 1926, Civil Action No. 6672; January 9, 1935, Civil Action No. 6672 (supplemental decree); September 28, 1953, Civil Action No. 12111; all Boulder County District Court. ii. Decreed Point of Diversion: Baseline Reservoir is located in Sections 2 and 3, Township 1 South, Range 70 West, 6th P.M., and in Sections 34 and 35, Township 1 North, Range 70 West, 6th P.M., all in Boulder County, Colorado. Water has historically been diverted into Baseline Reservoir from Boulder Creek, Bear Creek and South Boulder Creek at the following points: 1. A point on the south or east bank of Boulder Creek near the east line of the NE1/4 NE1/4, Section 35, Township 1 North, Range 71 West, 6th P.M., Boulder County, Colorado. The structure is known as the Anderson Ditch. 2. A point on the south bank of Bear Creek in the SW1/4 SE1/4, Section 5, Township 1 South, Range 70 West, 6th P.M., Boulder County, Colorado. The structure is known as the Anderson Extension Ditch. 3. A point on the east bank of South Boulder Creek in the SW1/4 SW1/4, Section 3, Township 1 South, Range 70 West, 6th P.M., Boulder County, Colorado. The structure is known as the New Dry Creek Carrier and the Enterprise Ditch. iii. Source: Boulder Creek, Bear Creek and South Boulder Creek. iv. Appropriation Dates and Amounts: November 4, 1904 in the amount of 2,929.9 acre-feet; November 29, 1922 in the amount of 1,671.7 acre-feet; November 30, 1935 in the amount of 847 acre-feet; December 31, 1929 in the amount of 1,395 acre-feet (refill). c. The return flows attributable to indoor use of the City’s Lower Boulder and Baseline Water Rights were previously quantified in the decree entered in Case No. 94CW284, District Court, Water Division No. 1, on May 8, 2000. iv. North Boulder Farmers Water Rights: Fully consumable water that is available to Boulder from water rights represented by the City’s ownership of 656.2 shares of stock in North Boulder Farmers Ditch as these shares and rights are decreed for the alternate uses in Case No. 94CW285, District Court, Water Division No. 1, entered on December 22, 1997. Return flows from indoor municipal use of such rights were quantified in the Case No. 94CW285 decree. The North Boulder Farmers Water Rights are more fully described as follows: a. Description of Water Rights: The North Boulder Farmers Ditch Company is a mutual ditch company with 5,712 shares of stock outstanding. The North Boulder Farmers Ditch Company operates the North Boulder Farmers Ditch. The following water rights are decreed to the North Boulder Farmers Ditch: i. Dates, Case Nos., and Court for Previous Decrees: June 2, 1882, Original Adjudication of Water Rights in Water District 6, District Court in and for Boulder County; June 9, 1914, Case No. 6582, District Court in and for Boulder County. ii. Decreed Point of Diversion: The decreed point of diversion for the North Boulder Farmers Ditch is on the north bank of Boulder Creek in the SW1/4 SW1/4, Section 30, Township 1 North, Range 70 West of the 6th P.M., commonly known as the 12th Street Bridge Headgate at the intersection of Broadway with Boulder Creek, between Canyon Boulevard and Arapahoe Avenue in the City of Boulder, Colorado. iii. Source: Boulder Creek. iv. Appropriation Dates and Amounts: June 1, 1862 for 10.78 c.f.s.; June 1, 1863 for 37.22 c.f.s. v. Witemyer Ponds Water Storage Right, as more particularly described in section 4, below. vi. Gross Reservoir Environmental Pool Water Storage Right: Boulder and the City of Lafayette jointly filed an application for water storage right in Gross Reservoir, in Case No. 2017CW__ (December 2017), as more particularly described below. a. Legal Description: The

location of Gross Reservoir is described in section 3.c.i., above. b. Source: South Boulder Creek, a tributary of Boulder Creek. c. Uses: Municipal, domestic, commercial, industrial, irrigation, recreational, piscatorial, wildlife propagation, power generation, fire protection, exchange, replacement, augmentation, and all other beneficial purposes related to, occurring in or deriving from the operation of the municipal utility, parks, and open space systems of each Applicant. The water will be released from Gross Reservoir and conveyed to downstream points of diversion on South Boulder Creek and Boulder Creek for both immediate use and storage in reservoirs owned and available for use by Applicants. Applicants assert the right to reclaim return flows from the use of water stored under the Gross Reservoir Environmental Pool priority and to totally consume by a first use, reuse, successive use, exchange or other recognized method, all of the water stored. i. Instream flow Use: Pursuant to an Intergovernmental Agreement between the Applicants entered into on February 17, 2010, and an Intergovernmental Agreement among the Applicants and the City and County of Denver, acting by and through its Board of Water Commissioners, entered into on February 24, 2010 (the “Gross Reservoir IGAs”), the Applicants intend to release water stored in the Gross Reservoir Environmental Pool for beneficial use during times when stream flows in South Boulder Creek are below target flows. Boulder and/or Lafayette may enter into water delivery agreements with the Colorado Water Conservation Board (“CWCB”), pursuant to C.R.S. § 37-92-102(3), for protection of water attributable to the subject water storage right released from the Gross Reservoir Environmental Pool to preserve or improve the natural environment to a reasonable degree in South Boulder Creek. The Applicants therefore claim instream flow use by the CWCB in South Boulder Creek between enlarged Gross Reservoir and the confluence with Boulder Creek, pursuant to future water delivery agreement(s) that may be entered into by Boulder and/or Lafayette and the CWCB pursuant to C.R.S. § 37-92-102(3). The Applicants will make successive consumptive use of the water for all of the uses claimed herein after it has been delivered to meet target flows in either the Upper Segment or the Lower Segment of South Boulder Creek described below for instream flow use by the CWCB. The target flow rates and stream segments described in the Gross Reservoir IGAs are summarized as follows.

	SUMMER SEASON (May- Sept)		WINTER SEASON (Oct – Apr)	
STREAM SEGMENT	Average year flow	Dry year flow	Average year flow	Dry year flow
Gross Reservoir to South Boulder Road (“Upper Segment”)	10 cfs	7 cfs	7 cfs	5 cfs
South Boulder Road to confluence with Boulder Creek (“Lower Segment”)	4 cfs	2 cfs	2.5 cfs	1.5 cfs

ii. Total Number of Acres Irrigated or Proposed to be Irrigated and Legal Description: Irrigation will occur within the service areas of each Applicant. The service areas encompass portions of Township 1

North and 1 South, Range 69 West; Township 1 North and 1 South, Range 70 West; and Township 1 North and 1 South, Range 71 West, all in the 6th P.M., Boulder County, and exceed several hundred acres. Irrigation may also occur on open space property owned or administered by each Applicant in Boulder County. d. Date of Appropriation: February 24, 2010. e. Amount: 5,000 acre-feet, Conditional. f. Boulder proposes in this Amended Application to quantify return flows from Boulder's municipal indoor use of the Gross Reservoir Environmental Pool water storage right using the methodology decreed for Boulder in Case No. 15CW3047, District Court, Water Division 1, October 18, 2016. g. Dates of Appropriation for Substitutions and Exchanges: i. November 28, 2016 for exchanges originating from the Boulder Wastewater Treatment Facility Outfall. ii. February 24, 2010 for exchanges originating from the Wittemyer Ponds Outlet Structures to the Gross Reservoir Environmental Pool. iii. The filing date of this Amended Application for all other exchanges originating from the Wittemyer Ponds Outlet Structures to the points of diversion and storage on Middle Boulder Creek and North Boulder Creek. h. How Appropriation was Initiated: By formation of intent to appropriate coupled with certain actions in furtherance thereof, including the execution of an Intergovernmental Agreement among the City and County of Denver, acting by and through its Water Board, City of Lafayette, and Boulder; and the filing of the Application and Amended Application in this case. i. Amount: The rate of diversion at each of the above-described facilities by exchange from the Wittemyer Ponds release structures shall be the lesser of 100 cfs or the diversion capacity of the facility, CONDITIONAL. The rate of diversion at each of the above-described facilities by exchange from the Boulder Wastewater Treatment Facility outfall shall be 21.9 cfs, CONDITIONAL. The simultaneous combined rate of diversion by exchange for all such facilities shall not exceed 121.9 cfs. j. Uses of Water Diverted by Substitution and Exchange: All uses for which the substitute supplies are decreed, including without limitation all municipal purposes, including, without limitation, irrigation, industrial and recreational, within the Boulder service area and outside the Boulder service area for such extra-territorial customers as Boulder may serve from time to time pursuant to City Charter and contracts, and irrigation of open space lands owned or controlled by Boulder. As described more fully below, Boulder claims instream flow uses to be made by the Colorado Water Conservation Board for water stored pursuant to the Wittemyer Ponds water storage right claimed in this Amended Application, pursuant to a future water delivery agreement that may be entered into by Boulder and the CWCB, in accordance with C.R.S. § 37-92-102(3). Such use shall include the right to make a fully consumptive first use of the water and to use, reuse and successively use and dispose of the water to extinction for the purposes described above, consistent with Boulder's underlying decrees. 4. Description of Conditional Water Storage Right and Freshening Flow Water Right: a. Name of Reservoirs: Wittemyer Ponds. b. Legal Description: Wittemyer Ponds are proposed ponds, including existing gravel pit ponds that may be enlarged or reconfigured, that will be lined to allow storage. The Ponds will be located in portions of the NE1/4 of NW1/4, SE1/4 of NW1/4, NW1/4 of SW1/4, NE1/4 of SW1/4, SW 1/4 of SW1/4, and N1/2 of SE1/4 of SW1/4 of Section 1, T1N, R69W, 6th P.M., Boulder County, Colorado. The Wittemyer Ponds will be constructed on lands owned by Boulder and/or Boulder County. Wittemyer Ponds will release water to Boulder Creek through one or more proposed outlet structures. A map depicting the proposed location of Wittemyer Ponds and outlet structures is attached to the Amended Application as Exhibit 2. c. Source: Boulder Creek. d. Filling Structure and Rate of Diversion: Howell Ditch and Howell Ditch Extension. Water will be diverted from Boulder Creek at the location of the existing headgate for the Howell Ditch and delivered through the Howell Ditch directly to the Wittemyer Ponds or through a lateral/extension of the Howell Ditch that will begin approximately where the Howell Ditch crosses the west line of the SW1/4 of the SW1/4 of Section 1, T1N, R69W, 6th P.M., Boulder County, Colorado. The location of the Howell Ditch headgate, as stated in the decree entered on February 17, 1941, in civil action 10324, Boulder County District Court, is located on the North bank of Boulder Creek in the SW1/4 of SW1/4 of Section 1, T1N, R69W, 6th P.M., Boulder County, Colorado. The UTM coordinates of the actual location of the Howell Ditch headgate are Northing: 4435798.16655 Easting: 493416.02511, Zone 13N. The rate of diversion through the Howell Ditch will be 50 cfs for filling Wittemyer Ponds. For freshening flows, the rate of diversion will be 2.0 cfs. e. Conditional Appropriation: i. Date of appropriation: Filing date of the Amended Application. ii. How appropriation

was initiated: By formation of intent to appropriate coupled with certain actions in furtherance thereof, including but not limited to performing preliminary engineering work, discussion with the CWCB regarding a water delivery agreement, and filing of this application. f. Amounts: i. Wittemyer Ponds: 2,000 acre-feet, with one refill, Conditional. ii. Howell Ditch diversion: 50 cfs, Conditional. iii. Howell Ditch diversion for freshening flows through the Ponds and return to Boulder Creek: 2 cfs. No augmentation plan is claimed in connection with operation of the freshening flow water right. Water will be diverted for freshening flows only at times when the call affecting Boulder Creek at the location of the Howell Ditch headgate is junior to the priority confirmed for the freshening flow water right. g. Uses of Wittemyer Ponds Storage Right: i. All municipal purposes, including, without limitation, domestic, storage, irrigation, commercial, industrial, power generation, fire protection, recreation, fish and wildlife preservation and propagation, exchange, substitution, augmentation, replacement and recharge, within the Boulder service area and outside the Boulder service area for such extra-territorial customers as Boulder may serve from time to time pursuant to City Charter and contracts; irrigation of open space lands owned or controlled by Boulder. ii. Instream flow use by the CWCB to preserve or improve to a reasonable degree the natural environment in South Boulder Creek between enlarged Gross Reservoir and the confluence with Boulder Creek, pursuant to a water delivery agreement to be entered into by Boulder and the CWCB pursuant to C.R.S. § 37-92-102(3). Pursuant to intergovernmental agreements entered into by Boulder and the City of Lafayette on February 17, 2010 and among Boulder, Lafayette, and the City and County of Denver, acting by and through its Board of Water Commissioners on February 24, 2010 (the “Gross Reservoir IGAs”), Boulder and Lafayette may store up to a combined amount of 5,000 acre-feet of water in a dedicated pool in enlarged Gross Reservoir (the “Environmental Pool”) by exchange or other means. The Gross Reservoir IGAs provide for release of that water by Boulder and Lafayette during times of low flows in South Boulder Creek. Boulder is primarily responsible for releasing annually up to 2,000 acre-feet of water that is stored in the Environmental Pool during times when target flow conditions in the summer months (May-September) would not otherwise be satisfied. Boulder may also redivert such water at downstream locations for consumptive uses. The summer season target flow rates and reaches under the Gross Reservoir IGAs, are summarized below.

	SUMMER SEASON (May- Sept)	
STREAM SEGMENT	Average year flow	Dry year flow
Gross Reservoir to South Boulder Road (“Upper Segment”)	10 cfs	7 cfs
South Boulder Road to confluence with Boulder Creek (“Lower Segment”)	4 cfs	2 cfs

Boulder anticipates entering into an agreement with the CWCB to allow the CWCB to use, for instream flow purposes, water attributable to the Wittemyer Ponds storage right that is exchanged to the Environmental Pool and subsequently released by Boulder to South Boulder Creek, up to the target flow rates in the target reaches described above. Pursuant to C.R.S. § 37-92-102(3), Boulder may make successive consumptive uses of the water for all municipal and related purposes at downstream locations after it has been delivered and used for instream flow purposes. iii. Reuse and Successive Use: Boulder claims the right to make a fully consumptive first use of the water and to use, reuse and successively use and dispose of the water to extinction for the purposes described in this Amended Application. Boulder has a specific plan and intent to divert, store or otherwise capture, possess and control a specific quantity of water for the specific beneficial uses described above, including reuse and successive use by the exchanges claimed in this Amended Application. Water attributable to the Wittemyer Ponds water storage right that is exchanged to the Environmental Pool and subsequently released and delivered to the CWCB

for instream flow use in South Boulder Creek may be re-diverted and successively used and disposed of to extinction for the uses claimed in this Amended Application directly, by exchange, or by re-diversion and storage in Wittemyer Ponds for subsequent use. Boulder will quantify return flows from municipal indoor use of the Wittemyer Ponds water storage right using the methodology decreed for Boulder in Case No. 15CW3047, District Court, Water Division 1, October 18, 2016. h. Uses of Freshening Flow Water Right: Piscatorial, wildlife, habitat improvement, and recreation in and around the Wittemyer Ponds. i. Surface area of Wittemyer Ponds High Water Line: The precise configuration and surface area of the Wittemyer Ponds has not yet been determined. i. Vertical height of dam in feet measured vertically from the elevation of the lowest point of the natural surface of the ground where that point occurs along the longitudinal centerline of the dam up to the crest of the emergency spillway of the dam: The Wittemyer Ponds will be primarily below-grade storage structures, although Boulder may also construct berms for some or all of the proposed Ponds. ii. Length of dam in feet: Not applicable. iii. Total capacity of Wittemyer Ponds: Boulder has not yet determined the total capacity of Wittemyer Ponds and amounts of active capacity/dead storage because construction and lining of the Ponds has not been completed. Boulder claims a water storage right in the amount of 2,000 acre-feet; however, the Ponds, as constructed, may have a capacity in excess of 2,000 acre-feet. 5. Name(s) and address(es) of owner(s) or reputed owners of the land upon which any new or existing diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool: Gross Reservoir: City and County of Denver. 1600 West 12th Avenue, Denver, CO 80204-3412; United States Forest Service, Boulder Ranger District, Arapaho and Roosevelt National Forests, 2140 Yarmouth Avenue, Boulder, CO 80301. Miramonte Limited Liability Company, c/o Bruce K. Alexander 1000 E. Tufts Avenue Cherry Creek Village, Denver, CO 80113. Wittemyer Ponds, Outlet Structures, and Howell Ditch: Boulder County Parks and Open Space, 5201 St Vrain Road, Building 1, Longmont, CO 80503; Clyde and Jan Canino (outlet structure), 9968 Lookout Rd, Lafayette, CO 80026; Applicant, City of Boulder, P. O. Box 791, Boulder, Colorado 80306 All other structures: Applicant, City of Boulder, P. O. Box 791, Boulder, Colorado 80306. WHEREFORE, Boulder requests the Court to enter a decree confirming and approving the appropriate rights of substitution and exchange, and water storage right described herein. (25 pages)

16CW3195; Arapahoe County Water and Wastewater Authority (“ACWWA”), c/o Steve Witter, General Manager, 13031 East Caley Avenue, Centennial, Colorado 80111, Telephone: (303) 790-4830; United Water and Sanitation District, a quasi-municipal corporation and political subdivision of the State of Colorado, acting directly and by and through the United Water and Sanitation District ACWWA Enterprise (“United”), c/o Robert Lembke, 8301 E. Prentice Avenue, Suite 100, Greenwood Village, Colorado 80111, Telephone: (303) 775-1005. The above listed parties shall be collectively referred to as the “Applicants.” **SECOND AMENDED APPLICATION FOR CONDITIONAL WATER RIGHTS, APPROPRIATIVE RIGHTS OF SUBSTITUTION AND EXCHANGE, APPROPRIATION OF HISTORICAL RETURN FLOWS, AND CHANGE OF WATER RIGHTS IN ADAMS, ARAPAHOE, DENVER, LARIMER, MORGAN AND WELD COUNTIES.** Please send all pleadings and correspondence to: Brian M. Nazarenus, Esq., Sheila S. Stack, Esq., William D. Wombacher, Esq., RYLEY CARLOCK & APPLEWHITE, 1700 Lincoln Street, Suite 3500, Denver, Colorado 80203, (Attorneys for ACWWA), Tod J. Smith, Esq., LAW OFFICE OF TOD J. SMITH, LLC, 2919 Valmont Road, Suite 205, Boulder, Colorado 80301, (Attorneys for United). **2. Background.** On December 15, 2009, ACWWA entered into an Intergovernmental Agreement (“IGA”) with East Cherry Creek Valley Water and Sanitation District (“ECCV”) and United to provide for ACWWA’s participation in ECCV’s integrated system for the diversion, accretion, collection, storage, transmission, and treatment of ECCV’s water rights (“Water Supply Project”). The Water Supply Project (a/k/a the “ACWWA Flow Project”) is now designed to provide ECCV and ACWWA with a long-term, sustainable municipal water supply for its service area located in Arapahoe and Douglas Counties,

Colorado. A map of ACWWA's service area is attached as **Exhibit 1**. At full build-out, ACWWA's projected water demand is approximately 10,275 acre-feet per year. The water appropriated herein is necessary to help ACWWA meet its projected water demand. The conditional water rights claimed herein and operation of the exchanges are necessary to replace out-of-priority depletions resulting from ACWWA's pumping of the ACWWA/ECCV Well Field in the Beebe Draw (the "ACWWA/ECCV Well Field") and/or historical return flow obligations owed to the South Platte River. A map showing the locations of the structures described in this Application is attached as **Exhibit 2**. United will construct structures described below as part of satisfying its contractual obligations to ACWWA for the Water Supply Project.

3. Description of Conditional Water Storage Rights.

3.1. ACWWA Binder Reservoir Storage Right.

3.1.1. Name of Structure. Binder Reservoir (a/k/a the "Brighton Lateral Reservoir").

3.1.2. Location. Binder Reservoir is an off-channel reservoir located in the N1/2 of Section 15, Township 1 North, Range 66 West of the 6th P.M., Weld County, Colorado.

3.1.3. Diversion Structures.

3.1.3.1. United Diversion Facility No. 3 (up to 40 cfs). The headgate is on the east bank of the South Platte River in the SW1/4 of Section 26, Township 1 South, Range 67 West of the 6th P.M., Adams County, Colorado. United Diversion Facility No. 3 delivers water to the United No. 3 Reservoir, from which water is delivered through the Beebe Pipeline to the Brighton Lateral through a turn-out in the Beebe Pipeline. Water is conveyed to Binder Reservoir through the Brighton Lateral.

3.1.3.2. Burlington Canal (a/k/a "Burlington/O'Brien Canal") (up to 50 cfs). The Burlington Canal headgate is located on the east bank of the South Platte River, in the NE1/4 of the SW1/4 of Section 14, Township 3 South, Range 68 West of the 6th P.M., City and County of Denver, Colorado. Water is delivered from the Burlington Canal to the Brighton Lateral. Water is conveyed to Binder Reservoir through the Brighton Lateral.

3.1.3.3. Binder Pipeline (up to 30 cfs). Binder Pipeline will divert water from the east bank of the South Platte River, in the NW1/4 of Section 18, Township 1 North, Range 66 West of the 6th P.M., Weld County, Colorado.

3.1.3.4. Future Diversion Facilities. Any other existing facilities or facilities constructed in the future capable of delivering water to Binder Reservoir in which ACWWA is legally permitted to divert water.

3.1.4. Source. South Platte River.

3.1.5. Amount Claimed. 2,450 acre-feet, conditional, with the right to one refill in the amount of 2,450 acre-feet per year, conditional.

3.1.6. Date of Appropriation. December 14, 2016.

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

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

3.1.9. Uses. By this Application, ACWWA seeks a decree granting the right to use the ACWWA Binder Reservoir Storage Right as follows:

3.1.9.1. Use in ACWWA's Plans for Augmentation. ACWWA seeks to use the ACWWA Binder Reservoir Storage Right as a source of replacement water in the ACWWA Augmentation Plans approved in the decree entered in Case No. 10CW306 ("306 Decree") and the augmentation plan decreed in Case No. 13CW3026. In addition, ACWWA seeks to use the ACWWA Binder Reservoir Storage Right as a source of replacement water in any future plans for augmentation.

3.1.9.2. Use in ACWWA's Recharge Projects including Aquifer Storage and Recovery and Aquifer Recharge and Recovery. ACWWA seeks to use the ACWWA Binder Reservoir Storage Right for recharge (including aquifer storage and recovery and aquifer recharge and recovery) by delivering the water to the recharge facilities located in the Beebe Draw and on 70 Ranch pursuant to the terms and conditions of the 306 Decree. In addition, ACWWA seeks to use the ACWWA Binder Reservoir Storage Right for recharge (including aquifer storage and recovery and aquifer recharge and recovery) by delivering the water to the recharge sites described in this Application, and any future recharge facility to which ACWWA is legally permitted to recharge water.

3.1.9.3. Use in ACWWA's Exchange. ACWWA seeks to use the ACWWA Binder Reservoir Storage Right either directly or following storage, as a source of substitute supply for the appropriative right of exchange approved in the decree entered in Case No. 09CW283 ("283 Decree"). ACWWA also seeks to use the ACWWA Binder Reservoir Storage Right as a source of substitute supply in the 2016 ACWWA Exchanges claimed in this Application and in any future exchanges operated or decreed by ACWWA.

3.1.9.4. Use to Meet Historical Return Flow Obligations. ACWWA seeks to use the ACWWA Binder Reservoir Storage Right to meet its historical

return flow obligations for its existing, pending, and future acquired and changed water rights owed to the South Platte River or Cache la Poudre River, or their tributaries. 3.1.9.5. Alternate Places of Storage. ACWWA also seeks to store the ACWWA Binder Reservoir Storage Right in the following surface storage facilities: 3.1.9.5.1. 70 Ranch Reservoir, a lined off-channel reservoir that will be located in the S1/2 of Section 3, Township 4 North, Range 63 West of the 6th P.M., and a portion of the NE1/4 of Section 10, Township 4 North, Range 63 West of the 6th P.M., Weld County, Colorado. 3.1.9.5.2. Milliken Reservoir (a/k/a Gilcrest Reservoir), a lined off-channel reservoir located within a part of Section 2, Township 3 North, Range 67 West and Sections 23, 26, 34, and 35, Township 4 North, Range 67 West of the 6th P.M., Weld County, Colorado. 3.1.9.5.3. United Reservoir No. 3, an off-channel reservoir located on the east side of the South Platte River, in the S1/2 of Section 26 and the N1/2 of Section 35, Township 1 South, Range 67 West of the 6th P.M., Adams County, Colorado. 3.1.9.5.4. Barr Lake, an off-channel reservoir located in Sections 15, 21, 22, 23, 26, 27, 28, and 33, Township 1 South, Range 66 West of the 6th P.M., Adams County, Colorado. Barr Lake is an enlargement of the original Oasis Reservoir. 3.1.9.5.5. Milton Lake, an off-channel reservoir located in Sections 10, 11, 14, 15, 22, and 23, Township 3 North, Range 65 West of the 6th P.M., Weld County, Colorado. 3.1.9.5.6. Highlands Reservoir, an off-channel reservoir located in the NW1/4 of Section 32, Township 1 North, Range 65 West of the 6th P.M., Weld County, Colorado. 3.1.9.5.7. Serfer Pit, an off-channel reservoir located in the NE1/4 of the NE1/4 of Section 24, Township 6 North, Range 68 West of the 6th P.M., Larimer County, Colorado. 3.1.9.5.8. Any existing or future storage facility in which ACWWA is legally permitted to store water. 3.1.9.6. All Municipal Uses. ACWWA seeks to use the ACWWA Binder Reservoir Storage Right via delivery by a pipeline or by exchange to ECCV's surface water treatment plant for treatment and subsequent direct delivery for all municipal uses, including, but not limited to, domestic, mechanical, manufacturing, commercial, and industrial, within ACWWA's present and future service area located in Arapahoe and Douglas Counties. 3.1.9.7. Right of Reuse, Successive Use, and Disposition. In addition to the uses described above, ACWWA claims the right to use, reuse, successively use and dispose of, by sale, exchange, augmentation, or otherwise, to extinction, all water exchanged, lawfully diverted and/or impounded pursuant to the decree entered in this case. 3.1.9.8. Use by ECCV. ACWWA may lease and/or trade water attributable to the ACWWA Binder Reservoir Storage Right to ECCV for use in ECCV's augmentation plans, recharge projects, and exchanges including those decree in Case Nos. 02CW403, 02CW404/03CW442, as amended by the decree entered in Case No. 10CW306, and Case Nos. 11CW285 and 11CW280, as well as the recharge projects and exchanges sought in Case No. 16CW3196, and including use to replace return flow obligations associated with previously changed shares. This water may also be used by ECCV, by lease or trade with ACWWA, pursuant to any future applications, so long those future applications list the ACWWA Binder Reservoir Storage Right as a source of supply or replacement water. 3.1.10. Total Capacity. Binder Reservoir has a planned total capacity of 3,800 acre-feet (with 4 feet of freeboard). 3.1.11. Name and Addresses of the Owner of Binder Reservoir and the Diversion Facility Used to Fill Binder Reservoir. 3.1.11.1. Platte River Water Development Authority ("PRWDA"), 8301 E. Prentice Avenue, Suite 100, Greenwood Village, Colorado, 80111. 3.1.11.2. United Water and Sanitation District, 8301 East Prentice Avenue, Suite 100, Greenwood Village, Colorado, 80111 holds a perpetual easement, granted by Henderson Aggregate, LTD, for United Diversion Facility No. 3. The diversion structure is owned by United. 3.1.11.3. The Burlington Canal (a/k/a "Burlington/O'Brien Canal") and the Beebe Seep Canal are owned by FRICO, 80 South 27th Avenue, Brighton, Colorado, 80601. 3.2. ACWWA Serfer Pit Storage Right. 3.2.1. Name of Structure. Serfer Pit. 3.2.2. Location. Serfer Pit is located along the Cache la Poudre River, approximately 2.8 stream miles below the New Cache headgate, in the NE1/4 of the NE1/4 of Section 24, Township 6 North, Range 68 West of the 6th P.M., Larimer County, Colorado. 3.2.3. Diversion Structure. A pump currently delivers water into Serfer Pit. A permanent pump and pipe to and from the Cache La Poudre River will be placed in the southwest corner of Serfer Pit, in the NE1/4 of the NE1/4 of Section 24, Township 6 North, Range 68 West of the 6th P.M., Larimer County, Colorado, and any other existing facilities or facilities constructed in the future capable of delivering water to Serfer Pit in which ACWWA is legally permitted to divert water. 3.2.4. Source. Cache la

Poudre River. 3.2.5. Amount Claimed. 272 acre-feet fill, conditional, with the right to one refill in the amount of 272 acre-feet per year, conditional. 3.2.6. Date of Appropriation. December 14, 2016. 3.2.6.1. How Appropriation was Initiated. The appropriation date is based upon the Resolution passed by the ACWWA Board of Directors on December 14, 2016. The Notice of Appropriation was posted on December 15, 2016, a copy of which is attached as **Exhibit 3**. 3.2.6.2. Date Water First Applied to Beneficial Use. Not applicable. 3.2.7. Uses. By this Application, ACWWA seeks a decree granting the right to use the ACWWA Serfer Pit Storage Right for the same uses as described in paragraph 3.1.9 and its subparagraphs, above. Additionally, ACWWA seeks to store the water in Binder Reservoir, which is an off-channel reservoir located in the N1/2 of Section 15, Township 1 North, Range 66 West of the 6th P.M., Weld County, Colorado. 3.2.8. Name and Addresses of the Owner of Serfer Pit and the Diversion Facility Used to Fill Serfer Pit. United Water and Sanitation District, 8301 E. Prentice Avenue, Suite 100, Greenwood Village, Colorado 80111. 3.3. ACWWA Highlands Reservoir Storage Right. 3.3.1. Name of Structure. Highlands Reservoir. 3.3.2. Location. Highlands Reservoir is an off-channel reservoir located in the NW1/4 of Section 32, Township 1 North, Range 65 West of the 6th P.M., Weld County, Colorado. Water will be diverted from the South Platte River at the diversion facilities described below in paragraph 3.3.3. After water is diverted from the South Platte River it will be delivered to Highlands Reservoir through the delivery canals in the Farmers Reservoir and Irrigation Company's ("FRICO") Barr Lake system. 3.3.3. Names of the Diversion Facilities Used to Fill the Reservoir. 3.3.3.1. United Diversion Facility No. 3 (up to 100 cfs). The headgate is on the east bank of the South Platte River in the SW1/4 of Section 26, Township 1 South, Range 67 West of the 6th P.M., Adams County, Colorado. United Diversion Facility No. 3 delivers water to the United No. 3 Reservoir, from which water is delivered through the Beebe Pipeline to the Burlington Canal, immediately above Barr Lake. From Barr Lake the water will be delivered through FRICO delivery canals in the Beebe Draw to Highlands Reservoir. 3.3.3.2. Burlington Canal (a/k/a "Burlington/O'Brien Canal") (up to 250 cfs). The Burlington Canal headgate is located on the east bank of the South Platte River, in the NE1/4 of the SW1/4 of Section 14, Township 3 South, Range 68 West of the 6th P.M., City and County of Denver, Colorado. 3.3.3.3. Other Diversion Facilities. Any other existing facilities or facilities constructed in the future capable of delivering water to Highlands Reservoir in which ACWWA is legally permitted to divert water. 3.3.4. Source of the Water. South Platte River. 3.3.5. Amount Claimed. 1,500 acre-feet, conditional, with the right to one refill in the amount of 1,500 acre-feet per year, conditional. 3.3.6. Date of Appropriation. December 14, 2016. 3.3.6.1. How Appropriation was Initiated. The appropriation date is based upon the Resolution passed by the ACWWA Board of Directors on December 14, 2016. The Notice of Appropriation was posted on December 15, 2016, a copy of which is attached as **Exhibit 3**. 3.3.6.2. Date Water First Applied to Beneficial Use. Not applicable. 3.3.7. Uses. By this Application, ACWWA seeks a decree granting the right to use the ACWWA Highlands Reservoir Storage Right for the same uses as described in paragraph 3.1.9 and its subparagraphs, above. Additionally, ACWWA seeks to store the water in Binder Reservoir, which is an off-channel reservoir located in the N1/2 of Section 15, Township 1 North, Range 66 West of the 6th P.M., Weld County, Colorado. 3.3.8. Name and Addresses of the Owner of Highlands Reservoir and the Diversion Facility Used to Fill Highlands Reservoir. 3.3.8.1. Highlands Reservoir will be owned by the United Water and Sanitation District, 8301 East Prentice Avenue, Suite 100, Greenwood Village, Colorado 80111. 3.3.8.2. The land on which Highlands Reservoir will be located is currently owned by Highland Equities, L.L.C., 8301 East Prentice Avenue, Suite 100, Greenwood Village, Colorado 80111. 3.3.8.3. United Water and Sanitation District, 8301 East Prentice Avenue, Suite 100, Greenwood Village, Colorado 80111, holds a perpetual easement, granted by Henderson Aggregate, LTD, for United Diversion Facility No. 3. The diversion structure is owned by United Water and Sanitation District. 3.3.8.4. The Burlington Canal (a/k/a "Burlington/O'Brien Canal") and the Beebe Seep Canal are owned by FRICO, 80 South 27th Avenue, Brighton, Colorado 80601. 3.3.8.5. Barr Lake and the canals which will be used to deliver water to Highlands Reservoir are owned by FRICO. 3.4. ACWWA Barr Lake Storage Right. 3.4.1. Name of Structure. Barr Lake. 3.4.2. Location. Barr Lake is an off-channel reservoir located in Sections 15, 21, 22, 23, 26, 27, 28, and 33, Township 1 South, Range 66 West of the 6th P.M., Adams County, Colorado.

3.4.3. Diversion Structures. 3.4.3.1. United Diversion Facility No. 3 (up to 100 cfs). The headgate is on the east bank of the South Platte River in the SW1/4 of Section 26, Township 1 South, Range 67 West of the 6th P.M., Adams County, Colorado. United Diversion Facility No. 3 delivers water to the United No. 3 Reservoir, from which water is delivered through the Beebe Pipeline to the Burlington Canal, immediately above Barr Lake. 3.4.3.2. Burlington Canal (a/k/a “Burlington/O’Brien Canal”) (up to 900 cfs). The Burlington Canal headgate is located on the east bank of the South Platte River, in the NE1/4 of the SW1/4 of Section 14, Township 3 South, Range 68 West of the 6th P.M., City and County of Denver, Colorado. 3.4.4. Source. South Platte River. 3.4.5. Amount Claimed. 3,000 acre-feet, conditional, with a right to one refill in the amount of 3,000, conditional. 3.4.6. Date of Appropriation. November 30, 2017. 3.4.7. How Appropriation was Initiated. The appropriation date is based on the filing of the second amended application in this case. 3.4.8. Date Water First Applied to Beneficial Use. N/A. 3.4.9. Uses. By this Application, ACWWA seeks a decree granting the right to use the ACWWA Barr Lake Storage Right for the same uses as described in paragraph 3.1.9 and its subparagraphs, above. Additionally, ACWWA seeks to store the water in Binder Reservoir, which is an off-channel reservoir located in the N1/2 of Section 15, Township 1 North, Range 66 West of the 6th P.M., Weld County, Colorado. 3.4.10. Name and Addresses of the Owner of Barr Lake and the Diversion Facilities Used to Fill Barr Lake. 3.4.10.1. Barr Lake and the canals which will be used to deliver water to Barr Lake are owned by FRICO. 3.4.10.2. The Burlington Canal (a/k/a “Burlington/O’Brien Canal”) is owned by FRICO, 80 South 27th Avenue, Brighton, Colorado 80601. 3.4.10.3. United Water and Sanitation District, 8301 East Prentice Avenue, Suite 100, Greenwood Village, Colorado 80111, holds a perpetual easement, granted by Henderson Aggregate, LTD, for United Diversion Facility No. 3. The diversion structure is owned by United Water and Sanitation District. **4. Description of Conditional Direct Flow Water Rights**. 4.1. ACWWA SPR 1 Water Right. 4.1.1. Points of Diversion. 4.1.1.1. United Diversion Facility No. 3 (up to 100 cfs). The headgate is on the east bank of the South Platte River in the SW1/4 of Section 26, Township 1 South, Range 67 West of the 6th P.M., Adams County, Colorado. 4.1.1.2. Burlington Canal (a/k/a the “Burlington/O’Brien Canal”). The Burlington Canal headgate is located on the east bank of the South Platte River, in the NE1/4 of the SW1/4 of Section 14, Township 3 South, Range 68 West of the 6th P.M., City and County of Denver, Colorado. 4.1.3. Source. South Platte River. 4.1.4. Amount Claimed. 176 cfs, cumulative for all diversion points, conditional. 4.1.5. Date of Appropriation. November 30, 2017. 4.1.5.1. How Appropriation was Initiated. The appropriation date is based upon the Filing of the second amended application in this case. 4.1.5.2. Date Water First Applied to Beneficial Use. Not applicable. 4.1.6. Uses. By this Application, ACWWA seeks a decree granting the right to use the ACWWA SPR1 Water Right for the same uses as described in paragraph 3.1.9 and its subparagraphs, above. Additionally, ACWWA seeks to store the water in Binder Reservoir, which is an off-channel reservoir located in the N1/2 of Section 15, Township 1 North, Range 66 West of the 6th P.M., Weld County, Colorado. 4.1.7. Name and Addresses of the Owner of the Diversion Structure Listed Above. 4.1.7.1. United Water and Sanitation District, 8301 East Prentice Avenue, Suite 100, Greenwood Village, Colorado, 80111 holds a perpetual easement, granted by Henderson Aggregate, LTD, for United Diversion Facility No. 3. The diversion structure is owned by United. 4.1.7.2. The Burlington Canal (a/k/a “Burlington/O’Brien Canal”) is owned by FRICO, 80 South 27th Avenue, Brighton, Colorado, 80601. **5. Claim for Conditional Recharge Water Rights or Plans for Augmentation**. 5.1. ACWWA Drouhard Recharge Right. 5.1.1. Name of Structure. Drouhard Recharge Site. 5.1.2. Recharge Location. The Drouhard Recharge Site is an off-channel recharge site located in the SE 1/2 of the SE1/4 of Section 30, Township 4 North, Range 66 West of the 6th P.M., Weld County, Colorado. 5.1.3. Points of Diversion. Water will be diverted from the South Platte River to the Drouhard Recharge Site from the following locations: 5.1.3.1. Farmers Independent Ditch. The Farmers Independent Ditch headgate is located in the SW1/4 of the SW1/4 of Section 19, Township 3 North, Range 66 West of the 6th P.M., Weld County, Colorado. 5.1.3.2. Western Mutual Ditch. The Western Mutual Ditch headgate is located in the SE1/4 of the SW1/4 of Section 11, Township 3 North, Range 67 West of the 6th P.M., Weld County, Colorado. 5.1.3.3. Milliken Reservoir. Water will be delivered from Milliken Reservoir through the bi-directional Drouhard Pipeline. The Drouhard Pipeline

is a bi-directional pipeline that will be located parallel to County Road 40.5 from the Drouhard Pond to Milliken Reservoir. The proposed diversion structure will divert water from the Milliken Reservoir in the NE1/4 of the SE1/4 of Section 26, Township 4 North, Range 67 West of the 6th P.M., Weld County, Colorado. The points of diversion for Milliken Reservoir are described in paragraphs 6.2.3.1, below.

5.1.3.4. Future Diversion Facilities. Any other existing facilities or facilities constructed in the future capable of delivering water to the Drouhard Recharge Site in which ACWWA is legally permitted to divert water.

5.1.4. Amount Claimed. 27 cfs cumulative for all points of diversion described above, conditional.

5.1.5. Date of Appropriation. December 14, 2016.

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

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

5.1.6. Rediversion of Other Sources. In addition to the new recharge water right described in this paragraph 5.1 and its subparagraphs, ACWWA may divert, either directly or by exchange, the water rights described in **Exhibit 4** for recharge in the Drouhard Recharge Site to generate accretion credits. ACWWA may also divert, directly or by exchange, any water rights and water supplies ACWWA acquires in the future, at the points of diversion described in paragraph 5.1.3 and its subparagraphs for delivery to the Drouhard Recharge Site to generate recharge accretions. ACWWA will add future acquired sources to the plan for augmentation claimed in this Application pursuant to section 37-92-305(8)(c) of the Colorado Revised Statutes, or successor statute.

5.1.7. Recharge Accretions. Water recharged into the alluvial aquifer will naturally flow down-gradient for accretion to the South Platte River. The quantity, timing, and location of accretions will be calculated and accounted for by ACWWA.

5.1.8. Uses for the Recharge Accretions. Water accreted back to the South Platte River will be used for the purposes decreed for each source of water listed in **Exhibit 4**, which may include, but is not limited to, augmentation, storage and refill, recharge, replacement, and exchange, as well as for the purposes described in paragraph 3.1.9 and its subparagraphs, above. Additionally, ACWWA seeks to store the water in Binder Reservoir, which is an off-channel reservoir located in the N1/2 of Section 15, Township 1 North, Range 66 West of the 6th P.M., Weld County, Colorado.

5.1.8.1. Use by ECCV. ACWWA may also lease and/or trade recharge accretions from the ACWWA Drouhard Recharge Right to ECCV for use in ECCV's augmentation plans, recharge projects, and exchanges, including those decree in Case Nos. 02CW403, 02CW404/03CW442, as amended by the decree entered in Case No. 10CW306, and Case Nos. 11CW285 and 11CW280, as well as the recharge projects and exchanges sought in Case No. 16CW3196, and including use to replace return flow obligations associated with previously changed shares. This water may also be used by ECCV, by lease or trade with ACWWA, pursuant to any future applications, so long those future applications list the ACWWA Drouhard Recharge Right as a source of supply or replacement water.

5.1.9. Name and Addresses of the Owner of the Diversion Facilities Listed Above.

5.1.9.1. Farmers Independent Ditch. The Farmers Independent Ditch is owned by the Farmers Independent Ditch Company, 3005 W. 29th St., Suite G-1, Greeley, CO 80631.

5.1.9.2. Western Mutual Ditch. The Western Mutual Ditch is owned by the Western Mutual Ditch Company, PO Box 282, LaSalle, CO 80645.

5.1.9.3. Milliken Reservoir. Milliken Reservoir is owned by the United Milliken Reservoir Enterprise, LLC, 8301 E. Prentice Ave, Suite 100, Greenwood Village, CO 80111 and Scout Investments, LLC, 8301 E. Prentice Ave, Suite 100, Greenwood Village, CO 80111.

5.2. ACWWA Brighton Lateral Recharge Right.

5.2.1. Name of Structure. Brighton Lateral.

5.2.2. Recharge Location. Recharge will occur within the Brighton Lateral. Water is delivered to the headgate of the Brighton Lateral from the diversion points from the South Platte River listed in paragraph 5.2.3, below. The headgate for the Brighton Lateral is located in the NE1/4 of the SE1/4 of Section 29, Township 1 South, Range 66 West of the 6th P.M., Adams County, Colorado.

5.2.3. Points of Diversion.

5.2.3.1. United Diversion Facility No. 3. The headgate is on the east bank of the South Platte River in the SW1/4 of Section 26, Township 1 South, Range 67 West of the 6th P.M., Adams County, Colorado. United Diversion Facility No. 3 delivers water to the United No. 3 Reservoir, from which water is delivered through the Beebe Pipeline to the Brighton Lateral through a turn-out in the Beebe Pipeline.

5.2.3.2. Burlington Canal (a/k/a "Burlington/O'Brien Canal"). The Burlington Canal headgate is located on the

east bank of the South Platte River, in the NE1/4 of the SW1/4 of Section 14, Township 3 South, Range 68 West of the 6th P.M., City and County of Denver, Colorado. Water is delivered from the Burlington Canal to the Brighton Lateral. 5.2.4. Amount Claimed. 13 cfs cumulative for all points of diversion described above, conditional. 5.2.5. Date of Appropriation. December 14, 2016. 5.2.5.1. How Appropriation was Initiated. The appropriation date is based upon the Resolution passed by the ACWWA Board of Directors on December 14, 2016. The Notice of Appropriation was posted on December 15, 2016, a copy of which is attached as **Exhibit 3**. 5.2.5.2. Date Water First Applied to Beneficial Use. Not applicable. 5.2.6. Rediversion of Other Sources. In addition to the new recharge water right described in this paragraph 5.2 and its subparagraphs, ACWWA may divert, either directly or by exchange, the water rights described in **Exhibit 4** for recharge in the Brighton Lateral to generate accretion credits. ACWWA may also divert, directly or by exchange, any water rights and water supplies ACWWA acquires in the future, at the points of diversion described in paragraph 5.2.3 and its subparagraphs, above, for delivery to the Brighton Lateral to generate recharge accretions. ACWWA will add future acquired sources to the plan for augmentation claimed in this Application pursuant to section 37-92-305(8)(c) of the Colorado Revised Statutes, or successor statute. 5.2.7. Recharge Accretions. Water recharged into the alluvial aquifer will naturally flow down-gradient for accretion to the South Platte River. The quantity, timing, and location of accretions will be calculated and accounted for by ACWWA. 5.2.8. Uses for the Recharge Accretions. Water accreted back to the South Platte River will be used for the purposes decreed for each source of water listed in **Exhibit 4**, which may include, but is not limited to, augmentation, storage and refill, recharge, replacement, and exchange, as well as for the purposes described in paragraph 3.1.9 and its subparagraphs, above. Additionally, ACWWA seeks to store the water in Binder Reservoir, which is an off-channel reservoir located in the N1/2 of Section 15, Township 1 North, Range 66 West of the 6th P.M., Weld County, Colorado. 5.2.8.1. Use by ECCV. ACWWA may also lease and/or trade recharge accretions from the ACWWA Brighton Lateral Recharge Right to ECCV for use in ECCV's augmentation plans, recharge projects, and exchanges, including those decree in Case Nos. 02CW403, 02CW404/03CW442, as amended by the decree entered in Case No. 10CW306, and Case No. 11CW285 and 11CW280, as well as the recharge projects and exchanges sought in Case Nos. 16CW3196, and including use to replace return flow obligations associated with previously changed shares. This water may also be used by ECCV, by lease or trade with ACWWA, pursuant to any future applications, so long those future applications list the ACWWA Brighton Lateral Recharge Right as a source of supply or replacement water. 5.2.9. Name and Addresses of the Owner of the Diversion Facilities Listed Above. 5.2.9.1. United Water and Sanitation District, 8301 East Prentice Avenue, Suite 100, Greenwood Village, Colorado, 80111 holds a perpetual easement, granted by Henderson Aggregate, LTD, for United Diversion Facility No. 3. The diversion structure is owned by United. 5.2.9.2. The Burlington Canal (a/k/a "Burlington/O'Brien Canal") is owned by FRICO, 80 South 27th Avenue, Brighton, Colorado, 80601. 5.3. ACWWA Brighton Lateral Recharge Site Right. 5.3.1. Name of Structure. Brighton Lateral Recharge Site. 5.3.2. Recharge Location. The Brighton Lateral Recharge Site is an off-channel recharge site located in the S1/2 of Section 15, Township 1 North, Range 66 West of the 6th P.M., Weld County, Colorado. 5.3.3. Points of Diversion. 5.3.3.1. United Diversion Facility No. 3. The headgate is on the east bank of the South Platte River in the SW1/4 of Section 26, Township 1 South, Range 67 West of the 6th P.M., Adams County, Colorado. United Diversion Facility No. 3 delivers water to the United No. 3 Reservoir, from which water is delivered through the Beebe Pipeline to the Brighton Lateral through a turn-out in the Beebe Pipeline. Water is conveyed through the Brighton Lateral to the Brighton Lateral Recharge Site. 5.3.3.2. Burlington Canal (a/k/a "Burlington/O'Brien Canal"). The Burlington Canal headgate is located on the east bank of the South Platte River, in the NE1/4 of the SW1/4 of Section 14, Township 3 South, Range 68 West of the 6th P.M., City and County of Denver, Colorado. Water is delivered from the Burlington Canal to the Brighton Lateral and thence to the Brighton Lateral Recharge Site. 5.3.4. Amount Claimed. 42 cfs cumulative for all points of diversion described above, conditional. 5.3.5. Date of Appropriation. December 14, 2016. 5.3.5.1. How Appropriation was Initiated. The appropriation date is based upon the Resolution passed by the ACWWA Board of Directors on December 14, 2016. The Notice of Appropriation was posted on

December 15, 2016, a copy of which is attached as **Exhibit 3**. 5.3.5.2. Date Water First Applied to Beneficial Use. Not applicable. 5.3.6. Rediversion of Other Sources. In addition to the new recharge water right described in this paragraph 5.3 and its subparagraphs, ACWWA may divert, either directly or by exchange, the water rights described in **Exhibit 4** for recharge in the Brighton Lateral Recharge Site Right to generate accretion credits. ACWWA may also divert, directly or by exchange, any water rights and water supplies ACWWA acquires in the future, at the points of diversion described in paragraph 5.3.3 and its subparagraphs, above, for delivery to the Brighton Lateral Recharge Site Right to generate recharge accretions. ACWWA will add future acquired sources to the plan for augmentation claimed in this Application pursuant to section 37-92-305(8)(c) of the Colorado Revised Statutes, or successor statute. 5.3.7. Recharge Accretions. Water recharged into the alluvial aquifer will naturally flow down-gradient for accretion to the South Platte River. The quantity, timing, and location of accretions will be calculated and accounted for by ACWWA. 5.3.8. Uses for the Recharge Accretions. Water accreted back to the South Platte River will be used for the purposes decreed for each source of water listed in **Exhibit 4**, which may include, but is not limited to, augmentation, storage and refill, recharge, replacement, and exchange, as well as for the purposes described in paragraph 3.1.9 and its subparagraphs, above. Additionally, ACWWA seeks to store the water in Binder Reservoir, which is an off-channel reservoir located in the N1/2 of Section 15, Township 1 North, Range 66 West of the 6th P.M., Weld County, Colorado. 5.3.8.1. Use by ECCV. ACWWA may also lease and/or trade recharge accretions from the ACWWA Brighton Lateral Recharge Site Right to ECCV for use in ECCV's augmentation plans, recharge projects, and exchanges, including those decree in Case Nos. 02CW403, 02CW404/03CW442, as amended by the decree entered in Case No. 10CW306, and Case Nos. 11CW285 and 11CW280, as well as the recharge projects and exchanges sought in Case No. 16CW3196, and including use to replace return flow obligations associated with previously changed shares. This water may also be used by ECCV, by lease or trade with ACWWA, pursuant to any future applications, so long those future applications list the ACWWA Brighton Lateral Recharge Site Right as a source of supply or replacement water. 5.3.9. Name and Addresses of the Owner of the Diversion Facilities Listed Above. 5.3.9.1. United Water and Sanitation District, 8301 East Prentice Avenue, Suite 100, Greenwood Village, Colorado, 80111 holds a perpetual easement, granted by Henderson Aggregate, LTD, for United Diversion Facility No. 3. The diversion structure is owned by United. 5.3.9.2. The Burlington Canal (a/k/a "Burlington/O'Brien Canal") is owned by FRICO, 80 South 27th Avenue, Brighton, Colorado, 80601. **APPROPRIATIVE RIGHTS OF EXCHANGE** The 2016 ACWWA South Platte River and St. Vrain Creek Exchange, the 2016 ACWWA Cache la Poudre Exchange, and the 2016 ACWWA Beebe Canal Exchange, further described below, are collectively referred to in this Application as the "2016 ACWWA Exchanges." **6. Claim for Appropriative Rights of Substitution and Exchange - 2016 ACWWA South Platte River ("SPR") and St. Vrain Creek Exchange**. 6.1. Exchange-From Points. 6.1.1. SPR Reach 5. 6.1.1.1. Downstream End Point of South Platte River Reach 5 - Confluence of Beaver Creek and the South Platte River. Located in the NW1/4 of the SW1/4 of Section 4, Township 4 North, Range 55 West, of the 6th P.M., Morgan County, Colorado. ACWWA does not seek to exchange water up Beaver Creek. For purposes of the appropriative rights of exchange decreed herein, the confluence of Beaver Creek and the South Platte River is also the downstream end point of SPR Reach 5. SPR Reach 5 was decreed at paragraph 19.1.8 of the 306 Decree as an administrative reach of the South Platte River for ACWWA's augmentation plans approved in the 306 Decree. SPR Reach 5 is located below the Bijou Canal headgate to the confluence of Beaver Creek and the South Platte River. The Bijou Canal headgate is located on the south bank of the South Platte River in the NE1/4 of the NE1/4 of Section 13, Township 4 North, Range 63 West, of the 6th P.M., Morgan County, Colorado, at a point approximately 95 feet west of the east section line and 604 feet south of the north section line of said section. 6.1.1.2. Teague Return Pipeline. United has an easement to use an existing pipeline that extends from a parcel located approximately ten miles south of the Fort Morgan Canal and crosses underneath the Cana in the NE1/4 of the SW1/4 of Section 13, Township 3 North, Range 57 West of the 6th P.M., Morgan County, Colorado, and discharges to the South Platte River in the SW1/4 of the NW1/4 of Section 30, Township 4 North, Range 56 West of the 6th P.M., Morgan County, Colorado. 6.1.1.3. Fort

Morgan Canal Quantification Point. The location where return flow accretions and future recharge accretions from the Fort Morgan farms will accrue to the South Platte River above the Lower Platte & Beaver headgate, located in the NW1/4 of the NW1/4 of Section 35, Township 4 North, Range 57 West, 6th P.M., Morgan County Colorado. 6.1.1.4. Weldon Valley Ditch Augmentation Station. An augmentation station located at the end of Weldon Valley Ditch in the SE1/4 of Section 7, Township 4 North, Range 58 West of the 6th P.M., Morgan County, Colorado. This augmentation station delivers water to the South Platte River below the Fort Morgan Canal headgate. 6.1.1.5. Weldon Valley Ditch Central/ACWWA Augmentation Station. An augmentation station located where the Weldon Valley Ditch crosses the west line of the NE1/4 of Section 3, Township 4 North, Range 60 West of the 6th P.M., Morgan County, Colorado. This augmentation station returns water south via a pipeline to a channel that discharges to the South Platte River in the NE1/4 of the NE1/4 of said Section 3. 6.1.1.6. ACWWA 70 Ranch Recharge Project Quantification Point. The ACWWA 70 Ranch Recharge Project was decreed in Case Nos. 10CW306 (“306 Decree”). The Quantification Point for recharge accretions from the ACWWA 70 Ranch Recharge Project is the farthest downstream point at which recharge accretions from the ACWWA 70 Ranch Recharge Project accrue to the South Platte River at the west section line of Section 23, Township 4 North, Range 62 West of the 6th P.M., Weld County, Colorado, as the section line intersects with the South Platte River. 6.1.2. SPR Reach 4. 6.1.2.1. Downstream End Point of South Platte River Reach 4 – Bijou Canal Headgate. SPR Reach 4 was decreed at paragraph 19.1.7 of the 306 Decree as an administrative reach of the South Platte River for ACWWA’s augmentation plans approved in the 306 Decree. SPR Reach 4 is located from the Empire Inlet Canal headgate, located in the SW1/4 of the SW1/4 of Section 19, Township 5 North, Range 63 West of the 6th P.M., Weld County, Colorado, to the Bijou Canal headgate, located on the south bank of the South Platte River, in the NE1/4 of the NE1/4 of Section 13, Township 4 North, Range 63 West, of the 6th P.M., Morgan County, Colorado, at a point approximately 95 feet west of the east section line and 604 feet south of the north section line of said section. 6.1.2.2. Hardin Seep. Located in the NW1/4 of the NW1/4 of Section 2, Township 4 North, Range 63 West of the 6th P.M., Weld County, Colorado. 6.1.2.3. 70 Ranch Reservoir. Located in the SE1/4 of Section 34, Township 5 North, Range 63 West of the 6th P.M., Weld County, Colorado. The preliminarily designed outlet structure for 70 Ranch Reservoir will allow releases from 70 Ranch Reservoir by gravity flow back to the South Platte River at a point in the SE1/4 of Section 34, Township 5 North, Range 63 West of the 6th P.M., Weld County, Colorado. 6.1.3. SPR Reach 3. 6.1.3.1. Downstream End Point of South Platte River Reach 3 – Empire Inlet Canal Headgate. SPR Reach 3 was decreed at paragraph 19.1.6 of the 306 Decree as an administrative reach of the South Platte River for ACWWA’s augmentation plans approved in the 306 Decree. SPR Reach 3 is located from the Lower Latham Ditch headgate, located in the NW1/4 of the NE1/4 of Section 31, Township 5 North, Range 65 West of the 6th P.M., Weld County, Colorado, to the Empire Inlet Canal headgate, located in the SW1/4 of the SW1/4 of Section 19, Township 5 North, Range 63 West of the 6th P.M., Weld County, Colorado. 6.1.3.2. Confluence of Crow Creek and the South Platte River. Located in SE1/4 of the NE1/4 of Section 24, Township 5 North, Range 64 West of the 6th P.M., Weld County, Colorado. Prior to delivery to the confluence of Crow Creek and the South Platte River for exchange, ACWWA intends to divert certain sources of substitute supply, as described in **Exhibit 4**, from the Cache la Poudre River and deliver the substitute supplies from said Canal to Crow Creek in the NW1/4 of the SW1/4 of Section 25, Township 6 North, Range 64 West of the 6th P.M., Weld County, Colorado, where the substitute supplies will be conveyed to the confluence with the South Platte River. 6.1.3.3. Confluence of Lone Tree Creek and the South Platte River. Located in the SE1/4 of the SE1/4 of Section 6, Township 5 North, Range 64 West of the 6th P.M., Weld County, Colorado. Prior to delivery to the confluence of Lone Tree Creek and the South Platte River for exchange, ACWWA intends to divert certain sources of substitute supply, as described in **Exhibit 4**, from the Cache la Poudre River to Lone Tree Creek, in the NE1/4 of the NW1/4 of Section 15, Township 6 North, Range 65 West of the 6th P.M., Weld County, Colorado, where substitute supplies will be conveyed to the confluence with the South Platte River. 6.1.3.4. Confluence of the Cache la Poudre River and the South Platte River. Located in the SW1/4 of the SW1/4 (Lot 4) of Section 6, Township 5 North, Range 64 West of the 6th P.M., Weld County, Colorado, the centroid being

590 feet from the west section line and 4,760 feet from the north section line. ACWWA will deliver its sources of substitute supply to the confluence of the Cache la Poudre River and the South Platte River by conveying certain sources of substitute supply, as described in **Exhibit 4**, down the Cache la Poudre River to its confluence with the South Platte River; and/or (2) delivering certain sources of substitute supply including its tributaries.

6.1.4. SPR Reach 2. 6.1.4.1. Downstream End Point of South Platte River Reach 2 – Lower Latham Headgate. SPR Reach 2 was decreed at paragraph 19.1.5 of the 306 Decree as an administrative reach of the South Platte River for ACWWA’s augmentation plans approved in the 306 Decree. SPR Reach 2 is located from the Western Mutual Ditch headgate, located in the SE1/4 of the SW1/4 of Section 11, Township 3 North, Range 67 West of the 6th P.M., Weld County, Colorado, to the Lower Latham Ditch headgate, located in the NW1/4 of the NE1/4 of Section 31, Township 5 North, Range 65 West of the 6th P.M., Weld County, Colorado.

6.1.4.2. Milliken Reservoir Outlet Structures. Milliken Reservoir has several outlets capable of returning water to the South Platte River at the following locations: (1) the SE1/4 of the NW1/4 of Section 2, Township 3 North, Range 67 West of the 6th P.M., Weld County, Colorado; (2) the NW1/4 of the NW1/4 of Section 35, Township 4 North, Range 67 West of the 6th P.M., Weld County, Colorado; and (3) the SW1/4 of the NE1/4 of Section 26, Township 4 North, Range 67 West of the 6th P.M., Weld County, Colorado; (4) North Diversion structure located on the South Platte River downstream of the confluence with the St. Vrain River, in the NE1/4 of the SW1/4 of Section 26, Township 4 North, Range 67 West of the 6th P.M., Weld County, Colorado; (5) Pump Station No. 1 located at SW1/4 of the SW1/4 of Section 35, Township 4 North, Range 67 West of the 6th P.M., Weld County, Colorado; and (6) Pump Station No. 2 located in Section 34, Township 4 North, Range 67 West of the 6th P.M., Weld County, Colorado near the confluence of the St. Vrain and South Platte Rivers.

6.1.4.3. Confluence of St. Vrain Creek and the South Platte River. Located in the SW1/4 of the NE1/4 of Section 34, Township 4 North, Range 67 West of the 6th P.M., Weld County, Colorado. From this point, water will be exchanged up St. Vrain Creek to the St. Vrain Pipeline Diversion, described below.

6.1.4.4. Haren Recharge Accretions and Release. The point at which water recharged or discharged at the Haren Recharge Site accretes to the South Platte River is located in the SW1/4 of Section 8, Township 4 North, Range 66 West of the 6th P.M., Weld County, Colorado.

6.1.4.5. Drouhard Recharge Accretions and Release. The location at which water recharged or discharged at the Drouhard Recharge Site accretes to the South Platte River is located in the E1/2 of the SE1/4 of Section 24, Township 4 North, Range 67 West of the 6th P.M., Weld County, Colorado.

6.1.4.6. Brownwood Augmentation Station. Located in the NW1/4 of Section 25, Township 4 North, Range 67 West of the 6th P.M., Weld County, Colorado, approximately 4.6 miles down ditch from the Western Mutual Ditch headgate.

6.1.4.7. Farmers Independent Ditch Pipeline. Located in the NE1/4 of the SE1/4 of Section 36, Township 5 North, Range 66 West of the 6th P.M., Weld County, Colorado.

6.1.5. SPR Reach 1. 6.1.5.1. Downstream End Point of South Platte River Reach 1 – FIDCo Upper Augmentation Station. Located in the SE1/4 of the NE1/4 of Section 24, Township 3 North, Range 67 West of the 6th P.M., Weld County, Colorado.

6.1.5.2. Binder Pipeline. Located on the east bank of the South Platte River in the NW1/4 of Section 18, Township 1 North, Range 66 West of the 6th P.M., Weld County, Colorado.

6.1.5.3. Brighton Lateral and Brighton Lateral Recharge Site Accretions. Accretions from water recharged in the Brighton Lateral and Brighton Lateral Recharge Site will accrue to the South Platte River and will be quantified at the following locations:

6.1.5.3.1. Upper Brighton Lateral Quantification Point. Located above the Brighton Ditch headgate, which is located in the SE 1/4 of the SE 1/4 of Section 11, Township 1 South, Range 67 West of the 6th P.M., Adams County, Colorado.

6.1.5.3.2. Middle Brighton Lateral Quantification Point. Located above the Lupton Bottom Ditch headgate, which is located in the NW 1/4 of the SW 1/4 of Section 19, Township 1 North, Range 66 West of the 6th P.M., Weld County, Colorado.

6.1.5.3.3. Lower Brighton Lateral Quantification Point. Located above the Platteville Ditch headgate, which is located in the SE 1/4 of the SE 1/4 of Section 11, Township 1 South, Range 67 West of the 6th P.M., Adams County, Colorado.

6.1.5.4. Fulton Irrigating Ditch Augmentation Stations. ACWWA will use the following augmentation structures to deliver certain sources of substitute supply from the Fulton Irrigating Ditch to the South Platte River: (1) Upper Augmentation Station is located in the SE1/4 NW1/4 of Section 7, Township 1 North, Range 66 West of the 6th P.M., and delivers water to

the South Platte River in the SE1/4 of the NW1/4 of Section 7, Township 1 North, Range 66 West of the 6th P.M.; (2) Ft. Lupton Augmentation Station is located in the NW 1/4 of Section 9, Township 1 North, Range 66 West of the 6th P.M., and delivers water to the South Platte River in the NW1/4 SE1/4 of Section 31, Township 2 North, Range 66 West of the 6th P.M.; (3) Lower Augmentation Station may be constructed at the head of the Fulton Wasteway, located in the NE1/4 of the SE1/4 of Section 28, Township 2 North, Range 66 West of the 6th P.M., and would deliver water to the South Platte River in the NW1/4 of the NE1/4 of Section 30, Township 2 North, Range 66 West of the 6th P.M.; (4) Midland Fulton Augmentation Station is located in the SW1/4 of the NE1/4 of Section 5, Township 1 South, Range 66 West of the 6th P.M., and delivers water to the South Platte River via the City of Brighton's North Storm Drain Outfall in or near the SE1/4 of the SW1/4 of the SW1/4 of Section 31, Township 1 North, Range 66 West of the 6th P.M.; and (5) 148th Avenue Augmentation Station on the Fulton Ditch is located on the south edge of the SW1/4 of the NW1/4 of Section 17, Township 1 South, Range 66 West of the 6th P.M., and delivers water to the South Platte River via the outlet of Ken Mitchell Lakes which is located in the SE1/4 of Section 11, Township 1 South, Range 67 West of the 6th P.M. approximately 416 feet from the South Section line and 1,071 feet from the East Section line.

6.1.5.5. United Reservoir No. 3 Discharge Point. The point of discharge from United Reservoir No. 3 to the South Platte River is located on the east bank of the South Platte River, in the SW1/4 of Section 26, Township 1 South, Range 67 West of the 6th P.M., Adams County, Colorado, located 1,636 feet east of the west line and 1,531 feet north of the south line of said Section 26.

6.1.5.6. St. Vrain Pipeline. The point of discharge from the St. Vrain Pipeline to the South Platte River will be located in one of the following locations: (1) at a point located upstream of the Highway 66 Bridge as it crosses the South Platte River, which will deliver water to the South Platte River in the SW1/4 of the SW1/4 of Section 19, Township 3 North, Range 66 West of the 6th P.M., Weld County, Colorado; (2) at a point upstream of the Highway 66 Bridge as it crosses the South Platte River, which will deliver water to the South Platte River in the SE1/4 of the SE1/4 of Section 24, Township 3 North, Range 67 West of the 6th P.M., Weld County, Colorado, or the SE1/4 of Section 25, Township 3 North, Range 67 West of the 6th P.M., Weld County, Colorado; or (3) at a point near the SW1/4 of the SE1/4 of Section 11, Township 3 North, Range 67 West of the 6th P.M., Weld County, Colorado. The Exchange-From Points are shown on the map attached to the Application as **Exhibit 2**.

6.2. Exchange-To Points. 6.2.1. SPR Reach 4. 6.2.1.1. 70 Ranch Reservoir Surface Diversion. The surface diversion facility for the 70 Ranch Reservoir will be located in the NW1/4 of the SE1/4 of Section 34, Township 5 North, Range 63 West of the 6th P.M., Weld County, Colorado. 6.2.1.2. United Diversion Facility No. 1. If an agreement with the Riverside Irrigation District and Riverside Reservoir Company ("Riverside") is obtained, the headgate will be located at the existing headgate for the Riverside Intake Canal. The existing headgate for the Riverside Canal Intake is located on the north bank of the South Platte River in the SW1/4 of the SW1/4 of Section 20, Township 5 North, Range 63 West of the 6th P.M., Weld County, Colorado. Absent an agreement with Riverside, the headgate will be located on the north bank of the South Platte River in the S1/2 of the SW1/4 of Section 20, Township 5 North, Range 63 West of the 6th P.M., Weld County, Colorado between the headgate of the Riverside Intake Canal and the west section line of Section 20, Township 5 North, Range 63 West, 6th PM, at a location to be established within that reach, approximately 200 yards in extent. 6.2.2. SPR Reach 3. 6.2.2.1. Powell Spillway. Pumping depletions that accrue to the South Platte River at the Powell Spillway will be replaced at the SE1/4 of the SW1/4 of Section 14, Township 5 North, Range 65 West of the 6th P.M., Weld County, Colorado. 6.2.2.2. Confluence of the Cache la Poudre River and the South Platte River. Located in the SW1/4 of the SW1/4 (Lot 4) of Section 6, Township 5 North, Range 64 West of the 6th P.M., Weld County, Colorado, the centroid being 590 feet from the west section line and 4,760 feet from the north section line. 6.2.3. SPR Reach 2. 6.2.3.1. Milliken Reservoir Diversion Points. Water will be diverted by exchange into Milliken Reservoir from the South Platte River at the following diversion facilities: 6.2.3.1.1. South Diversion. A point of diversion for Milliken Reservoir may be located adjacent to the Jay Thomas Ditch Diversion Dam, on the east bank of the South Platte River, in the NW1/4 of the NW1/4 of Section 11, Township 3 North, Range 67 West of the 6th P.M., Weld County, Colorado (referred to as the "South Diversion"). 6.2.3.1.2. North Diversion. A point of diversion for

Milliken Reservoir may be located on the South Platte River, downstream of the confluence with the St. Vrain River, in the NE1/4 of the SW1/4 of Section 26, Township 4 North, Range 67 West of the 6th P.M., Weld County Colorado (referred to as the “North Diversion”). 6.2.3.1.3. Milliken Pumps. (1) Pump Station No. 1 located at SW1/4 of the SW1/4 of Section 35, Township 4 North, Range 67 West of the 6th P.M., Weld County, Colorado; and (2) Pump Station No. 2 located in Section 34, Township 4 North, Range 67 West of the 6th P.M., Weld County, Colorado near the confluence of the St. Vrain and South Platte Rivers. 6.2.3.1.4. Western Mutual Ditch Headgate. The point of diversion for the Western Mutual Ditch Headgate is located on the South Platte River, in the SE1/4 of the SW1/4 of Section 11, Township 3 North, Range 67 West of the 6th P.M., Weld County, Colorado. Water will be delivered to Milliken Reservoir through an interconnect between the Western Mutual Ditch and Milliken Reservoir. 6.2.3.2. Western Mutual Ditch Headgate. Described in paragraph 6.2.3.1.4, above. 6.2.4. SPR Reach 1. 6.2.4.1. Farmers Independent Ditch Headgate. The Farmers Independent Ditch headgate is located on the east bank of the South Platte River, in the SW1/4 of Section 19, Township 3 North, Range 66 West of the 6th P.M., Weld County, Colorado. ACWWA will deliver water from the Farmers Independent Ditch headgate to the Drouhard Recharge Site. 6.2.4.2. Binder Pipeline. Binder Pipeline will divert water from the east bank of the South Platte River, in the NW1/4 of Section 18, Township 1 North, Range 66 West of the 6th P.M., Weld County, Colorado. Substitute supplies exchanged and conveyed through Binder Pipeline will be delivered to Binder Reservoir. 6.2.4.3. United Diversion Facility No. 3. United Diversion Facility No. 3 is located on the east bank of the South Platte River, in the SW1/4 of Section 26, Township 1 South, Range 67 West of the 6th P.M., Adams County, Colorado, located 1,636 feet east of the west line and 1,531 feet north of the south line of said Section 26. Substitute supplies exchanged and diverted at United Diversion Facility No. 3 will be delivered to United Reservoir No. 3. Water stored in United Reservoir No. 3 can be delivered to Barr Lake through the Beebe Pipeline pursuant to the decree entered in Case No. 02CW403 (“403 Decree”). Water stored in Barr Lake can be delivered to Milton Lake via the Beebe Draw. From Barr Lake the water can also be delivered through a drainage seep to and through Brighton Lateral to Binder Reservoir, or through the FRICO delivery canals in the Beebe Draw to Highlands Reservoir. Water can also be delivered from United No. 3 through the Beebe Pipeline to and through the Brighton Lateral to Binder Reservoir. 6.2.4.4. Burlington Canal Headgate. The Burlington Canal headgate is, pursuant to a changed point of diversion approved in the 403 Decree, located on the east bank of the South Platte River, in the NE1/4 of the SW1/4 of Section 14, Township 3 South, Range 68 West of the 6th P.M., City and County of Denver, Colorado. Substitute supplies exchanged and diverted at the Burlington Canal headgate will be delivered to Barr Lake. Water stored in Barr Lake can be delivered to Milton Lake via the Beebe Draw. From Barr Lake, the water can also be delivered through a drainage seep to and through Brighton Lateral to Binder Reservoir, or through the FRICO delivery canals in the Beebe Draw to Highlands Reservoir. ACWWA may also deliver water to recharge facilities in the Beebe Draw pursuant to the terms and conditions of the ECCV Beebe Draw Recharge Project approved in the 404/442 and 306 Decrees. Water can also be delivered from the Burlington Canal through the Beebe Pipeline to and through the Brighton Lateral to Binder Reservoir. 6.2.4.5. St. Vrain Pipeline. The St. Vrain Pipeline will divert from the St. Vrain River from the following two locations: (1) 500 feet west and 200 feet north of the SE corner of Section 20, Township 3 North, Range 67 West of the 6th P.M. Weld County, Colorado and (2) the NW1/4 of the NW1/4 of Section 10, Township 3 North, Range 67 West of the 6th P.M., Weld County, Colorado. The Exchange-To Points are shown on the map attached to the Application as **Exhibit 2**. 6.3. Rates on the Appropriative Rights of Exchange. 6.3.1. Exchange Matrix. The maximum exchange rates in cubic feet per second for the conditional appropriative rights of exchange are set forth in the Exchange Matrix attached as **Exhibit 5**. 6.4. Date of Appropriation. December 14, 2016. 6.4.1. How Appropriation was Initiated. The appropriation date is based upon the Resolution passed by the ACWWA Board of Directors on December 14, 2016. The Notice of Appropriation was posted on December 15, 2016, a copy of which is attached as **Exhibit 3**. 6.4.2. Date Water First Applied to Beneficial Use. Not applicable. 6.5. Uses. Substitute supplies exchanged to the Exchange-To Points described above and discharged to the South Platte River may be used for the same purposes for which the source water is decreed and may be exchanged multiple times as necessary to

place the water to its decreed uses. 6.6. Sources of Substitute Supply for 2016 ACWWA South Platte River and St. Vrain Exchange. 6.6.1. Existing Water Rights Portfolio. **Exhibit 4** is a list of the sources of substitute supply claimed herein for the 2016 ACWWA South Platte River and St. Vrain Creek Exchange. 6.6.2. Future Acquired Sources. ACWWA intends to acquire and/or lease additional water supplies in the future for use as a source of supply for the exchanges described in this Application. To the extent that this future acquired water is available at the exchange-from points listed above, ACWWA seeks to allow such sources to serve as substitute supplies for the exchanges. 7. **Claim for Appropriative Rights of Substitution and Exchange - 2016 ACWWA Cache la Poudre River Exchange.** 7.1. Exchange-From Points. 7.1.1. Serfer Augmentation Station Discharge. Water will be delivered through the proposed Serfer Augmentation Station that will discharge to the Cache la Poudre River in the SW 1/4 of the NW 1/4 of Section 13, Township 6 North, Range 68 West of the 6th P.M., Larimer County, Colorado. 7.1.2. Serfer Pit. Releases to the Cache la Poudre River from Serfer Pit will be made at the NE1/4 of the NE1/4 of Section 24, Township 6 North, Range 68 West of the 6th P.M., Weld County, Colorado. 7.1.3. Confluence of the Cache la Poudre River and the John Law Seepage Ditch, located in the SE1/4 of the NW1/4 of Section 35, Township 6 North, Range 67 West of the 6th P.M., Weld County, Colorado. 7.1.4. Confluence of the Cache la Poudre River and the Orr Lateral, located in the NW1/4 of the SW1/4 of Section 32, Township 6 North, Range 66 West of the 6th P.M., Weld County, Colorado. 7.1.5. Confluence of the Cache la Poudre River and the Graham Seep, located in the NW1/4 of the NE1/4 of Section 36, Township 6 North, Range 66 West of the 6th P.M., Weld County, Colorado. 7.1.6. Confluence of the Cache la Poudre River and Eaton Draw, located in the NE1/4 of the SW1/4 of Section 32, Township 6 North, Range 65 West of the 6th P.M. Weld County, Colorado. 7.1.7. Confluence of the Cache la Poudre River and Sand Creek, located in the in the NE1/4 of the NW1/4 of Section 11, Township 5 North, Range 65 West of the 6th P.M., Weld County, Colorado. 7.1.8. Confluence of the Cache la Poudre River and the South Platte River. Located in the SW1/4 of the SW1/4 (Lot 4) of Section 6, Township 5 North, Range 64 West of the 6th P.M., Weld County, Colorado, the centroid being 590 feet from the west section line and 4,760 feet from the north section line. The Exchange-From Points are shown on the map attached to the Application as **Exhibit 2.** 7.2. Exchange-To Points. 7.2.1. Serfer Pit. Diversions from the Cache la Poudre River into Serfer Pit will be made at the NE1/4 of the NE1/4 of Section 24, Township 6 North, Range 68 West of the 6th P.M., Weld County, Colorado. The location of the Serfer Pit is shown on the map attached as **Exhibit 2.** 7.2.2. Greeley Canal No. 2 Headgate. is located on the northern bank of the Cache la Poudre River, in the NE1/4 of Section 11, Township 6 North, Range 68 West of the 6th P.M., Larimer County, Colorado. 7.3. Rates on the Appropriative Right of Exchange. 7.3.1. Exchange Matrix. The maximum exchange rates in cubic feet per second for the 2016 ACWWA Cache la Poudre River Exchange are set forth in the Exchange Matrix attached as **Exhibit 6.** 7.4. Date of Appropriation. December 14, 2016. 7.4.1. How Appropriation was Initiated. The appropriation date is based upon the Resolution passed by the ACWWA Board of Directors on December 14, 2016. The Notice of Appropriation was posted on December 15, 2016, a copy of which is attached as **Exhibit 3.** 7.4.2. Date Water First Applied to Beneficial Use. Not applicable. 7.5. Uses. Substitute supplies exchanged to Serfer Pit described above and discharged to the Cache la Poudre River may be used for the same purposes for which the source water is decreed and may be exchanged multiple times as necessary to place the water to its decreed uses. 7.6. Sources of Substitute Supply. 7.6.1. Existing Water Rights Portfolio. **Exhibit 4** is a list of the sources of substitute supply claimed herein for the appropriative rights of exchange. 7.6.2. Future Acquired Sources. ACWWA intends to acquire and/or lease additional water supplies in the future for use as a source of supply for the exchanges described in this Application. To the extent that this future acquired water is available at the exchange-from points listed above, ACWWA seeks to allow such sources to serve as substitute supplies for the exchanges. 8. **Claim for Appropriative Rights of Substitution and Exchange - 2016 ACWWA Beebe Canal Exchange.** 8.1. Exchange-From Points. 8.1.1. Highlands Reservoir. Highlands Reservoir is located in the Beebe Draw, as described above in paragraph 3.3.2, above. Water will be released to the Beebe Seep Canal through the outlet works of Highlands Reservoir. The location of the outlet structure for Highlands Reservoir has not yet been finally

determined. The preliminary design anticipates that Highlands Reservoir will be gravity drained under Weld County Road (“WCR”) 39 into the existing drainage that has pipe crossings of the railroad and Interstate 76, and then flows west on the south side of WCR 4 to the Beebe Draw in the NW1/4 of the NE1/4 of Section 31, Township 1 North, Range 65 West of the 6th P.M., Weld County, Colorado. An inlet structure from the Beebe Seep Canal, the potential locations of which are described above in paragraph 3.3.3.3, may be designed to also deliver water from Highlands Reservoir to the Beebe Seep Canal, and as an outlet structure it would also be an exchange-from point.

8.1.2. Milton Lake. Milton Lake is located in Sections 10, 11, 14, 15, 22, and 23, Township 3 North, Range 65 West of the 6th P.M., Weld County, Colorado.

8.1.3. Beebe Seep Canal: Accretions occur to the Beebe Seep Canal. To the extent there is a live stream in the Beebe Seep Canal accretions can be diverted by exchange at the exchange to points described below. The Exchange-From Points are shown on the map attached to the Application as **Exhibit 2**.

8.2. Exchange-To Points.

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

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

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

8.2.4. Bowles Seep Headgate. The headgate for the Bowles Seep is located in the NE1/4 of the SW1/4 of Section 31, Township 1 North, Range 65 West, 6th P.M., Weld County, Colorado.

8.2.5. East Neres Headgate. The headgate for the East Neres is located in the SW1/4 of the NE1/4 of Section 10, Township 2 North, Range 65 West, 6th P.M., Weld County, Colorado.

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

8.3. Rates on the Appropriative Right of Exchange.

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

8.4. Date of Appropriation. December 14, 2016.

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

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

8.5. Uses. Water diverted by exchange under the 2016 ACWWA Beebe Canal Exchange will be used for the same purposes for which the source water is decreed and may be exchanged multiple times as necessary to place the water to its decreed uses.

8.6. Sources of Substitute Supply.

8.6.1. Existing Water Rights Portfolio. **Exhibit 4** is a list of the sources of substitute supply claimed herein for the appropriative rights of exchange.

8.6.2. Future Acquired Sources. ACWWA intends to acquire and/or lease additional water supplies in the future for use as a source of supply for the exchanges described in this Application. To the extent that this future acquired water is available at the exchange-from points listed above, ACWWA seeks to allow such sources to serve as substitute supplies for the exchanges.

9. ACWWA’s Independent Claim to Appropriate Return Flows Associated with its Changed Shares in Fulton Irrigating Ditch Company (“ACWWA’s Fulton Shares”).

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

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

9.3. Claim to Appropriate Return Flows. When the calling water right downstream of the Fulton Ditch headgate is junior to December 29, 2016 or there is no call from downstream of the Fulton Ditch headgate, ACWWA seeks the right to use, reuse, successively use, and use to extinction, for all purposes described in paragraph 9.7, below, the historical return flow portion of its irrigation season delivery of ACWWA’s Fulton Shares and the winter return flow portion of its prior irrigation season deliveries of ACWWA’s Fulton Shares. ACWWA also seeks to amend paragraph 5.4. of the 313 Decree as necessary to accomplish this appropriation of return flows.

9.4. Appropriation Information. 9.4.1. Date of Appropriation. December 29, 2016. 9.4.2. How Appropriation was Initiated. The appropriation date is based upon the date the Application in this case was filed. 9.4.3. Date water First Applied to Beneficial Use. Not applicable. 9.5. Source. South Platte River. 9.6. Amount Claimed. Up to 317.1 acre-feet per year, conditional. 9.7. Claimed Uses. By this Application, ACWWA seeks a decree granting the right to use the return flows associated with ACWWA's Fulton Shares as described in paragraph 3.1.9 and its subparagraphs, above. Additionally, ACWWA seeks to store this water in Binder Reservoir, which is an off-channel reservoir located in the N1/2 of Section 15, Township 1 North, Range 66 West of the 6th P.M., Weld County, Colorado. **10. ACWWA's Claim to Appropriate Return Flows Associated with its Changed Shares in the Farmers Independent Ditch Company ("ACWWA's FIDCO Shares").** 10.1. Name of Structure. Farmers Independent Ditch, the decreed headgate of which is located on the east bank of the South Platte River, in the SW1/4 of Section 19, Township 3 North, Range 66 West of the 6th P.M., Weld County, Colorado. 10.2. ACWWA's FIDCO Shares. In the decree entered in Case No. 12CW73 ("73 Decree"), ACWWA changed the place and type of use of 20 shares of the Farmers Independent Ditch Company from irrigation to all municipal uses, including augmentation, replacement, exchange, storage, and recharge. 10.3. Claim to Appropriate Return Flows. When the calling water right downstream of the Farmers Independent Ditch headgate is junior to December 29, 2016 or there is no call from downstream of the Farmers Independent Ditch headgate, ACWWA seeks the right to use, reuse, successively use, and use to extinction, for all of the purposes described in paragraph 9.7, above, the historical return flow portion of its irrigation season delivery of ACWWA's FIDCO Shares and the winter return flow portion of its prior irrigation season deliveries of ACWWA's FIDCO Shares. ACWWA also seeks to amend paragraph 15.4.1 of the 73 Decree as necessary to accomplish this appropriation of return flows. 10.4. Appropriation Information. 10.4.1. Date of Appropriation. December 29, 2016. 10.4.2. How Appropriation was Initiated. The appropriation date is based upon the date the Application in this case was filed. 10.4.3. Date Water First Applied to Beneficial Use. Not applicable. 10.5. Source. South Platte River. 10.6. Amount Claimed. Up to 98.8 acre-feet per year, conditional. 10.7. Claimed Uses. ACWWA's claimed uses for the water attributable to the return flows associated with ACWWA's FIDCO Shares are described above in paragraph 9.7. **11. ACWWA's Claim to Appropriate Return Flows Associated with its Changed Shares in the Weldon Valley Ditch Company ("ACWWA's Weldon Shares").** 11.1. Name of Structure. Weldon Valley Ditch, the decreed point of diversion of which is located on the North bank of the South Platte River, in the SW1/4 of the NW1/4 of the SE1/4 of Section 13, Township 4 North, Range 61 West of the 6th P.M., Weld County, Colorado. 11.2. ACWWA's Weldon Shares. In Case No. 11CW151/05CW58 ("151 Case"), ACWWA changed the place and type of use of 62.625 shares of the Weldon Valley Ditch Company from irrigation to all municipal uses, including augmentation, replacement, exchange, storage, and recharge. 11.3. Claim to Appropriate Return Flows. When the calling water right downstream of the Weldon Valley Ditch headgate is junior to December 29, 2016 or there is no call from downstream of the Weldon Valley Ditch headgate, ACWWA seeks the right to use, reuse, successively use, and use to extinction, for all of the purposes described in paragraph 9.7, above, the historical return flow portion of its irrigation season delivery of ACWWA's Weldon Shares and the winter return flow portion of its prior irrigation season deliveries of ACWWA's Weldon Shares. ACWWA also seeks to amend paragraph 19.D.(1) of the Stipulated Change Decree filed with the Court in the 151 Case on December 28, 2016 as necessary to accomplish this appropriation of return flows. 11.4. Appropriation Information. 11.4.1. Date of Appropriation. December 29, 2016. 11.4.2. How Appropriation was Initiated. The appropriation date is based upon the date the Application in this case was filed. 11.4.3. Date Water First Applied to Beneficial Use. Not applicable. 11.5. Source. South Platte River. 11.6. Amount Claimed. Up to 1,365.9 acre-feet per year, conditional. 11.7. Claimed Uses. ACWWA's claimed uses for the water attributable to its return flows associated with its Weldon Shares are described in above in paragraph 9.7. **12. Change in Use of ACWWA's Previously Changed Water Rights.** 12.1. Change in Use. Pursuant to Colo. Rev. Stat. Ann. § 37-92-305(3)(e), ACWWA seeks to change the previously-quantified water rights described below (collectively, the "Previously Changed Shares") to add additional beneficial uses as described paragraph 12.3, below, as

well as to add additional sources of water that can be used to replace return flow obligations associated with the Previously Changed Shares. 12.1.1. Fulton Irrigating Ditch Company Shares. In the 313 Decree, ACWWA originally changed 182 shares of Fulton Irrigating Ditch Company from irrigation use to municipal, augmentation, replacement, recharge, exchange, and substitution uses, either directly or following recharge and/or storage. 12.1.2. Farmers Independent Ditch Company Shares. In the 72 Decree, ACWWA originally changed 20 Farmers Independent Ditch shares from irrigation use to municipal, augmentation, replacement, recharge, exchange, and substitution uses either directly or following recharge and/or storage. 12.1.3. Weldon Valley Ditch Company Shares. In Consolidated Case Nos. 11CW151/05CW58, ACWWA changed 62.625 Weldon Valley Ditch shares from irrigation use to municipal, augmentation, replacement, recharge, exchange, and substitution uses either directly or following recharge and/or storage. 12.1.4. New Cache la Poudre Irrigating Company (“NCLPIC”) and Cache la Poudre Reservoir Company (“CLPRC”) Shares. In Case No. 13CW3026, ACWWA changed 96 shares in the NCLPIC and 20 shares in the CLPRC from irrigation use to municipal, augmentation, replacement, recharge, exchange, and substitution uses as more fully described in the proposed decree in that case. 12.2. Additional Sources of Replacement Water to Meet Return Flow Obligations. The decrees for the Previously Changed Shares require Applicants to meet historical return flow obligations in time, place, and amount as more fully described in the relevant decrees. ACWWA seeks the ability to meet these return flow obligations using any of the water rights described in Exhibit 4, so long as those rights have been decreed for use for augmentation, replacement, or substitution. Additionally, ACWWA seeks the ability to use any future acquired water rights to meet these return flow obligations to the extent that future acquired sources are decreed for augmentation, replacement, or substitution purposes. 12.3. Additional Uses. To the extent the Previously Changed Shares are not already decreed for such purposes, ACWWA seeks to add the following as permissible uses of the Previously Changed Shares. 12.3.1. Augmentation Plans. ACWWA may use its Previously Changed Shares in the augmentation plans decreed in Case Nos. 10CW306 and 13CW3026 and any future augmentation plans sought by ACWWA. 12.3.2. Recharge including Aquifer Storage and Recovery and Aquifer Recharge and Recovery. ACWWA may use its Previously Changed Shares for recharge (including aquifer storage and recovery and aquifer recharge and recovery) in the recharge facilities previously decreed in Case Nos. 10CW306, the recharge facilities sought in this Application, and any other existing or future recharge facilities to which ACWWA may legally recharge water. 12.3.3. Exchanges. ACWWA may use its Previously Changed Shares in the exchanges previously decreed in Case No. 09CW283, the exchanges sought in this Application, and any future exchanges operated or decreed by ACWWA. 12.3.4. Storage. ACWWA may store its Previously Changed Shares in the following surface storage structures for subsequent delivery into ACWWA’s or ECCV’s municipal system or for use as a source of augmentation, replacement, recharge, exchange or substitute supply: 12.3.4.1. 70 Ranch Reservoir, a lined off-channel reservoir that will be located in the S1/2 of Section 3, Township 4 North, Range 63 West of the 6th P.M., Weld County, Colorado, and a portion of the NE1/4 of Section 10, Township 4 North, Range 63 West of the 6th P.M., Weld County, Colorado. 12.3.4.2. Milliken Reservoir (a/k/a Gilcrest Reservoir), a lined off-channel reservoir located within a part of Section 2, Township 3 North, Range 67 West and Sections 23, 26, 34, and 35, Township 4 North, Range 67 West of the 6th P.M., Weld County, Colorado. 12.3.4.3. United Reservoir No. 3, an off-channel reservoir located on the east side of the South Platte River in the S1/2 of Section 26 and the N1/2 of Section 35, Township 1 South, Range 67 West of the 6th P.M., Adams County, Colorado. 12.3.4.4. Barr Lake, an off-channel reservoir located in Sections 15, 21, 22, 23, 26, 27, 28, and 33, Township 1 South, Range 66 West of the 6th P.M., Adams County, Colorado. Barr Lake is an enlargement of the original Oasis Reservoir. 12.3.4.5. Milton Lake, an off-channel reservoir located in Sections 10, 11, 14, 15, 22, and 23, Township 3 North, Range 65 West of the 6th P.M., Weld County, Colorado. 12.3.4.6. Binder Reservoir, an off-channel reservoir located in the N1/2 of Section 15, Township 1 North, Range 66 West of the 6th P.M., Weld County, Colorado. 12.3.4.7. Highlands Reservoir, an off-channel reservoir located in the NW1/4 of Section 32, Township 1 North, Range 65 West of the 6th P.M., Weld County, Colorado. 12.3.4.8. Serfer Pit, an off-channel reservoir located in the NE1/4 of the NE1/4 of Section 24, Township 6 North, Range 68 West of the 6th P.M., Larimer County,

Colorado. 12.3.4.9. Any existing or future storage facility to which ACWWA is legally permitted to store water. 12.3.5. Replacement of Return Flow Obligations. ACWWA may use its Previously Changed Shares to replace return flows obligations associated with the Previously Changed Shares and well as the return flow obligations of any other water rights changed by ACWWA in the future. 12.3.6. Use by ECCV. ACWWA may lease and/or trade water attributable to the Previously Changed Shares to ECCV for use in ECCV's augmentation plans, recharge projects, and exchanges including those decree in Case Nos. 02CW403, 02CW404/03CW442, as amended by the decree entered in Case No. 10CW306, and Case Nos. 11CW285 and 11CW280, as well as the recharge projects and exchanges sought in Case No. 16CW3196, and including use to replace return flow obligations associated with previously changed shares. This water may also be used by ECCV, by lease or trade with ACWWA, pursuant to any future applications, so long those future applications list the Previously Change Shares as a source of supply or replacement water. 13. Change in Use of ACWWA's Existing Storage Water Rights. 13.1. Change in Use. Pursuant to Colo. Rev. Stat. Ann. § 37-92-305(3)(e), ACWWA seeks to change the previously decreed water storage rights described below (collectively, the "ACWWA's Existing Water Storage Rights") to add additional beneficial uses as described paragraph 13.2, below. 13.1.1. United No. 3, adjudicated in Case No. 10CW312 for 500 acre-feet, conditional, with one refill in the amount of 500 acre-feet per year conditional. 13.1.2. ACWWA Gilcrest Reservoir Water Storage Right, adjudicated in Case No. 13CW3173 for 500 acre-feet, conditional, with one refill in the amount of 500 acre-feet per year conditional. 13.1.3. ACWWA 70 Ranch Water Storage Right, adjudicated in Case No. 13CW3171 for 3,000 acre-feet, conditional, with one refill in the amount of 3,000 acre-feet per year conditional. 13.2. Additional Uses. To the extent ACWWA's Existing Water Storage Rights are not already decreed for such purposes, ACWWA seeks to add the uses described in paragraph 12.3 and its subparagraphs as permissible uses of ACWWA's Existing Water Storage Rights. (37 pages, 7 exhibits).

16CW3196; East Cherry Creek Valley Water and Sanitation District, acting by and through the East Cherry Creek Valley Water and Sanitation District Water Activity Enterprise, Inc. ("ECCV"), c/o David Kaunisto, General Manager, 6201 South Gun Club Road, Aurora, Colorado 80016, Telephone: (303) 693-3800; United Water and Sanitation District, a quasi-municipal corporation and political subdivision of the State of Colorado, acting directly and by and through the United Water and Sanitation District ACWWA Enterprise ("United"), c/o Robert Lembke, 8301 E. Prentice Avenue, Suite 100, Greenwood Village, Colorado 80111. Telephone: (303) 775-1005. The above listed parties shall be collectively referred to as the "Applicants." SECOND AMENDED APPLICATION FOR CONDITIONAL WATER RIGHTS, APPROPRIATIVE RIGHTS OF SUBSTITUTION AND EXCHANGE, APPROPRIATION OF HISTORICAL RETURN FLOWS, AND CHANGE OF WATER RIGHTS IN ADAMS, ARAPAHOE, DENVER, LARIMER, MORGAN AND WELD COUNTIES. Please send all pleadings and correspondence to: Brian M. Nazareus, Esq., Sheela S. Stack, Esq., William D. Wombacher, Esq., RYLEY CARLOCK & APPLEWHITE, 1700 Lincoln Street, Suite 3500, Denver, Colorado 80203, (Attorneys for ECCV), Tod J. Smith, Esq., LAW OFFICE OF TOD J. SMITH, LLC, 2919 Valmont Road, Suite 205, Boulder, Colorado 80301, (Attorneys for United). 2. Background. ECCV has developed an integrated system for the diversion, accretion, collection, storage, transmission, and treatment of its water rights. This integrated system, which is also referred to as the "Water Supply Project" or the "Northern Project," is designed to provide ECCV with a long-term, sustainable municipal water supply for its service area located in Arapahoe County. A map of ECCV's service area is attached as **Exhibit 1**. According to ECCV's Water Conservation Plan, at full build-out ECCV will require, on average, up to approximately 16,000 acre-feet per year of raw water supply, and up to approximately 24,000 acre-feet in years when delivering water to its aquifer storage and recovery program. The water appropriated according to this decree is necessary to help ECCV meet those projected needs. The conditional water rights claimed herein and operation of the exchanges are necessary to replace out-of-priority depletions resulting from ECCV's pumping of the ACWWA/ECCV Well Field in the Beebe Draw (the "ACWWA/ECCV Well Field") and/or historical return flow obligations owed to the South Platte River. A map showing the locations of the structures

described in this Application is attached as **Exhibit 2**. United will construct structures described below as part of satisfying its contractual obligations to ECCV for the Water Supply Project. **3. Description of Conditional Water Storage Rights.** 3.1. ECCV Binder Reservoir Storage Right. 3.1.1. Name of Structure. Binder Reservoir (a/k/a “Brighton Lateral Reservoir”). 3.1.2. Location. Binder Reservoir is an off-channel reservoir located in the N1/2 of Section 15, Township 1 North, Range 66 West of the 6th P.M., Weld County, Colorado. 3.1.3. Diversion Structures. 3.1.3.1. United Diversion Facility No. 3 (up to 40 cfs). The headgate is on the east bank of the South Platte River in the SW1/4 of Section 26, Township 1 South, Range 67 West of the 6th P.M., Adams County, Colorado. United Diversion Facility No. 3 delivers water to the United No. 3 Reservoir, from which water is delivered through the Beebe Pipeline to the Brighton Lateral through a turn-out in the Beebe Pipeline. Water is conveyed to Binder Reservoir through the Brighton Lateral. 3.1.3.2. Burlington Canal (a/k/a “Burlington/O’Brien Canal”) (up to 50 cfs). The Burlington Canal headgate is located on the east bank of the South Platte River, in the NE1/4 of the SW1/4 of Section 14, Township 3 South, Range 68 West of the 6th P.M., City and County of Denver, Colorado. Water is delivered from the Burlington Canal to the Brighton Lateral. Water is conveyed to Binder Reservoir through the Brighton Lateral. 3.1.3.3. Binder Pipeline (up to 30 cfs). Binder Pipeline will divert water from the east bank of the South Platte River in the NW1/4 of Section 18, Township 1 North, Range 66 West of the 6th P.M., Weld County, Colorado. 3.1.3.4. Future Diversion Facilities. Any other existing facilities or facilities constructed in the future capable of delivering water to Binder Reservoir in which ECCV is legally permitted to divert water. 3.1.4. Source. South Platte River. 3.1.5. Amount Claimed. 1,350 acre-feet, conditional, with the right to one refill in the amount of 1,350 acre-feet per year, conditional. 3.1.6. Date of Appropriation. December 8, 2016. 3.1.7. How Appropriation was Initiated. The appropriation date is based upon the Resolution passed by the ECCV Board of Directors on December 8, 2016. The Notice of Appropriation was posted on December 15, 2016, a copy of which is attached as **Exhibit 3**. 3.1.8. Date Water First Applied to Beneficial Use. Not applicable. 3.1.9. Uses. By this Application, ECCV seeks a decree granting the right to use the ECCV Binder Reservoir Storage Right as follows: 3.1.9.1. Use in ECCV’s Plans for Augmentation. ECCV will use the ECCV Binder Reservoir Storage Right as a source of replacement water in the ACWWA/ECCV Augmentation Plans approved in the decrees entered in Case Nos. 02CW403 (“403 Decree”) and 02CW404/03CW442 (“404/442 Decree”) to replace depletions from the pumping of water from the ACWWA/ECCV Well Field for delivery to ECCV’s present and future service area in Arapahoe County. ECCV will also use the ECCV Binder Reservoir Storage Right directly or as a source of substitute supply for the 70 Ranch Augmentation Plan pursuant to the terms and conditions of the 403/442 Decree. ECCV will also use the ECCV Binder Reservoir Storage Right as a source of replacement water in the augmentation plan decreed in Case No. 13CW3026, as well as in any future plans for augmentation. 3.1.9.2. Use in ECCV’s Recharge Projects including Aquifer Storage and Recovery and Aquifer Recharge and Recovery. ECCV seeks to use the ECCV Binder Reservoir Storage Right for recharge (including aquifer storage and recovery and aquifer recharge and recovery) by delivering the water to the recharge facilities located in the Beebe Draw and on 70 Ranch pursuant to the terms and conditions of the 404/442 Decree, as amended by the decree entered in Case No. 10CW306 (“306 Decree”). In addition, ECCV seeks to use the ECCV Binder Reservoir Storage Right for recharge (including aquifer storage and recovery and aquifer recharge and recovery) by delivering the water to the recharge sites described in this Application, and any future recharge facility to which ECCV is legally permitted to recharge water. 3.1.9.3. Use in ECCV’s Exchange. ECCV will use the ECCV Binder Reservoir Storage Right for substitution and exchange as provided in the 404/442 Decree and the decrees entered in Case Nos. 11CW285 (“285 Decree”) and 11CW280 (“280 Decree”). ECCV also seeks to use the ECCV Binder Reservoir Storage Right as a source of substitute supply in the 2016 ECCV Exchanges claimed in this Application and in any future exchanges operated or decreed by ECCV. 3.1.9.4. Use to Meet Historical Return Flow Obligations. ECCV seeks to use the ECCV Binder Reservoir Storage Right to meet its historical return flow obligations for its existing, pending, and future acquired and changed water rights owed to the South Platte or Cache la Poudre Rivers, or their tributaries. 3.1.9.5. Alternate Places of Storage. ECCV also seeks to store the ECCV Binder Reservoir Storage Right in the following surface

storage facilities: 3.1.9.5.1. 70 Ranch Reservoir, a lined off-channel reservoir that will be located in the S1/2 of Section 3, Township 4 North, Range 63 West of the 6th P.M., and a portion of the NE1/4 of Section 10, Township 4 North, Range 63 West of the 6th P.M., Weld County, Colorado. 3.1.9.5.2. Milliken Reservoir (a/k/a Gilcrest Reservoir), a lined off-channel reservoir located within a part of Section 2, Township 3 North, Range 67 West and Sections 23, 26, 34, and 35, Township 4 North, Range 67 West of the 6th P.M., Weld County, Colorado. 3.1.9.5.3. United Reservoir No. 3, an off-channel reservoir located on the east side of the South Platte River in the S1/2 of Section 26 and the N1/2 of Section 35, Township 1 South, Range 67 West of the 6th P.M., Adams County, Colorado. 3.1.9.5.4. Barr Lake, an off-channel reservoir located in Sections 15, 21, 22, 23, 26, 27, 28, and 33, Township 1 South, Range 66 West of the 6th P.M., Adams County, Colorado. Barr Lake is an enlargement of the original Oasis Reservoir. 3.1.9.5.5. Milton Lake, an off-channel reservoir located in Sections 10, 11, 14, 15, 22, and 23, Township 3 North, Range 65 West of the 6th P.M., Weld County, Colorado. 3.1.9.5.6. Highlands Reservoir, an off-channel reservoir located in the NW1/4 of Section 32, Township 1 North, Range 65 West of the 6th P.M., Weld County, Colorado. 3.1.9.5.7. Serfer Pit, an off-channel reservoir located in the NE1/4 of the NE1/4 of Section 24, Township 6 North, Range 68 West of the 6th P.M., Larimer County, Colorado. 3.1.9.5.8. Any existing or future storage facility in which ECCV is legally permitted to store water. 3.1.9.6. All Municipal Uses. ECCV will use the ECCV Binder Reservoir Storage Right via delivery by a pipeline or by exchange to ECCV's surface water treatment plant for treatment and subsequent direct delivery for all municipal uses, including, but not limited to, domestic, mechanical, manufacturing, commercial, and industrial, within ECCV's present and future service area located in Arapahoe County. 3.1.9.7. Right of Reuse, Successive Use, and Disposition. In addition to the uses described above, ECCV asks the Court to decree that it has the right to use, reuse, successively use and dispose of by sale, exchange, augmentation, or otherwise, to extinction, all water lawfully diverted and/or impounded pursuant to the decree entered in this case. 3.1.9.8. Use by ACWWA. ECCV may lease and/or trade water attributable to the ECCV Binder Reservoir Storage Right to ACWWA for use in ACWWA's augmentation plans, recharge projects, and exchanges including those decree in Case Nos. 10CW306 and 09CW283, as well as the recharge projects and exchanges sought in Case No. 16CW3195, and including use to replace return flow obligations associated with previously changed shares. This water may also be used by ACWWA, by lease or trade with ECCV, pursuant to any future applications, so long those future applications list the ECCV Binder Reservoir Storage Right as a source of supply or replacement water. 3.1.10. Total Capacity. Binder Reservoir has a planned total capacity of 3,800 acre-feet (with 4 feet of freeboard). 3.1.11. Name and Addresses of the Owner of Binder Reservoir and the Diversion Facility Used to Fill Binder Reservoir. 3.1.11.1. River Water Development Authority ("PRWDA"), 8301 E. Prentice Avenue, Suite 100, Greenwood Village, Colorado, 80111. 3.1.11.2. United Water and Sanitation District, 8301 East Prentice Avenue, Suite 100, Greenwood Village, Colorado, 80111 holds a perpetual easement, granted by Henderson Aggregate, LTD, for United Diversion Facility No. 3. The diversion structure is owned by United. 3.1.11.3. The Burlington Canal (a/k/a "Burlington/O'Brien Canal") is owned by FRICO, 80 South 27th Avenue, Brighton, Colorado, 80601. 3.2. ECCV Serfer Pit Storage Right. 3.2.1. Name of Structure. Serfer Pit. 3.2.2. Location. Serfer Pit is located along the Cache la Poudre River, approximately 2.8 stream miles below the New Cache headgate, in the NE1/4 of the NE1/4 of Section 24, Township 6 North, Range 68 West of the 6th P.M., Larimer County, Colorado. 3.2.3. Diversion Structure. A pump currently delivers water into Serfer Pit. A permanent pump and pipe to and from the Cache La Poudre River will be placed in the southwest corner of Serfer Pit, in the NE1/4 of the NE1/4 of Section 24, Township 6 North, Range 68 West of the 6th P.M., Weld County, Colorado, and any other existing facilities or facilities constructed in the future capable of delivering water to Serfer Pit in which ECCV is legally permitted to deliver water. 3.2.4. Source. Cache la Poudre River. 3.2.5. Amount Claimed. 10 acre-feet fill, conditional, with the right to one refill in the amount of 10 acre-feet per year, conditional. 3.2.6. Date of Appropriation. December 8, 2016. 3.2.6.1. How Appropriation was Initiated. The appropriation date is based upon the Resolution passed by the ECCV Board of Directors on December 8, 2016. The Notice of Appropriation was posted on December 15, 2016, a copy of which is attached as **Exhibit 3**. 3.2.6.2. Date Water First

Applied to Beneficial Use. Not applicable. 3.2.7. Uses. By this Application, ECCV seeks a decree granting the right to use the ECCV Serfer Pit Storage Right for the same uses as described in paragraph 3.1.9 and its subparagraphs, above. Additionally, ECCV seeks to store the water in Binder Reservoir, which is an off-channel reservoir located in the N1/2 of Section 15, Township 1 North, Range 66 West of the 6th P.M., Weld County, Colorado. 3.2.8. Name and Addresses of the Owner of the Storage Structure and the Diversion Facility Listed Above. United, 8301 W. Prentice Avenue, Suite 100, Greenwood Village, Colorado, 80111. 3.3. ECCV Highlands Reservoir Storage Right. 3.3.1. Name of Structure. Highlands Reservoir. 3.3.2. Location. Highlands Reservoir is an off-channel reservoir located in the NW1/4 of Section 32, Township 1 North, Range 65 West of the 6th P.M., Weld County, Colorado. Water will be diverted from the South Platte River at the diversion facilities described below in paragraph 3.3.3. After water is diverted from the South Platte River it will be delivered to the Highlands Reservoir through the delivery canals in the Farmers Reservoir and Irrigation Company's ("FRICO") Barr Lake system. 3.3.3. Names of the Diversion Facilities Used to Fill Highlands Reservoir. 3.3.3.1. United Diversion Facility No. 3 (up to 100 cfs). The headgate is on the east bank of the South Platte River in the SW1/4 of Section 26, Township 1 South, Range 67 West of the 6th P.M., Adams County, Colorado. United Diversion Facility No. 3 delivers water to the United No. 3 Reservoir, from which water is delivered through the Beebe Pipeline to the Burlington Canal, immediately above Barr Lake. From Barr Lake the water will be delivered through FRICO delivery canals in the Beebe Draw to Highlands Reservoir. 3.3.3.2. Burlington Canal (a/k/a the "Burlington/O'Brien Canal") (up to 250 cfs). The Burlington Canal headgate is located on the east bank of the South Platte River, in the NE1/4 of the SW1/4 of Section 14, Township 3 South, Range 68 West of the 6th P.M., City and County of Denver, Colorado. 3.3.3.3. Other Diversion Facilities. Any other existing facilities or facilities constructed in the future capable of delivering water to Highlands Reservoir in which ECCV is legally permitted to divert water. 3.3.4. Source of the Water. South Platte River. 3.3.5. Amount Claimed. 1,500 acre-feet, conditional, with the right to one refill in the amount of 1,500 acre-feet per year, conditional. 3.3.6. Date of Appropriation. December 8, 2016. 3.3.6.1. How Appropriation was Initiated. The appropriation date is based upon the Resolution passed by the ECCV Board of Directors on December 8, 2016. The Notice of Appropriation was posted on December 15, 2016, a copy of which is attached as **Exhibit 3**. 3.3.6.2. Date Water First Applied to Beneficial Use. Not applicable. 3.3.7. Uses. By this Application, ECCV seeks a decree granting the right to use the ECCV Highlands Reservoir Storage Right for the same uses as described in paragraph 3.1.9 and its subparagraphs, above. Additionally, ECCV seeks to store the water in Binder Reservoir, which is an off-channel reservoir located in the N1/2 of Section 15, Township 1 North, Range 66 West of the 6th P.M., Weld County, Colorado. 3.3.8. Name and Addresses of the Owner of the Storage Structure and the Diversion Facility Listed Above. 3.3.8.1. Highlands Reservoir will be owned by the United Water and Sanitation District, 8301 East Prentice Avenue, Suite 100, Greenwood Village, Colorado 80111. 3.3.8.2. The land on which Highlands Reservoir will be located is currently owned by Highland Equities, L.L.C., 8301 East Prentice Avenue, Suite 100, Greenwood Village, Colorado, 80111. 3.3.8.3. United Water and Sanitation District, 8301 East Prentice Avenue, Suite 100, Greenwood Village, Colorado, 80111 holds a perpetual easement, granted by Henderson Aggregate, LTD, for United Diversion Facility No. 3. The diversion structure is owned by United. 3.3.8.4. The Burlington Canal (a/k/a "Burlington/O'Brien Canal") is owned by FRICO, 80 South 27th Avenue, Brighton, Colorado, 80601. 3.3.8.5. Barr Lake and the canals which will be used to deliver water to Highlands Reservoir are owned by FRICO. **4. Description of Conditional Direct Flow Water Rights.** 4.1. ECCV SPR 1 Water Right. 4.1.1. Points of Diversion. 4.1.1.1. United Diversion Facility No. 3 (up to 100 cfs). The headgate is on the east bank of the South Platte River in the SW1/4 of Section 26, Township 1 South, Range 67 West of the 6th P.M., Adams County, Colorado. 4.1.1.2. Burlington Canal (a/k/a the "Burlington/O'Brien Canal"). The Burlington Canal headgate is located on the east bank of the South Platte River, in the NE1/4 of the SW1/4 of Section 14, Township 3 South, Range 68 West of the 6th P.M., City and County of Denver, Colorado. 4.1.3. Source. South Platte River. 4.1.4. Amount Claimed. 210 cfs, cumulative for all diversion points, conditional. 4.1.5. Date of Appropriation. November 30, 2017. 4.1.5.1. How Appropriation was Initiated. The appropriation date is based upon the filing of the second

amended application in this case. 4.1.5.2. Date Water First Applied to Beneficial Use. Not applicable.

4.1.6. Uses. By this Application, ECCV seeks a decree granting the right to use the ECCV SPR1 Water Right for the same uses as described in paragraph 3.1.9 and its subparagraphs, above. Additionally, ECCV seeks to store the water in Binder Reservoir, which is an off-channel reservoir located in the N1/2 of Section 15, Township 1 North, Range 66 West of the 6th P.M., Weld County, Colorado. 4.1.7. Name and Addresses of the Owner of the Diversion Structure Listed Above. 4.1.7.1. United Water and Sanitation District, 8301 East Prentice Avenue, Suite 100, Greenwood Village, Colorado, 80111 holds a perpetual easement, granted by Henderson Aggregate, LTD, for United Diversion Facility No. 3. The diversion structure is owned by United. 4.1.7.2. The Burlington Canal (a/k/a “Burlington/O’Brien Canal”) is owned by FRICO, 80 South 27th Avenue, Brighton, Colorado, 80601. **5. Claims for Conditional Recharge Water Rights or Plans for Augmentation**. 5.1. ECCV Drouhard Recharge Right. 5.1.1. Name of Structure. Drouhard Recharge Site. 5.1.2. Recharge Location. The Drouhard Recharge Site is an off-channel recharge site located in the SE1/2 of the SE1/4 of Section 30, Township 4 North, Range 66 West of the 6th P.M., Weld County, Colorado. 5.1.3. Points of Diversion. Water will be diverted from the South Platte River to the Drouhard Recharge Site from the following locations: 5.1.3.1. Farmers Independent Ditch. The Farmers Independent Ditch headgate is located in the SW1/4 of the SW1/4 of Section 19, Township 3 North, Range 66 West of the 6th P.M., Weld County, Colorado. 5.1.3.2. Western Mutual Ditch. The Western Mutual Ditch headgate is located in the SE1/4 of the SW1/4 of Section 11, Township 3 North, Range 67 West of the 6th P.M., Weld County, Colorado. 5.1.3.3. Milliken Reservoir. Water will be delivered from Milliken Reservoir through the bi-directional Drouhard Pipeline. The Drouhard Pipeline is a bi-directional pipeline that will be located parallel to County Road 40.5 from the Drouhard Pond to Milliken Reservoir. The proposed diversion structure will divert water from Milliken Reservoir, in the NE1/4 of the SE1/4 of Section 26, Township 4 North, Range 67 West of the 6th P.M., Weld County, Colorado. The points of diversion for Milliken Reservoir are described in paragraphs 6.2.3.1, below. 5.1.3.4. Future Diversion Facilities. Any other existing facilities or facilities constructed in the future capable of delivering water to the Drouhard Recharge Site in which ECCV is legally permitted to divert water. 5.1.4. Amount Claimed. 27 cfs cumulative for all points of diversion described above, conditional. 5.1.5. Date of Appropriation. December 8, 2016. 5.1.5.1. How Appropriation was Initiated. The appropriation date is based upon the Resolution passed by the ECCV Board of Directors on December 8, 2016. The Notice of Appropriation was posted on December 15, 2016, a copy of which is attached as **Exhibit 3**. 5.1.5.2. Date Water First Applied to Beneficial Use. Not applicable. 5.1.6. Rediversion of Other Sources. In addition to the new recharge water right described in this paragraph 5.1 and its subparagraphs, ECCV may divert, either directly or by exchange, the water rights described in **Exhibit 4** for recharge in the Drouhard Recharge Site to generate accretion credits. ECCV may also divert, directly or by exchange, any water rights and water supplies ECCV acquires in the future, at the points of diversion described in paragraph 5.1.3 and its subparagraphs, above, for delivery to the Drouhard Recharge Site to generate recharge accretions. ACWWA will add future acquired sources to the plan for augmentation claimed in this Application pursuant to section 37-92-305(8)(c) of the Colorado Revised Statutes, or successor statute. 5.1.7. Recharge Accretions. Water recharged into the alluvial aquifer will naturally flow down-gradient for accretion to the South Platte River. The quantity, timing, and location of accretions will be calculated and accounted for by ECCV. 5.1.8. Uses for the Recharge Accretions. Water accreted back to the South Platte River will be used for the purposes decreed for each source of water listed in **Exhibit 4**, which may include, but are not limited to, augmentation, storage and refill, recharge, replacement, and exchange, as well as for the purposes described in paragraph 3.1.9 and its subparagraphs, above. Additionally, ECCV seeks to store the water in Binder Reservoir, which is an off-channel reservoir located in the N1/2 of Section 15, Township 1 North, Range 66 West of the 6th P.M., Weld County, Colorado. 5.1.8.1. Use by ACWWA. ECCV may also lease and/or trade recharge accretions attributable to the ECCV Drouhard Recharge Right to ACWWA for use in ACWWA’s augmentation plans, recharge projects, and exchanges including those decree in Case Nos. 10CW306 and 09CW283, as well as the recharge projects and exchanges sought in Case No. 16CW3195, and including use to replace return flow obligations associated with previously changed

shares. This water may also be used by ACWWA, by lease or trade with ECCV, pursuant to any future applications, so long those future applications list the ECCV Drouhard Recharge Right as a source of supply or replacement water. 5.1.9. Name and Addresses of the Owner of the Diversion Facilities Listed Above. 5.1.9.1. Farmers Independent Ditch. The Farmers Independent Ditch is owned by the Farmers Independent Ditch Company, 3005 W. 29th St., Suite G-1, Greeley, CO 80631. 5.1.9.2. Western Mutual Ditch. The Western Mutual Ditch is owned by the Western Mutual Ditch Company, PO Box 282, LaSalle, CO 80645. 5.1.9.3. Milliken Reservoir. Milliken Reservoir is owned by the United Milliken Reservoir Enterprise, LLC, 8301 E. Prentice Ave, Suite 100, Greenwood Village, CO 80111 and Scout Investments, LLC, 8301 E. Prentice Ave, Suite 100, Greenwood Village, CO 80111. 5.2. ECCV Brighton Lateral Recharge Right. 5.2.1. Name of Structure. Brighton Lateral. 5.2.2. Recharge Location. Recharge will occur within the Brighton Lateral. Water is delivered to the headgate of the Brighton Lateral from the diversion points from the South Platte River listed in paragraph 5.2.3, below. The headgate for the Brighton Lateral is located in the NE1/4 of the SE1/4 of Section 29, Township 1 South, Range 66 West of the 6th P.M., Adams County, Colorado. 5.2.3. Points of Diversion. 5.2.3.1. United Diversion Facility No. 3. The headgate is on the east bank of the South Platte River in the SW1/4 of Section 26, Township 1 South, Range 67 West of the 6th P.M., Adams County, Colorado. United Diversion Facility No. 3 delivers water to the United No. 3 Reservoir, from which water is delivered through the Beebe Pipeline to the Brighton Lateral through a turn-out in the Beebe Pipeline. 5.2.3.2. Burlington Canal (a/k/a “Burlington/O’Brien Canal”). The Burlington Canal headgate is located on the east bank of the South Platte River, in the NE1/4 of the SW1/4 of Section 14, Township 3 South, Range 68 West of the 6th P.M., City and County of Denver, Colorado. Water is delivered from the Burlington Canal to the Brighton Lateral. 5.2.4. Amount Claimed. 13 cfs cumulative for all points of diversion described above, conditional. 5.2.5. Date of Appropriation. December 8, 2016. 5.2.5.1. How Appropriation was Initiated. The appropriation date is based upon the Resolution passed by the ECCV Board of Directors on December 8, 2016. The Notice of Appropriation was posted on December 15, 2016, a copy of which is attached as **Exhibit 3**. 5.2.5.2. Date Water First Applied to Beneficial Use. Not applicable. 5.2.6. Rediversion of Other Sources. In addition to the new recharge water right described in this paragraph 5.2 and its subparagraphs, ECCV may divert, either directly or by exchange, the water rights described in **Exhibit 4** for recharge in the Brighton Lateral to generate accretion credits. ECCV may also divert, directly or by exchange, any water rights and water supplies ECCV acquires in the future, at the points of diversion described in paragraph 5.2.3 and its subparagraphs for delivery to the Brighton Lateral to generate recharge accretions. ECCV will add future acquired sources to the plan for augmentation claimed in this Application pursuant to section 37-92-305(8)(c) of the Colorado Revised Statutes, or successor statute. 5.2.7. Recharge Accretions. Water recharged into the alluvial aquifer will naturally flow down-gradient for accretion to the South Platte River. The quantity, timing, and location of accretions will be calculated and accounted for by ECCV. 5.2.8. Uses for the Recharge Accretions. Water accreted back to the South Platte River will be used for the purposes decreed for each source of water listed in **Exhibit 4**, which may include, but is not limited to, augmentation, storage and refill, recharge, replacement, and exchange, as well as for the purposes described in paragraph 3.1.9 and its subparagraphs, above. Additionally, ECCV seeks to store the water in Binder Reservoir, which is an off-channel reservoir located in the N1/2 of Section 15, Township 1 North, Range 66 West of the 6th P.M., Weld County, Colorado. 5.2.8.1. Use by ACWWA. ECCV may also lease and/or trade recharge accretions attributable to the ECCV Brighton Lateral Recharge Right to ACWWA for use in ACWWA’s augmentation plans, recharge projects, and exchanges including those decree in Case Nos. 10CW306 and 09CW283, as well as the recharge projects and exchanges sought in Case No. 16CW3195, and including use to replace return flow obligations associated with previously changed shares. This water may also be used by ACWWA, by lease or trade with ECCV, pursuant to any future applications, so long those future applications list the ECCV Brighton Lateral Recharge Right as a source of supply or replacement water. 5.2.9. Name and Addresses of the Owner of the Diversion Facilities Listed Above. 5.2.9.1. United Water and Sanitation District, 8301 East Prentice Avenue, Suite 100, Greenwood Village, Colorado, 80111 holds a perpetual easement, granted by Henderson Aggregate, LTD, for United Diversion Facility

No. 3. The diversion structure is owned by United. 5.2.9.2. The Burlington Canal (a/k/a “Burlington/O’Brien Canal”) is owned by FRICO, 80 South 27th Avenue, Brighton, Colorado, 80601.

5.3. ECCV Brighton Lateral Recharge Site Right. 5.3.1. Name of Structure. Brighton Lateral Recharge Site. 5.3.2. Recharge Location. The Brighton Lateral Recharge Site is an off-channel recharge site located in the S1/2 of Section 15, Township 1 North, Range 66 West of the 6th P.M., Weld County, Colorado. 5.3.3. Point of Diversion. 5.3.3.1. United Diversion Facility No. 3. The headgate is on the east bank of the South Platte River in the SW1/4 of Section 26, Township 1 South, Range 67 West of the 6th P.M., Adams County, Colorado. United Diversion Facility No. 3 delivers water to the United No. 3 Reservoir, from which water is delivered through the Beebe Pipeline to the Brighton Lateral through a turn-out in the Beebe Pipeline. Water is conveyed through the Brighton Lateral to the Brighton Lateral Recharge Site. 5.3.3.2. Burlington Canal (a/k/a “Burlington/O’Brien Canal”). The Burlington Canal headgate is located on the east bank of the South Platte River, in the NE1/4 of the SW1/4 of Section 14, Township 3 South, Range 68 West of the 6th P.M., City and County of Denver, Colorado. Water is delivered from the Burlington Canal to the Brighton Lateral and thence to the Brighton Lateral Recharge Site. 5.3.4. Amount Claimed. 42 cfs cumulative for all points of diversion described above, conditional. 5.3.5. Date of Appropriation. December 8, 2016. 5.3.5.1. How Appropriation was Initiated. The appropriation date is based upon the Resolution passed by the ECCV Board of Directors on December 8, 2016. The Notice of Appropriation was posted on December 15, 2016, a copy of which is attached as **Exhibit 3**. 5.3.5.2. Date Water First Applied to Beneficial Use. Not applicable. 5.3.6. Rediversion of Other Sources. In addition to the new recharge water right described in this paragraph 5.3 and its subparagraphs, ECCV may divert, either directly or by exchange, the water rights described in **Exhibit 4** for recharge in the Brighton Lateral Recharge Site Right to generate accretion credits. ECCV may also divert, directly or by exchange, any water rights and water supplies ECCV acquires in the future, at the points of diversion described in paragraph 5.3.3 and its subparagraphs, above, for delivery to the Brighton Lateral Recharge Site Right to generate recharge accretions. ECCV will add future acquired sources to the plan for augmentation claimed in this Application pursuant to section 37-92-305(8)(c) of the Colorado Revised Statutes, or successor statute. 5.3.7. Recharge Accretions. Water recharged into the alluvial aquifer will naturally flow down-gradient for accretion to the South Platte River. The quantity, timing, and location of accretions will be calculated and accounted for by ECCV. 5.3.8. Uses for the Recharge Accretions. Water accreted back to the South Platte River will be used for the purposes decreed for each source of water listed in **Exhibit 4**, which may include, but is not limited to, augmentation, storage and refill, recharge, replacement, and exchange, as well as for the purposes described in paragraph 3.1.9 and its subparagraphs, above. Additionally, ECCV seeks to store the water in Binder Reservoir, which is an off-channel reservoir located in the N1/2 of Section 15, Township 1 North, Range 66 West of the 6th P.M., Weld County, Colorado. 5.3.8.1. Use by ACWWA. ECCV may also lease and/or trade recharge accretions attributable to the ECCV Brighton Lateral Recharge Site Right to ACWWA for use in ACWWA’s augmentation plans, recharge projects, and exchanges including those decree in Case Nos. 10CW306 and 09CW283, as well as the recharge projects and exchanges sought in Case No. 16CW3195, and including use to replace return flow obligations associated with previously changed shares. This water may also be used by ACWWA, by lease or trade with ECCV, pursuant to any future applications, so long those future applications list the ECCV Brighton Lateral Recharge Site Right as a source of supply or replacement water. 5.3.9. Name and Addresses of the Owner of the Diversion Facilities Listed Above. 5.3.9.1. United Water and Sanitation District, 8301 East Prentice Avenue, Suite 100, Greenwood Village, Colorado, 80111 holds a perpetual easement, granted by Henderson Aggregate, LTD, for United Diversion Facility No. 3. The diversion structure is owned by United. 5.3.9.2. The Burlington Canal (a/k/a “Burlington/O’Brien Canal”) is owned by FRICO, 80 South 27th Avenue, Brighton, Colorado, 80601. **APPROPRIATIVE RIGHTS OF EXCHANGE** The 2017 ECCV South Platte River and St. Vrain Creek Exchange, the 2016 ECCV Cache la Poudre Exchange, and the 2016 ECCV Beebe Canal Exchange, further described below, are collectively referred to in this Application as the “2016 ECCV Exchanges.” **6. Claim for Appropriative Rights of Substitution and Exchange- 2016 ECCV South Platte River and St. Vrain Creek Exchange.** 6.1. Exchange-From Points. 6.1.1. SPR Reach 5.

6.1.1.1. Downstream End Point of South Platte River Reach 5 - Confluence of Beaver Creek and the South Platte River. Located in the NW1/4 of the SW1/4 of Section 4, Township 4 North, Range 55 West, of the 6th P.M., Morgan County, Colorado. ECCV does not seek to exchange water up Beaver Creek. For purposes of the appropriate rights of exchange decreed herein, the confluence of Beaver Creek and the South Platte River is also the downstream end point of SPR Reach 5. SPR Reach 5 was decreed at paragraph 17.1.8 of the 404/442 Decree as an administrative reach of the South Platte River for the augmentation plans approved in the 403 Decree and the 404/442 Decree as amended by the 306 Decree. SPR Reach 5 is located below the Bijou Canal headgate to the confluence of Beaver Creek and the South Platte River. The Bijou Canal headgate is located on the south bank of the South Platte River, in the NE1/4 of the NE1/4 of Section 13, Township 4 North, Range 63 West, of the 6th P.M., Morgan County, Colorado, at a point approximately 95 feet west of the east section line and 604 feet south of the north section line of said Section 13.

6.1.1.2. Teague Return Pipeline. United has an easement to use an existing pipeline that extends from a parcel located approximately ten miles south of the Fort Morgan Canal and crosses underneath the Cana in the NE1/4 of the SW1/4 of Section 13, Township 3 North, Range 57 West of the 6th P.M., Morgan County, Colorado, and discharges to the South Platte River in the SW1/4 of the NW1/4 of Section 30, Township 4 North, Range 56 West of the 6th P.M., Morgan County, Colorado.

6.1.1.3. Fort Morgan Canal Quantification Point. The location where return flow accretions and future recharge accretions from the Fort Morgan farms will accrue to the South Platte River above the Lower Platte & Beaver headgate, located in the NW1/4 of the NW1/4 of Section 35, Township 4 North, Range 57 West, 6th P.M., Morgan County Colorado.

6.1.1.4. Weldon Valley Ditch Augmentation Station. An augmentation station located at the end of Weldon Valley Ditch in the SE1/4 of Section 7, Township 4 North, Range 58 West of the 6th P.M., Morgan County, Colorado. This augmentation station delivers water to the South Platte River below the Fort Morgan Canal headgate.

6.1.1.5. Weldon Valley Ditch Central/ACWWA Augmentation Station. An augmentation station located where the Weldon Valley Ditch crosses the west line of the NE1/4 of Section 3, Township 4 North, Range 60 West of the 6th P.M., Morgan County, Colorado. This augmentation station returns water south via a pipeline to a channel that discharges to the South Platte River in the NE1/4 NE1/4 of said Section 3.

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

6.1.2. SPR Reach 4.

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

6.1.2.2. Hardin Seep. Located in the NW1/4 of the NW1/4 of Section 2, Township 4 North, Range 63 West of the 6th P.M., Weld County, Colorado.

6.1.2.3. 70 Ranch Reservoir. Located in the SE1/4 of Section 34, Township 5 North, Range 63 West of the 6th P.M., Weld County, Colorado. The preliminarily designed outlet structure for 70 Ranch Reservoir will allow releases from 70 Ranch Reservoir by gravity flow back to the South Platte River at a point in the SE1/4 of Section 34, Township 5 North, Range 63 West of the 6th P.M., Weld County, Colorado.

6.1.2.4. Illinois Ditch Augmentation Station. The point at which water released through the Illinois Ditch augmentation station returns to the South Platte River is located in the NW1/4 of the NW1/4 of Section 34, Township 5 North, Range 63 West of the 6th P.M., Weld County, Colorado.

6.1.3. SPR Reach 3.

6.1.3.1. Downstream End Point of South Platte River Reach 3 – Empire Inlet Canal Headgate. SPR Reach 3 was decreed at paragraph 17.1.6 of the 404/442 Decree as an administrative reach of the South

Platte River for the augmentation plans approved in the 403 Decree and the 404/442 Decree as amended by the 306 Decree. SPR Reach 3 is located from the Lower Latham Ditch headgate, located in the NW1/4 of the NE1/4 of Section 31, Township 5 North, Range 65 West of the 6th P.M., Weld County, Colorado, to the Empire Inlet Canal headgate, located in the SW1/4 of the SW1/4 of Section 19, Township 5 North, Range 63 West of the 6th P.M., Weld County, Colorado. 6.1.3.2. Confluence of Crow Creek and the South Platte River. Located in SE1/4 of the NE1/4 of Section 24, Township 5 North, Range 64 West of the 6th P.M., Weld County, Colorado. Prior to delivery to the confluence of Crow Creek and the South Platte River for exchange, ECCV intends to divert certain sources of substitute supply, as described in **Exhibit 4**, from the Cache la Poudre River and deliver the substitute supplies from said Canal to Crow Creek in the NW1/4 of the SW1/4 of Section 25, Township 6 North, Range 64 West of the 6th P.M., Weld County, Colorado, where the substitute supplies will be conveyed to the confluence with the South Platte River. 6.1.3.3. Ogilvy Ditch Augmentation Station. An existing augmentation structure near where the Ogilvy Ditch bifurcates located in the NW1/4 of the NE1/4 of Section 9, Township 5 North, Range 64 West of the 6th P.M., Weld County, Colorado, which delivers water to the South Platte River in the NE1/4 of the NW1/4 of Section 15, Township 5 North, Range 64 West of the 6th P.M., Weld County, Colorado. 6.1.3.4. Confluence of Lone Tree Creek and the South Platte River. Located in the SE1/4 of the SE1/4 of Section 6, Township 5 North, Range 64 West of the 6th P.M., Weld County, Colorado. Prior to delivery to the confluence of Lone Tree Creek and the South Platte River for exchange, ECCV intends to divert certain sources of substitute supply, as described in **Exhibit 4**, from the Cache la Poudre River to Lone Tree Creek, in the NE1/4 of the NW1/4 of Section 15, Township 6 North, Range 65 West of the 6th P.M., Weld County, Colorado, where substitute supplies will be conveyed to the confluence with the South Platte River. 6.1.3.5. Confluence of the Cache la Poudre River and the South Platte River. Located in the SW1/4 of the SW1/4 (Lot 4) of Section 6, Township 5 North, Range 64 West of the 6th P.M., Weld County, Colorado, the centroid being 590 feet from the west section line and 4,760 feet from the north section line. ECCV will deliver its sources of substitute supply to the confluence of the Cache la Poudre River and the South Platte River by conveying certain sources of substitute supply, as described in **Exhibit 4**, down the Cache la Poudre River including its tributaries. 6.1.4. SPR Reach 2. 6.1.4.1. Downstream End Point of South Platte River Reach 2– Lower Latham Headgate. SPR Reach 2 was decreed at paragraph 17.1.5 of the 404/442 Decree as an administrative reach of the South Platte River for the augmentation plans approved in the 403 Decree and the 404/442 Decree as amended by the 306 Decree. SPR Reach 2 is located from the Western Mutual Ditch headgate, located in the SE1/4 of the SW1/4 of Section 11, Township 3 North, Range 67 West of the 6th P.M., Weld County, Colorado, to the Lower Latham Ditch headgate, located in the NW1/4 of the NE1/4 of Section 31, Township 5 North, Range 65 West of the 6th P.M., Weld County, Colorado. 6.1.4.2. Milliken Reservoir Outlet Structures. Milliken Reservoir has several outlets capable of returning water to the South Platte River at the following locations: (1) the SE1/4 of the NW1/4 of Section 2, Township 3 North, Range 67 West of the 6th P.M., Weld County, Colorado; (2) the NW1/4 of the NW1/4 of Section 35, Township 4 North, Range 67 West of the 6th P.M., Weld County, Colorado; and (3) the SW1/4 of the NE1/4 of Section 26, Township 4 North, Range 67 West of the 6th P.M., Weld County, Colorado; (4) North Diversion structure located on the South Platte River downstream of the confluence with the St. Vrain River in the NE1/4 of the SW1/4 of Section 26, Township 4 North, Range 67 West of the 6th P.M., Weld County Colorado; (5) Pump Station No. 1 located at SW1/4 of the SW1/4 of Section 35, Township 4 North, Range 67 West of the 6th P.M., Weld County, Colorado; and (6) Pump Station No. 2 located in Section 34, Township 4 North, Range 67 West of the 6th P.M., Weld County, Colorado near the confluence of the St. Vrain and South Platte Rivers. 6.1.4.3. Confluence of St. Vrain Creek and the South Platte River. Located in the SW1/4 of the NE1/4 of Section 34, Township 4 North, Range 67 West of the 6th P.M., Weld County, Colorado. From this point, water will be exchanged up St. Vrain Creek to the St. Vrain Pipeline Diversion, described below. 6.1.4.4. Haren Recharge Accretions and Release. The point at which water recharged or discharged at the Haren Recharge Site accretes to the South Platte River is located in the SW1/4 of Section 8, Township 4 North, Range 66 West of the 6th P.M., Weld County, Colorado. 6.1.4.5. Drouhard Recharge Accretions and Release. The location at which water

recharged or discharged at the Drouhard Recharge Site accretes to the South Platte River is located in the E1/2 of the SE1/4 of Section 24, Township 4 North, Range 67 West of the 6th P.M., Weld County, Colorado. 6.1.4.6. Brownwood Augmentation Station. Located in the NW1/4 of Section 25, Township 4 North, Range 67 West of the 6th P.M., Weld County, Colorado, approximately 4.6 miles down ditch from the Western Mutual Ditch headgate. 6.1.4.7. Farmers Independent Ditch Pipeline. Located in the NE1/4 of the SE1/4 of Section 36, Township 5 North, Range 66 West of the 6th P.M., Weld County, Colorado. 6.1.5. SPR Reach 1. 6.1.5.1. Downstream End Point of South Platte River Reach 1– FIDCo Upper Augmentation Station. Located in the SE1/4 of the NE1/4 of Section 24, Township 3 North, Range 67 West of the 6th P.M., Weld County, Colorado. 6.1.5.2. Binder Pipeline. Located in the NW1/4 of Section 18, Township 1 North, Range 66 West of the 6th P.M., Weld County, Colorado. 6.1.5.3. Brighton Lateral and Brighton Lateral Recharge Site Accretions. Accretions from water recharged in the Brighton Lateral and Brighton Lateral Recharge Site will accrue to the South Platte River and will be quantified at the following locations: 6.1.5.3.1. Upper Brighton Lateral Quantification Point. Located above the Brighton Ditch headgate, which is located in the SE1/4 of the SE1/4 of Section 11, Township 1 South, Range 67 West of the 6th P.M., Adams County, Colorado. 6.1.5.3.2. Middle Brighton Lateral Quantification Point. Located above the Lupton Bottom Ditch headgate, which is located in the NW 1/4 of the SW 1/4 of Section 19, Township 1 North, Range 66 West of the 6th P.M., Weld County, Colorado. 6.1.5.3.3. Lower Brighton Lateral Quantification Point. Located above the Platteville Ditch headgate, which is located in the SE 1/4 of the SE 1/4 of Section 11, Township 1 South, Range 67 West of the 6th P.M., Adams County, Colorado. 6.1.5.4. Fulton Irrigating Ditch Augmentation Stations. ECCV will use the following augmentation structures to deliver certain sources of substitute supply from the Fulton Irrigating Ditch to the South Platte River: (1) Upper Augmentation Station is located in the SE1/4 NW1/4 of Section 7, Township 1 North, Range 66 West of the 6th P.M., and delivers water to the South Platte River in the SE1/4 of the NW1/4 of Section 7, Township 1 North, Range 66 West of the 6th P.M.; (2) Ft. Lupton Augmentation Station is located in the NW 1/4 of Section 9, Township 1 North, Range 66 West of the 6th P.M., and delivers water to the South Platte River in the NW1/4 SE1/4 of Section 31, Township 2 North, Range 66 West of the 6th P.M.; (3) Lower Augmentation Station may be constructed at the head of the Fulton Wasteway, located in the NE1/4 of the SE1/4 of Section 28, Township 2 North, Range 66 West of the 6th P.M., and would deliver water to the South Platte River in the NW1/4 of the NE1/4 of Section 30, Township 2 North, Range 66 West of the 6th P.M.; (4) Midland Fulton Augmentation Station is located in the SW1/4 of the NE1/4 of Section 5, Township 1 South, Range 66 West of the 6th P.M., and delivers water to the South Platte River via the City of Brighton’s North Storm Drain Outfall in or near the SE1/4 of the SW1/4 of the SW1/4 of Section 31, Township 1 North, Range 66 West of the 6th P.M.; and (5) 148th Avenue Augmentation Station on the Fulton Ditch is located on the south edge of the SW1/4 of the NW1/4 of Section 17, Township 1 South, Range 66 West of the 6th P.M., and delivers water to the South Platte River via the outlet of Ken Mitchell Lakes which is located in the SE1/4 of Section 11, Township 1 South, Range 67 West of the 6th P.M. approximately 416 feet from the South Section line and 1,071 feet from the East Section line. 6.1.5.5. United Reservoir No. 3 Discharge Point. The point of discharge from United Reservoir No. 3 to the South Platte River is located on the east bank of the South Platte River, in the SW1/4 of Section 26, Township 1 South, Range 67 West of the 6th P.M., Adams County, Colorado, located 1,636 feet east of the west line and 1,531 feet north of the south line of said Section 26. 6.1.5.6. St. Vrain Pipeline Discharge. The point of discharge from the St. Vrain Pipeline to the South Platte River will be located in one of the following locations: (1) at a point located upstream of the Highway 66 Bridge as it crosses the South Platte River, which will deliver water to the South Platte River in the SW1/4 of the SW1/4 of Section 19, Township 3 North, Range 66 West of the 6th P.M., Weld County, Colorado; (2) at a point upstream of the Highway 66 Bridge as it crosses the South Platte River, which will deliver water to the South Platte River in the SE1/4 of the SE1/4 of Section 24, Township 3 North, Range 67 West of the 6th P.M., Weld County, Colorado, or the SE1/4 of Section 25, Township 3 North, Range 67 West of the 6th P.M., Weld County, Colorado; or (3) at a point near the SW1/4 of the SE1/4 of Section 11, Township 3 North, Range 67 West of the 6th P.M., Weld County, Colorado. The Exchange-From Points are shown on the map attached to the Application as **Exhibit 2**.

6.2. Exchange-To Points. 6.2.1. SPR Reach 4. 6.2.1.1. 70 Ranch Reservoir Surface Diversion. The surface diversion facility for 70 Ranch Reservoir will be located in the NW1/4 of the SE1/4 of Section 34, Township 5 North, Range 63 West of the 6th P.M., Weld County, Colorado. 6.2.1.2. United Diversion Facility No. 1. If an agreement with the Riverside Irrigation District and Riverside Reservoir Company (“Riverside”) is obtained, the headgate will be located at the existing headgate for the Riverside Intake Canal. The existing headgate for the Riverside Canal Intake is located on the north bank of the South Platte River in the SW1/4 of the SW1/4 of Section 20, Township 5 North, Range 63 West of the 6th P.M., Weld County, Colorado. Absent an agreement with Riverside, the headgate will be located on the north bank of the South Platte River in the S1/2 of the SW1/4 of Section 20, Township 5 North, Range 63 West of the 6th P.M., Weld County, Colorado between the headgate of the Riverside Intake Canal and the west section line of Section 20, Township 5 North, Range 63 West, 6th PM, at a location to be established within that reach, approximately 200 yards in extent. 6.2.2. SPR Reach 3. 6.2.2.1. Powell Spillway. Pumping depletions that accrue to the South Platte River at the Powell Spillway will be replaced at the SE1/4 of the SW1/4 of Section 14, Township 5 North, Range 65 West of the 6th P.M., Weld County, Colorado. 6.2.2.2. Confluence of the Cache la Poudre River and the South Platte River. Located in the SW1/4 of the SW1/4 (Lot 4) of Section 6, Township 5 North, Range 64 West of the 6th P.M., Weld County, Colorado, the centroid being 590 feet from the west section line and 4,760 feet from the north section line. 6.2.3. SPR Reach 2. 6.2.3.1. Milliken Reservoir Diversion Points. Water will be diverted by exchange into Milliken Reservoir from the South Platte River at the following diversion facilities: 6.2.3.1.1. South Diversion. A point of diversion for Milliken Reservoir may be located adjacent to the Jay Thomas Ditch Diversion Dam on the east bank of the South Platte River, in the NW1/4 of the NW1/4 of Section 11, Township 3 North, Range 67 West of the 6th P.M., Weld County, Colorado (referred to as the “South Diversion”). 6.2.3.1.2. North Diversion. A point of diversion for Milliken Reservoir may be located on the South Platte River downstream of the confluence with the St. Vrain River, in the NE1/4 of the SW1/4 of Section 26, Township 4 North, Range 67 West of the 6th P.M., Weld County Colorado (referred to as the “North Diversion”). 6.2.3.1.3. Milliken Pumps. (1) Pump Station No. 1 located at SW1/4 of the SW1/4 of Section 35, Township 4 North, Range 67 West of the 6th P.M., Weld County, Colorado; and (2) Pump Station No. 2 located in Section 34, Township 4 North, Range 67 West of the 6th P.M., Weld County, Colorado near the confluence of the St. Vrain and South Platte Rivers. 6.2.3.1.4. Western Mutual Ditch Headgate. The point of diversion for the Western Mutual Ditch headgate is located on the South Platte River, in the SE1/4 of the SW1/4 of Section 11, Township 3 North, Range 67 West of the 6th P.M., Weld County, Colorado. Water will be delivered to Milliken Reservoir through an interconnect between the Western Mutual Ditch and Milliken Reservoir. 6.2.3.2. Western Mutual Ditch Headgate. Described in paragraph 6.2.3.1.4, above. 6.2.4. SPR Reach 1. 6.2.4.1. Farmers Independent Ditch Headgate. The Farmers Independent Ditch headgate is located on the east bank of the South Platte River in the SW1/4 of Section 19, Township 3 North, Range 66 West of the 6th P.M., Weld County, Colorado. ECCV will deliver water from the Farmers Independent Ditch headgate to the Drouhard Recharge Site. 6.2.4.2. Binder Pipeline. Binder Pipeline will divert water from the east bank of the South Platte River in the NW1/4 of Section 18, Township 1 North, Range 66 West of the 6th P.M., Weld County, Colorado. Substitute supplies exchanged and conveyed through the Binder Pipeline will be delivered to Binder Reservoir. 6.2.4.3. United Diversion Facility No. 3. United Diversion Facility No. 3 is located on the east bank of the South Platte River, in the SW1/4 of Section 26, Township 1 South, Range 67 West of the 6th P.M., Adams County, Colorado, located 1,636 feet east of the west line and 1,531 feet north of the south line of said Section 26. Substitute supplies exchanged and diverted at the United Diversion Facility No. 3 will be delivered to United Reservoir No. 3. Water stored in United Reservoir No. 3 can be delivered to Barr Lake through the Beebe Pipeline pursuant to the 403 Decree. Water stored in Barr Lake can be delivered to Milton Lake via the Beebe Draw. From Barr Lake the water can also be delivered through a drainage seep to and through the Brighton Lateral to Binder Reservoir, or through the FRICO delivery canals in the Beebe Draw to Highlands Reservoir. Water can also be delivered from United No. 3 through the Beebe Pipeline to and through the Brighton Lateral to Binder Reservoir. 6.2.4.4. Burlington Canal Headgate. The Burlington Canal headgate is, pursuant to a changed

point of diversion approved in the 403 Decree, located on the east bank of the South Platte River in the NE1/4 of the SW1/4 of Section 14, Township 3 South, Range 68 West of the 6th P.M., City and County of Denver, Colorado. Substitute supplies exchanged and diverted at the Burlington Canal headgate will be delivered to Barr Lake. Water stored in Barr Lake can be delivered to Milton Lake via the Beebe Draw. From Barr Lake, the water can also be delivered through a drainage seep to and through the Brighton Lateral to Binder Reservoir, or through the FRICO delivery canals in the Beebe Draw to Highlands Reservoir. ECCV may also deliver water to recharge facilities in the Beebe Draw pursuant to the terms and conditions of the ECCV Beebe Draw Recharge Project approved in the 404/442 and 306 Decrees. Water can also be delivered from the Burlington Canal through the Beebe Pipeline to and through the Brighton Lateral to Binder Reservoir. 6.2.4.5. St. Vrain Pipeline. The St. Vrain Pipeline will divert from the St. Vrain River from following two locations: (1) 500 feet west and 200 feet north of the SE corner of Section 20, Township 3 North, Range 67 West of the 6th P.M. Weld County, Colorado and (2) the NW 1/4 of the NW 1/4 of Section 10, Township 3 North, Range 67 West of the 6th P.M., Weld County, Colorado. The Exchange-To Points are shown on the map attached to the Application as **Exhibit 2**. 6.3. Rates on the Appropriative Rights of Exchange. 6.3.1. Exchange Matrix. The maximum exchange rates in cubic feet per second for the conditional appropriative rights of exchange are set forth in the Exchange Matrix attached as **Exhibit 5**. 6.4. Date of Appropriation. December 8, 2016. 6.4.1. How Appropriation was Initiated. The appropriation date is based upon the Resolution passed by the ECCV Board of Directors on December 8, 2016. The Notice of Appropriation was posted on December 15, 2016, a copy of which is attached as **Exhibit 3**. 6.4.2. Date Water First Applied to Beneficial Use. Not applicable. 6.5. Uses. Substitute supplies exchanged to the Exchange-To Points described above and discharged to the South Platte River may be used for the same purposes for which the source water is decreed and may be exchanged multiple times as necessary to place the water to its decreed uses. 6.6. Sources of Substitute Supply for 2016 ECCV South Platte River and St. Vrain Exchange. 6.6.1. Existing Water Rights Portfolio. **Exhibit 4** is a list of the sources of substitute supply claimed herein for the appropriative rights of exchange. 6.6.2. Future Acquired Sources. ECCV intends to acquire and/or lease additional water supplies in the future for use as a source of supply for the exchanges described in this Application. To the extent that this future acquired water is available at the exchange-from points listed above, ECCV seeks to allow such sources to serve as substitute supplies for the exchanges. 7. Claim for Appropriative Rights of Substitution and Exchange- 2016 ECCV Cache la Poudre River Exchange. 7.1. Exchange-From Points. 7.1.1. Serfer Augmentation Station Discharge. Water will be delivered through the proposed Serfer Augmentation Station that will discharge to the Cache la Poudre River in the SW1/4 of the NW1/4 of Section 13, Township 6 North, Range 68 West of the 6th P.M., Larimer County, Colorado. 7.1.2. Serfer Pit. Releases to the Cache la Poudre River from Serfer Pit will be made at the NE1/4 of the NE1/4 of Section 24, Township 6 North, Range 68 West of the 6th P.M., Larimer County, Colorado. 7.1.3. Confluence of the Cache la Poudre River and the John Law Seepage Ditch, located in the SE1/4 of the NW1/4 of Section 35, Township 6 North, Range 67 West of the 6th P.M., Weld County, Colorado. 7.1.4. Confluence of the Cache la Poudre River and the Orr Lateral, located in the NW1/4 of the SW1/4 of Section 32, Township 6 North, Range 66 West of the 6th P.M., Weld County, Colorado. 7.1.5. F Street Release Structure. Located in the SE1/4 of the SW1/4 of Section 34, Township 6 North, Range 66 West of the 6th P.M., Weld County, Colorado. 7.1.6. Confluence of the Cache la Poudre River and the Graham Seep, located in the NW1/4 of the NE1/4 of Section 36, Township 6 North, Range 66 West of the 6th P.M., Weld County, Colorado. 7.1.7. 23rd Avenue Structure. Located in the SW1/4 of the NW1/4 of Section 31, Township 6 North, Range 65 West of the 6th P.M., Weld County, Colorado. 7.1.8. Confluence of the Cache la Poudre River and Eaton Draw, located in in the NE1/4 of the SW1/4 of Section 32, Township 6 North, Range 65 West of the 6th P.M. Weld County, Colorado. 7.1.9. 16th Street Structure. Located in the NE1/4 NE1/4 of Section 10, Township 5 North, Range 65 West of the 6th P.M., Weld County Colorado. 7.1.10. Confluence of the Cache la Poudre River and Sand Creek, located in the in the NE1/4 of the NW1/4 of Section 11, Township 5 North, Range 65 West of the 6th P.M., Weld County, Colorado. 7.1.11. Confluence of the Cache la Poudre River and the South Platte River. Located in the SW1/4 of the SW1/4 (Lot 4) of Section

6, Township 5 North, Range 64 West of the 6th P.M., Weld County, Colorado, the centroid being 590 feet from the west section line and 4,760 feet from the north section line. The Exchange-From Points are shown on the map attached to the Application as **Exhibit 2**. 7.2. Exchange-To Point. 7.2.1. Serfer Pit. Diversions from the Cache la Poudre River into Serfer Pit will be made at the NE1/4 of the NE1/4 of Section 24, Township 6 North, Range 68 West of the 6th P.M., Larimer County, Colorado. The location of the Serfer Pit is shown on the map attached as **Exhibit 2**. 7.2.2. Greeley Canal No. 2 Headgate. Located on the northern bank of the Cache la Poudre River, in the NE1/4 of Section 11, Township 6 North, Range 68 West of the 6th P.M., Larimer County, Colorado. 7.3. Rates on the Appropriative Right of Exchange. 7.3.1. Exchange Matrix. The maximum exchange rates in cubic feet per second for the conditional appropriative rights of exchange are set forth in the Exchange Matrix attached as **Exhibit 6**. 7.4. Date of Appropriation. December 8, 2016. 7.4.1. How Appropriation was Initiated. The appropriation date is based upon the Resolution passed by the ECCV Board of Directors on December 8, 2016. The Notice of Appropriation was posted on December 15, 2016, a copy of which is attached as **Exhibit 3**. 7.4.2. Date Water First Applied to Beneficial Use. Not applicable. 7.5. Uses. Substitute supplies exchanged to Serfer Pit described above and discharged to the Cache la Poudre River may be used for the same purposes for which the source water is decreed and may be exchanged multiple times as necessary to place the water to its decreed uses. 7.6. Sources of Substitute Supply. 7.6.1. Existing Water Rights Portfolio. **Exhibit 4** is a list of the sources of substitute supply claimed herein for the appropriative rights of exchange. 7.6.2. Future Acquired Sources. ECCV intends to acquire and/or lease additional water supplies in the future for use as a source of supply for the exchanges described in this Application. To the extent that this future acquired water is available at the exchange-from points listed above, ECCV seeks to allow such sources to serve as substitute supplies for the exchanges. **8. Claim for Appropriative Rights of Substitution and Exchange- 2016 ECCV Beebe Canal Exchange**. 8.1. Exchange-From Points. 8.1.1. Highlands Reservoir. Highlands Reservoir is located in the Beebe Draw as described above in paragraph 3.3.2, above. Water will be released to the Beebe Seep Canal through the outlet works of Highlands Reservoir. The location of the outlet structure for Highlands Reservoir has not yet been finally determined. The preliminary design anticipates that Highlands Reservoir will be gravity drained under Weld County Road (“WCR”) 39 into the existing drainage that has pipe crossings of the railroad and Interstate 76, and then flows west on the south side of WCR 4 to the Beebe Draw in the NW1/4 of the NE1/4 of Section 31, Township 1 North, Range 65 West of the 6th P.M., Weld County, Colorado. An inlet structure from the Beebe Seep Canal, the potential locations of which are described above in paragraph 3.3.3.3, may be designed to also deliver water from Highlands Reservoir to the Beebe Seep Canal, and as an outlet structure it would also be an exchange-from point. 8.1.2. Milton Lake. Milton Lake is located in Sections 10, 11, 14, 15, 22, and 23, Township 3 North, Range 65 West of the 6th P.M., Weld County, Colorado. 8.1.3. Beebe Seep Canal: Accretions occur to the Beebe Seep Canal. To the extent there is a live stream in the Beebe Seep Canal accretions can be diverted by exchange at the exchange to points described below. The Exchange-From Points are shown on the map attached to the Application as **Exhibit 2**. 8.2. Exchange-To Points. 8.2.1. Barr Lake. Barr Lake is located in portions of Sections 15, 21, 22, 23, 26, 27, 28, and 33, Township 1 South, Range 66 West, 6th P.M., Weld County, Colorado. 8.2.2. Toe of Barr Lake Dam. The toe of Barr Lake Dam is located in the NW1/4 of Section 23, Township 1 South, Range 66 West, 6th P.M., Weld County, Colorado, approximately 390 feet from the north section line and 930 feet from the west section line of said Section 23. 8.2.3. DeSanti Headgate. The headgate for the DeSanti Parcel is located on the DeSanti Parcel, which is located in the SE1/4 of Section 11, Township 1 South, Range 66 West, 6th P.M., Adams County, Colorado. 8.2.4. Bowles Seep Headgate. The headgate for the Bowles Seep is located in the NE1/4 of the SW1/4 of Section 31, Township 1 North, Range 65 West, 6th P.M., Weld County, Colorado. 8.2.5. East Neres Headgate. The headgate for the East Neres is located in the SW1/4 of the NE1/4 of Section 10, Township 2 North, Range 65 West, 6th P.M., Weld County, Colorado. 8.2.6. Highlands Reservoir Beebe Seep Canal Diversion(s). The Highlands Reservoir Beebe Seep Canal diversion points are located in the Beebe Draw, as described above in paragraph 3.3.3.3. Water will be exchanged to these points from Milton Reservoir. The Exchange-To Points are shown on the map attached to the Application as **Exhibit 2**. 8.3.

Rates on the Appropriative Right of Exchange. 8.3.1. Exchange Matrix. The maximum exchange rates in cubic feet per second for the conditional appropriative rights of exchange are set forth in the Exchange Matrix attached as **Exhibit 7.** 8.4. Date of Appropriation. December 8, 2016. 8.4.1. How Appropriation was Initiated. The appropriation date is based upon the Resolution passed by the ECCV Board of Directors on December 8, 2016. The Notice of Appropriation was posted on December 15, 2016, a copy of which is attached as **Exhibit 3.** 8.4.2. Date Water First Applied to Beneficial Use. Not applicable. 8.5. Uses. Water diverted by exchange under the 2016 ECCV Beebe Canal Exchange will be used for the same purposes for which the source water is decreed and may be exchanged multiple times as necessary to place the water to its decreed uses. 8.6. Sources of Substitute Supply. 8.6.1. Existing Water Rights Portfolio. **Exhibit 4** is a list of the sources of substitute supply claimed herein for the appropriative rights of exchange. 8.6.2. Future Acquired Sources. ECCV intends to acquire and/or lease additional water supplies in the future for use as a source of supply for the exchanges described in this Application. To the extent that this future acquired water is available at the exchange-from points listed above, ECCV seeks to allow such sources to serve as substitute supplies for the exchanges. **9. ECCV's Independent Claim to Appropriate Return Flows Associated with its Changed Shares in the Greeley Irrigation Company ("ECCV's GIC Shares").** 9.1. Name of Structure. Greeley Canal No. 3, the decreed headgate location of which is on the South side of the Cache la Poudre River, in the NW1/4 of the SE1/4 of Section 32, Township 6 North, Range 66 West of the 6th P.M., Weld County, Colorado. 9.2. ECCV's GIC Shares. By the decree entered in Case No. 06CW40 ("40 Decree"), ECCV changed the place and type of use of 5.472 shares of the Greeley Irrigation Company from irrigation to all municipal uses, including augmentation, replacement, exchange, storage, and recharge. 9.3. Claim to Appropriate Return Flows. When the calling water right downstream of the Greeley Canal No. 3 headgate is junior to December, 2016 or there is no call from downstream of the Greeley Canal No. 3 headgate, ECCV seeks the right to use, reuse, successively use, and use, to extinction, for all of the purposes described in paragraph 9.7, below, the historical return flow portion of its irrigation season delivery of ECCV's GIC Shares and the winter return flow portion of its prior irrigation season deliveries of ECCV's GIC Shares. ECCV also seeks to amend paragraph 16.3 of the 40 Decree as necessary to accomplish this appropriation of return flows. 9.4. Appropriation Information. 9.4.1. Date of Appropriation. December 29, 2016. 9.4.2. How Appropriation was Initiated. The appropriation date is based upon the date the Application in this case was filed. 9.4.3. Date Water First Applied to Beneficial Use. Not applicable. 9.5. Source. Cache la Poudre River. 9.6. Amount Claimed. Up to 51.45 acre-feet per year, conditional. 9.7. Claimed Uses. By this Application, ECCV seeks a decree granting the right to use the return flows associated with ECCV's GIC Shares as described in paragraph 3.1.9 and its subparagraphs, above. Additionally, ECCV seeks to store this water in Binder Reservoir, which is an off-channel reservoir located in the N1/2 of Section 15, Township 1 North, Range 66 West of the 6th P.M., Weld County, Colorado. **10. ECCV's Claim to Appropriate Return Flows Associated with its Changed Shares in the Farmers Independent Ditch Company ("ECCV's FIDCO Shares").** 10.1. Name of Structure. Farmers Independent Ditch, the decreed headgate is located on the east bank of the South Platte River in the SW1/4 of Section 19, Township 3 North, Range 66 West of the 6th P.M., Weld County, Colorado. 10.2. ECCV's FIDCO Shares. In the decree entered in Case No. 12CW73 ("73 Decree"), ECCV changed the place and type of use of 17.5 shares of the Farmers Independent Ditch Company from irrigation to all municipal uses, including augmentation, replacement, exchange, storage, and recharge. 10.3. Claim to Appropriate Return Flows. When the calling water right downstream of the Farmers Independent Ditch headgate is junior to December, 2016 or there is no call from downstream of the Farmers Independent Ditch headgate, ECCV seeks the right to use, reuse, successively use, and use to extinction, for all of the purposes described above in paragraph 9.7, the historical return flow portion of its irrigation season delivery of ECCV's FIDCO Shares and the winter return flow portion of its prior irrigation season deliveries of ECCV's FIDCO Shares. ECCV also seeks to amend paragraph 21.4.1 of the 73 Decree as necessary to accomplish this appropriation of return flows. 10.4. Appropriation Information. 10.4.1. Date of Appropriation. December 29, 2016. 10.4.2. How Appropriation was Initiated. The appropriation date is based upon the date the Application in this case was filed.

10.4.3. Date Water First Applied to Beneficial Use. Not applicable. 10.5. Source. South Platte River. 10.6. Amount Claimed. Up to 103.8 acre-feet per year, conditional. 10.7. Claimed Uses. ECCV's claimed uses for the water attributable to the return flows associated with ECCV's FIDCO Shares are described above in paragraph 9.7. **11. ECCV's Claim to Appropriate Return Flows Associated with its Changed Shares in the Weldon Valley Ditch Company ("ECCV's Weldon Shares")**. 11.1. Name of Structure. Weldon Valley Ditch, the decreed point of diversion is located on the North bank of the South Platte River, in the SW1/4 NW1/4 SE1/4 of Section 13, Township 4 North, Range 61 West of the 6th P.M., Weld County, Colorado. 11.2. ECCV's Weldon Shares. In Case No. 11CW151/05CW58 ("151 Case"), which is currently pending before this Court, ECCV is seeking to change the place and type of use of 44 shares of the Weldon Valley Ditch Company from irrigation to all municipal uses, including augmentation, replacement, exchange, storage, and recharge. 11.3. Claim to Appropriate Return Flows. When the calling water right downstream of the Weldon Valley Ditch headgate is junior to December, 2016 or there is no call from downstream of the Weldon Valley Ditch headgate, ECCV seeks the right to use, reuse, successively use, and use to extinction, for all of the purposes described in paragraph 9.7, above, the historical return flow portion of its irrigation season delivery of ECCV's Weldon Shares and the winter return flow portion of its prior irrigation season deliveries of ECCV's Weldon Shares. ECCV also seeks to amend paragraph 14.D.(1) of the Stipulated Change Decree filed with the Court in the 151 Case on December 28, 2016 as necessary to accomplish this appropriation of return flows. 11.4. Appropriation Information. 11.4.1. Date of Appropriation. December 29, 2016. 11.4.2. How Appropriation was Initiated. The appropriation date is based upon the date the Application in this case was filed. 11.4.3. Date Water First Applied to Beneficial Use. Not applicable. 11.5. Source. South Platte River. 11.6. Amount Claimed. Up to 925.9 acre-feet per year, conditional. 11.7. Claimed Uses. ECCV's claimed uses for the water attributable to the return flows associated with ECCV's Weldon Shares are described in paragraph 9.7, above. **12. ECCV's Independent Claim to Appropriate Return Flows Associated with its Changed Shares in Lower Latham Ditch Company ("ECCV's Lower Latham Shares")**. 12.1. Name of Structure. Lower Latham Ditch, which diverts water from the South Platte River in the NE1/4 of Section 31, Township 5 North, Range 65 West of the 6th P.M., Weld County, Colorado. 12.2. ECCV's Lower Latham Shares. Pursuant to the decree entered in Case No. 02CW404/03CW442 ("404/442 Decree"), ECCV changed its water rights associated with 6 shares in Lower Latham Ditch Company. 12.3. Claim to Appropriate Return Flows. When the calling water right downstream of the Lower Latham Ditch headgate is junior to November 30, 2017 or there is no call from downstream of the Lower Latham Ditch headgate, ECCV seeks the right to use, reuse, successively use, and use to extinction, for all purposes described in paragraph 9.7, above, the historical return flow portion of its irrigation season delivery of ECCV's Lower Latham Shares and the winter return flow portion of its prior irrigation season deliveries of ECCV's Lower Latham Shares. 12.4. Appropriation Information. 12.4.1. Date of Appropriation. November 30, 2017. 12.4.2. How Appropriation was Initiated. The appropriation date is based upon the date the Second Amended Application in this case was filed. 12.4.3. Date water First Applied to Beneficial Use. Not applicable. 12.5. Source. South Platte River. 12.6. Amount Claimed. Up to 966 acre-feet per year, conditional. 12.7. Claimed Uses. By this Application, ECCV seeks a decree granting the right to use the return flows associated with ECCV's Lower Latham Shares as described in paragraph 9.7. **13. Change in Use of ECCV's Previously Changed Water Rights**. 13.1. Change in Use. Pursuant to Colo. Rev. Stat. Ann. § 37-92-305(3)(e), ECCV seeks to change its previously-quantified water rights described below (collectively, the "Previously Changed Shares") to add additional beneficial uses as described paragraph 13.3, below, as well as to add additional sources of water that can be used to replace return flow obligations associated with the Previously Changed Shares. 13.1.1. Farmers Independent Ditch Company Shares. In the 73 Decree, ECCV originally changed 17.5 Farmers Independent Ditch shares from irrigation use to municipal, augmentation, replacement, recharge, exchange, and substitution uses either directly or following recharge and/or storage. 13.1.2. Greeley Irrigation Company Shares. Pursuant to the 40 Decree, ECCV originally changed 5.472 Greeley Irrigation Company shares from irrigation use to municipal, augmentation, replacement, recharge, exchange, and substitution uses either directly or following

recharge and/or storage. 13.1.3. Weldon Valley Ditch Company Shares. In the 151 Case, ECCV requests to change 44 Weldon Valley Ditch shares from irrigation use to municipal, augmentation, replacement, recharge, exchange, and substitution uses either directly or following recharge and/or storage. 13.1.4. New Cache la Poudre Irrigating Company (“NCLPIC”) and Cache la Poudre Reservoir Company (“CLPRC”) Shares. In Case No. 13CW3026, ECCV changed 16 shares in the NCLPIC and 16 shares in the CLPRC from irrigation use to municipal, augmentation, replacement, recharge, exchange, and substitution uses as more fully described in the proposed decree in that case. 13.1.5. Lower Latham Ditch Shares. In the 404/442 Decree, ECCV changed 6 shares in the Lower Latham Ditch to use for replacement, augmentation, recharge, and substitute supply. 13.1.6. Hardin Ditch/Peterson Water Right. In the 404/442 Decree, ECCV changed a 4/23rds interest in 23/28ths of the Hardin Ditch/Peterson Water Right to use for replacement, augmentation, recharge, and substitute supply. 13.1.7. Illinois Ditch Water Right. In the 404/442 Decree, ECCV changed 7 cfs of the Illinois ditch Water Right to use for replacement, augmentation, recharge, and substitute supply. 13.2. Replacement of Return Flow Obligations. The decrees for the Previously Changed Shares require Applicants to meet historical return flow obligations in time, place, and amount, as more fully described in the relevant decrees. ECCV seeks the ability to meet these return flow obligations using any of the water rights described in **Exhibit 4**, so long as those rights have been decreed for use for augmentation, replacement, or substitution. Additionally, ECCV seeks the ability to use any future acquired water rights to meet these return flow obligations to the extent that future acquired sources are decreed for augmentation, replacement, or substitution purposes. 13.3. Additional Uses. To the extent the Previously Changed Shares are not already decreed for such purposes, ECCV seeks to add the following as permissible uses of the Previously Changed Shares. 13.3.1. Augmentation Plans. ECCV may use its Previously Changed Shares in the augmentation plans decreed in Case Nos. Case Nos. 02CW403, 02CW404/03CW442, as amended by the decree entered in Case No. 10CW306, the augmentation plan decreed in 13CW3026, and any future augmentation plans sought by ECCV. 13.3.2. Recharge including Aquifer Storage and Recovery and Aquifer Recharge and Recovery. ECCV may use its Previously Changed Shares for recharge (including aquifer storage and recovery and aquifer recharge and recovery) in the recharge facilities previously decreed in Case Nos. Case Nos. 02CW403, 02CW404/03CW442, as amended by the decree entered in Case No. 10CW306, the recharge facilities sought in this Application, and any other existing or future recharge facilities to which ECCV may legally recharge water. 13.3.3. Exchanges. ECCV may use its Previously Changed Shares in the exchanges previously decreed in Case Nos. 02CW404/03CW442, 11CW285, and 11CW280, the exchanges sought in this Application, and any future exchanges operated or decreed by ECCV. 13.3.4. Storage. ECCV may store its Previously Changed Shares in the following surface storage structures for subsequent delivery into ACWWA’s or ECCV’s municipal system or for use as a source of augmentation, replacement, recharge, exchange or substitute supply: 13.3.4.1. 70 Ranch Reservoir, a lined off-channel reservoir that will be located in the S1/2 of Section 3, Township 4 North, Range 63 West of the 6th P.M., Weld County, Colorado, and a portion of the NE1/4 of Section 10, Township 4 North, Range 63 West of the 6th P.M., Weld County, Colorado. 13.3.4.2. Milliken Reservoir (a/k/a Gilcrest Reservoir), a lined off-channel reservoir located within a part of Section 2, Township 3 North, Range 67 West and Sections 23, 26, 34, and 35, Township 4 North, Range 67 West of the 6th P.M., Weld County, Colorado. 13.3.4.3. United Reservoir No. 3, an off-channel reservoir located on the east side of the South Platte River in the S1/2 of Section 26 and the N1/2 of Section 35, Township 1 South, Range 67 West of the 6th P.M., Adams County, Colorado. 13.3.4.4. Barr Lake, an off-channel reservoir located in Sections 15, 21, 22, 23, 26, 27, 28, and 33, Township 1 South, Range 66 West of the 6th P.M., Adams County, Colorado. Barr Lake is an enlargement of the original Oasis Reservoir. 13.3.4.5. Milton Lake, an off-channel reservoir located in Sections 10, 11, 14, 15, 22, and 23, Township 3 North, Range 65 West of the 6th P.M., Weld County, Colorado. 13.3.4.6. Binder Reservoir, an off-channel reservoir located in the N1/2 of Section 15, Township 1 North, Range 66 West of the 6th P.M., Weld County, Colorado. 13.3.4.7. Highlands Reservoir, an off-channel reservoir located in the NW1/4 of Section 32, Township 1 North, Range 65 West of the 6th P.M., Weld County, Colorado. 13.3.4.8. Serfer Pit, an off-channel reservoir located in the NE1/4 of the NE1/4 of

Section 24, Township 6 North, Range 68 West of the 6th P.M., Larimer County, Colorado. 13.3.4.9. Any existing or future storage facility to which ECCV is legally permitted to store water. 13.3.5. Replacement of Return Flow Obligations. ECCV may use its Previously Changed Shares to replace return flows obligations associated with the Previously Changed Shares, as well as the return flow obligations of any other water rights changed by ECCV in the future. 13.3.6 Use by ACWWA. ECCV may lease and/or trade water attributable to the Previously Changed Shares to ACWWA for use in ACWWA's augmentation plans, recharge projects, and exchanges including those decree in Case Nos. 10CW306 and 09CW283, as well as the recharge projects and exchanges sought in Case No. 16CW3195, and including use to replace return flow obligations associated with previously changed shares. This water may also be used by ACWWA, by lease or trade with ECCV, pursuant to any future applications, so long those future applications list the Previously Changed Shares as a source of supply or replacement water. 14. Change in Use of ECCV's Existing Storage Water Rights. 14.1. Change in Use. Pursuant to Colo. Rev. Stat. Ann. § 37-92-305(3)(e), ECCV seeks to change the previously decreed water storage rights described below (collectively, the "ECCV's Existing Water Storage Rights") to add additional beneficial uses as described paragraph 14.2, below. 14.1.1. Milton Lake 2003 Storage Right, adjudicated in Case No. 02CW404/03CW442 for 5,000 acre-feet each water storage year, conditional. 14.1.2. ECCV 2011 Barr Lake Water Storage Right, adjudicated in Case No. 11CW280 for 9,000 acre-feet, conditional. 14.1.3. United Reservoir No. 3 Water Storage Right, adjudicated in Case No. 11CW280 for 1,000 acre-feet, conditional. 14.1.4. Gilcrest Reservoir Water Storage Right, adjudicated in Case No. 11CW280 for 3,000 acre-feet, conditional. 14.1.5. ECCV 2014 Barr Lake Water Storage Refill Right, adjudicated in Case No. 14CW3164 for 9,000 acre-feet, conditional. 14.1.6. ECCV 2014 United Reservoir No. 3 Water Storage Refill Right, adjudicated in Case No. 14CW3164 for 1,000 acre-feet, conditional. 14.1.7. ECCV 2014 Gilcrest Reservoir Water Storage Refill Right, adjudicated in Case No. 14CW3164 for 3,000 acre-feet, conditional. 14.1.8. ECCV 70 Ranch Reservoir Water Storage Right, adjudicated in Case No. 13CW3172 for 3,000 acre-feet, conditional and a refill right in the amount of 3,000 acre-feet, conditional. 14.2. Additional Uses. To the extent ECCV's Existing Water Storage Rights are not already decreed for such purposes, ECCV seeks to add the uses described in paragraph 13.3 and its subparagraphs, above, as permissible uses of ECCV's Existing Water Storage Rights. (36 pages, 7 exhibits).

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 **FEBRUARY 2018** (forms available on www.courts.state.co.us or in the Clerk's office), and must be filed as an Original and include **\$158.00** filing fee. A copy of each Statement of Opposition must also be served upon the Applicant or Applicant's Attorney and an affidavit or certificate of such service of mailing shall be filed with the Water Clerk.