

**DISTRICT COURT, WATER DIVISION 1, COLORADO
NOVEMBER 2016 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 **NOVEMBER 2016** for each County affected.

16CW43 EUGENE AND DEBRA NAGLE, 5367 S. Foresthill St., Littleton, CO 80120. 303-795-9415. APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN PARK COUNTY.

Date of original decree: 09-17-04 in case no. 96CW1166, WD1; Subsequent decrees: 11-26-10 in case no. 10CW197, WD 1. Nagle Lot 78 located NE1/4 NE1/4, S29, T9S, R75W of the 6th PM; Filing 2, Indian Mountain subdivision, 65 Antelope Circle–vacant land. Nagle Lot 79 located SE1/4 NE1/4, S29, T9S, R75W of the 6th PM; Filing 2, Indian Mountain subdivision, 43 Antelope Circle–vacant land. Source: Groundwater. Appropriation date: 5-31-73. Amount for each lot: 0.033 cfs (15 gpm) Conditional. Use: Household use only inside a single family dwelling not including irrigation.

16CW44 J. ARTHUR GALLEGOS FAMILY TRUST, J. ARTHUR GALLEGOS, TRUSTEE, 5453 Drover Drive, San Diego, CA 92115-1129. 619-287-7868. APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN PARK COUNTY.

Date of original decree: 01-15-04 in case no. 96CW651, WD 1. Subsequent decree: 12-01-10 in case no. 10CW119, WD 1. Gallegos Lot 136 Well located NE1/4 NE1/4 S21, T9S, R75W of the 6th PM at a point approximately 720 ft. from N and 900 ft. from E. Lot 136, Filing 5; Indian Mountain subdivision aka 526 Spearpoint Road. Source: Groundwater. Appropriation date: 3-31-73. Amount: 15 gpm, Conditional. Use: Household use only in a single family dwelling, not including irrigation.

16CW45 Maria D Woolard, 6071 S. Quail Way, Littleton, CO 80127. 303-210-4127. APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN PARK COUNTY.

Date of original decree: 01-15-04 in case no. 96CW651, WD 1. Subsequent decree: 12-01-10 in case no. 10CW119, WD 1. Woolard Lot 88 Well located NW1/4 SE1/4, S21, T9S, R75W of the 6th PM at a point approximately 2340 ft. from S and 1860 ft. from E. Lot 88, Filing 5, Indian Mountain subdivision, aka 630 Pathfinder Road. Source: Groundwater. Appropriation date: 3-31-73. Amount: 15 gpm, Conditional. Use: Household use only in a single family dwelling, not including irrigation.

16CW46 CHRIS AND JENNIFER HEARN, 9308 Fallen Rock Rd., Conifer, CO 80433. 303-886-3808. APPLICATION FOR ABSOLUTE UNDERGROUND WATER RIGHT IN JEFFERSON COUNTY.

Hearn Fallen Rock well, permit 175878, located NE1/4, SW1/4, S11, T6S, R71W of the 6th PM at a distance 2231 ft from S and 1382 ft from W. Easting 473260; Northing 4377166; Zone 13. Conifer Park Estates, Lot 27; Filing 1. Depth of well: 800. Source: Groundwater tributary to S. Platte. Date of appropriation: 12-29-93. How appropriation was initiated: Applied for well permit. Date water applied to beneficial use: 7-20-94. Use: Household only.

16CW3151 The New Cache La Poudre Irrigating Company (hereinafter "Applicant" or "New Cache"), Dale Trowbridge, General Manager, 33040 Railroad Avenue, P.O. Box 104, Lucerne, CO 80646. Phone (970) 352-0222.

Please forward all pleadings and correspondence to Daniel K. Brown, Fischer, Brown, Bartlett & Gunn, P.C., 1319 E. Prospect Road, Fort Collins, Colorado 80525. APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE AND TO MAKE CONDITIONAL WATER RIGHTS ABSOLUTE IN LARIMER AND WELD COUNTIES. 2. Original Decree: Structure(s) and Water Rights. A. *Date of Original Decree*: November 3, 2010, Consolidated Case Numbers. 01CW201 (01CW288, 04CW343), District Court, Water Division 1, State of Colorado (“Original Decree”). B. *Conditional Water Rights*: a. The Cornish Plains Reservoir and Recharge Facility (hereinafter “Cornish Plains Reservoir”). b. The Barnesville Equalizer and Recharge Facility (the

“Barnesville Equalizer). c. Greeley No. 2 Canal, a.k.a. the New Cache la Poudre Irrigating Company Ditch (the “Greeley No. 2 Canal”). C. *Description of Structures*: a. The Cornish Plains Reservoir is an off-channel reservoir located within portions of the following: the NW1/4 of the SE1/4, the SW1/4 of the SE1/4, and the SE1/4 of the SE1/4 of Section 5; the E1/2 of the NW1/4, the entire NE1/4, and the N1/2 and the SE1/4 of the SE1/4 of Section 8; and the SW1/4 of the NW1/4 and the W1/2 of the SW1/4 of Section 9, Township 6 North, Range 63 West of the 6th P.M. b. The Barnesville Equalizer is an off-channel reservoir located in portions of the NW1/4, and the NE1/4 of Section 17, and the N1/2 and the SE1/4 of the SW1/4 of Section 8, Township 6 North, Range 63 West, 6th P.M. c. The Greeley No. 2 Canal is the main canal for the New Cache system and traverses portions of Sections 7, 8, 16, 17, 20, 21, 29 and 30, Township 6 North, Range 63 West; Sections 7, 11, 12, 14, 17, 18, 20, 21, 22, 23, 25 and 27, Township 6 North, Range 64 West; Sections 1, 10, 12, 13, 14, 15, 22, 23 and 27, Township 6 North, Range 65 West; Sections 13, 14, 15, 16, 17, 19, 20, 23 and 24, Township 6 North, Range 66 West; Sections 14, 15, 16, 17, 18, 23 and 24, Township 6 North, Range 67 West; Sections 11, 12 and 13, Township 6 North, Range 68 West, and is located in both Larimer and Weld Counties, Colorado, as shown on Exhibit A, attached hereto. D. *Points of Diversion*: a. The headgate of the Greeley No. 2 Canal, located at the SE1/4 of the NE1/4 of Section 11, Township 6 North, Range 68 West of the 6th P.M., in Larimer County, Colorado. b. The John Law Seep Ditch point of diversion into the Greeley No. 2 Canal, located at the confluence of the John Law Seep Ditch with the Greeley No. 2 Canal, located in the NW1/4 of the SW1/4 of Section 14, Township 6 North, Range 67 West of the 6th P.M., Weld County, Colorado, at a point approximately 5,250 feet west of the east section line and 1,500 feet north of the south section line. c. The Cole Bank Draw point of diversion into the Greeley No. 2 Canal, located at the confluence of Cole Bank Draw with the Greeley No. 2 Canal, located in the SE1/4 of the NE1/4 of Section 16, Township 6 North, Range 66 West of the 6th P.M., Weld County, Colorado, at a point approximately 200 feet west of the east section line and 2,000 feet south of the north section line of said Section 16. d. The Eaton Draw point of diversion into the Greeley No. 2 Canal, located at the confluence of Eaton Draw with the Greeley No. 2 Canal, located in the NW1/4 of the NE1/4 of Section 17, Township 6 North, Range 65 West of the 6th P.M., Weld County, Colorado, at a point approximately 1,760 feet west of the east section line and 5,000 feet north of the south section line of said Section 13. e. The Galeton Draw point of diversion, located at the confluence of Galeton Draw (a.k.a. Willow Creek) with the Ditch, located in the SW1/4 of the NE1/4 of Section 7, Township 6 North, Range 64 West of the 6th P.M., Weld County, Colorado, at a point approximately 1,500 feet west of the east section line and 1,750 feet south of the north section line. f. The Owl Creek point of diversion, located at the confluence of Owl Creek with the Ditch, located in the NE1/4 of the SE1/4 of Section 21, Township 6 North, Range 64 West of the 6th P.M., Weld County, Colorado, at a point approximately 1,400 feet north of the south section line and 50 feet west of the east section line. g. Other inflows at any location along the course of the Greeley No. 2 Canal are also claimed, as are inflows of precipitation and surface drainage directly into the Cornish Plains Reservoir from surrounding lands located in Sections 5, 6, 7 and 8, Township 6 North, Range 63 West of the 6th P.M. E. *Sources of Water*: a. Cache La Poudre River (as to diversions at the river headgate of the Greeley No. 2 Canal); surface water and drainage water, including precipitation and irrigation runoff, flowing into the John Law Seep Ditch and Drainage, Cole Bank Draw, (a.k.a. Coalbank Draw), Eaton Draw, Willow Creek (a.k.a. Galeton Draw), Owl Creek (a.k.a. Howard Drain), as well as such other surface and drainage water that may flow into the Greeley No. 2 Canal along its course, and drainage and natural precipitation from surrounding surface areas (except and excluding in all instances all water flowing into and out of the Graham Seepage and Drainage Canal, a.k.a. Graham Seep Ditch or Graham Ditch). F. *Dates of initiation of appropriation*: a. Cornish Plains Reservoir: i. Date of initiation of appropriation: September 17, 2001 for 1,500 acre-feet, December 19, 2002 for 700 acre-feet, and December 29, 2004 for 455 acre-feet. ii. Amount: 1,847.7 acre-feet ABSOLUTE, with 807.3 acre-feet, with the right to fill and one refill annually (CONDITIONAL). b. Barnesville Equalizer: i. Date of initiation of appropriation: September 17, 2001. ii. Amount: 300 acre-feet, with the right to fill and one refill annually (CONDITIONAL). c. Greeley No. 2 Canal: i. Date of initiation of appropriation: September 17, 2001. ii. Diversion Amounts For Individual Points of Diversion: 1. Cache La Poudre

River: 650 c.f.s. (CONDITIONAL). 2. The John Law Seep: 50 c.f.s. (CONDITIONAL). 3. The Cole Bank Draw: 75 c.f.s. (CONDITIONAL). 4. The Eaton Draw: 100 c.f.s. (CONDITIONAL). 5. The Galeton Draw: 20 c.f.s. (CONDITIONAL). 6. Owl Creek: 14 c.f.s. (CONDITIONAL). G. *Decreed Uses*. The beneficial uses claimed by Applicant for the water rights described above in are irrigation (agricultural and lawn irrigation), commercial, industrial, manufacturing, recreation, piscatorial, preservation and enhancement of wildlife habitat, replacement of reservoir evaporation, recharge, augmentation, exchange, replacement, adjustment and regulation of river and ditch flow, use and reuse as substitute supply. Said beneficial uses may take place directly, following storage or by exchange, including both internal system exchanges and river exchanges. The lands that may be irrigated are located within Applicant's service area. In addition to using the water to irrigate the lands of Applicant's shareholders, Applicant will also use the water for fish propagation and surface recreation within the reservoirs; in exchanges to be later decreed or duly approved, whereby the water will be exchanged for other water diverted at Applicant's Cache La Poudre River headgate for the Greeley No. 2 Canal, or at other locations. The water may also be used for augmentation and recharge purposes to augment the out-of-priority depletions of the ground water alluvium of the Cache La Poudre River and/or South Platte River, either by direct release, after storage or via recharge, including in particular in the plan for augmentation that is the subject of the application before this court in Case No. 04CW025, District Court, Water Division No. 1 (the water may also be traded, sold or otherwise exchanged for other sources of fully consumable augmentation water that may be used as a source of augmentation water in Case No. 04CW25), as well in other plans to be later decreed for the purpose of augmenting out-of-priority depletions from wells located within Applicant's service area. To the extent water is diverted pursuant to this decree to recharge in excess of what is ultimately needed to satisfy the said recharge/augmentation requirements, Applicant may sell or lease said excess recharge water ("Excess Credits") to a third party for use either inside or outside of Applicant's service area; however, Applicant shall not divert water to recharge pursuant to the water rights decreed herein with the intent or for the purpose of generating Excess Credits. Water stored in Cornish Plains Reservoir and Barnesville Equalizer may also be used to equalize and aid in the equitable distribution of water delivered to Applicant's shareholders. The water will be used for municipal purposes by Applicant's shareholders, which include the Town of Windsor and the City of Greeley.

3. Claim to make absolute: The Applicant has diverted water pursuant to the foregoing water rights in each year during the diligence period. Based upon these diversions, the maximum rates and amounts of diversion and storage during the diligence period that Applicant claims as absolute, for all purposes pursuant to C.R.S. §37-92-103(4)(a) (as amended by Senate Bill 13-041) are as follows:

a. Cornish Plains Reservoir: In addition to the 1,847.7 acre-feet decreed as absolute for the Cornish Plains Reservoir in the Original Decree, Applicant claims an additional 807.3 acre-feet absolute based upon diversions made during the 2014 water year for a total of 2,655 acre-feet ABSOLUTE and 0.0 acre-feet remaining CONDITIONAL. Additionally, Applicant refilled the Cornish Plains Reservoir by 970 acre-feet based upon diversion made in the 2014 water year and thus claims 970 acre-feet ABSOLUTE for refill with the remaining 1,685 acre-feet CONDITIONAL.

b. Barnesville Equalizer: Applicant claims 300 acre-feet ABSOLUTE based upon diversion made to the Barnesville Equalizer in the 2010 water year for a total of 300 acre-feet ABSOLUTE and 0.0 acre-feet remaining CONDITIONAL. Additionally, Applicant refilled the Barnesville Equalizer by 21 acre-feet based upon diversion made in the 2010 water year in the amount and thus claims 21 acre-feet ABSOLUTE for refill with the remaining 279 acre-feet CONDITIONAL.

c. Greeley No. 2 Canal: Applicant claims the following diversion amounts absolute for the following points of diversion:

1. Cache La Poudre River: 104 c.f.s. ABSOLUTE with the remaining 546 c.f.s. CONDITIONAL. The absolute claim was confirmed by the original decree for this water right.
2. The John Law Seep: 4.31 c.f.s. ABSOLUTE with the remaining 45.69 c.f.s. CONDITIONAL.
3. The Cole Bank Draw: 4.51 c.f.s. ABSOLUTE with the remaining 70.49 c.f.s. CONDITIONAL.
4. The Eaton Draw: 7.44 c.f.s. ABSOLUTE with the remaining 92.56 c.f.s. CONDITIONAL.
5. The Galeton Draw: 1.00 c.f.s. ABSOLUTE with the remaining 19 c.f.s. CONDITIONAL.
6. Owl Creek: 0.59 c.f.s. ABSOLUTE with the remaining c.f.s. 13.41 CONDITIONAL.

A summary of Applicant's diversions is under the foregoing water rights (the "subject water rights") is

attached hereto as Exhibit A. Applicant may complete diversion records and/or other evidence of diversions that took place during the diligence period as further proof of diligence or as proof of the exercise of the foregoing water rights. 4. Provide an outline of what has been done toward completion or for completion of the appropriations and application of water to beneficial use as conditionally decreed, including expenditures. To the extent that the subject water rights are not decreed as absolute, the Applicant seeks to continue the remaining conditional portions of the subject water rights as conditional. The Applicant has been diligent in developing the subject water rights which is manifest in the Applicant's exercise of the subject water rights every year of the diligence period as evidenced by the summary of diversion records attached as Exhibit A. Additionally, the following activities and expenditures evidence Applicant's diligence. Applicant has purchased the land on which the Cornish Plains Reservoir and Barnesville Equalizer are located and constructed the reservoirs and related facilities. Applicant has expended time, money and effort in compliance with the terms and conditions of this decree, including but not limited to the purchase and installation of measurement structures for decreed points of inflow and for ditch recharge reaches, as well as the development, updating and reporting of the accounting in this case. Further, the subject water rights are a primary source of augmentation water for Applicant's augmentation plan decreed in Consolidated Case Nos. 04CW25/06CW295 ("LPAC Case") Applicant expended significant time, effort and money to obtain a final decree in the LPAC Case during the diligence period (LPAC case was decreed on January 21, 2014), as well as to develop, update and report coordinated accounting in these cases. Also, Applicant has continued to develop recharge sites to recharge the subject water rights, which included the establishment of agreements, easements and recharge parameters for the recharge sites. Further, Applicants have constructed an additional storage vessel, the New Cache Pond, and filed conditional storage water right claims in Case No. 15CW3095, the water from which will be used to supplement LPAC augmentation supplies and otherwise improve LPAC operations. Applicant has also previously constructed the Harmony 25 Reservoir as another storage vessel for water to be used to supplement LPAC augmentation supplies, and has expended funds constructing, accounting for and operating this reservoir. Applicant has acquired additional water rights to supplement supplies. Finally, Applicant has expended time, money and effort as the Applicant in Water Court cases (including Consolidated Cases 04CW25/06CW295, Case 09CW30 and Case 15CW3095), and as an opposer in other cases (including Cases 05CW226, 08CW178, 10CW269, 11CW265, 13CW3026, 13CW3141, 14CW3046, 14CW3074, 14CW3158, 14CW3176, and 15CW3099), as well and other activities aimed at securing and protecting the subject water rights and Applicant's other water rights and interests. All told, Applicant has expended at least \$10,000,000 for the foregoing purposes and will offer an itemized breakdown of costs and expenditures as further proof of diligence in this case. Applicant has undertaken other activities and incurred additional costs not further described or enumerated here but that may be used as further evidence in this case of Applicant's diligence in developing the subject water rights. 5. This application does not involve any new diversion or storage structures or the modification of any existing diversion or storage structures. 9 pages.

16CW3152 John Richard Chesnick and Susan Chesnick, 7588 Nuthatch Circle, Parker, CO 80134 (James J. Petrock, Petrock & Fendel, 700 17th Street, #1800, Denver, CO 80202), APPLICATION FOR UNDERGROUND WATER RIGHTS FROM NONTRIBUTARY AND NOT NONTRIBUTARY SOURCES AND FOR APPROVAL OF PLAN FOR AUGMENTATION, IN THE NONTRIBUTARY LOWER DAWSON, DENVER, ARAPAHOE AND LARAMIE-FOX HILLS AND THE NOT NONTRIBUTARY UPPER DAWSON AQUIFERS, **DOUGLAS COUNTY**. 5 acres being the W1/2SW1/4SW1/4SW1/4 of Section 21, T7S, R65W of the 6th P.M., Douglas County, as shown on Attachment A hereto ("Subject Property"). Source of Water Rights: The Upper Dawson aquifer is not nontributary as described in Sections 37-90-103(10.7), C.R.S., and the Lower Dawson, Denver, Arapahoe and Laramie-Fox Hills aquifers are nontributary as described in Section 37-90-103(10.5), C.R.S. Estimated Amounts: Upper Dawson: 1.5 acre-feet, Lower Dawson: 0.6 acre-feet (includes groundwater in Permit No. 259191), Denver: 1.6 acre-feet, Arapahoe: 2 acre-feet, Laramie-Fox Hills: 1.4 acre-feet. Proposed Use: Domestic, commercial, industrial, irrigation, livestock watering, fire protection, and

augmentation purposes, including storage, both on and off the Subject Property. Description of plan for augmentation: Groundwater to be augmented: 1 acre-feet per year of Upper Dawson aquifer groundwater as requested herein. Water rights for augmentation: Return flows from the use of not nontributary and nontributary groundwater and direct discharge of nontributary ground water. Statement of plan for augmentation: The Upper Dawson aquifer water will be used on the Subject Property for in house use in one residence (0.35 acre-feet), irrigation of 10,500 square-feet of lawn, garden, and trees (0.6 acre-feet), and stockwatering of up to 4 large domestic animals (0.05 acre-feet). Applicants reserve the right to amend the amounts and values without amending the application or republishing the same. Sewage treatment for inhouse use will be provided by non-evaporative septic systems and return flow from inhouse and irrigation use will be approximately 90% and 15% of that use, respectively. During pumping Applicants will replace actual depletions to the affected stream system pursuant to Section 37-90-137(9)(c.5), C.R.S. Depletions occur to the Cherry Creek stream system. Return flows accrue to the South Platte River via Cherry Creek and those return flows are sufficient to replace actual depletions while the subject groundwater is being pumped. Applicants will reserve an equal amount of nontributary groundwater underlying the Subject Property to meet post pumping augmentation requirements. Further, Applicants pray that this Court grant the application and for such other relief as seems proper in the premises. (4 pages).

16CW3153, 98CW366. Thomas G. Brown, 6207 Calle Vera Cruz, LaJolla, California, 92037 c/o Lawrence Jones Custer Grasmick LLP, 5245 Ronald Reagan Blvd., Suite 1, Johnstown, CO, 80534. APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE in LOGAN, MORGAN AND WASHINGTON COUNTIES. 2. Conditional Water Rights Decreed in Case No. 98CW366. Applicant seeks a finding of reasonable diligence for 9 wells to be located in and used in Block 1, Lots 1-6 and Block 2, Lots 1-3, Columbine Acres Subdivision, Second Filing, Logan County, which is in the Northwest Quarter of Section 35, Township 8 North, Range 53 West of the 6th P.M. as shown on the plat attached as Exhibit A (Wells). The source of each Well is the tributary alluvium about 50 feet deep. The date of appropriation of each Well is July 29, 1998 for 15 g.p.m. conditional for in-house use and irrigation of 6000 square feet of lawn. 3. Augmentation. The augmentation plan for the 9 Wells was decreed in Case No. 98CW366 by adding the Wells to the augmentation plan decreed in Case No. 96CW117. The augmentation plan accounting is provided by the Lower South Platte Water Conservancy District. 4. Outline of What Has Been Done Toward Completion. The Wells have not been drilled because none of the lots have been purchased. Applicant desires to allow the new owners to determine the location of the Wells on each of the lots in relation to the other improvements. Applicant continues to market the lots but due to economic circumstances beyond Applicant's control sales of these lots in the City of Sterling, Columbine Acres have not come to fruition. Applicant expended funds to maintain the lots and to market the lots. Since the Wells are included in a decreed augmentation plan no injury will result from continuing the conditional appropriations. 5. Claim for Finding of Reasonable Diligence. Pursuant to §37-92-304 C.R.S., Applicant seeks to continue the conditional appropriation for each structure. 6. Name and Address of Owner of Structures. Thomas G. Brown.

16CW3154 Maple Grove Land Limited Partnership, Richard Putnam, and Wayne E. Brown Family, LLC, c/o 1175 Crystal Valley Parkway, Castle Rock, CO 80104 (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. 98CW298, Water Division 1, decreed on October 20, 1999. Applicants are the owners of the Upper Dawson aquifer groundwater which is the subject of this application and which is located underlying approximately 600 acres located in parts of Sections 36, T8S, R67W, and Section 1, T9S, R67W of the 6th P.M., as shown on Attachment A (Subject Property). Proposed change: In the original decree, an augmentation plan was approved for the use of 64 acre-feet per year of not nontributary Upper Dawson aquifer groundwater for domestic use on residential tracts. The decree also requires that 64 acre-feet per year of nontributary

Laramie-Fox Hills aquifer groundwater decreed in that case be reserved for future use in the augmentation plan. By this application, Applicants request that the terms and conditions of the augmentation plan for use of 64 acre-feet per year of Upper Dawson aquifer be deleted from the decree, and that the corresponding 64 acre-feet per year of nontributary Laramie-Fox Hills aquifer groundwater be no longer reserved for use in that plan. No other parts of the original decree are changed herein. Further, Applicants pray that this Court grant the application and for such other relief as seems proper in the premises. (3 pages).

16CW3155, Edward Yat Ping Teng, 2375 Bears Den Drive, Sedalia, CO 80135 (James J. Petrock, Petrock & Fendel, 700 17th Street, #1800, Denver, CO 80202), APPLICATION FOR UNDERGROUND WATER RIGHTS FROM NONTRIBUTARY AND NOT NONTRIBUTARY SOURCES, CHANGE OF WATER RIGHTS, AND APPROVAL OF PLAN FOR AUGMENTATION, IN THE NONTRIBUTARY LARAMIE-FOX HILLS AND THE NOT NONTRIBUTARY DENVER AND ARAPAHOE AQUIFERS, DOUGLAS COUNTY. Subject Property: 35 acres located in the E1/2SW1/4 of Section 34, T7S, R68W of the 6th P.M., Douglas County, as described and shown on Attachment A hereto ("Subject Property"). Source of Water Rights: The Denver and Arapahoe aquifers are not nontributary as described in Sections 37-90-103(10.7), C.R.S., and the Laramie-Fox Hills aquifer is nontributary as described in Section 37-90-103(10.5), C.R.S. Estimated Amounts: Denver: 25 acre-feet, Arapahoe: 19 acre-feet, Laramie-Fox Hills: 9 acre-feet. Proposed Use: Domestic, commercial, irrigation, livestock watering, fire protection, and augmentation purposes, including storage, both on and off the Subject Property. Decree information for which change is sought: 46.9 acre-feet per year of not nontributary Denver aquifer; 42.3 acre-feet per year of not nontributary Arapahoe aquifer; and 42.5 acre-feet per year of nontributary Laramie-Fox Hills aquifer groundwater, owned by Applicant and decreed in Case No. 93CW198. Applicant is owner of approximately 213.7 acres as shown on Attachment A, and said land and groundwater is located adjacent to the 35 acres as described in paragraph 3 above. Proposed change: Applicant requests that the groundwater requested in this application be withdrawn in combination with the same type of groundwater described in paragraph 8 above, through wells to be located on the 35 or 213.7 acres shown on Attachment A. Description of plan for augmentation: Groundwater to be augmented: Up to 50 acre-feet per year of Denver and/or Arapahoe aquifer groundwater as requested herein and as decreed in Case No. 93CW198, subject to the change requested herein. Water rights for augmentation: Return flows from the use of not nontributary and nontributary groundwater and direct discharge of nontributary ground water. The Denver and Arapahoe aquifer groundwater will be used for domestic, irrigation, stockwatering, and fire protection use, including storage. Applicant reserves the right to revise the amounts and uses without having to amend the application or republish the same. Sewage treatment for in house use will be provided by non-evaporative septic systems and return flow from in house and irrigation use will be approximately 90% and 15% of that use, respectively. During pumping of the Denver and Arapahoe aquifer groundwater, Applicant will replace 4% of the annual amount withdrawn and actual depletions to the affected stream system, respectively, pursuant to Section 37-90-137(9)(c.5), C.R.S. Applicant estimates that depletions occur to the Plum Creek stream systems. Return flows accrue to the South Platte River stream systems, and those return flows are sufficient to replace an amount equal to 4% of the annual amount being withdrawn while the subject groundwater is being pumped. Applicant will reserve a sufficient amount of nontributary Laramie-Fox Hills aquifer groundwater to meet post pumping augmentation requirements for a period of 1000 years after pumping ceases. Further, Applicant prays that this Court grant the application and for such other relief as seems proper in the premises. (6 pages).

16CW3156 Town of Estes Park, PO Box 1220, Estes Park, CO, 80517, through their attorneys: Petrock & Fendel, P.C., Frederick A. Fendel, III, #10476, Matthew S. Poznanovic, #29990, 700 Seventeenth Street, Suite 1800, Denver, Colorado 80202, Telephone: (303) 534-0702. APPLICATION FOR WATER RIGHT, CHANGE OF WATER RIGHTS, AND PLAN FOR AUGMENTATION OF THE TOWN OF ESTES PARK, IN LARIMER COUNTY. 2. Summary of application: Carriage Hills

Ponds 1 and 2 are recreational ponds located on an unnamed tributary of Fish Creek, a tributary to the Big Thompson River, originally decreed in Case No. W-7122. Pond 1 is larger than its decreed capacity. Both ponds were damaged, and the Pond 2 dam breached in the flood of September 2013. The dams are being restored, and Pond 2 as restored will be smaller than its decreed capacity. This application seeks to change the place of storage of a portion of the storage right for Pond 2 into Pond 1, a new enlargement right for the additional capacity of Pond 1, a plan for augmentation to replace evaporation and allow the ponds to remain full at all times, and an exchange of the replacement water from its source in or just below Lake Estes to the ponds. Reconstruction of the Pond 2 dam will occur in phases, with phase 1 currently under way. Phase 1 will leave the dam stabilized but not closed, resulting in storage only in the dead storage below the stream grade in a pond with surface area of approximately 0.15 acres. Phase 2, to be undertaken when funding is obtained, will complete reconstruction of the dam resulting in a pond with surface area of approximately 0.39 acres. **CHANGE OF STORAGE RIGHT**

3. Original decree: Carriage Hills Ponds 1 and 2 were originally decreed June 1, 1978, in Case No. W-7122 under the names "Scott's Lake No. 1-C1195" (WDID #0403683) and "Scott's Lake No. 2-C1195" (WDID #0403684). The applicant in Case No. W-7122 was Crystal Water Company. Estes Park is the successor to Crystal Water Company.

3.1 Locations:

3.1.1 Carriage Hills Pond 1: a tract of land located in Section 1, Township 4 North, Range 73 West of the 6th P.M., Larimer County, Colorado, more particularly described as commencing at the NE corner of said Section 1 with all bearings relative to the line between the NE corner of said Section 1 and the SW corner of Section 31, Township 5 North, Range 72 West of the 6th P.M., considered as bearing N89°35'10"W; thence S11°42'49"W a distance of 865.76 feet to the TRUE POINT OF BEGINNING: Thence S17°23'25"E a distance of 325.00 feet; Thence S72°36'35"W a distance of 525.00 feet; Thence N17°23'25"W a distance of 302.79 feet; Thence N65°57'32"E a distance of 272.12 feet; Thence N74°42'07"E a distance of 254.88 feet to the TRUE POINT OF BEGINNING

3.1.2 Carriage Hills Pond 2: a tract of land located in Section 1, Township 4 North, Range 73 West and Section 6, Township 4 North, Range 72 West of the 6th P.M., Larimer County, Colorado more particularly described as commencing at the NE corner of said Section 1 with all bearings relative to the line between the NE corner of said Section 1 and the SW corner of Section 31, Township 5 North, Range 72 West of the 6th P.M., considered as bearing N89°35'10"W; thence S11°42'49"W a distance of 865.76 feet to the TRUE POINT OF BEGINNING: Thence N74°42'07"E a distance of 145.25 feet; Thence N61°35'40"E a distance of 180.24 feet; Thence N42°05'12"E a distance of 150.52 feet; Thence S82°00'00"E a distance of 54.43 feet; Thence S28°24'28"E a distance of 217.28 feet; Thence S57°44'42"W a distance of 561.21 feet; Thence N17°23'25"W a distance of 275.00 feet to The TRUE POINT OF BEGINNING.

3.2 Amount: Carriage Hills Pond 1: 2.5 acre feet; Carriage Hills Pond 2: 4.76 acre feet.

3.3 Source: Surface runoff, tributary to Fish Creek, the Big Thompson River and the South Platte River.

3.4 Priority date: January 5, 1967 (for both ponds).

3.5 Use: Recreational and backup source for domestic use in Crystal Water Company service system.

4. Description of changes:

4.1 Prior to the September, 2013 flood, the capacity of both ponds differed from the decreed amounts. Carriage Hills Pond 1 is larger than Carriage Hills Pond 2, but has a smaller storage right. Both ponds were damaged by the flood of September 2013, and will be or have been reconstructed. Following reconstruction, Carriage Hills Pond 1 will have capacity to store 10 acre feet, and Carriage Hills Pond 2 will have capacity to store 1 acre foot. 3.76 acre feet of the storage right decreed to Carriage Hills Pond 2 will be moved to Carriage Hills Pond 1, leaving Carriage Hills Pond 2 with a decreed storage right matching its actual capacity of 1 acre foot, and Carriage Hills Pond 1 with a decreed storage right of 6.26 acre feet, less than its actual capacity.

4.2 The metes and bounds descriptions of the ponds in the decree in Case No. W-7122, repeated in paragraph 3.1 above, generally describe the ponds' shorelines at the time of the decree. However, the post-decree, pre-flood shorelines differed from the description in the decree and following reconstruction, the shorelines will differ further. Therefore, the description of the ponds will be amended to state UTM coordinates for the dams. The dams are not being moved. The dam locations are as follows:

4.2.1 Carriage Hills Pond 1: UTM coordinate (Zone 13) 457079 meters East, 4466464 meters North

4.2.2 Carriage Hills Pond 2: UTM coordinate (Zone 13) 457227 meters East, 4466541 meters North

STORAGE RIGHT – CARRIAGE HILLS POND 1 ENLARGEMENT Following the change of water right described above,

Carriage Hills Pond 1 will have a storage right originally decreed in Case No. W-7122 of 6.26 acre feet, and 3.74 acre feet of additional capacity. Estes Park seeks a new enlargement storage right to fill the additional capacity. 5. Water right: Carriage Hills Pond 1 Enlargement. 5.1 Location: See paragraphs 3.1.1 and 4.2.1 above; 5.2 Amount: 3.74 acre feet, conditional, and continuous refill of the entire capacity plus evaporation to maintain the water level. Total diversions for continuous refill up to 15 acre feet per year for Pond 1, and up to 2 acre feet per year for Pond 2. To the extent water is stored in priority while this case is pending, Estes Park may claim up to the full amount absolute without additional notice; 5.3 Source: Surface runoff, tributary to Fish Creek, the Big Thompson River and the South Platte River; 5.4 Priority date: November 10, 2016. The appropriation was initiated by adoption of a resolution showing the town's intent, planning, funding, and commencing reconstruction of the dam, engineering to support this application, and filing the application; 5.5 Use: recreation and fish habitat. **PLAN FOR AUGMENTATION** 6. Structures to be augmented: Carriage Hills Pond 1, Carriage Hills Pond 1 Enlargement, and Carriage Hills Pond 2. 7. Source of replacement water: Estes Park owns reusable Windy Gap units pursuant to an allotment contract with the Municipal Subdistrict, Northern Colorado Water Conservancy District. Estes Park also owns CBT units pursuant to allotment contracts with the Northern Colorado Water Conservancy District, that can be collateralized under Northern's policies for integrated operations and prepay water use (commonly known as "in lieu" water) to make reusable water available in lieu of Windy Gap water. 7.1 The Windy Gap project delivers transmountain water from the Colorado River via the facilities of the Colorado-Big Thompson project. The Colorado River water rights were decreed in CA 1768, Grand County District Court, and Case Nos. W-4001, 80CW108, and 89CW298, District Court, Water Division 5. 7.2 Augmentation water will be provided by release of water to the Big Thompson River at Lake Estes in the NW1/4, section 30, T5N, R72W, 6th P.M., Larimer County, or by delivery of reusable effluent following initial uses in Estes Park. Wastewater is treated (1) by the Estes Park Sanitation District and discharged to the Big Thompson River immediately upstream of Lake Estes in the NW1/4, section 30, T5N, R72W, 6th P.M., Larimer County, and (2) by the Upper Thompson Sanitation District and discharged to the Big Thompson River immediately downstream of Lake Estes in the NE1/4, section 29, T5N, R72W, 6th P.M. The amount of reusable effluent discharged is determined as provided in Estes Park's augmentation plan decreed in Case No. 97CW126. 8. Statement of plan for augmentation: 8.1 Total water surface area following phase 1 will be 2.79 acres, and 3.03 acres following phase 2. The surface area is estimated based on plans for reconstruction. Following reconstruction, the surface area will be surveyed and the actual as-built surface area will be used. 8.2 Estes Park intends to keep the ponds full for recreational use. Draw-down is likely to be infrequent. Net evaporation, after credit for pre-existing vegetation consumption per CRS §37-84-117(5), will be calculated and replaced based on the maximum surface area, except when the ponds are ice-covered (estimated to be during December through February or longer), and except when the ponds are drawn down. No replacement will be required when the water rights are in priority or when the ponds are fully ice-covered. 8.3 When the ponds are drawn down for maintenance or otherwise, water may be stored out of priority to refill them. During periods when the ponds are drawn down and/or being refilled out of priority, both evaporation, based on the exposed water surface, and the amount being stored will be replaced. **EXCHANGE** 9. Estes Park claims an appropriative right of exchange as follows: 9.1 Points of diversion: Carriage Hills Pond 1, Carriage Hills Pond 1 Enlargement, and Carriage Hills Pond 2; 9.2 Points of release of substitute supply: 9.2.1 Lake Estes, described in paragraph 7.2, for direct releases of Windy Gap water and for reusable effluent discharged by the Estes Park Sanitation District; 9.2.2 Upper Thompson Sanitation District discharge, described in paragraph 7.2, for reusable effluent discharged by the Upper Thompson Sanitation District; 9.3 Source of substitute supply: See paragraph 7; 9.4 Amount: 1 cfs, conditional. To the extent water is exchanged while this case is pending, Estes Park may claim up to the full amount absolute without additional notice; 9.5 Priority date: November 10, 2016; 9.6 Use: recreation and fish habitat. 10. Owners of land on which structures are located: 10.1 Carriage Hills Pond 1, Carriage Hills Pond 1 Enlargement, and Carriage Hills Pond 2: Estes Park; 10.2 Lake Estes: United States of America, c/o Bureau of Reclamation, Eastern Colorado Area Office, 11056 West County Road 18E, Loveland, Colorado 80537. 10.3 Estes Park Sanitation District wastewater treatment plant: Estes

Park Sanitation District, 1201 Graves Avenue, Estes Park, CO 80517, 10.4 Upper Thompson Sanitation District wastewater treatment plant: Upper Thompson Sanitation District, PO Box 568, Estes Park, CO 80517, WHEREFORE, the Town of Estes Park prays for a decree approving its change of water rights, new water right, plan for augmentation, and exchange, and for such other and further relief as is appropriate.

(7 pages)

16CW3157, Douglas R. And Teresa D. Lober, Mark Alan Frampton , David D. Held, Mark and Stephanie Challis, Hutchison Family Exempt Trust, M. Christie and James W. Nance , Robert S. and Beth A. S. Hale, Koreen Culligan Paine, Robert W. Boyer Trust Dated June 2, 1995, Thomas S. and Kathleen F. George, Jason Ulberg, The Gary R. Schillinger Trust and The Debra K. Schillinger Trust Dated November 27, 2006, Brian Granger, Brian V. Krupa, Stephen C. and Laural A. LeBlanc, Dale J. and Mary E. Tweden, Michael L. and Danielle S. Bundy, Pearl M. Mattox, Richard and Wendy Wade, Bob and Milana Kagan, Louis P. and Penelope A. Aiello, Helen F. Miller Trust, George Sims, Jr. and Linda C. Sims, Terri McKnab, James R. and Linda K. Jennings, Leslie O. Hopkins, Jacqueline L. Slate, The Chase Family Living Trust Dated October 4, 1998, Clyde Arthur and Cynthia C. Wiegand, David M. and Jeannie T. Ivis, Michael L. and Heidi M. Staheli, Richard C. Simpson and Sharon K. Simpson Living Trust Dated March 11, 2015, Lyn R. and Michaelen D. Farley, Mark R. and Leslie A. Wood, Whistler International, LLC, Davis Ashley McCann, Revocable Living Trust Dated 2/9/95 and Lorraine Janette McCann, Revocable Living Trust Dated 2/9/95, Patrick A. and Kerrie L. Dunn, Bruce A. and Kathy K. Rogers, Tom and Linda Evert Living Trust Dated June 15, 1995, c/o 4292 Palmer Ridge Drive, Parker, Colorado 80134 (James J. Petrock, Petrock & Fendel, 700 17th Street, #1800, Denver, CO 80202), NOT NONTRIBUTARY UPPER DAWSON AQUIFER GROUNDWATER AND REQUEST FOR APPROVAL OF PLAN FOR AUGMENATION, DOUGLAS COUNTY, Applicants are the owners of 40 lots in Sterling Tree Farm Subdivision, which is located in the W1/2W1/2 of Section 20 and the NW1/4 of Section 29, T7S, R65W of the 6th P.M., Douglas County, as shown on Attachment A (Subject Property). The location of the lots satisfy the requirements of Local Rule 3(b)(1). The Subject Property is comprised of a total of 304.66 acres and the legal description and acreage associated with each lot are more particularly described on Attachment A. Applicants will own a pro-rata interest in the total amount of groundwater requested herein underlying their respective lots. The wells which will withdraw the subject groundwater will be located at any location on the Subject Property. The Upper Dawson aquifer groundwater requested herein is available to be decreed and used by Applicant's pursuant to Order of the Court abandoning water rights attached as Attachment B. Source of Water Rights: The source of the groundwater to be withdrawn from the Upper Dawson aquifer is not nontributary groundwater as described in Section 37-90-103(10.7), C.R.S. Estimated Amount: 79 acre-feet per year. Proposed Use: domestic, including in house use, irrigation, stock watering, fire protection, and augmentation purposes, including storage, both on and off the Subject Property. Groundwater to be augmented: 40 acre-feet per year of the Upper Dawson aquifer groundwater requested herein. Water rights to be used for augmentation: Return flows from the use of not nontributary Upper Dawson aquifer groundwater herein and nontributary Laramie-Fox Hills aquifer groundwater decreed in Case No. 81CW356 and 94CW022. Statement of plan for augmentation: Applicants will use 1acre-foot per year underlying and associated with each of the 40 lots described in Attachment A for in house use (0.35 acre-feet), and irrigation of lawn, garden, and trees (0.65 acre-feet), through new Upper Dawson aquifer wells to be located on the lots. Applicants reserve the right to amend these amounts and values without having to amend the application or re-publish the same. Sewage treatment for in house use is provided by non-evaporative septic systems. Return flow from in house and irrigation use will be approximately 90% and 15% of those uses, respectively. During pumping Applicants will replace actual depletions to the affected stream system pursuant to Section 37-90-137(9)(c), C.R.S. Applicants estimate that depletions occur to the Cherry Creek stream system. Return flows from use of the subject water rights accrue to the South Platte River system via Bayou Gulch, and those return flows are sufficient to replace actual depletions while the

subject groundwater is being pumped. Applicants will reserve an equal amount of nontributary Laramie-Fox Hills aquifer groundwater to meet post pumping augmentation requirements. Further, Applicants pray that this Court grant the application and for such other relief as seems proper in the premises. (15 pages).

16CW3158, PARKER WATER AND SANITATION DISTRICT, c/o Ron Redd, Manager, 18100 E. Woodman Drive, Parker, CO 80134 (Please direct all correspondence to Robert F. T. Krassa, attorney for applicant, Krassa & Miller, LLC, 2737 Mapleton Ave., Suite 103, Boulder, CO 80304-3836, 303-442-2156. Application for Finding of Reasonable Diligence **DOUGLAS COUNTY, COLORADO.**

2. Names of structures: Rueter-Hess Reservoir and Newlin Gulch Aqueducts 1 and 2. Type of structures: reservoir, pipelines and surface water diversion structures. **3. Describe conditional water right giving the following from the Referee's Ruling and Judgment and Decree:** a. Date of original decree: October 13, 2010, Case 04CW348, District Court, Water Division No. 1. b. Subsequent decrees awarding findings of diligence: None. **c. Legal description of location of structures: i. Location of Dam.** The axis of the dam intersects the thread of Newlin Gulch at a point in the SE/4SW/4 of Section 30, Township 6 South, Range 66 West of the 6th P.M. in Douglas County, Colorado, which point is approximately 98 feet north of the south section line and 2348 feet east of the west section line of said Section 30. The northwest abutment of the dam is in the SE/4SE/4 of Section 25, Township 6 South, Range 67 West of the 6th P.M., approximately 1026 feet west of the east section line, and approximately 708 feet north of the south section line, of said Section 25. The southeast abutment of the dam is in the NE/4SE/4 Section 31, Township 6 South, Range 66 West of the 6th P.M., approximately 4227 feet east of the west section line and 2950 feet south of the north section line, of said Section 31. **ii. Newlin Gulch Aqueducts 1 and 2.** Rueter-Hess Reservoir dams and impounds waters of the stream known as Newlin Gulch. However, this reservoir can also be filled by pipelines from the mainstem of Cherry Creek taking either surface or subsurface flows thereof. The alluvial wells adjudicated by Parker in Case 83CW346, as changed by the decree in Case 01CW060 entered June 30, 2006, and for which clarification of terms under which such water can be stored as provided in the decree in Case 04CW270 entered February 20, 2007, will be used to withdraw groundwater and deliver it to a pipeline known as Newlin Gulch Aqueduct #1 for delivery to the reservoir. The originally adjudicated location of those wells is fully described in the decree in Case 83CW346, dated July 30, 1992, which was recorded August 5, 1992, at reception number 9228305, Book 1076, page 1104 records of Douglas County and is incorporated by this reference. The revised locations are set out in said decree in Case 01CW060. Water may also be delivered by diversion structure, pumping plant and pipeline system known as Newlin Gulch Aqueduct #2 from the surface flows of Cherry Creek by means of a low diversion dam or weir and suitable pumps. Said diversion dam intersects the thread of Cherry Creek in the SE/4NW/4 of Section 3, Township 7 South, Range 66 West of the 6th P.M. in Douglas County at a point approximately 2090 feet south of the north section line of said Section 3, and approximately 1870 feet east of the west section line of said Section 3. This location was adjusted from the location originally decreed in Case 85CW448(A), by decree of this court dated April 21, 2005 in Case 99CW226. **d. Sources of Water:** Cherry Creek and its tributaries, including the tributary stream known as Newlin Gulch. **e. Date of Appropriation:** March 20, 1985. **f. Amounts:** 62,035 acre feet, conditional, for the First Enlargement water storage right in addition to the 9,885 acre feet decreed in Case 85CW448(A). The rates of diversion from Cherry Creek will be 12 cfs through above described Newlin Gulch Aqueduct No. 1 and 150 cfs through above described Newlin Gulch Aqueduct No. 2. This reservoir is on-stream on Newlin Gulch. **g. Use:** The stored water will be transported via suitable stream channels, reservoirs, pumps and pipelines for all municipal purposes of Parker Water and Sanitation District including domestic, industrial, commercial, manufacturing, stock watering, recreational, piscatorial, fish and wildlife, fire protection, street washing, hydroelectric power production and will also be used for exchange, replacement, and augmentation at any location where it is physically available. Parker may fill and refill when this water storage right is in priority, and may further store such water in other facilities subject to applicable stipulation provisions. Parker's present service area is in parts of T.6 S. R.65 W., T. 6 S. R. 66 W., T. 6 S. R.67 W., T. 7 S. R.66 W. and T. 7 S. R. 67 W.,

all in Douglas County. **4. Provide a detailed outline of what has been done** toward completion or for completion of appropriation and application of water to a beneficial use as conditionally decreed, including expenditures. During the diligence period, Parker has among other things. **a. Land Acquisition.** Parker has completed acquisition of all land needed for Newlin Gulch Aqueducts Nos. 1 and 2, for the diversion structure out of Cherry Creek for Newlin Gulch Aqueduct No. 2, and for construction of the dam and associated structures. Parker has acquired all of the land within the high water line of the reservoir as decreed in case 85CW448(A). Parker has also acquired all of the land within the high water line of the enlargement of the reservoir which is the subject of the said decree entered October 13, 2010 in Case 04CW348 in this Court. **b. Water Court Proceedings.** Parker completed proceedings in Case 10CW316 (Amended Decree entered January 30, 2015) to increase the usefulness of Rueter-Hess Reservoir with local plans for augmentation and exchange. On March 15, 2011 Parker tendered a Revised Operating Plan for Rueter-Hess Reservoir to the Court with a motion for its approval, along with a motion to consolidate cases 85CW448(A) and 04CW348 for purposes of considering that revised Operating Plan. Both motions were granted by the Court on April 12, 2011. In addition, Parker has participated as an opposer in various water court applications of others as necessary to protect the subject water rights, including exchange case 10CW318 of the Cherry Creek Project Water Authority (“CCPWA”) and exchange case 11CW278 of the Cherry Creek Water Users Association. **c. Construction.** During the diligence period Applicant has made over \$100,000,000 in capital improvements to its water system, including completing the construction of Rueter-Hess Reservoir, completing construction of the reservoir’s Cherry Creek diversion system, completing construction of the first of the two planned parallel pipelines connecting the diversion system with the reservoir, completion of the system which connects the subject alluvial wells to the reservoir, completion of the Rueter-Hess Water Purification Facility and installation of water measuring and record keeping systems. **d. Regional Involvement.** Parker entered into a pilot intergovernmental agreement with CCPWA to store water in Rueter-Hess Reservoir in order to facilitate movement of water by CCPWA on Cherry Creek, which in addition to other benefits enhances the usefulness of this reservoir as a multi-use project. That agreement is in the process of renewal at this time. Parker owns and operates a single, unified and integrated municipal water supply system that contains numerous components. Those components include, but are not limited to the structures and the water rights that are the subject of this application. Parker has in all respects diligently worked toward completing the appropriations and placing the subject conditional water rights to beneficial use. **5. Name(s) 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. Applicant.

16CW3159 PINWOOD SPRINGS WATER DISTRICT, 183 Cree Court, Lyons, Colorado 80540-8118, E-mail address: admin@pwswd.com, 303-823-5345; Attorneys: Veronica A. Sperling, Paul F. Holleman, Buchanan Sperling & Holleman PC, 7703 Ralston Road, Arvada, Colorado 80002, vsperling@tbvs.net, fholleman@tbvs.net, 303-431-9141. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE AND TO MAKE CONDITIONAL WATER RIGHT PARTIALLY ABSOLUTE, IN LARIMER COUNTY.** 2. Names of structures: Maure Hollow Reservoir, Crescent Lake/Powelson Reservoir, Crow Lane Reservoir No. 1, Crow Lane Reservoir No. 2 and Pinewood Springs Reservoir. 3. Describe conditional water rights giving the following from the previous decree: A. Date of original decree: June 29, 2004; Case No.: 2002CW347; Court: District Court, Water Division 1. B. Subsequent decrees: A decree finding reasonable diligence for the conditional water rights was entered in Case No. 2010CW154 on November 26, 2010. C. Legal descriptions of locations of dams: (1) Maure Hollow Reservoir: Maure Hollow Reservoir will be located on Maure Hollow, a tributary of the Little Thompson River, in the NW1/4 of the NW1/4 of Section 28, Township 4 North, Range 71 West of the 6th P.M., Larimer County, Colorado. The center of the dam will be located approximately 1200 feet East of the West line and 1100 feet South of the North line of said Section 28. (2) Crescent Lake/Powelson Reservoir: Crescent Lake/Powelson Reservoir will be located on an unnamed tributary of the Little

Thompson River, in the SW1/4 of the NE1/4 of Section 28, Township 4 North, Range 71 West of the 6th P.M., Larimer County, Colorado. The center of the dam will be located approximately 350 feet East of the West line of the SW1/4 of the NE1/4 and 450 feet South of the North line of the SW1/4 of the NE1/4 of said Section 28. (3) Crow Lane Reservoir No. 1: Crow Lane Reservoir No. 1 will be located on an unnamed tributary of the Little Thompson River, in the SE1/4 of the SE1/4 of Section 29, Township 4 North, Range 71 West of the 6th P.M., Larimer County, Colorado. The center of the dam will be located approximately 250 feet West of the East line and 50 feet North of the South line of said Section 29. (4) Crow Lane Reservoir No. 2: Crow Lane Reservoir No. 2 will be located on an unnamed tributary of the Little Thompson River, in the NE1/4 of the NE1/4 of Section 32, Township 4 North, Range 71 West of the 6th P.M., Larimer County, Colorado. The center of the dam will be located approximately 250 feet West of the East line and 750 feet South of the North line of said Section 32. (5) Pinewood Springs Reservoir: Pinewood Springs Reservoir will be located on an unnamed tributary of the Little Thompson River, in the NW1/4 of the SW1/4 of Section 28, Township 4 North, Range 71 West of the 6th P.M., Larimer County, Colorado. The northwest abutment of the dam will be located at or near a point which bears North 33 degrees 40 minutes East a distance of 575 feet from the southwest corner of the N1/2 of the SW1/4 of said Section 28. D. Names and capacities of ditch or ditches used to fill reservoirs and legal description of each point of diversion: (1) Maure Hollow Reservoir, Crow Lane Reservoir No. 1, Crow Lane Reservoir No. 2, and Pinewood Springs Reservoir: Maure Hollow Reservoir, Crow Lane Reservoir No. 1, Crow Lane Reservoir No. 2 and Pinewood Springs Reservoir will be on-channel reservoirs and will store water from their respective drainage basins. In addition, water will be diverted from the Little Thompson River at a point located in the SE1/4 of the NW1/4 of Section 28, Township 4 North, Range 71 West, 6th P.M., Larimer County, whence the north quarter corner, Section 28 bears North 42 degrees 46 minutes 43 seconds East, 1,943.68 feet, and will be conveyed through pipelines to the reservoirs. The maximum rate of diversion to storage from the Little Thompson River will be 1 cfs for each reservoir. This point of diversion is the same as the point of diversion for the Pinewood Springs Collection Gallery, decreed in Case No. 88CW236, District Court, Water Division No. 1, on February 23, 1990. (2) Crescent Lake/Powelson Reservoir: Crescent Lake/Powelson Reservoir will be an on-channel reservoir and will store water from its drainage basin. In addition, water will be diverted from the Little Thompson River at a point located in the NW1/4 of the NE1/4 of Section 28, Township 4 North, Range 71 West, 6th P.M., Larimer County, approximately 700 feet East of the West line of the NW1/4 of the NE1/4 and 200 feet North of the South line of the NW1/4 of the NE1/4 of said Section 28, and will be conveyed through a pipeline to the reservoir. The maximum rate of diversion to storage will be 1 cfs. E. Sources of water: (1) Maure Hollow Reservoir: Little Thompson River and Maure Hollow, a tributary to the Little Thompson River. (2) Crescent Lake/Powelson Reservoir: Little Thompson River and an unnamed tributary to the Little Thompson River. (3) Crow Lane Reservoir No. 1: Little Thompson River and an unnamed tributary to the Little Thompson River. (4) Crow Lane Reservoir No. 2: Little Thompson River and an unnamed tributary to the Little Thompson River. (5) Pinewood Springs Reservoir: Little Thompson River and an unnamed tributary to the Little Thompson River. F. Appropriation dates: September 27, 2000 for Crescent Lake/Powelson Reservoir; July 30, 2002 for Maure Hollow Reservoir, Crow Lane Reservoir No. 1, Crow Lane Reservoir No. 2 and Pinewood Springs Reservoir. G. Amounts: (1) Maure Hollow Reservoir: 45 acre-feet, CONDITIONAL, with the right to fill and refill continuously. (2) Crescent Lake/Powelson Reservoir: 18 acre-feet, CONDITIONAL, with the right to fill and refill continuously. (3) Crow Lane Reservoir No. 1: 51 acre-feet, CONDITIONAL, with the right to fill and refill continuously. (4) Crow Lane Reservoir No. 2: 39 acre-feet, CONDITIONAL, with the right to fill and refill continuously. (5) Pinewood Springs Reservoir: 20 acre-feet, CONDITIONAL, with the right to fill and refill continuously. H. Rates of diversion in cfs for filling the reservoirs from the Little Thompson River points of diversion: (1) Maure Hollow Reservoir: 1 cfs for diversion to storage from the Little Thompson River. (2) Crescent Lake/Powelson Reservoir: 1 cfs for diversion to storage from the Little Thompson River. (3) Crow Lane Reservoir No. 1: 1 cfs for diversion to storage from the Little Thompson River. (4) Crow Lane Reservoir No. 2: 1 cfs for diversion to storage from the Little Thompson River. (5) Pinewood Springs Reservoir: 1 cfs for diversion to storage from the Little Thompson River. I. Use: Municipal use within the Pinewood

Springs Subdivision including, but not limited to, domestic, recreational, fish and wildlife preservation and propagation, augmentation, replacement and exchange, with the right to use and reuse to extinction for one or a combination of the municipal uses described herein. 4. Detailed outline of what has been done toward completion or for completion of the appropriation and application of water to beneficial use as conditionally decreed, including expenditures, during the diligence period: The subject water storage rights are part of Applicant's single integrated water system. During the previous diligence period, Applicant constructed Crow Lane Reservoir No. 1, a pump station at the decreed point of the diversion for Crow Lane Reservoir No. 1 from the Little Thompson River, and a pipeline from the pump station to the reservoir, at a cost in excess of \$3,000,000. Crow Lane Reservoir No. 1 was not damaged during the September 2013 flood and filled during that time period. Other parts of Applicant's water system suffered significant damage during the September 2013 flood. Since the September 2013 flood, Applicant has spent approximately \$677,000 on extensive repair and upgrades to its water system including reconnection and upgrading of three river crossings, construction and upgrading of a loop line from the end of Kiowa Street to the end of Cree Street, and replacement and upgrading of two lines damaged by heavy truck traffic on roads during the flood repairs. In addition, during the diligence period, two new water taps were added to Applicant's water system and construction is in progress on seven new homes for which water taps have been prepaid. 5. If claim to make absolute: Pursuant to §37-92-301(4)(e), C.R.S., water was captured, possessed and controlled in Crow Lane Reservoir No. 1 in the amount of 36.37 acre feet (gage height 27 feet) by the filling of the reservoir in priority during the diligence period, including as of September 20, 2013. Applicant seeks a determination that the Crow Lane Reservoir No. 1 water storage right is absolute for all decreed purposes in the amount of 36.37 acre feet. 6. Names and addresses of owners or reputed owners of the 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. Maure Hollow Reservoir: U.S. Forest Service, District Ranger, Canyon Lakes Ranger District, 2150 Centre Avenue, Building E, Fort Collins, CO 80526. B. Crescent Lake/Powelson Reservoir: Pinewood Springs Property Owners Association, 61A Kiowa, Lyons, CO 80540; Verlene Thorp, 1038 Kiowa, Lyons, CO 80540; Richard and Aimee Parnell, 466 Arapahoe Court, Lyons, CO 80540; Jim Izatt, 1146 Kiowa, Lyons, CO 80540. C. Crow Lane Reservoir No. 1: Applicant. D. Crow Lane Reservoir No. 2: Sue Painter, 12309 US Hwy 36, Lyons, CO 80540; Daniel Grotke, 15 Estes Park Estates Drive, Lyons, CO 80540; Colorado Cherry Company, c/o Anthony Lehnert, 3099 Branding Iron Circle, Milliken, CO 80543; Mark Mayo Enterprises d/b/a Prudential Team Realty, Inc., P.O. Box 2807, Estes Park, CO 80517. E. Pinewood Springs Reservoir: Larry Kemmer, 532 Kiowa Road, Lyons, CO 80540; Horst and Angelika Duchow, 21 Ottawa Court, Lyons, CO 80540; Michael Therrien, 83 Ottawa Court, Lyons, CO 80540. WHEREFORE, Applicant requests the Court to enter a decree (1) finding that reasonable diligence has been exercised in the development of the subject conditional water storage rights, (2) making the conditional water storage right for Crow Lane Reservoir No. 1 absolute in the amount of 36.37 acre feet for all decreed purposes, and (3) continuing the remaining conditional water storage rights in full force and effect for an additional diligence period.

16CW3160 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 APPROVAL OF APPROPRIATIVE RIGHTS OF SUBSTITUTION AND 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 E-mail: dsinor@troutlaw.com and Jessica L. Pault-Atiase, Esq. Assistant City

Attorney – City of Boulder, Colorado Office of the City Attorney P. O. Box 791 Boulder, Colorado 80306-0791 Telephone: (303) 441-3020 E-mail: pault-atiasej@bouldercolorado.gov

2. Introduction: By this application, Boulder seeks approval of appropriative rights of substitution and exchange from Boulder Creek and its tributaries using fully consumable return flows from the municipal use of water within the Boulder service area (“Municipal Return Flow Exchanges”). The Municipal Return Flow Exchanges will meet some of Boulder's needs for additional fully consumable water supplies through exchanges of municipal return flows attributable to the City's ownership of 37 units of Windy Gap Project water, municipal water rights decreed for Barker Meadow Reservoir, and changed Lower Boulder and Baseline water rights that are legally and physically available at or above the Boulder Wastewater Treatment Facility outfall, located on Boulder Creek just below 75th Street, for direct diversions and storage further upstream on Boulder Creek, Middle Boulder Creek and North Boulder Creek for all municipal and related purposes. The municipal return flows 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 application pending in Case No. 15CW3175, District Court, Water Division No. 1, filed on December 30, 2015.

3. Description of Substitution and Exchange: The Municipal Return Flow 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, Middle Boulder Creek and North Boulder Creek, whereby return flows from the use of Boulder's fully consumable water supplies are available in Boulder Creek at or above the location of the Boulder Wastewater Treatment Facility outfall to supply downstream appropriators, and an equivalent amount of water is diverted from Middle Boulder Creek at Barker Meadow Reservoir, Boulder City Pipeline #3 and/or Skyscraper Reservoir, and/or from North Boulder Creek 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 paragraph 7 below. The substitution and exchange reach on Boulder Creek/Middle Boulder Creek is between the outfall at the Boulder Wastewater Treatment Facility, as described in paragraph 3(a)(i) below, and Skyscraper Reservoir, as described in paragraph 3(b)(iii) below, and on Boulder Creek/North Boulder Creek is between the outfall of the Boulder Wastewater Treatment Facility, as described in paragraph 3(a)(i) below, and Goose Lake and Green Lakes Reservoir #5, as described in paragraphs 3(b)(viii) and 3(b)(xiv) below.

a. Exchange-From Location: i. Boulder Wastewater Treatment Facility Outfall: The Boulder Wastewater Treatment Facility outfall is located on Boulder Creek in the NE1/4 NW1/4 SW1/4, Section 13, Township 1 North, Range 70 West of the 6th P.M., Boulder County, Colorado. b. Exchange-To Locations (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. 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. iv. 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. v. 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. vi. 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. vii.

Island Lake: Island Lake is located in Sections 20 and 29, Township 1 North, Range 73 West, 6th P.M. viii. Goose Lake: Goose Lake is located in Section 19 and 30, Township 1 North, Range 73 West, 6th P.M. ix. Lake Albion: Lake Albion is located in Section 18, Township 1 North, Range 73 West, 6th P.M. x. Green Lakes Reservoir #1: Green Lakes Reservoir #1 is located in Section 18, Township 1 North, Range 73 West, 6th P.M. xi. Green Lakes Reservoir #2: Green Lakes Reservoir #2 is located in Section 18, Township 1 North, Range 73 West, 6th P.M. xii. Green Lakes Reservoir #3: Green Lakes Reservoir #3 is located in Section 18, Township 1 North, Range 73 West, 6th P.M. xiii. 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. xiv. 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. A Map showing the approximate locations of the above-described locations and the substitution and exchange reaches on Boulder Creek/Middle Boulder Creek and on Boulder Creek/North Boulder Creek is attached to the application as **Exhibit 1**.

c. Water and Water Rights to be Used for Substitution and Exchange: The sources of substitute water supply for the Municipal Return Flow Exchanges are fully consumable municipal return flows from the use of the following water supplies:

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 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 2, Section 17, and in Section 18, Township 1 South, Range 72 West of the 6th P.M., and in the East 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 forgoing 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 South, 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 the City's use of 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. 4. Date of Appropriation/How Appropriation was Initiated: November 28, 2016. 5. How Appropriation was Initiated: By formation of intent to appropriate coupled with certain actions in furtherance thereof, including the filing of this application. 6. Amount: The rate of diversion by exchange at each of the above-described facilities shall

be equal to the lesser of the capacity of the facility or 31.6 cubic feet per second, CONDITIONAL. The combined rate of diversion by exchange for all such facilities shall not exceed 31.6 cubic feet per second. 7. Uses: 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. 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 forgoing sentence, consistent with Boulder's underlying decrees. 8. Names and Addresses of Owners of Land: 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 described herein. (12 pages)

16CW3161 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 and Michael A. Kopp of TROUT RALEY, 1120 Lincoln Street, Suite 1600, Denver, Colorado 80203, Telephone: (303) 861-1963, E-mail: dsinor@troutlaw.com and mkopp@troutlaw.com; and Jessica L. Pault-Atiase, Assistant City Attorney, THE CITY OF BOULDER, COLORADO, OFFICE OF THE CITY ATTORNEY; P. O. Box 791, Boulder, Colorado 80306-0791; Telephone: (303) 441-3020; E-mail: pault-atiasej@bouldercolorado.gov. APPLICATION FOR CONDITIONAL WATER RIGHTS, **IN BOULDER COUNTY, COLORADO.**

1. Introduction: Boulder provides municipal water supply to approximately 114,200 customers within Boulder's incorporated boundaries and adjoining areas. The Boulder City Pipeline, which includes the Silver Lake Pipeline and the Lakewood Pipeline, and is located on North Boulder Creek, is an integral part of Boulder's municipal water supply system. The Boulder City Pipeline is designed to divert at least 31 cfs under normal operation through its entire length. Boulder currently generates power at its Silver Lake and Lakewood Hydroelectric plants (located at Lakewood Reservoir and Betasso Water Treatment Plant, respectively) when diverting water through the Boulder City Pipeline pursuant to its decrees for municipal purposes. Hydroelectric power generation is an important renewable energy source and a source of revenue for Boulder. During certain times of the year, the full 31 cfs capacity of the Boulder City Pipeline in the Silver Lake Pipeline and/or the Lakewood Pipeline sections is not needed to deliver water for other municipal purposes, and additional pipeline capacity and stream flows are available for diversion and generation of hydroelectric power without injuring the existing instream flow water rights on North Boulder Creek. Without affecting any of Boulder's existing decrees, Boulder seeks by this application to confirm conditional, direct flow rights for electricity generation at the Silver Lake and Lakewood Hydroelectric Plants in the amount of 31 cfs at the Silver Lake Pipeline and Lakewood Pipeline points of diversion described below. 2. Description of Conditional Water Right: a. Points of Diversion: i. Silver Lake Pipeline Intake: The Silver Lake Pipeline intake, also known as Headgate No. 3 of the Boulder City Pipeline, is located on the east bank of North Boulder Creek, at a point whence the northwest corner of Section 34, Township 1 North, Range 73 West of the 6th Prime Meridian bears North 77°35' West a distance of 1,076 feet. This point of diversion is shown on Exhibit A attached to the Application. ii. Lakewood Pipeline Intake: 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 Prime Meridian bears South 3°15' East a distance of 2,300 feet. This point of diversion is shown on Exhibit A attached to the Application. b. Sources: North Boulder Creek and Como Creek. c. Date of Appropriation: November 28, 2016. d. How Appropriation was Initiated: By formation of intent to appropriate coupled with certain actions in furtherance thereof, including the filing of this application. e. Amount: 31 cfs, conditional, for each of the points of diversion described above. f. Use: Hydroelectric power generation. g. Points of Release: Following use for hydroelectric power generation at the Silver Lake Hydroelectric Plant, water diverted through the Silver Lake Pipeline section of the Boulder City Pipeline will be released to Lakewood Reservoir and returned to North Boulder Creek via a return structure that releases water to

Como Creek just above its confluence with North Boulder Creek, or diverted through the Lakewood Pipeline to the Lakewood Hydroelectric Plant. Following use for hydroelectric power generation at the Lakewood Hydroelectric Plant, water diverted through the Lakewood Pipeline section of the Boulder City Pipeline will be released to Boulder Creek at a discharge vault located approximately 500 feet downstream from the Boulder Canyon Hydroelectric Plant. 3. Name(s) and address(es) of owner(s) or reputed owner(s) of the land upon which any new or existing diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool: No new points of diversion or storage are proposed. The existing points of diversion described in Section 2.a above are located on lands owned by the City of Boulder, P. O. Box 791, Boulder, Colorado 80306. WHEREFORE, Boulder requests the Court to enter a decree confirming and approving the conditional water right described herein. (5 Pages)

16CW3162 RANDY E. JUMP, 6235 W 56th Avenue, Arvada, CO 80002. 303-420-5181. Robert E. Schween, Robert E. Schween, P.C., 62489 East Border Rock Road, No. 2, Tucson, Arizona 85739. Telephone: 303-995-7870. Email: respc@q.com. **APPLICATION FOR WELL ADJUDICATION IN JEFFERSON COUNTY.** 2. **Well Permit:** Well Permit No. 300030, issued February 01, 2016. 3. **Well Location:** Well Permit No. 300030 is located on Applicant's property, consisting of 35.1 acres in Jefferson County, at a location described as follows: A portion of the SE1/4 of the NE1/4 of Section 4 Township 6 South, Range 71 West of the Sixth P.M., Jefferson County. See **Exhibit A-1**, General Location Map, **Exhibit A-2**, Site Location Map, and **Exhibit B**, Property Legal Description, attached hereto. 4. **Source of Water:** Groundwater. 5. **Date of Initiation of Appropriation:** February 01, 2016. 6. **Pumping Rate:** 15 gpm. 7. **Uses:** Fire protection, ordinary household purposes inside not more than three (3) single family dwellings, the watering of poultry, domestic animals, and livestock on a farm or ranch, and the irrigation of not more than one (1) acre of home gardens and lawns. 8. **Jurisdiction:** The Water Court has jurisdiction over the subject matter of this application pursuant to §§ 37-92-302(2) and 37-90-137(6), C.R.S. 9. **Name of Owner of the Land on Which Structures are Located:** The owner of the overlying land area is the Applicant named in this application. WHEREFORE, Applicant **Randy E. Jump** requests a ruling and decree granting the application herein. FURTHER, Applicant requests this Court grant such other relief as it deems proper in the premises. (2 Pages.)

16CW3163 RANDY E. JUMP, 6235 W 56th Avenue, Arvada, CO 80002. 303-420-5181. Robert E. Schween, Robert E. Schween, P.C., 62489 East Border Rock Road, No. 2, Tucson, Arizona 85739. Telephone: 303-995-7870. Email: respc@q.com. **APPLICATION FOR WELL ADJUDICATION IN JEFFERSON COUNTY.** 2. **Well Permit:** Well Permit No. 298457-A, issued May 16, 2016. 3. **Well Location:** Well Permit No. 298457-A is located on Applicant's property, consisting of 0.99 acres in Jefferson County, at a location described as follows: A portion of the SW1/4 of the NW1/4 of Section 3 Township 6 South, Range 71 West of the Sixth P.M., Jefferson County. See **Exhibit A**, General Location Map, **Exhibit B**, Site and Well Location Map, and **Exhibit C**, Property Legal Description (Parcel B), attached hereto. NOTE FROM WELL PERMIT: Well Permit No. 300030 encumbers the portion of 8601 Blue Creek Road located in Section 4, T6S, R71W 6th P.M.; therefore this well must be constructed on that portion of 8601 Blue Creek Road located in Section 3, T6S, R71W 6th P.M. 4. **Source of Water:** Groundwater. 5. **Date of Initiation of Appropriation:** May 16, 2016. 6. **Pumping Rate:** 15 gpm. 7. **Uses:** Fire protection, fire protection, ordinary household purposes inside not more than one (1) single family dwelling, the watering of poultry domestic animals and livestock on a farm or ranch and the irrigation of not more than one (1) acre of home gardens and lawns. 8. **Jurisdiction:** The Water Court has jurisdiction over the subject matter of this application pursuant to §§ 37-92-302(2) and 37-90-137(6), C.R.S. 9. **Name of Owner of the Land on Which Structures are Located:** The owner of the overlying land area is the Applicant named in this application. WHEREFORE, Applicant **Randy E. Jump** requests a ruling and decree granting the application herein. FURTHER, Applicant requests this Court grant such other relief as it

deems proper in the premises. (2 Pages.)

16CW3164 Diamond K. Ranch, 14371 East Kalil Drive, Scottsdale, AZ 75259 480-267-9455 (David S. Hayes, Esq., Petros & White, LLC, 1999 Broadway, Suite 3200 Denver, Colorado 80202) APPLICATION FOR UNDERGROUND WATER RIGHTS IN THE DENVER BASIN AQUIFERS AND FOR APPROVAL OF PLAN FOR AUGMENTATION, IN DOUGLAS COUNTY. CLAIM FOR UNDERGROUND WATER RIGHTS. Well permits: None of the wells that are the subject of this application currently exist. Applicant has not yet applied for any permits to drill other wells that are the subject of this application. Well permits will be applied for prior to construction of the wells. Applicant requests that the Court require the State Engineer to issue well permits for any such wells in accordance with the decree to be entered herein. Applicant further requests a determination that failure to construct any of its wells within the period of time specified in a well permit shall not be deemed to affect or extinguish the underlying water rights as decreed by this Court. Applicant seeks the right to locate the future wells at any suitable location within the Subject Property, as more fully described below. Legal description of Subject Property and wells: Applicant seeks a determination of its right to perfect its ownership, and to appropriate and withdraw all of the available nontributary and not nontributary groundwater underlying two parcels, totaling approximately 187 acres, located in the portions of the NW1/4, NE1/4 and SE1/4 of Section 32, Township 10 South, Range 65 West, of the 6th P.M., Douglas County, Colorado (the “Subject Property”), as more fully described on Exhibit A attached to the application and depicted on Exhibit B attached to the application and available for inspection via ICCES or the Division 1 Water Clerk. Although the two parcels comprising the Subject Property are non-contiguous, the parcels satisfy Rule 11.B of the Statewide Nontributary Ground Water Rules (2 CCR 402-7), and, accordingly, the wells which will withdraw the subject groundwater may be located at any location on the Subject Property, subject to the provisions of § 37-92-137(4), C.R.S. Source: The groundwater to be withdrawn by Applicant from the Denver, Arapahoe and Laramie-Fox Hills aquifers is nontributary groundwater as defined in § 37-90-103(10.5), C.R.S. The groundwater to be withdrawn by Applicant from the Dawson aquifer is not nontributary groundwater as defined in § 37-90-103 (10.7), C.R.S. Wells will be completed to the bottom of each of the aquifers, which depths Applicant estimates to be as follows:

Aquifer	Depth Below Surface (feet)
Dawson	1026
Denver	1922
Arapahoe	2502
Laramie-Fox Hills	3171

Actual depths will be determined after completion of wells fully penetrating the subject aquifers.

Estimated Amounts: The estimated average annual amounts of withdrawal available from the subject aquifers as indicated below, are based upon the Denver Basin Rules, 2 C.C.R. 402-6. For purposes of this application, Applicant estimates that the following annual amounts are representative of the Dawson, Denver, Arapahoe, and Laramie-Fox Hills aquifers underlying the Subject Property:

Aquifer	Saturated Thickness (feet)	Specific Yield	Estimated Annual Withdrawal (AF)
Dawson (NNT)	450	0.20	153.3
Denver (NT)	114	0.17	114.3
Arapahoe (NT)	90	0.17	90.1
Laramie-Fox Hills (NT)	55	0.15	55.1

The average annual amounts available for withdrawal from the subject aquifers will depend on the hydrogeology and the legal entitlement of the Applicant and represents a claim to all not nontributary and nontributary groundwater underlying the Subject Property, except for 15 acre-feet of annual withdrawal available from the not nontributary Dawson aquifer, which amount is reserved by Applicant and not claimed as part of this Application, to allow for use through “exempt” wells pursuant to permits issued in

accordance with § 37-92-602, C.R.S. Applicant claims the right to withdraw said amounts at whatever rate is required in order to do so, and when the water is needed during the course of any year. The not nontributary Dawson aquifer water claimed for determination herein shall be withdrawn and used subject to the plan for augmentation plan claimed herein. Well field: Applicant requests that the Court determine that Applicant has the right to withdraw all of the legally available groundwater lying below the Subject Property through the wells requested herein and any additional wells which may be completed in any one aquifer in the future as Applicant's well field. Applicant will file applications with the State Engineer pursuant to § 37-90-137(10), C.R.S., prior to construction of any of the wells. Proposed use: The water will be used, reused, and successively used, leased, sold or otherwise disposed of for all beneficial uses, including, without limitation, domestic, industrial, commercial, irrigation, stock watering, recreational, and fish and wildlife. Said water will be produced for immediate application to said uses, both on and off the Subject Property, for storage and subsequent application to said uses, for exchange purposes, for replacement of depletions resulting from the use of other water sources, and for augmentation purposes. Jurisdiction: The Court has jurisdiction over the subject matter of this application pursuant to §§ 37-92-302(2) and 37-90-137(6), C.R.S. Remarks: A. Applicant further requests the right to withdraw more than the annual average amounts estimated in Paragraph 5 above pursuant to Rule 8A of the Statewide Nontributary Groundwater Rules (2 C.C.R. 402-7). B. Although Applicant has estimated the amounts of water available for withdrawal from the subject aquifers based on estimates of relative values for specific yield and saturated thickness, Applicant reserves the right to revise the estimates upward or downward, based on better or revised data, without the necessity of amending this application or republishing the same. C. Applicant may need to construct additional wells, including supplemental, replacement, or alternate point of diversion wells, to recover the maximum amount of water available from each aquifer. Applicant requests the right to construct such additional wells as necessary in order to achieve and maintain production of the amounts of water to which it is entitled. Owner of overlying land: The Subject Property is owned by the Applicant, free and clear of any liens or mortgages. CLAIM FOR APPROVAL OF PLAN FOR AUGMENTATION. Structures to be augmented: Wells to be completed in the not nontributary Dawson aquifer underlying the Subject Property, as more fully-described above. Water rights to be used for augmentation: Return flows from the use of not nontributary Dawson aquifer groundwater, and return flows and direct discharge of the nontributary Laramie-Fox Hills groundwater underlying the Subject Property. Statement of plan for augmentation: A. Estimated diversions. Applicant will use the not nontributary Dawson water to supply development on the Subject Property. The wells will operate at a rate of flow necessary to supply the needs of such development. For purposes of this application, and based on Applicant's current land use plans, Applicant estimates up to approximately 82.5 acre-feet of total annual demand, as follows: (i) 2 acre-feet for the indoor domestic uses associated with a single family home and sanitary facilities in a barn; (ii) up to 75 acre-feet for irrigation of up to 30 acres; (iii) 3.5 acre-feet for a pond, having a cumulative surface area of approximately 1 acre; and (iv) 2 acre-feet for watering of up to 5 horses and 30 head of cattle. Applicant reserves the right to amend the foregoing estimates without amending this application or republishing the same. B. Consumptive use. Wastewater treatment for indoor uses will be provided by non-evaporative septic systems; consumptive use associated with indoor uses will be approximately 10% of water used. For irrigation use, up to approximately 90% of the water diverted will be considered consumed (approximately 10% of water used for irrigation will be returned to the stream system), depending on the method of irrigation used. Stockwatering and pond evaporation will be considered to be 100% consumptively used. Before any other type of sewage treatment is proposed in the future, including incorporation of any portion of the Subject Property into a central sewage collection and treatment system, Applicant, or its successors and assigns, will amend any decree entered pursuant to this application prior to such change and thereby provide notice of the proposed change to other water users by publication procedures required by then existing law. C. Replacements. During pumping, Applicant will replace actual depletions to the affected stream pursuant to 37-90-137(9)(c), C.R.S. Applicant estimates that depletions occur to the tributaries of the South Platte River. Return flows from the use of the subject water will accrue to tributaries of the South Platte River, and those return flows are anticipated

to be sufficient to replace actual depletions while the subject nontributary groundwater is being pumped. Applicant will reserve the nontributary Laramie-Fox Hills aquifer groundwater underlying the Subject Property, less the amount of actual stream depletions replaced during the plan pumping period, for the replacement of any injurious post-pumping depletions. Such reserved Laramie-Fox Hills groundwater shall not be available for use by the Applicant, or its successors or assigns, for any purpose other than replacement of depletions resulting from withdrawal and use of the subject Dawson aquifer groundwater under this plan. Applicant further reserves the right to substitute other legally available augmentation sources for such post pumping depletions, upon approval of the Court pursuant to its retained jurisdiction. Notwithstanding this reservation, under the Court's retained jurisdiction, Applicant reserves the right in the future to prove that post-pumping depletions will be non-injurious and do not need to be replaced. D. Other. Applicant will install measuring devices and will devise accounting forms to record all diversions, depletions, and replacements made pursuant to this plan for augmentation. Actual demands and depletions will be based on data included in accounting forms prepared by the Applicant for the administration of this plan. No injury: The plan for augmentation requested for approval herein will not result in injury to any vested water right or decreed conditional water right. **WHEREFORE**, Applicant respectfully requests that the Court enter a decree: A. Granting the application and awarding the water rights claimed herein as final water rights, except as to those issues for which jurisdiction of the Court will be specifically retained, and approving the plan for augmentation claimed herein. B. Specifically determining that: i. Applicants have complied with § 37-90-137(4), C.R.S., and water is legally available for withdrawal by the wells proposed herein, but that jurisdiction will be retained with respect to the average annual amounts of withdrawal specified herein to provide for the adjustment of such amounts to conform to actual local aquifer characteristics from adequate information obtained from wells or test holes drilled on or near the Subject Property, pursuant to § 37-92-305(11), C.R.S., and Denver Basin Rule 9.A; ii. The groundwater in the Dawson aquifer is not nontributary, and the groundwater in the Denver, Arapahoe, and Laramie-Fox Hills aquifers is nontributary; iii. Consistent with Rule 11.B of the Statewide Nontributary Ground Water Rules (2 CCR 402-7), Applicant may withdraw ground water pursuant to this application through one or more wells, including any supplemental or replacement wells, constructed on the Subject Property. iv. Vested or conditionally decreed rights of others will not be materially injured by the withdrawals of the groundwater and the plan for augmentation proposed herein; and v. No findings of diligence are required to maintain these water rights.

16CW3165 (10CW29) (03CW191)(94CW149) Missionary Sisters of the Sacred Heart, c/o Jeff Lewis, Administrator, Mother Cabrini Shrine, 20189 Cabrini Boulevard, Golden, Colorado 80401. Attorneys for Applicant: Richard A. Johnson, David F. Bower, Johnson & Repucci LLP, 2521 Broadway, Suite A, Boulder, Colorado 80304, email: rajohnson@j-rlaw.com; dfbower@j-rlaw.com. APPLICATION TO MAKE ABSOLUTE in **JEFFERSON COUNTY**, Colorado. Name and Description of Conditional Water Right. Name of Structure. Mother Cabrini Spring No. 4 (a/k/a the Jackson Gulch Spring). Original and Subsequent Decrees. The decree for the subject water right was entered on April 30, 1997 in Case No. 94CW149, Water Division 1. The conditional water right was continued by the decrees entered on January 14, 2004 in Case No. 03CW191 and November 16, 2010 in Case No. 10CW29, Water Division 1. Legal Description of Structure. The Mother Cabrini Spring No. 4 is located in the SW1/4 of the NE1/4 of Section 16, Township 4 South, Range 70 West, of the 6th P.M., Jefferson County, Colorado, at a point approximately 1,500 feet from the east section line and 2,000 feet from the north section line of said Section 16. The spring location is depicted on the map attached as Exhibit A. Decreed Sources. The source of water for the Mother Cabrini Spring No. 4 is spring water tributary to Jackson Gulch, tributary to Lena Gulch, tributary to Clear Creek, tributary to the South Platte River. Date of Appropriation. August 15, 1950. Decreed Amounts and Uses. The Mother Cabrini Spring No. 4 is decreed for 2.0 gpm, conditional, for domestic, commercial, irrigation, and religious purposes. Remarks. Mother Cabrini Spring No. 4, as originally decreed in Case No. 94CW149, Water Division 1, is a component part of an integrated water supply system. Claim to Make Absolute. Applicant has made the

water right decreed to Mother Cabrini Spring No. 4 absolute by diverting the right and impounding it for domestic, commercial, irrigation, and religious purposes. An affidavit from Jeff Lewis, administrator for the Mother Cabrini Shrine, which outlines the work that has been done to put the spring to beneficial use and demonstrating that the right has been made absolute, is attached as Exhibit B. Name and Address of Landowner upon which any New or Modified Diversion or Storage Structure is Located, Including Any Modification to the Storage Pool. Mother Cabrini Spring No. 4 is located on land owned by Applicant. 6 pages

16CW3166 Nancy J. Papke, 3673 South Cathay Street, Aurora, Colorado 80013, **North Fork Associates, LLC**, 2686 South Yukon Court, Lakewood, Colorado 80227 and **Mountain Mutual Reservoir Company**, 6949 Highway 73, Suite 15, Evergreen, Colorado 80439. (c/o David C. Lindholm, Esq., P. O. Box 18903, Boulder, Colorado 80308-1903). **APPLICATION FOR APPROVAL OF A PLAN FOR AUGMENTATION AND EXCHANGE RIGHT. IN JEFFERSON AND PARK COUNTIES.** 2. Names of Structures to be Augmented: Papke Well Nos. 1 and 2. The wells will divert ground water from the fractured granites underlying portions of the NE1/4 NE1/4 of Section 10, Township 6 South, Range 70 West, 6th P.M., Jefferson County, at a maximum flow rate of 15 gallons per minute. An application to construct each well will be submitted to the Division of Water Resources when the property described herein is developed and the well is needed. 3. Water Rights to be Used for Augmentation Purposes. a. Nancy J. Papke ("Papke"), has entered into a contract with North Fork Associates, LLC to purchase 3 shares of the capital stock of the Mountain Mutual Reservoir Company, ("MMRC"). The 3 shares represent the right to receive 0.095 of an acre foot of augmentation water per year from the water rights and storage facilities MMRC holds for the benefit of its shareholders, as more particularly described below. b. MMRC owns water rights decreed to the Parmalee Ditch No. 1, the Carruthers Ditch No. 2 and the Nickerson Ditch No. 2 ("Nickerson Ditch water rights"), portions of which will be used to replace depletions associated with out-of-priority diversions from the Papke Well Nos. 1 and 2. The Nickerson Ditch water rights have a priority date of May 1, 1867, and were decreed in the original adjudication for former Water District No. 23 by the Park County District Court on May 22, 1913, in Civil Action No. 1678. Historically, the Nickerson Ditch water rights were diverted from Deer Creek at the headgate of the Nickerson Ditch No. 2 in the NW1/4 SE1/4 of Section 9, Township 7 South, Range 72 West, 6th P.M., Park County. Such diversions no longer occur. The terms and conditions under which the Nickerson Ditch water rights are used for augmentation, replacement and storage purposes are described in the Decree entered by the District Court for Water Division 1 in Case No. 2000CW174, dated October 11, 2002, and are deemed to be *res judicata* in future proceedings involving such rights, pursuant to *Williams v. Midway Ranches*, 938 P.2d 515 (Colo. 1997). Reference is made to the Decree in Case No. 2000CW174 for more detailed information. c. Fully consumable water stored in Maddox Reservoir and/or the Lower Sacramento Creek Reservoir No. 1 will be released to the stream system when the Nickerson Ditch water rights are out-of-priority. The Lower Sacramento Creek Reservoir No. 1 is located in the NE1/4 NW1/4 of Section 32 and the SE 1/4 of Section 29, Township 9 South, Range 77 West, 6th P.M., Park County. It was originally decreed in Case No. W-7741-74 for domestic, municipal, commercial, industrial, irrigation, fish and wildlife propagation, recreational and all other beneficial purposes, including exchange to compensate for depletions in the South Platte River or its tributaries. Maddox Reservoir is located in the NE1/4 SW1/4 of Section 22, Township 7 South, Range 73 West, 6th P.M., Park County. 4. Statement of Plan for Augmentation, Covering all Applicable Matters under C.R.S. §37-92-103(9), §302(1)(2) and §305(8): a. Papke is the record owner of a 35 acre parcel of property located in the NE1/4 NE1/4 of Section 10, Township 6 South, Range 70 West, 6th P.M., Jefferson County. Two single-family residences will be constructed on the parcel. The property is depicted on the attached Exhibit "A." b. The water supply for the residences will be obtained from the Papke Well Nos. 1 and 2. Wastewater from all in-building uses of water will be treated utilizing non-evaporative septic systems with soil absorption leach fields. Return flows will be to Switzers Gulch a tributary of Deer Creek. c. Based on prior engineering studies of similar residential subdivisions, it is assumed that the maximum average occupancy of each single family residence will be 3.5 persons and

that per capita daily water usage will not exceed 80 gallons as an annual average. The augmentation plan will include the irrigation of 500 square feet of lawn grass, or equivalent gardens. Gross irrigation requirements for lawn grass are anticipated to be no more than 1.25 acre feet of water per irrigated acre. Gross irrigation requirements for gardens are no more than 0.5 of an acre foot per irrigated acre. Total water usage is not expected to exceed 0.66 of an acre foot per year. d. Depletions associated with water that is used inside each single-family residence will be based on a ten percent (10%) consumption factor. Consumption of lawn grass at this location is 1.0 acre-foot per acre. Consumption of gardens is 0.4 of an acre foot per acre. The consumptive use for irrigation operations was determined using the SCS TR-21 modification to the Blaney Criddle consumptive use method with the Pochop elevation adjustment and the Evergreen turf adjustment, as outlined in a report prepared by Blatchley Associates, Inc., which is titled "Turf Irrigation in Mountainous Areas of Evergreen, Colorado." Maximum annual stream depletions, including any applicable stream transportation charges, are not anticipated to exceed 0.095 of an acre foot. The maximum instantaneous impact on the flow of water in Deer Creek and the South Platte River will be approximately 0.09 of a gallon per minute. e. The required volume of augmentation water will be provided from the sources described in Paragraph No. 3, above. Whenever possible, depletions to the stream system will be augmented by MMRC forgoing the diversion of a portion of its Nickerson Ditch water rights. During times when the Nickerson Ditch water rights are not in priority, depletions will be augmented by releasing consumptive use water from Maddox Reservoir or the Lower Sacramento Creek Reservoir No. 1. Transportation charges from the point where water is released from MMRC's facilities to the confluence of Deer Creek and the South Platte River will be computed on the basis of 0.13 percent per mile. f. Due to the small volume of annual stream depletions projected to occur under this plan, instantaneous stream depletions may be aggregated and replaced by an assignment of the Nickerson Ditch water rights at a higher than normal rate of delivery for a short time, or by one or more releases of short duration from storage. g. Since the point of depletion associated with water use under this plan for augmentation is on a side tributary of the South Platte River, Papke asserts an appropriative right of substitute supply and exchange pursuant to C.R.S. §37-80-120 and §37-92-302(1)(a). Water released from the MMRC facilities described herein will be carried in the stream channel to the confluence of Deer Creek and the South Platte River at Chatfield Reservoir in Sections 10 and 11, Township 6 South, Range 69 West, 6th P.M. From there, the water will be exchanged up Deer Creek to the confluence of Deer Creek and Switzers Gulch in the NE1/4 SW1/4 of Section 11, Township 6 South, Range 70 West, 6th P.M.; and thence up Switzers Gulch to the point of depletion in the NW1/4 NW1/4 of Section 11, Township 6 South, Range 70 West, 6th P.M. The exchange will operate to replace depletions to the flow of water in Switzers Gulch, Deer Creek and the South Platte River as the depletions occur. The exchange will be administered with a priority date of November 29, 2016, at a maximum flow rate of 0.001 of a cubic foot per second. 5. Name(s) and Address(es) of Owners or Reputed Owner(s) of the Land upon which any new Diversion or Storage Structure, or Modification to any Existing Diversion or Storage Structure is or will be Constructed or upon which Water is or will be Stored, Including any Modification to the Existing Storage Pool: Nancy J. Papke, as described above. WHEREFORE, Papke requests the entry of a decree approving this Application, specifically determining that the source and location of delivery of augmentation water are sufficient to eliminate material injury to vested water rights. Papke also requests a determination that the Papke Well Nos. 1 and 2 can be operated without curtailment so long as out-of-priority stream depletions are replaced as proposed herein. Papke further requests the entry of an Order directing the State Engineer to issue permits for the construction and use of the Wells. (5 pages and one exhibit).

16CW3167 (16CW3078 – Division 2 Case number) Tracy and Mark Gilliland, 11155 Forest Edge Drive, Colorado Springs, CO 80908 (James J. Petrock, Petrock & Fendel, 700 17th Street, #1800, Denver, CO 80202), APPLICATION FOR UNDERGROUND WATER RIGHTS FROM NONTRIBUTARY AND NOT NONTRIBUTARY SOURCES AND FOR APPROVAL OF PLAN FOR AUGMENTATION, IN THE NONTRIBUTARY LARAMIE-FOX HILLS AND THE NOT NONTRIBUTARY DAWSON, DENVER, AND ARAPAHOE AQUIFERS, EL PASO COUNTY. 8

acres being Lot 3, JRLBJN Subdivision, generally located in the SW1/4SW1/4 of Section 19, T12S, R65W of the 6th P.M., El Paso County, as shown on Attachment A hereto ("Subject Property"). Source of Water Rights: The Dawson, Denver, and Arapahoe aquifers are not nontributary as described in Sections 37-90-103(10.7), C.R.S., and the Laramie-Fox Hills aquifer is nontributary as described in Section 37-90-103(10.5), C.R.S. Estimated Amounts: Dawson: 4.4 acre-feet, Denver: 10.6 acre-feet, Arapahoe: 9.3 acre-feet, Laramie-Fox Hills: 5.6 acre-feet. Proposed Use: Domestic, commercial, industrial, irrigation, livestock watering, fire protection, and augmentation purposes, including storage, both on and off the Subject Property. Groundwater to be augmented: 1 acre-feet per year of Dawson aquifer groundwater for 300 years as requested herein. Water rights for augmentation: Return flows from the use of not nontributary and nontributary groundwater and direct discharge of nontributary ground water. Statement of plan for augmentation: The Dawson aquifer groundwater will be used through one well to serve 1 residence at a rate of flow not to exceed 15 gpm. The well will withdraw 1 acre-foot annually for 300 years for inhouse use (0.35 acre-feet), irrigation of 10,500 square-feet of lawn, garden, and trees (0.6 acre-feet), and stockwatering of up to 4 large domestic animals (0.05 acre-feet). Applicants reserve the right to amend these amounts and values without amending the application or republishing the same. Sewage treatment for inhouse use will be provided by non-evaporative septic systems and return flow from inhouse and irrigation use will be approximately 90% and 15% of that use, respectively. During pumping Applicants will replace actual depletions to the affected stream system pursuant to Section 37-90-137(9)(c.5), C.R.S. Because depletions may occur to stream systems in Water Divisions 1 and 2, this application is being filed in both divisions. Based on the location of the Subject Property, return flows from use of the water on the Subject Property return to the Arkansas River via Cottonwood Creek and such return flows are sufficient to replace the total annual actual depletion. Applicants request that the total actual depletion be returned to the Arkansas River stream systems and for a finding that those replacements are sufficient to prevent injury to all affected stream systems. Applicants will reserve an equal amount of the nontributary Laramie-Fox Hills aquifer groundwater requested herein to meet post pumping augmentation requirements. Further, Applicants pray that this Court grant the application and for such other relief as seems proper in the premises. (6 pages).

16CW3168 Medicine Flower Farm, LLC, c/o Jennifer L. Johnson, 8517 S. Deer Creek Canyon Road, Littleton, Colorado 80127, **North Fork Associates, LLC**, 2686 South Yukon Court, Lakewood, Colorado 80227 and **Mountain Mutual Reservoir Company**, 6949 Highway 73, Suite 15, Evergreen, Colorado 80439. (c/o David C. Lindholm, Esq., P. O. Box 18903, Boulder, Colorado 80308-1903). APPLICATION FOR UNDERGROUND WATER RIGHTS, APPROVAL OF A PLAN FOR AUGMENTATION AND EXCHANGE RIGHT. **IN JEFFERSON AND PARK COUNTIES.** APPLICATION FOR UNDERGROUND WATER RIGHTS: 1. Names of Wells and Permit, Registration or Denial Numbers: Mica Ridge Well Nos. 8, 9 and 10. 2. Legal Descriptions of the Wells: The exact locations of the wells will not be known until the subdivision of the property described herein is approved by Jefferson County and building envelopes are finally determined. However, the wells can generally be described as being within the E1/2 NW1/4 of Section 3, Township 6 South, Range 70 West, 6th P.M., Jefferson County. 3.A. Source of Water: Ground water that is tributary to Switzers Gulch, Deer Creek and the South Platte River. 3.B. Depth of Wells: 1,000 feet, approximate. 4.A. Date of Appropriation: November 30, 2016. 4.B. How Appropriation was Initiated: By the filing of this Application. 4.C. Dates Water Applied to Beneficial Use: N/A. 5. Amounts Claimed: 15 gallons per minute, Conditional, for each well. 6. Uses: Mica Ridge Well Nos. 8 and 9: Domestic, stock watering, irrigation and fire protection purposes. Mica Ridge Well No. 10: Irrigation. 7. Name and Address of Owner of Land on which the Wells will be Located: Medicine Flower Farm, LLC, as described above. APPLICATION FOR APPROVAL OF A PLAN FOR AUGMENTATION AND EXCHANGE RIGHT: 1. Names of Structures to be Augmented: Mica Ridge Well Nos. 5, 6, 8, 9 and 10. The Mica Ridge Well Nos. 5 and 6 were adjudicated in Case No. 2003CW379 with the source of water being ground water that is tributary to Deer Creek and the South Platte River. The Mica Ridge Well No. 5 is located in the SE1/4 NW1/4 of Section 3, Township 6 South, Range 70 West, 6th P.M., Jefferson County, at a point

approximately 2,010 feet from the North Section line and 2,250 feet from the West Section line of said Section 3. The amount of water decreed to the Mica Ridge Well No. 5 is 2 gallons per minute, Absolute, and 13 gallons per minute, Conditional, for domestic and ordinary household purposes, the watering of domestic animals, the irrigation of lawns and gardens and fire protection purposes. The exact location of the Mica Ridge Well No. 6 will not be known until subdivision of the property described herein is approved by Jefferson County. The location can generally be described as being in the E1/2 NW1/4 of Section 3, Township 6 South, Range 70 West, 6th P.M., Jefferson County. The amount of water decreed to the Mica Ridge Well No. 6 is 15 gallons per minute, Conditional, for domestic and ordinary household purposes, the watering of domestic animals, the irrigation of lawns and gardens and fire protection purposes. The conditional water rights for the Mica Ridge Well Nos. 5 and 6 were continued until January 31, 2019, pursuant to the Decree entered in Case No. 2012CW123.

2. Water Rights to be Used for Augmentation Purposes.

a. Medicine Flower Farm, LLC ("Medicine Flower Farm"), has entered into a contract with North Fork Associates, LLC to purchase 14.3 shares of the capital stock of the Mountain Mutual Reservoir Company, ("MMRC"). The 14.3 shares represent the right to receive 0.460 of an acre foot of augmentation water per year from the water rights and storage facilities MMRC holds for the benefit of its shareholders, as more particularly described below.

b. MMRC owns water rights decreed to the Parmalee Ditch No. 1, the Carruthers Ditch No. 2 and the Nickerson Ditch No. 2 ("Nickerson Ditch water rights"), portions of which will be used to replace depletions associated with out-of-priority diversions from the Mica Ridge Well Nos. 5, 6, 8, 9 and 10. The Nickerson Ditch water rights have a priority date of May 1, 1867, and were decreed in the original adjudication for former Water District No. 23 by the Park County District Court on May 22, 1913, in Civil Action No. 1678. Historically, the Nickerson Ditch water rights were diverted from Deer Creek at the headgate of the Nickerson Ditch No. 2 in the NW1/4 SE1/4 of Section 9, Township 7 South, Range 72 West, 6th P.M., Park County. Such diversions no longer occur. The terms and conditions under which the Nickerson Ditch water rights are used for augmentation, replacement and storage purposes are described in the Decree entered by the District Court for Water Division 1 in Case No. 2000CW174, dated October 11, 2002, and are deemed to be *res judicata* in future proceedings involving such rights, pursuant to *Williams v. Midway Ranches*, 938 P.2d 515 (Colo. 1997). Reference is made to the Decree in Case No. 2000CW174 for more detailed information.

c. Fully consumable water stored in Maddox Reservoir and/or the Lower Sacramento Creek Reservoir No. 1 will be released to the stream system when the Nickerson Ditch water rights are out-of-priority. The Lower Sacramento Creek Reservoir No. 1 is located in the NE1/4 NW1/4 of Section 32 and the SE1/4 of Section 29, Township 9 South, Range 77 West, 6th P.M., Park County. It was originally decreed in Case No. W-7741-74 for domestic, municipal, commercial, industrial, irrigation, fish and wildlife propagation, recreational and all other beneficial purposes, including exchange to compensate for depletions in the South Platte River or its tributaries. Maddox Reservoir is located in the NE1/4 SW1/4 of Section 22, Township 7 South, Range 73 West, 6th P.M., Park County.

3. Statement of Plan for Augmentation, Covering all Applicable Matters under C.R.S. §37-92-103(9), §302(1)(2) and §305(8):

a. Medicine Flower Farm is the owner of a 65 acre parcel of property located in the E1/2 NW 1/4 of Section 3, Township 6 South, Range 70 West, 6th P.M., Jefferson County. The property straddles the South Turkey Creek and Deer Creek drainage basins. The portion of the property located in the Deer Creek basin will be subdivided so that four single-family residences and a community greenhouse can be constructed. Each residential lot will include the right of the owner to construct an accessory dwelling unit pursuant to Jefferson County's land use regulations. The property is depicted on the attached Exhibit "A."

b. The water supply for all of the lots will be obtained from the Mica Ridge Well Nos. 5, 6, 8, 9 and 10. Wastewater from all in-building uses of water is or will be treated utilizing non-evaporative septic systems with soil absorption leach fields. Return flows are or will be to Switzers Gulch, a tributary of Deer Creek.

c. Based on prior engineering studies of similar residential subdivisions, it is assumed that the maximum average occupancy of each single-family residence will be 3.5 persons and that per capita daily water usage will not exceed 80 gallons as an annual average. The maximum average occupancy of each accessory dwelling unit will be 2 persons and per capita daily water usage will not exceed 80 gallons as an annual average. The augmentation plan will also cover the irrigation of 2,500 square feet of lawn

grass, or equivalent gardens, and the watering of eight horses or equivalent domestic animals. The community greenhouse will be 2,000 square feet in size. Gross irrigation requirements for lawn grass are anticipated to be no more than 1.25 acre feet of water per irrigated acre. Gross irrigation requirements for gardens are no more than 0.5 of an acre foot per irrigated acre. The water requirement for each horse, or equivalent domestic animal, is assumed to be 10 gallons per day. Water usage in the greenhouse has been calculated to be 0.047 of an acre foot per 1,000 square feet. The total volume of water required for the portion of the property located in the Deer Creek basin is projected to be approximately 2.2 acre feet per year. d. Depletions associated with water that is used inside the single-family residences and accessory dwelling units will be based on a ten percent (10%) consumption factor. Consumption of lawn grass at this location is 1.0 acre-foot per acre. Consumption of gardens is 0.4 of an acre foot per acre. The consumptive use for irrigation operations was determined using the SCS TR-21 modification to the Blaney Criddle consumptive use method with the Pochop elevation adjustment and the Evergreen turf adjustment, as outlined in a report prepared by Blatchley Associates, Inc., which is titled "Turf Irrigation in Mountainous Areas of Evergreen, Colorado." All of the water supplied to horses or equivalent domestic animals, as well as water used in the greenhouse, is assumed to be consumed. Maximum annual stream depletions, including any applicable stream transportation charges, are not anticipated to exceed 0.460 of an acre foot. The maximum instantaneous impact on the flow of water in Deer Creek and the South Platte River will be approximately 0.3 of a gallon per minute. e. The required volume of augmentation water will be provided from the sources described in Paragraph No. 2, above. Whenever possible, depletions to the stream system will be augmented by MMRC forgoing the diversion of a portion of its Nickerson Ditch water rights. During times when the Nickerson Ditch water rights are not in priority, depletions will be augmented by releasing consumptive use water from Maddox Reservoir or the Lower Sacramento Creek Reservoir No. 1. Transportation charges from the point where water is released from MMRC's facilities to the confluence of Deer Creek and the South Platte River will be computed on the basis of 0.13 percent per mile. f. Due to the small volume of annual stream depletions projected to occur under this plan, instantaneous stream depletions may be aggregated and replaced by an assignment of the Nickerson Ditch water rights at a higher than normal rate of delivery for a short time, or by one or more releases of short duration from storage. g. Since the point of depletion associated with water use under this plan for augmentation is on a side tributary of the South Platte River, Medicine Flower Farm asserts an appropriative right of substitute supply and exchange pursuant to C.R.S. §37-80-120 and §37-92-302(1)(a). Water released from the MMRC facilities described herein will be carried in the stream channel to the confluence of Deer Creek and the South Platte River at Chatfield Reservoir in Sections 10 and 11, Township 6 South, Range 69 West, 6th P.M. From there, the water will be exchanged up Deer Creek to the confluence of Deer Creek and Switzers Gulch in the NE1/4 SW1/4 of Section 11, Township 6 South, Range 70 West, 6th P.M.; and thence up Switzers Gulch to the point of depletion in the NW1/4 NE1/4 of Section 3, Township 6 South, Range 70 West, 6th P.M. The exchange will operate to replace depletions to the flow of water in Switzers Gulch, Deer Creek and the South Platte River as the depletions occur. The exchange will be administered with a priority date of November 30, 2016, at a maximum flow rate of 0.001 of a cubic foot per second. 4. Name(s) and Address(es) of Owners or Reputed Owner(s) of the Land upon which any new Diversion or Storage Structure, or Modification to any Existing Diversion or Storage Structure is or will be Constructed or upon which Water is or will be Stored, Including any Modification to the Existing Storage Pool: Medicine Flower Farm, LLC, as described above. WHEREFORE, Medicine Flower Farm requests the entry of a decree approving this Application, specifically determining that the source and location of delivery of augmentation water are sufficient to eliminate material injury to vested water rights. Medicine Flower Farm also requests a determination that the Mica Ridge Well Nos. 5, 6, 8, 9 and 10 can be operated without curtailment so long as out-of-priority stream depletions are replaced as proposed herein. Medicine Flower Farm further requests the entry of an Order directing the State Engineer to issue permits for the construction and use of the Wells. (7 pages and one exhibit).

16CW3169 CITY OF FORT COLLINS, City of Fort Collins (“Fort Collins”) c/o Donnie Dustin, Water Resources Manager, 700 Wood Street (80521), P.O. Box 580, Fort Collins, CO 80522. Please direct all correspondence regarding this application to: Stuart B. Corbridge, Atty. Reg. #33355, Geoffrey M. Williamson, Atty. Reg. #35891, Leila C. Behnampour, Atty. Reg. #42754, Vranesh and Raisch, LLP, 1720 14th Street, Suite 200, Boulder, CO 80302, Telephone Number: (303) 443-6151, Fax Number: (303) 443-9586, E-mail: sbc@vrlaw.com, gmw@vrlaw.com, lcb@vrlaw.com. Application for Conditional Appropriative Rights of Substitution and Exchange in **LARIMER COUNTY**. 2. Summary of application: By decree dated November 18, 2013, in Case No. 07CW125 (“07CW125 Decree”), Fort Collins obtained confirmation of rights of exchange and appropriation of exchange potential in a stream reach from the confluence of the North Fork of the Cache la Poudre River and the main stem of the Cache la Poudre River upstream to the North Poudre Supply Canal (a/k/a Munroe Canal) and the City of Fort Collins Pipeline located on the main stem of the Cache la Poudre River, using various sources of substitute supply including water previously stored in and released from Halligan Reservoir or Milton Seaman Reservoir, as they may be enlarged. On April 4, 2016, in Case No. 13CW3185, Water Division 1, Fort Collins obtained a decree for the Halligan Reservoir Enlargement Water Right for 16,250 acre-feet, conditional, with the right to one refill, conditional, with an appropriation date of December 10, 2013. By this application, Fort Collins seeks entry of a decree confirming conditional appropriative rights of substitution and exchange, including the appropriation of exchange potential, in a stream reach from the confluence of the North Fork of the Cache la Poudre River and the main stem of the Cache la Poudre River upstream on the main stem to the North Poudre Supply Canal and the City of Fort Collins Pipeline, using the Halligan Reservoir Enlargement Water Right as the source of substitute supply. 3. Appropriative rights of substitution and exchange: Fort Collins claims a water right to appropriate exchange potential and to operate exchanges of water up to the flow rates listed below, including the right to provide substitute supply in accordance with Sections 37-80-120(2), (3) and (4), and 37-83-104, C.R.S., using the following exchange-from and exchange-to points and source of substitute supply. 4. Point of release of substitute supply (exchange-from point, shown on the map attached to the Application as Exhibit 1): 4.1 The downstream terminus of the exchange reach and the exchange-from point is the confluence of the North Fork of the Cache la Poudre River and the main stem of the Cache la Poudre River, located in the SW1/4 of Sec. 33, T9N, R70W, 6th P.M., Larimer County. 5. Points of diversion (exchange-to points, also shown on Exhibit 1): 5.1 The North Poudre Supply Canal (a/k/a the Munroe Canal), located on the east bank of the Cache la Poudre River in the SW1/4 NE1/4 of Sec. 5, T8N, R70W, 6th P.M., Larimer County, at a point whence the Southeast corner of said Sec. 5 bears south 37°27’30” East 3,647.5 feet. 5.2 The City of Fort Collins Pipeline, located on the south bank of the Cache la Poudre River in the SE1/4 of Sec. 32, T9N, R70W, 6th P.M., Larimer County, being more particularly described as follows: Considering the East line of said SE1/4 as bearing N 7°49’9” E, and with all bearings contained therein relative thereto; commencing at the SE corner of said Sec. 32: thence N 4° 32’46” E, 1335.13 feet to the center of said pipeline intake. 6. Source of substitute supply: The water right decreed for the Halligan Reservoir Enlargement in Case No. 13CW3185 on April 4, 2016, and as continued in subsequent diligence cases, once released from storage in Halligan Reservoir or Milton Seaman Reservoir, as they may be enlarged. 7. Date of appropriation: November 29, 2016. 7.1 How appropriation was initiated: Fort Collins staff and special legal counsel studied and developed the details of the claimed conditional appropriative rights of substitution and exchange. On November 29, 2016, Kevin Gertig, Executive Director of Fort Collins’ Utilities Department, issued a memorandum stating that Fort Collins had formulated the necessary intent to appropriate the rights of substitution and exchange described herein, and directed staff and special legal counsel to take additional steps to provide notice to the public. On November 29, 2016, Fort Collins posted signs announcing the appropriation at the confluence of the North Fork of the Cache la Poudre River and the main stem of the Cache la Poudre River, the North Poudre Supply Canal (a/k/a Munroe Canal), and the City of Fort Collins Pipeline. In conjunction with the filing of this application, Fort Collins will also provide notice of the appropriation by publication in the Fort Collins Coloradoan and by posting the notice on its website. 7.2 Date water applied to beneficial use: N/A. 8. Claimed Exchange Rates: 8.1 Exchanges to the North Poudre Supply

Canal (a/k/a Munroe Canal) – 250 c.f.s., conditional. 8.2 Exchanges to the Fort Collins Pipeline – 32 c.f.s., conditional. 8.3 The combined rate of diversion of water diverted by exchange at any one time through all or any combination of the facilities described above pursuant to any decree entered in this matter shall not exceed 250 c.f.s. The annual volume of water exchanged under any decree entered in this matter shall not exceed 16,250 acre-feet. 9. Proposed Uses: Fort Collins will use the water diverted under these exchanges for the following municipal and related beneficial uses within Fort Collins’ service area as it now exists (as generally depicted on Exhibit 2) or may from time to time be expanded: all municipal uses, including, but not limited to, domestic, industrial, commercial, hydroelectric power generation, irrigation (including, without limitation, agricultural irrigation), storage, stock watering, recreation, fish and wildlife propagation and maintenance, and environmental mitigation and restoration. Fort Collins may also use the water diverted under these exchanges both within and outside of its existing and future service area for augmentation, replacement, and as a substitute supply in other exchanges; for service to water users located within and outside of Fort Collins’ current and future service area with whom Fort Collins has contracts or other agreements to deliver water from its water system; pursuant to contract exchanges, leases, or water trades made by mutual agreement with other water users, for the beneficial uses described above; and for any other uses described in the contracts, contract exchanges, leases, or mutual agreements. Fort Collins will use, reuse, successively use, fully consume, and dispose of the water diverted under these exchanges to extinction consistent with existing applicable decrees. 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: 10.1 Halligan Reservoir: Halligan Reservoir, as enlarged in the decree entered in Case No. 13CW3185, is on land owned by: City of Fort Collins; State of Colorado, Division of Wildlife, 6060 Broadway, Denver, CO 80216; United States of America, Bureau of Land Management, c/o Roy Smith, 2850 Youngfield Street, Lakewood, CO 80215; The Landowners Assoc. for Phantom Canyon Ranches, 325 Sagewood Drive, Loveland, CO 80538-4805; The Gary C. and Mary J. Packard Revocable Trust, 865 Three Corner Gate Rd., Livermore, CO 80536; Geo. A. Henderson Co. Inc., c/o Chris Vandemoer, P.O. Box 668, Sterling, CO 80751; and Free Enterprises Inc., 1803 N. Garfield Ave., Loveland, CO 80538. 10.2 Milton Seaman Reservoir: Milton Seaman Reservoir is on land owned by the State of Colorado Department of Natural Resources, 6060 Broadway, Denver, CO 80216; United States of America, Arapaho/Roosevelt National Forest, 2150 Centre Ave. E., Fort Collins, CO 80526-8119; State Board of Land Commissioners, 1127 Sherman St., Ste. 300, Denver, CO 80203-2206; and the City of Greeley, 1100 10th St., Ste. 300, Greeley, CO 80631. 10.3 North Poudre Supply Canal (a/k/a the Munroe Canal): The point of diversion for the North Poudre Supply Canal is on land owned by the North Poudre Irrigation Company, 160 W. Mountain Ave., Fort Collins, CO 80521. 10.4 Fort Collins Pipeline: The point of diversion for the Fort Collins Pipeline is on land owned by Fort Collins.

16CW3170 Lower Poudre Augmentation Company, c/o Dale Trowbridge, 33040 Railroad Avenue, P.O. Box 104, Lucerne, CO 80646. (970) 352-0222. APPLICATION FOR CHANGE OF WATER RIGHT IN LARIMER AND WELD COUNTIES. Future correspondence and pleadings to: Daniel K. Brown and Donald E. Frick, Fischer, Brown, Bartlett & Gunn, P.C., 1319 E. Prospect Road, Fort Collins, CO 80525, (970) 407-9000. 2. Decreed name of structure for which change is sought: Applicant seeks to change its pro rata share of the water rights decreed to the Box Elder Ditch based upon ownership of 2.0 shares of the 64 outstanding shares in the Box Elder Ditch Company. The water associated with 2.0 shares will hereinafter be referred to as the “subject water rights.” 3. From previous decree: Decree: Civil Action No. 320, Water District No. 3, Larimer County District Court, April 11, 1882. 3.1. Decreed point of diversion is located on the south bank of the Cache la Poudre River within the SW1/4 of the SE1/4 of the NE1/4 of Section 20, Township 7 North, Range 68 West. Source: Cache la Poudre River. 3.2. Appropriation Dates and Amounts:

<u>Date</u>	<u>Amount</u>
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March 1, 1866	32.5 c.f.s.
May 25, 1867	8.33 c.f.s.
July 1, 1868	11.93 c.f.s.

3.5. Historical Use: The subject water rights have historically been used to irrigate portions of two parcels located in Section 28, Township 7 North, Range 68 West, 6th P.M., in Larimer County, as described in the engineering report prepared by Applegate Group, Inc. attached hereto as Exhibit A, and incorporated herein by reference. Said report includes maps depicting the location of historical use and diversion records which Applicant intends to rely on. 4. Proposed change: Applicant seeks a decree changing the use of the subject water rights to irrigation, storage, recharge, augmentation, exchange, replacement and recharge, either by direct release, following storage for later release or by exchange, with the right to totally consume the water diverted, either by first use, reuse or successive use. Applicant's proposed uses of the subject water right are more particularly described in the engineering report filed herewith as Exhibit A. In particular but not by way of limitation, Applicant will store water diverted under the subject water rights in the Harmony 25 Reservoir, located in the SE1/4 of Section 34, Township 7 North, Range 68 West, 6th P.M. and the Cornish Plains Reservoir located in parts of Sections 5, 8 and 9, Township 6 North, Range 63 West, 6th P.M.. Applicant may also utilize water diverted pursuant to the subject water rights for recharge purposes pursuant to the terms and conditions of the decree entered in Consolidated Case Nos. 04CW25/06CW295. 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. Box Elder Ditch: the Box Elder Ditch Company, 730 Ash Mesa, Delta, Colorado 81416. 4 page.

(per order, published by Division 2)

16CW3171 Michael Turner, 13750 Holmes Road, Colorado Springs, CO 80908 (Please direct all correspondence and inquires regarding this matter to Applicants' attorney: Henry D. Worley, Worley Law Office LLC, 611 North Weber, Suite 104, Colorado Springs, CO 80903, phone 719.634.8330, email hank.worley@pcisys.net) Application for Adjudication of Denver Basin Ground Water and for Approval of Plan for Augmentation IN **EL PASO COUNTY**. **I. APPLICATION FOR DENVER BASIN WATER RIGHTS.** **1. Names of wells and permit, registration, or denial numbers:** Permit No. 110308-A. **2. Legal description of wells:** Permit No. 11308-A is constructed in the Dawson aquifer in the SW1/4 SE1/4 Section 1, T. 12 S., R. 66 W., 6th P.M., 380 feet from the south section line and 2050 feet from the east section line. Up to two additional wells in the Dawson aquifer, and one well in each of the Denver, Arapahoe and Laramie-Fox Hills aquifers are contemplated, plus all necessary additional and/or replacement wells, to be located anywhere on Applicant's 19.96 acre property at 13750 Holmes Road, Colorado Springs, CO 80908, the legal description of which is Lot B, Weeks Subdivision Waiver. The metes and bounds description is: "a tract in SW1/4 SE1/4 Section 1, T. 12 S., R. 66 W., 6th P.M. described as follows: Beginning at the SW corner of Holmes Park Subdivision, thence North 89°50'40" East 663.33 feet, thence South 00°16'55" East 1314.48 feet, thence North 89°51'20" West 661.18 feet, thence North 00°23'35" West 1311.02 feet to the point of beginning." A map showing the location of the Property is attached as Figure 1. **3. Sources:** not nontributary Dawson aquifer; not nontributary Denver aquifer; nontributary Arapahoe aquifer; nontributary Laramie-Fox Hills aquifer. **4. A. Date of appropriation:** Not applicable. **4.B. How appropriation was initiated:** Not applicable. **4.C. Date water applied to beneficial use:** Not applicable. **5. Amount claimed:** Dawson aquifer - 15 gpm per well, 1213 AF (12.13 AF/yr) absolute; Denver aquifer, 50 gpm per well, 1712 AF (17.12 AF/yr); Arapahoe aquifer, 50 gpm per well, 788 acre feet, (7.88 AF/yr) absolute; Laramie-Fox Hills aquifer - 150 g.p.m., 563 AF (5.63 AF/yr), absolute. **6. Proposed uses:** all except municipal. **7. Name and address of owner of land on which wells are/will be located:** Same as Applicant. **II. APPLICATION FOR APPROVAL OF PLAN FOR AUGMENTATION.** **8. Name of structures to be augmented:** Well permit 110308-A, plus two additional wells in the Dawson aquifer on the Property. No other water rights

are or will be diverted from permit 110308. After entry of a decree, permit 110308-A will be re-permitted consistent with the provisions of the augmentation plan. **9. Previous decrees for water rights to be used for augmentation:** None. **10. Historic use:** Not applicable. **11. Statement of plan for augmentation:** Applicant seeks approval of a plan for augmentation which will allow pumping of 0.85 acre feet annually (which may be modified upward if the DEO's Consultation Report indicates more may be pumped) from each of up to three wells in the Dawson aquifer, including well permit 110308-A. Pumping will be capped at 765 acre feet over 300 years. Water will be used for indoor residential purposes, small-scale commercial purposes such as drinking and sanitary uses for home/detached offices, landscape and garden irrigation, livestock watering, dust suppression, and augmentation through use of non-evaporative wastewater systems. The SEO has established an informal guideline that at least 0.2 acre foot will be used annually for indoor residential uses in a single family dwelling. Waste water from indoor uses will be treated using a nonevaporative individual septic tank and leach fields; annual return flows from water so treated will no be less than 0.18 acre foot. Such return flows will accrue to tributaries of Monument Creek. This plan for augmentation will allow annual pumping of 0.85 AF/yr/well acre foot over a 300 year period, at which time stream depletions are anticipated to equal 21.16 % of annual pumping. By observing that pumping limitation, septic system return flows alone will equal or exceed the 0.18 acre foot of maximum stream depletions per well during the pumping period. Applicant proposes to replace depletions during pumping with return flows from the septic system, and to replace estimated post-pumping depletions of 684 acre feet with 698 acre feet of the nontributary Arapahoe aquifer water decreed herein, which amount will be reserved for that purpose. Applicant will reserve the right to replace such depletions with any other judicially acceptable source of augmentation water, upon judicial approval. **12. Miscellaneous provisions.** (1) There are no liens against the Applicant's property so the notification requirements of C.R.S. 37-92-302(2)(b) do not apply. (2) This application is being filed in Water Divisions 1 and 2. After the period for filing statements of opposition has expired, Applicant will seek to consolidate the two cases in Division 2, where the Property is located. (3) The amounts available for appropriation and available for annual pumping under the augmentation plan may be changed upward from the amounts published herein, based on the Determinations of Facts and the Consultation Report.

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

YOU ARE HEREBY NOTIFIED that any party who wishes to oppose an application, or an amended application, may file with the Water Clerk, P. O. Box 2038, Greeley, CO 80632, a verified Statement of Opposition, setting forth facts as to why the application should not be granted, or why it should be granted only in part or on certain conditions. Such Statement of Opposition must be filed by the last day of **JANUARY 2017** (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.