

DISTRICT COURT, WATER DIVISION NO. 2, COLORADO

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RESUME OF CASES FILED AND/OR ORDERED PUBLISHED DURING APRIL 2023.

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TO: ALL INTERESTED PARTIES

Pursuant to C.R.S. 37-92-302, you are hereby notified that the following is a resume of applications and certain amendments filed and/or ordered published during April 2023, in Water Division No. 2. The names and addresses of applicants, description of water rights or conditional water rights involved, and description of ruling sought as reflected by said applications, or amendments, are as follows:

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**CASE NO. 2023CW3020; JOHSUA D. PATTERSON AND KATHERIN N. PATTERSON, 4775 Ford Drive, Colorado Springs, CO 80908** (Please address all pleadings and inquiries regarding this matter to Applicant's attorneys: Ryan W. Farr and W. James Tilton

of Monson, Cummins, Shohet & Farr, LLC, 13511 Northgate Estates Drive, Ste. 250, Colorado Springs, CO 80921, (719) 471-1212)

Application for Approval of Plan for Augmentation

**EL PASO COUNTY**

**II.** Applicants own and a parcel of land 2.89 acres in size and are seeking to quantify the Denver Basin Groundwater underlying the property. Applicants also seek approval of a plan for augmentation for the use of a not-nontributary Dawson aquifer well for water provision to the Applicants' Property, as described below. **III. Property Description.** Applicant's property lies in the SE1/4 of the NE1/4 of Section 14, Township 12 South, Range 66 West of the 6<sup>th</sup> P.M., El Paso County, Colorado as shown attached to the application as **Exhibit A**, (All exhibits mentioned herein are incorporated by reference and may be inspected at the office of the clerk of this Court.) and as more specifically described on attached **Exhibit B** with address of 4775 Ford Drive Colorado Springs, Colorado 80908 ("Applicants' Property"). Existing Well. Applicant proposes to re-permit the existing well, which is currently constructed to the Upper Dawson aquifer under Division of Water Resources Well Permit No. 108125--A, to operate pursuant to the herein requested augmentation plan, including any additional or replacement wells ("Patterson Wells"). Water Source. Not-Nontributary. The groundwater to be withdrawn from the Dawson, Denver, and Arapahoe aquifers underlying Applicants' Property is not-nontributary. Pursuant to § 37-90-137(9)(c.5), C.R.S., the augmentation requirements for wells in the Dawson aquifer require the replacement of actual stream depletions. Pursuant to § 37-90-137(9)(c.5), C.R.S., the augmentation requirements for wells in the Denver and Arapahoe aquifers require the replacement of 4% of water withdrawn annually. Nontributary. The groundwater that will be withdrawn from the Laramie-Fox Hills aquifer underlying the Applicants' Property is nontributary. Estimated Rates of Withdrawal. Pumping from the Patterson Wells shall not exceed 200 g.p.m. The actual pumping rates for the Patterson Wells will vary according to aquifer conditions and well production capabilities. Applicants request the right to withdraw groundwater at rates of flow necessary to withdraw the entire decreed amounts. The actual depth of any well to be constructed within the respective aquifers will be determined by topography and actual

aquifer conditions. *Estimated Average Annual Amounts of Groundwater Available.* Applicants request a vested right for the withdrawal of all legally available groundwater in the Denver Basin aquifers underlying Applicants' Property. Said amounts may be withdrawn over the 100-year life of the aquifers pursuant to § 37-90-137(4), C.R.S. Applicants estimate that the following values and average annual amounts are representative of the Denver Basin aquifers underlying Applicants' Property:

<b>AQUIFER</b>	<b>NET SAND (ft)</b>	<b>Total Appropriation (Acre-Feet)</b>	<b>Annual Avg. Withdrawal 100 Years (Acre-Feet)</b>
Dawson (NNT)	134	78	0.78
Denver (NNT)	427	210	2.1
Arapahoe (NNT)	253	124	1.24
Laramie-Fox Hills (NT)	188	82	0.82

Decreed amounts may vary from the above to conform with the State's Determination of Facts. Pursuant to § 37-92-305(11), C.R.S., Applicants further request that the Court retain jurisdiction to finally determine the amount of water available for appropriation and withdrawal from each aquifer. Requested Uses. Applicants request the right to use the groundwater for beneficial uses upon the Applicants' Property consisting of domestic within a single-family dwelling and guest house, structure and equipment washing, hot tub, lawn, garden and greenhouse, irrigation, stock water, commercial, recreation, wildlife, fire protection, and also for storage and augmentation purposes associated with such uses. Applicants also request that the nontributary water may be used, reused, and successively used to extinction, both on and off the Applicants' Property subject, however, to the requirement of § 37-90-137(9)(b), C.R.S., that no more than 98% of the amount withdrawn annually shall be consumed. Applicants may use such water by immediate application or by storage and subsequent application to the beneficial uses and purposes stated herein. Provided, however, that Applicants shall only be entitled to construct wells or use water from the not-nontributary Dawson, Denver, or Arapahoe aquifers pursuant to a decreed augmentation plan entered by this Court, covering the out-of-priority stream depletions caused by the use of such not-nontributary aquifers in accordance with § 37-90-137(9)(c.5), C.R.S. Well Fields. Applicants request permission to produce the full legal entitlement from the Denver Basin aquifers underlying Applicants' Property through any combination of wells. Applicants request that these wells be treated as a well field and waives the 600-foot spacing requirement for wells on the property described herein. Averaging of Withdrawals. Applicants request that they be entitled to withdraw an amount of ground water in excess of the average annual amount decreed to the aquifers beneath the Applicants' Property, so long as the sum of the total withdrawals from all the wells in the aquifers does not exceed the product of the number of years since the date of issuance of the original well permit or the date of entry of a decree herein, whichever comes first, multiplied by the average annual volume of water which Applicants are entitled to withdraw from the aquifers underlying the Applicants' Property. Owner of Land Upon Which Wells are to be Located. The land upon which the wells are to be located, as well as the underlying groundwater, is owned by the Applicants. **IV. Structures to be Augmented.** The structures to be augmented are the Patterson Wells. Water Rights to be Used for Augmentation. Applicants intend to use the return flows resulting from the pumping of the not-nontributary Dawson aquifer for augmentation during pumping, with

water rights from the nontributary Laramie-Fox Hills aquifer reserved for any injurious post-pumping depletions. Statement of Plan for Augmentation. Applicant seeks to augment stream depletions attributable to the pumping of the not-nontributary Dawson aquifer. 1. *Uses.* Pumping from the Dawson aquifer will be a maximum of 0.78 acre-feet of water per year. Such uses shall be for domestic, structure and equipment washing, hot tub, lawn, garden and greenhouse, irrigation, stock water, commercial, recreation, wildlife, fire protection, and also for storage and augmentation purposes associated with such uses. 2. *Depletions.* Applicants' consultant has determined that maximum stream depletions over a 100-year pumping period for the Denver aquifer amounts to approximately 13.05% of pumping. Maximum annual depletions are therefore 0.10 acre-feet in year 100. Should pumping be less than 0.78 acre-feet annually, resulting depletions and required replacements will be correspondingly reduced. 3. *Augmentation of Depletions During Pumping.* Applicants' consultant has determined that depletions during pumping will be effectively replaced by residential return flows from a non-evaporative septic system. The annual consumptive use for a non-evaporative septic system is 10% per year. Therefore, at an in-house use rate of 0.20 acre-feet per year, replacement amounts to 0.18 acre-feet to the stream system annually. Thus, during pumping, stream depletion replacement requirements will be more than adequately met. 4. *Augmentation of Post Pumping Depletions.* For the replacement of any injurious post-pumping depletions which may be associated with the use of the Patterson Wells, Applicants will reserve up to the entirety of the nontributary Laramie-Fox Hills aquifer, accounting for actual stream depletions replaced during the plan pumping period, as necessary to replace any injurious post pumping depletions. Applicants also reserve the right to substitute other legally available augmentation sources for such post pumping depletions upon further approval of the Court under its retained jurisdiction. Even though this reservation is made, under the Court's retained jurisdiction, Applicants reserve the right in the future to prove that post pumping depletions will be noninjurious. Upon entry of a decree in this case, the Applicants will be entitled to apply for and receive a new well permit for the Patterson Wells for the uses in accordance with this Application and otherwise in compliance with C.R.S. § 37-90-137. V. This Application was filed in both Water Divisions 1 and 2 because depletions from the pumping of the Dawson aquifer may occur in both the South Platte and the Arkansas River systems. The return flows set forth herein will accrue to tributaries of the Arkansas River system, where the majority of such depletions will occur, and it is Applicants' intent to consolidate the instant matter with pending Division 1 application in Water Division 2 upon completion of publication. Applicants request that the total amount of depletions to both the South Platte River and the Arkansas River systems be replaced to the Arkansas River as set forth herein, and for a finding that those replacements are sufficient.

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**CASE NO. 2023CW3021; WIDFIELD WATER & SANITATION DISTRICT AND WATER RESOURCE DEVELOPMENT COMPANY, c/o of Mark Watson, President, 3 Widfield Boulevard, Colorado Springs, Colorado 80911** (Please address all pleadings and inquiries regarding this matter to Applicant's attorneys: Sarah A. Klahn, Maximilian C. Bricker, and Ryan J. Mitchell at Somach Simmons & Dunn, P.C., 1155 Canyon Blvd., Suite 110, Boulder, Colorado 80302; Telephone: 303-449-2834; Emails: sklahn@somachlaw.com; [mbricker@somachlaw.com](mailto:mbricker@somachlaw.com); [rmitchell@somachlaw.com](mailto:rmitchell@somachlaw.com).)

## Application for Finding of Reasonable Diligence for Conditional Water Rights

### EL PASO COUNTY

**2. Background:** 2.1 The conditional recharge projects and exchanges that are the subject of this diligence application (described in paragraph 3, the “Subject Water Rights”) were originally decreed in Case No. 02CW39 (“Original Decree”). The Original Decree supplemented the decrees in Case Nos. 81CW229 and 86CW116 by adjudicating additional points of recharge into the Widefield Aquifer, and to obtain points of recharge into the Jimmy Camp Creek Aquifer for its Fryingpan-Arkansas Project (“Project Water”) sewer return flows, exchanged to the Fountain Mutual Ditch headgate and/or Fountain Creek Collection Well, an additional point of diversion within the Case No. 86CW116 exchange reach as described in paragraph 3.5.1, below. 2.2 The Widefield Aquifer Stipulation, Case No. W-116 (“Widefield Aquifer Stipulation”) established the terms of infiltration and injection to effectuate recharge of the Widefield Aquifer; the Original Decree identifies (in part)<sup>1</sup> Widefield’s fully consumable water rights available for recharge of the Widefield Aquifer. 2.3 Pursuant to the Widefield Aquifer Stipulation, WWSD is authorized to withdraw “effectively recharged” Project Water return flows from the Widefield Aquifer through its well field for use, reuse, and successive use through its municipal system. 2.4 The District Court, Water Division 2 (“Water Court”) entered decrees finding diligent development of the Subject Water Rights in Case Nos. 10CW14 and 16CW3058. 2.5 The Subject Water Rights are part of WWSD’s integrated municipal water system, which diverts, treats, stores, and delivers water to its municipal customers. The WWSD municipal water and utility system is maintained not only for the benefit of its customers but also for the benefit of such extra-territorial water users that may be within its defined service area, consistent with contractual commitments and/or agency relationships. A map of WWSD’s water service area is attached to the application as **Exhibit 1** (hereinafter referred to as “Widefield Service Area”). (All exhibits mentioned herein are incorporated by reference and may be inspected at the office of the clerk of this Court.) 2.6 During the diligence period, WWSD and/or WRDC engaged in activities that demonstrate a diligent effort to perfect these Subject Water Rights and also engaged in diligence activities in support of the further development of WWSD’s integrated municipal water system. **3. Description of recharge projects and exchanges:** 3.1 **Intake structures:** By operation of the conditional exchanges described below, the following structures will divert water recharged into the Widefield Aquifer and Jimmy Camp Creek Aquifer. 3.1.1 **Security Well S-1.** a. Previous Decrees: Case Nos. W-112, W-4212, and 90CW28, Water Div. 2. b. Legal Description: Located in the SW1/4 of the NW1/4 of Section 13, Township 15 South, Range 66 West of the 6th P.M., at a point 2,100 feet from the North section line and 300 feet from the West section line. c. Source: Widefield Aquifer – Fountain Creek. d. Amount: 1.13 cubic feet per second (“cfs”). e. Appropriation Date: July 31, 1949. f. Decreed Use: Domestic and municipal. g. Well Permit No.: 20490-F. 3.1.2 **Security Well S-2.** a. Previous Decrees: Case Nos. W-112, W-4212, and 90CW28, Water Div. 2. b. Legal Description: Located in the NE1/4 of the NE1/4 of Section 14, Township 15 South, Range 66 West of the 6th P.M., at a point 780 feet from the North section line and 490 feet from the East section line. c. Source: Widefield Aquifer – Fountain Creek. d. Amount: 2.06 cfs. e. Appropriation Date:

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<sup>1</sup> Water rights adjudicated in Case Nos. 81CW229 and 86CW116 also are available for recharge consistent with the terms of W-116.

December 2, 1953. f. Decreed Use: Domestic and municipal. g. Well Permit No.: 20491-F. 3.1.3 Security Well S-3. a. Previous Decrees: Case Nos. W-112, W-4212, and 90CW28, Water Div. 2. b. Legal Description: Located in the NE1/4 of the NE1/4 of Section 14, Township 15 South, Range 66 West of the 6th P.M., at a point 75 feet from the North section line and 75 feet from the East section line. c. Source: Widefield Aquifer – Fountain Creek. d. Amount: 0.728 cfs; volumetric limitation of 219 acre-feet (“a-f”) annually. e. Appropriation Date: December 31, 1930. f. Decreed Use: Domestic, municipal, and irrigation. g. Well Permit No.: 45820-F. 3.1.4 Security Well S-4. a. Previous Decrees: Case Nos. W-112, W-4212, and 90CW28, Water Div. 2. b. Legal Description: Located in the NE1/4 of the SW1/4 of Section 11, Township 15 South, Range 66 West of the 6th P.M., at a point 1,780 feet from the South section line and 2,500 feet from the West section line. c. Source: Widefield Aquifer – Fountain Creek. d. Amount: 2.45 cfs. e. Appropriation Date: December 2, 1953. f. Decreed Use: Domestic and municipal. g. Well Permit No.: 20492-F. 3.1.5 Security Well S-7. a. Previous Decrees: Case Nos. W-112, W-4212, and 90CW28, Water Div. 2. b. Legal Description: Located in the NE1/4 of the SW1/4 of Section 11, Township 15 South, Range 66 West of the 6th P.M., at a point 2,150 feet from the South section line and 2,200 feet from the West section line. c. Source: Widefield Aquifer – Fountain Creek. d. Amount: 2.25 cfs. e. Appropriation Date: December 2, 1953. f. Decreed Use: Domestic and municipal. g. Well Permit No.: 20493-F. 3.1.6 Security Well S-8. a. Previous Decrees: Case Nos. W-112, W-4212, and 90CW28, Water Div. 2. b. Legal Description: Located in the SW1/4 of the SE1/4 of Section 11, Township 15 South, Range 66 West, 6th P.M., at a point 900 feet from the South section line and 2,080 feet from the East section line. c. Source: Widefield Aquifer – Fountain Creek. d. Amount: 2.14 cfs. e. Appropriation Date: December 2, 1953. f. Decreed Use: Domestic and municipal. g. Well Permit No.: 20494-F. 3.1.7 Security Well S-9. a. Previous Decrees: Case Nos. W-112, W-4212, and 90CW28, Water Div. 2. b. Legal Description: Located in the SE1/4 of the SW1/4 of Section 13, Township 15 South, Range 66 West of the 6th P.M., at a point 600 feet from the South line and 1,950 feet from the West line. c. Source: Widefield Aquifer – Fountain Creek. d. Amount: 1.45 cfs. e. Appropriation Date: December 2, 1953. f. Decreed Use: Domestic and municipal. g. Well Permit No.: 20495-F. 3.1.8 Security Well S-10. a. Previous Decrees: Case Nos. W-112, W-4212, and 90CW28, Water Div. 2. b. Legal Description: Located in the SE1/4 of the SW1/4 of Section 13, Township 15 South, Range 66 West of the 6th P.M., at a point 20 feet from the South section line and 2,360 feet from the West section line. c. Source: Widefield Aquifer – Fountain Creek. d. Amount: 0.78 cfs. e. Appropriation Date: December 2, 1953. f. Decreed Use: Domestic and municipal. g. Well Permit No.: 20496-F. 3.1.9 Security Well S-11. a. Previous Decrees: Case Nos. W-112, W-4212, and 90CW28, Water Div. 2. b. Legal Description: Located is in the NW1/4 of the NW1/4 of Section 11, Township 15 South, Range 66 West of the 6th P.M., at a point 960 feet from the North section line and 780 feet from the West section line. c. Source: Widefield Aquifer – Fountain Creek. d. Amount: 2.06 cfs; volumetric limitation of 117 a-f annually. e. Appropriation Date: July 31, 1949. f. Decreed Use: Domestic, municipal, and irrigation (41 acres). g. Well Permit No.: 2872ARF. 3.1.10 Security Well S-12. a. Previous Decrees: Case Nos. W-112, W-4212, and 90CW28, Water Div. 2. Description: Located in the NW1/4 of the NW1/4 of Section 11, Township 15 South, b. Legal Range 66 West of the 6th P.M., at a point 50 feet from the North section line and 75 feet from the West section

line. c. Source: Widefield Aquifer – Fountain Creek. d. Amount: 1.58 cfs; volumetric limitation of 89 a-f annually. e. Appropriation Date: July 31, 1949. f. Decreed Use: Domestic, municipal, and irrigation (41 acres). g. Well Permit No.: 45822-F. 3.1.11 Security Well S-13. a. Previous Decrees: Case Nos. W-112, W-4212, and 90CW28, Water Div. 2. b. Legal Description: Located in the SE1/4 of the SE1/4 of Section 3, Township 15 South, Range 66 West of the 6th P.M., at a point 640 feet from the South section line and 400 feet from the East section line. c. Source: Widefield Aquifer – Fountain Creek. d. Amount: 2.0 cfs. e. Appropriation Date: January 31, 1955. f. Decreed Use: Domestic and municipal. g. Well Permit No.: 2382-F. 3.1.12 Security Well S-14. a. Previous Decrees: Case Nos. W-112, W-4212, and 90CW28, Water Div. 2. b. Legal Description: Located in the SE1/4 of the SE1/4 of Section 3, Township 15 South, Range 66 West of the 6th P.M., at a point 1,020 feet from the South section line and 750 feet from the East section line. c. Source: Widefield Aquifer – Fountain Creek. d. Amount: 1.36 cfs. e. Appropriation Date: December 2, 1953. f. Decreed Use: Domestic and municipal. g. Well Permit No.: 2383-F. 3.1.13 Security Well S-15. a. Previous Decrees: Case Nos. W-112, W-4212, and 90CW28, Water Div. 2. b. Legal Description: Located in the SW1/4 of the SE1/4 of Section 11, Township 15 South, Range 66 West of the 6th P.M., at a point 100 feet from the South section line and 1,400 feet from the East section line. c. Source: Widefield Aquifer – Fountain Creek. d. Amount: 1.85 cfs; volumetric limitation of 553 a-f annually. e. Appropriation Date: December 31, 1950. f. Decreed Use: Domestic, municipal, and irrigation. g. Well Permit No.: 45823-F. 3.1.14 Security Well S-16. a. Previous Decrees: Case Nos. W-112, W-4212, and 90CW28, Water Div. 2. b. Legal Description: Located in the NE1/4 of the NE1/4 of Section 14, Township 15 South, Range 66 West of the 6th P.M., at a point 740 feet from the North section line and 850 feet from the East section line. c. Source: Widefield Aquifer – Fountain Creek. d. Amount: 1.23 cfs. e. Appropriation Date: December 2, 1953. f. Decreed Use: Domestic and municipal. g. Well Permit No.: 20497-F. 3.1.15 Security Well S-17. a. Previous Decrees: Case Nos. W-112, W-4212, and 90CW28, Water Div. 2. b. Legal Description: Located in the NW1/4 of the SW1/4 of Section 13, Township 15 South, Range 66 West of the 6th P.M., at a point 2,590 feet from the South section line and 500 feet from the West section line. c. Source: Widefield Aquifer – Fountain Creek. d. Amount: 1.2 cfs. e. Appropriation Date: January 31, 1955. f. Decreed Use: Domestic and municipal. g. Well Permit No.: 4844-F. 3.1.16 Security Well S-18. a. Previous Decrees: Case No. 90CW28, Water Div. 2. b. Legal Description: Located in the NE1/4 of the SE1/4 of Section 3, Township 15 South, Range 66 West of the 6th P.M., at a point 1,600 feet from the South section line and 1,130 feet from the East section line. c. Source: Widefield Aquifer – Fountain Creek. d. Amount: 1.5 cfs. e. Appropriation Date: June 29, 1990. f. Decreed Use: Domestic and municipal. g. Well Permit No.: 41748-F. 3.1.17 Security Well S-19. a. Previous Decrees: Case No. 90CW28, Water Div. 2. b. Legal Description: Located in the NW1/4 of the SE1/4 of Section 3, Township 15 South, Range 66 West of the 6th P.M., at a point 2,150 feet from the South section line and 1,530 feet from the East section line. c. Source: Widefield Aquifer – Fountain Creek. d. Amount: 1.5 cfs. e. Appropriation Date: June 29, 1990. f. Decreed Use: Domestic and municipal. g. Well Permit No.: 41749-F. 3.1.18 Security Well S-20. a. Previous Decrees: Case No. 90CW28, Water Div. 2. b. Legal Description: Located in the SW1/4 of the NE1/4 of Section 3, Township 15 South, Range 66 West of the 6th P.M., at a point 2,780 feet from the South section line and 1,980 feet from the East section line. c.

Source: Widefield Aquifer – Fountain Creek. d. Amount: 1.5 cfs. e. Appropriation Date: June 29, 1990. f. Decreed Use: Domestic and municipal. g. Well Permit No.: 41750-F.

3.1.19 Security Ream Well No. 1. a. Previous Decrees: Case Nos. W-3174, W-3174(78), W-4766, 82CW96, and 90CW28, Water Div. 2. b. Legal Description: Located in the SW1/4 of the SW1/4 of Section 13, Township 15 South, Range 66 West of the 6th P.M., at a point 1,160 feet from the South section line and 1,000 feet from the West section line. c. Source: Widefield Aquifer – Fountain Creek. d. Amount: 5.06 cfs (August 6, 1986 Order of Cancellation of Conditional Water Rights in Case No. W-3174 for 1022 gallons per minute “gpm”). e. Appropriation Date: June 15, 1941. f. Decreed Use: Municipal. g. Well Permit No.: 4962-F.

3.1.20 Security Ream Well No. 2. a. Previous Decrees: Case Nos. W-3174, W-3174(78), W-4766, 82CW96, and 90CW28, Water Div. 2. b. Legal Description: Located in the SE1/4 of the SW1/4 of Section 13 Township 15 South, Range 66 West of the 6th P.M., at a point 210 feet from the South section line and 1,610 feet from the West section line. c. Source: Widefield Aquifer – Fountain Creek. d. Amount: 7.04 cfs (August 6, 1986 Order of Cancellation of Conditional Water Rights in Case No. W-3174 for 2521 gpm). e. Appropriation Date: December 23, 1963. f. Decreed Use: Municipal. g. Well Permit No.: 5022-F.

3.1.21 Security – Fountain Valley School Well No. 4. a. Previous Decrees: Case Nos., W-347 and 90CW28, Water Div. 2. b. Legal Description: Located in the SW1/4 of the NW1/4 of Section 13, Township 15 South, Range 66 West of the 6<sup>th</sup> P.M., at a point 1,790 feet from the North section line and 480 feet from the West section line. c. Source: Widefield Aquifer – Fountain Creek. d. Amount: 1.43 cfs. e. Appropriation Date: December 31, 1955. f. Decreed Use: Domestic, irrigation, municipal, fire protection, sewage disposal, manufacturing, industrial, commercial, augmentation, and exchange. g. Well Permit No.: 20529S.

3.1.22 Widefield Well W-1. a. Previous Decrees: Case Nos. W-399, 81CW229, and 86CW116, Water Div. 2. b. Legal Description: Located in the NE1/4 of the NW1/4 of Section 24, Township 15 South, Range 66 West of the 6th P.M., at a point 140 feet from the North section line and 2,385 feet from the West section line. c. Source: Widefield Aquifer – Fountain Creek. d. Amount: 1.76 cfs; volumetric limitations of 528 a-f, annually. e. Appropriation Date: May 23, 1952. f. Decreed Use: Irrigation, domestic, and municipal. g. Well Permit No.: 12987-F.

3.1.23 Widefield Well W-2 a. Previous Decrees: Case Nos. W-399, 81CW229, and 86CW116, Water Div. 2. b. Legal Description: Located in the NW1/4 of the NE1/4 of Section 24, Township 15 South, Range 66 West of the 6th P.M., at a point 400 feet from the North section line and 2,620 feet from the East section line. c. Source: Widefield Aquifer – Fountain Creek. d. Amount: 2.595 cfs volumetric limitation of 780 a-f annually. e. Appropriation Date: January 22, 1957. f. Decreed Use: Irrigation, domestic, and municipal. g. Well Permit No.: 12988-F.

3.1.24 Widefield Well W-3. a. Previous Decrees: Case Nos. W-399, 81CW229, and 86CW116, Water Div. 2. b. Legal Description: Located in the NE1/4 of the NW1/4 of Section 24, Township 15 South, Range 66 West of the 6th P.M., at a point 1,290 feet from the North section line and 2,140 feet from the West section line. c. Source: Widefield Aquifer – Fountain Creek. d. Amount: 9.691 cfs. e. Appropriation Date: August 26, 1963. f. Decreed Use: Municipal. g. Well Permit No.: 2065-F.

3.1.25 Widefield Well W-4. a. Previous Decrees: Case Nos. W-399, 81CW229, and 86CW116, Water Div. 2. b. Legal Description: Located in NE1/4 of the NW1/4 of Section 24, Township 15 South, Range 66 West of the 6th P.M., at a point 690 feet from the North section line and 1,845 feet from the West section line. c. Source: Widefield Aquifer –

Fountain Creek. d. Amount: 4.511 cfs. e. Appropriation Date: March 24, 1964. f. Decreed Use: Municipal. g. Well Permit No.: 5304-F. 3.1.26 Widefield Well W-5. a. Previous Decrees: Case Nos. W-399, 81W229, and 86CW116, Water Div. 2. b. Legal Description: Located in the NE1/4 of the NE1/4 of Section 25, Township 15 South, Range 66 West of the 6th P.M., at a point 25 feet from the North section line and 917 feet from the East section line. c. Source: Widefield Aquifer – Fountain Creek. d. Amount: 1.858 cfs; volumetric limitation of 557 a-f, annually. e. Appropriation Date: October 31, 1944. f. Decreed Use: Irrigation, domestic, and municipal. g. Well Permit No.: 9704-F(RF46). 3.1.27 Widefield Well W-6. a. Previous Decrees: Case Nos. W-399, 81CW229, 86CW116, Water Div. 2. b. Legal Description: Located in the NE1/4 of the NE1/4 of Section 25, Township 15 South, Range 66 West of the 6th P.M., at a point 25 feet from the North section line and 300 feet from the East section line. c. Source: Widefield Aquifer – Fountain Creek. d. Amount: 0.6234 cfs; volumetric limitation of 187 a-f, annually. e. Appropriation Date: October 31, 1944. f. Decreed Use: Irrigation, domestic, and municipal. g. Well Permit No.: 10491-F(RF96). 3.1.28 Widefield Well W-7. a. Previous Decrees: Case Nos. W-399, 81CW229, 86CW116, Water Div. 2. b. Legal Description: Located in the NE1/4 of the SE1/4 of Section 24, Township 15 South, Range 66 West of the 6th P.M., at a point 1,770 feet from the South section line and 1,290 feet from the East section line. c. Source: Widefield Aquifer – Fountain Creek. d. Amount: 2.0 cfs. e. Appropriation Date: April 30, 1953. f. Decreed Use: Irrigation, domestic, and municipal. g. Well Permit No.: 19418-1(R267). 3.1.29 Widefield Well W-14. a. Previous Decrees: Case Nos. W-399, 81CW229, and 86CW116, Water Div. 2. b. Legal Description: Located in NE1/4 of the NE1/4 of Section 25, Township 15 South, Range 66 West of the 6th P.M., at a point 960 feet from the North section line and 690 feet from the East section line. c. Source: Widefield Aquifer – Fountain Creek. d. Amount: 1.4416 cfs; volumetric limitation of 300 a-f, annually. e. Appropriation Date: October 31, 1944. f. Decreed Use: Irrigation, domestic, and municipal. g. Well Permit No.: 20773-F. 3.1.30 JHW-1. a. Previous Decrees: Case Nos. W-601, 81CW229, and 86CW116, Water Div. 2. b. Legal Description: Located in NW1/4 of the SE1/4 of Section 22 the Township 15 South, Range 65 West of the 6th P.M., at a point 2,510 feet from the South line and 2,200 feet from the East line. c. Source: Jimmy Camp Creek Aquifer. d. Amount: 1.114 cfs; volumetric limitation of 135 a-f, annually. e. Appropriation Date: January 31, 1954. f. Decreed Use: Irrigation, domestic, and municipal. g. Well Permit No.: R-12826(RF). 3.1.31 JHW-2. a. Previous Decrees: Case Nos. W-601, 81CW229, and 86CW116, Water Div. 2. b. Legal Description: Located in the NW1/4 of the SE1/4 Section 22, Township 15 South, Range 65 West of the 6th P.M., at a point 2,075 feet from the South line and 1,900 feet from the East line. c. Source: Jimmy Camp Creek Aquifer. d. Amount: 1.337 cfs; volumetric limitation of 165 a-f, annually. e. Appropriation Date: January 31, 1954. f. Decreed Use: Irrigation, domestic, and municipal. g. Well Permit No.: R-12927(RF). 3.1.32 JHW-6. a. Previous Decrees: Case Nos. W-2397, 81CW229, and 86CW116, Water Div. 2. b. Legal Description: Located in the NE1/4 of the SE1/4 of Section 22, Township 15 South, Range 65 West of the 6th P.M., at a point 2,610 feet from the South line and 850 feet from the East line. c. Source: Jimmy Camp Creek Aquifer. d. Amount: 0.850 cfs. e. Appropriation Date: June 28, 1972. f. Decreed Use: Commercial, industrial, domestic, and municipal. g. Well Permit No.: 69309-F. 3.1.33 E-1 a. Previous Decrees: Case Nos. W-514, W-514(77), 81CW93, 85CW53, 86CW116, 89CW31, 95CW227, and 02CW69,



Water Div. 2. b. Legal Description: Located in the SW1/4 of the SE1/4 of Section 24, Township 15 South, Range 66 West of the 6th P.M., at a point 550 feet from the South line and 1,700 feet from the East line. c. Source: Widefield Aquifer – Fountain Creek. d. Amount: 2.837 cfs (0.557 cfs, absolute, 2.28 cfs, conditional). e. Appropriation Date: June 30, 1946 for 0.557 cfs; March 21, 1972 for 2.28 cfs. f. Decreed Use: 0.557 cfs decreed for irrigation and domestic (absolute); 0.557 cfs conditionally decreed for municipal; 2.28 cfs conditionally decreed for municipal. g. Well Permit No.: 19912(RF1038). 3.1.34 E-2. a. Previous Decrees: Case Nos. W-514 and 86CW116, Water Div. 2. b. Legal Description: Located in the SE1/4 of the SE1/4 of Section 24, Township 15 South, Range 66 West of the 6th P.M., at a point 150 feet from the South line and 1,150 feet from the East line. c. Source: Widefield Aquifer – Fountain Creek. d. Amount: 1.714 cfs. e. Appropriation Date: May 25, 1962 for 20 gpm or 0.044 cfs; volumetric limitation of 1.120 a-f annually; and March 21, 1972 for 750 gpm or 1.67 cfs. f. Decreed Use: Municipal. g. Well Permit No.: 11690(RF). 3.1.35 E-3. a. Previous Decrees: Case Nos. W-514, W-514(77), 81CW93, 85CW53, 86CW116, 89CW31, 95CW227, and 02CW69, Water Div. 2. b. Legal Description: Located in the SW1/4 of the SE1/4 of Section 24, Township 15 South, Range 66 West of the 6th P.M., at a point 1,000 feet from the South line and 2,050 feet from the East line. c. Source: Widefield Aquifer – Fountain Creek. d. Amount: 1.714 cfs (conditional). e. Appropriation Date: September 2, 1964 for 0.044 cfs; volumetric limitation of 0.560 a-f annually, and March 21, 1972 for 1.67 cfs. f. Decreed Use: Municipal. g. Well Permit No.: 21430-A(RF). 3.1.36 PVW-3. a. Previous Decrees: Case Nos. W-407, 82CW229, and 86CW116 Water Div. 2. b. Legal Description: Located in the NE1/4 of the SE1/4 of Section 22, Township 15 South, Range 65 West of the 6th P.M., at a point 1,680 feet from the East line and 2,510 feet from the South line. c. Source: Jimmy Camp Creek Aquifer. d. Amount: 1.780 cfs; volumetric limitation of 650 a-f annually. e. Appropriation Date: January 31, 1954. f. Decreed Use: Irrigation and municipal. g. Well Permit No.: 12828-R. 3.1.37 PVW-4. a. Previous Decrees: Case Nos. W-407, 82CW229, and 86CW116, Water Div. 2. b. Legal Description: Located in the NE1/4 of the SE1/4 of Section 22, Township 15 South, Range 65 West of the 6th P.M., at a point 1,150 feet from the South line and 1,330 feet from the East line. c. Source: Jimmy Camp Creek Aquifer. d. Amount: 1.11 cfs; volumetric limitation of 360 a-f annually. e. Appropriation Date: January 31, 1954. f. Decreed Use: Irrigation and municipal. g. Well Permit No.: 12892-R-R. 3.1.38. PVW-5. a. Previous Decrees: Case Nos. W-407, 81CW229, and 86CW116, Water Div. 2. b. Legal Description: Located in the NW1/4 of the SE1/4 of Section 22, Township 15 South, Range 65 West of the 6th P.M., at a point 2,510 feet from the North line and 1,295 feet from the East line. c. Source: Jimmy Camp Creek Aquifer. d. Amount: 1.110 cfs; volumetric limitation of 360 a-f, annually. e. Appropriation Date: December 6, 1954. f. Decreed Use: Irrigation and municipal. g. Well Permit No.: 22322-F-R. 3.1.39 C-1. a. Previous Decrees: Case Nos. W-3171 and 86CW116, Water Div. 2. b. Legal Description: Located in the NW1/4 of the SE1/4 of Section 24, Township 15 South, Range 66 West of the 6th P.M., at a point 2,346 feet from the South line and 1,800 feet from the East line. c. Source: Widefield Aquifer – Fountain Creek. d. Amount: 8.21 cfs for irrigation plus 2.18 cfs for municipal. e. Appropriation Date: February 10, 1964 for irrigation and October 15, 1965 for municipal. f. Decreed Use: Irrigation and municipal. g. Well Permit No.: 5138-F. 3.1.40. C-2. a. Previous Decrees: Case Nos. W-3171 and 86CW116, Water Div. 2. b. Legal Description: Located in the NW1/4 of the SE1/4 of Section 24, Township

15 South, Range 66 West of the 6th P.M., at a point 1,576 feet from the South line and 1,980 feet from the East line. c. Source: Widefield Aquifer – Fountain Creek. d. Amount: 5.38 c.f.s for irrigation plus 1.07 cfs for municipal. e. Appropriation Date: October 15, 1954 for irrigation and October 15, 1965 for municipal. f. Decreed Use: Irrigation and municipal. g. Well Permit No.: 14919(4807-F). 3.1.41 C-3. a. Previous Decrees: Case Nos. W-3171 and 86CW116, Water Div. 2. b. Legal Description: Located in the NW1/4 of the SE1/4 of Section 24, Township 15 South, Range 66 West of the 6th P.M., at a point 2,381 feet from the South line and 2,569 feet from the East line. c. Source: Widefield Aquifer – Fountain Creek. d. Amount: 6.95 cfs for irrigation plus 2.51 cfs for municipal. e. Appropriation Date: November 15, 1954 for irrigation and October 15, 1965 for municipal. f. Decreed Use: Irrigation and municipal. g. Well Permit No.: 14915(4273-F). 3.1.42 C-4. a. Previous Decrees: Case Nos. W-3171 and 86CW116, Water Div. 2. b. Legal Description: Located in the NE1/4 of the SW1/4 of Section 24, Township 15 South, Range 66 West of the 6th P.M., at a point 2,280 feet from the South line and 2,340 feet from the West line. c. Source: Widefield Aquifer – Fountain Creek. d. Amount: 5.570 cfs. e. Appropriation Date: February 18, 1964. f. Decreed Use: Irrigation. g. Well Permit No.: 5218-F. 3.1.43 C-36. a. Previous Decrees: Case Nos. W-3171 and 86CW116, Water Div. 2. b. Legal Description: Located in the SE1/4 of the NW1/4 of Section 24, Township 15 South, Range 66 West of the 6th P.M., at a point 1,816 feet from the North line and 1,924 feet from the West line. c. Source: Widefield Aquifer – Fountain Creek. d. Amount: 5.10 cfs for irrigation plus 2.28 cfs for municipal. e. Appropriation Date: March 15, 1938 for irrigation and October 15, 1965 for municipal. f. Decreed Use: Irrigation and municipal. g. Well Permit No.: 14920. 3.2 Recharge Structures: The following structures are decreed for use to recharge exchanged Project Water sewer return flows to recharge the Widefield Aquifer and Jimmy Camp Creek Aquifer. 3.2.1 Little Johnson Reservoir Site: Owned by Security Water District and located in Section 2, Township 15 South, Range 66 West of the 6th P.M. 3.2.2 Widefield Aquifer Well Sites: Injection wells constructed within 200 feet of the following structures will be used by Applicants to recharge the Widefield Aquifer: 3.2.2.1 All well sites listed in paragraph 3.1, above. 3.2.2.2 Well I-1: Located in the NW1/4 of the NE1/4 of the SE1/4 of Section 15, Township 15 South, Range 65 West of the 6th PM, at a point 2,520 feet from the South section line and 750 feet from the East section line. 3.2.2.3 Well I-2: Located in the SW1/4 of the NE1/4 of the SE1/4 of Section 15, Township 15 South, Range 65 West 6th PM, at a point 1,830 feet from the South section line and 440 feet from the East section line. 3.2.2.4 Well I-3: Located in the NE1/4 of the NE1/4 of the NE1/4 of Section 25, Township 15 South, Range 66 West, 6th PM, at a point 400 feet from the North section line and 430 feet from the East section line. 3.2.2.5 Higby Well No. 1: Located in the NE1/4 of the NE1/4 of the SE1/4 of Section 15, Township 15 South, Range 65 West, 6th PM, at a point 2,500 feet from the South section line and 250 feet from the East section line. 3.2.2.6 Higby Well No. 2: Located in the SW1/4 of the NE1/4 of the SE1/4 of Section 15, Township 15 South, Range 65 West, 6th PM, at a point 1,710 feet from the South section line and 550 feet from the East section line. 3.2.2.7 Other Well Sites: Other injection well sites may be constructed by Applicants in the SW1/4 of Section 2, Township 15 South, Range 66 West of the 6th P.M. upon property owned by Security Water District whose address is 231 Security Blvd Colorado Springs, CO 80911 or Continental Materials Corporation whose address is 444 E. Costilla, Colorado Springs, CO 80903. 3.2.3 Recharge Ponds. Applicants may construct an additional recharge pond

or ponds to be used for infiltration of water into the Widefield Aquifer within the SW1/4 of Section 2, Township 15 South, Range 66 West of the 6th P.M. on property which is currently owned by Continental Materials Corporations whose address is 444 E. Costilla, Colorado Springs, CO 80903. 3.3 Sources to be Used for Recharge and Exchange: 3.3.1 Widefield Sources: WWSD, through its participation in the Fountain Valley Authority, is allocated Project Water and Project Water return flows consistent with the Allocation Principles of the Southeastern Colorado Water Conservancy District, and any contracts concerning the same. Approximately 900 acre-feet of fully consumable Project Water return flows will be exchanged annually, pursuant to the terms of the exchanges decreed in Case No. 86CW116, as supplemented by the additional points of diversion described in paragraphs 3.1 and 3.2, above. 3.3.2 Colorado Springs Sources: Pursuant to the Return Flow Agreement with Colorado Springs, Applicants assigned 1,792 acre-feet of its allocation of Project Water to Colorado Springs in exchange for Colorado Springs' delivery of legally reusable transmountain water in an amount equal to the return flows attributable to Colorado Springs' initial use of 1,792 acre-feet of water. These fully consumable return flows will be exchanged pursuant to the terms decreed in Case No. 86CW116, as supplemented by additional points of diversion described in paragraphs 3.1 and 3.2, above. 3.4 Recharge Operations: 3.4.1 Sources described in paragraph 3.3, above, will be exchanged to the Fountain Mutual Ditch headgate or the Fountain Creek Collection Well (described in paragraph 3.5.1) pursuant to the terms of the decree in Case No. 86CW116. Water may be delivered to one or more of the recharge structures described in paragraph 3.2, above, through which water will either be infiltrated or injected, as appropriate, into the Widefield Aquifer for recharge purposes. 3.4.2 After WWSD's Project Water sewer return flows have been exchanged to the Fountain Mutual Ditch headgate and/or the Fountain Creek Collection Well and recharged to the Widefield Aquifer, WWSD will withdraw the recharged water from the Widefield Aquifer through the wells identified in paragraph 3.1, above. The amounts withdrawn by WWSD will be limited to the effective recharge provided to the Widefield Aquifer, as governed by the Widefield Aquifer Stipulation. The Project Water sewer return flows recharged to the Widefield Aquifer will be withdrawn from the specified existing wells that are located down gradient to the recharge site within the same or lower reaches of the Widefield Aquifer. The withdrawal of the recharged water shall be made from these existing wells while recharged water is within WWSD's production reaches of the Widefield Aquifer, as determined under the Widefield Aquifer Stipulation and the decree in Case No. 86CW116. Any recharged sewer return flows that are not withdrawn in the above manner shall not be available or credited to WWSD; however, the right to recapture, reuse or otherwise dispose of such return flows in the future is not waived by the Applicants. 3.4.3 WWSD has the right to use, reuse, and successively use to extinction all the recharged sewer return flows subject to the application of its system-wide municipal depletion percentages applied to each use as set forth in Case No. 81CW229. The sewer return flows that are not consumed remain available at WWSD's wastewater outfall for exchange needs in accordance with the decree in Case No. 86CW116. A portion of WWSD's sewer return flows are to also be available hereunder to Security Water District and to City of Fountain at the wastewater outfall of WWSD's wastewater treatment plant in the NE1/4 of the NW1/4 of Section 25, Township 15 South, Range 66 West, of the 6th P.M. due to the fact that a relatively small number of taps served by Security Water District have their

wastewater treated by WWSD and a relatively small number of taps served by City of Fountain have their wastewater treated by WWSD. The quantification of the sewer return flows shall be determined by prorating the quantity of sewer return flows attributable to each entity and reported as a separate entry on the entities accounting forms submitted to the Division Engineer. 3.4.4 Applicants shall withdraw the recharged water while it is still available within the production reaches of the Widefield Aquifer and Jimmy Camp Creek Aquifer. No augmentation of the withdrawals of the recharged water is required as it is reusable water over which Applicants have maintained dominion and control and have the right to use, reuse, and successively use to extinction. 3.5 Operation of Conditional Exchange: The following is an additional point of diversion for the exchanges decreed in Case No. 86CW116, and is located within the exchange reach originally decreed in Case No. 86CW116: 3.5.1 Fountain Creek Collection Well: To be located in the NE1/4 of the NE1/4 of Section 23, Township 15 South, Range 66 West of the 6th P.M. on property owned by Security Water District. WWSD will construct a collection well that will be located with 100 feet of Fountain Creek, which will function as an alternate point of diversion to the Fountain Mutual Ditch headgate for WWSD's exchanged, sewer return flows. The type and manner of return flow uses taken through the Fountain Creek Collection Well will be the same as for the return flows WWSD divert through the Fountain Mutual Ditch headgate, including recharge, direct use, reuse, and successive use. The reusable water diverted at the alternative point of exchange will be delivered for use by WWSD through WWSD's infrastructure system. 3.5.2 Amount of Exchange: The maximum, cumulative rate of the junior conditional exchange water right decreed in Case No. 86CW116 through one or more structures, including the Fountain Creek Collection Well, is 6.0 cfs. The Water Court decreed 0.49 cfs of the exchange absolute in Case No. 16CW3032, and currently pending before the Water Court is an application, in Case No. 22CW3073, to make an additional 1.51 cfs. 3.5.3 Appropriation Date: February 6, 1981. 3.5.4 Affected Stream Reach: The extent of the natural stream system that is affected by the Fountain Creek Collection Well additional point of conditional exchange is Fountain Creek from a point located in the NW1/4 of Section 10, Township 17, Range 65 West of the 6th P.M. 3.5.5 Use of Exchanged Water: The water diverted or stored pursuant to the conditional exchange will be used, reused, and successively used to extinction for all of the following beneficial purposes: municipal, domestic, fire protection, sewage disposal, irrigation, manufacturing, industrial, commercial, augmentation, recharge, and exchange. Fully consumable water will be reused and successively used pursuant to the exchange and recharge described herein, and such uses shall continue until such water is totally consumed, to the extent that operational considerations permit such successive use. 3.5.6 Ownership of Facilities: Facilities and property owned by Security Water District, Continental Materials Corporation or Fountain Mutual Ditch Company shall only be used with the permission and consent of the owners. **4. Detailed outline of what has been done to perfect and put to beneficial use the above-named conditional water rights consistent with their decrees, including expenditures**: As detailed below, WRDC and the District have spent approximately \$30,000,000 on planning, design, treatment works, site acquisitions, legal and construction efforts related to water rights protection and water system facility maintenance and improvements to meet anticipated demands from residential and commercial growth within the Widefield's Service Area. All of the Subject Water Rights

are part of Widefield's integrated municipal water supply system, as decreed in Case Nos. 10CW14 and 16CW3058. Accordingly, diligence on part of the system serves as reasonable diligence on the entire system. C.R.S. § 37-92-301(4)(b). Activities and expenditures that demonstrate diligent development of the Subject Water Rights include, but are not limited to:

4.1 The District completed Phase 1A engineering and design efforts to implement recharge under the District's water rights decreed in Case No. 02CW39 at a cost of approximately \$100,000.

4.1.1 The District purchased two properties for future expansion of recharge operation and possible treatment facilities, at a total cost of approximately \$263,000, along with a \$225,000 land donation from WRDC.

4.1.2 District consultants began efforts to file of an application with the Environmental Protection Agency's Uniform Injection Control program for a Class V injection well permit, which is required to operate the recharge projects.

4.1.3 The District continued to meet semi-annually with the Widefield Aquifer Recharge Association ("WARA"), made up of WWSD, Security Water District, and City of Fountain, to engage in planning activities related to implementing the recharge water rights conditionally decreed in Case No. 02CW39.

4.1.4 The District and WARA engaged JDS-Respec to:

- Initiate the permit process for a Class V injection well associated with existing Widefield Well W-4 well site.
- Develop a plan for background testing, and data development to apply for the initial Class V injection well permit.
- Develop a plan for a full scale pilot project to inject treated Subject Water Rights waters from Widefield's potable system to evaluate the physical characteristics of injection withdrawal at the Widefield Well W-4 well site. The pilot project is ongoing.

4.1.5 Initiate background water quality testing to support the Class V injection well permit application for an injection well at the Widefield Well W-4 well site. Testing has been ongoing throughout 2022, with sampling being supported with in-house services. Actual sample testing is being performed by outside laboratory services.

4.2 During the diligence period WWSD added 2,859 water taps.

4.3 In 2021, the District entered into a new service agreement for an undeveloped parcel within the District's service area known as Singer's Ranch.

4.4 Activities related to improvements in water treatment and distribution facilities:

4.4.1 The District has expended approximately \$2.5 million (along with an additional \$12.3 million expended by the United States Air Force) to develop and construct redundant treatment systems to remove per-and polyfluoroalkyl substances (PFAS) from contaminated ground water supplies in the Widefield Aquifer. These improvements included a pipe system that manifolded most of the District's wells impacted by PFAS. As a result of these expenditures, WWSD currently has sufficient treatment capacity to treat its water rights contaminated with PFAS that are diverted from its wells in the Widefield Aquifer.

4.4.2 In 2021, the District designed and constructed two major generators for power redundancy. The project costs totaled approximately \$1,031,600.

4.4.3 In 2021, the District completed the final phase of the lower west to east 24-inch water transmission main. This final phase of the lower 24-inch water transmission main is an integral part of the District's water transmission infrastructure. The approximate cost of this project was \$992,900.

4.4.4 In 2021, the District permanently acquired 45 percent interest in the Venetucci well water treatment infrastructure at a cost of approximately \$653,295.35. The ground water rights associated with the Venetucci wells were acquired by the District during the prior diligence period.

4.4.5 In 2019, the District constructed a 12-inch water transmission line to serve the north area of the District. This transmission line serves the War Veterans Pikes Peak National Cemetery. Project costs

totalled approximately \$1,796,305. 4.5 The District rehabilitated several ground water diversion structures: 4.5.1 In 2018, the District rehabilitated Well C-2 for total project costs of approximately \$175,743. 4.5.2 In 2020, the District rehabilitated Well W-1 for total costs of approximately \$118,200. 4.5.3 In 2017, the District rehabilitated Well JHW2 for total costs of approximately \$214,949.67. 4.6 In 2019, the District completed approximately \$6.3 million dollars in upgrades to its water reclamation facility which treats the District's effluent, including amounts that may be used in future recharge operations. 4.7 Beginning in 2022, the District began the process of acquiring several easements for the Upper West to East water transmission main, and has engaged staff and consultants to complete a design-build project to serve the new main. The project is estimated to cost \$13 million. 4.8 Water planning projects: 4.8.1 In August of 2019, the District updated its Water Resources Report. Additionally, the District obtained a water distribution model as part of the completion of the Master Water Plan. Additionally, the District completed an engineering study regarding utilization of existing water rights. The District spent approximately \$100,000 on the various studies aforementioned. 4.8.2 The District engaged consultants to develop a new Master Water Plan in May of 2021 at a cost of approximately \$383,600. 4.9 The District changed 241 FMIC shares in Case No. 17CW3072 from irrigation to municipal and augmentation uses. Once incorporated into an augmentation plan, these changed FMIC shares are among the augmentation supplies that will be used to operate the Subject Water Rights out of priority. Total legal and engineering costs related to this change case were approximately \$250,000. 4.10 To defend and protect its existing water rights, the District filed statements of opposition in numerous Division 2 Water Court cases between July 1, 2016 and June 30, 2022. Total cost of oppositions in Water Court, including both legal and engineering costs was approximately \$3.4 million. 4.11 The District began upgrades costing \$4.5 million to Booster Pump Station #2. The upgrade will provide redundancy and increased capacity to move water from the west to the east of the District from the Widefield well field. WHEREFORE, Applicants respectfully requests that the Water Court enter a decree finding that WRDC and WWSD have exercised reasonable diligence and continuing the Subject Water Rights in full force and effect for the period of time allowed by law.

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THE WATER RIGHTS CLAIMED BY THE FOREGOING APPLICATION(S) MAY AFFECT IN PRIORITY ANY WATER RIGHTS CLAIMED OR HERETOFORE ADJUDICATED WITHIN THIS DIVISION AND OWNERS OF AFFECTED RIGHTS MUST APPEAR TO OBJECT AND PROTEST WITHIN THE TIME PROVIDED BY STATUTE, OR BE FOREVER BARRED.

YOU ARE HEREBY NOTIFIED that any party who wishes to oppose an application, or application as amended, may file with the Water Clerk 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 June 30, 2023, (forms available at Clerk's office or at [www.courts.state.co.us](http://www.courts.state.co.us), after serving parties and attaching a certificate of mailing, filing fee \$192.00). The foregoing are resumes and the entire application, amendments, exhibits, maps and any other attachments filed in each case may be examined in the office of the Clerk for Water Division No. 2, at the address shown below.

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Witness my hand and the seal of this Court this 1<sup>st</sup> day of May 2023.



*Michele Santistevan*

Michele M. Santistevan, Clerk  
District Court, Water Div. 2  
Pueblo Judicial Building  
501 N. Elizabeth Street, Suite 116  
Pueblo, CO 81003; (719) 404-8749

(Court seal)  
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