

DISTRICT COURT, WATER DIVISION NO. 2, COLORADO

RESUME OF CASES FILED AND/OR ORDERED PUBLISHED DURING JUNE 2021. (This publication can be viewed in its entirety on the state court website at: www.courts.state.co.us).

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 June 2021, 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:

****Per Order, Resume to be published by Water Division 1****

CASE NO. 2021CW3031, Water Division 2 and CASE NO. 2021CW3086, Water Division 1; Previous Case No. 94CW8 – LISEANNS LAND, 15380 E. Cherry Creek Road, Larkspur, Colorado 80921 (Please address all pleadings and inquiries regarding this matter to Applicant's attorneys: Ryan W. Farr, #39394, Emilie B. Polley, #51296, MONSON, CUMMINS & SHOHET, LLC, 13511 Northgate Estates Dr., Ste. 250, Colorado Springs, Colorado 80921, (719) 471-1212)

Application for Plan for Augmentation

DOUGLAS COUNTY

II. Summary of Application. Applicant seeks to develop a veterinary clinic on a 40-acre parcel that will include a residence and livestock grazing. Applicant intends to use water from the Dawson aquifer to supply water to the property, which requires augmentation.

III. Property Description. Applicant's property is an approximately 40-acre parcel with current Parcel No. 2775-330-00-012 and is depicted on **Exhibit A** map attached to the application (All exhibits mentioned herein are incorporated by reference and may be inspected at the office of the clerk of this Court.), being the NW1/4 of the SW1/4 of Section 33, Township 10 South, Range 65 West of the 6th P.M., with address of 15600 S East Cherry Creek Road, Larkspur, Colorado 80118, Douglas County, Colorado ("Applicant's Property").

IV. Existing Well. There is an existing domestic well with Division of Water Resources Permit No. 206176 ("Liseanns Well"). It is drilled to a total depth of 160 feet to the Dawson aquifer, and located 1980 feet from the South Section Line, and 666 feet from the West Section Line. Upon approval of this plan for augmentation, this well will be re-permitted.

V. Previous Adjudication. The Denver Basin groundwater underlying Applicant's Property was previously quantified and adjudicated in Case No. 94CW8, District Court, Water Division 1 ("Case No. 94CW8"). The Decree in 94CW8 adjudicated underlying Denver Basin water for a 720-acre parcel of land of which the Applicant's Property was a part. Such water rights were adjudicated for municipal, domestic, industrial, commercial, irrigation, stock watering, recreational, fish and wildlife, and any other beneficial purpose. Applicant is the owner of the following water rights adjudicated in Case No. 94CW8 as set forth in the attached **Exhibit B** deed:

AQUIFER	Total Appropriation (Acre Feet)	Annual Avg. Withdrawal 100 Years (Acre Feet)
Dawson (NNT)	2,960	29.6
Denver (NT)	2,320	23.2
Arapahoe (NT)	1,960	19.6
Laramie Fox Hills (NT)	1,160	11.6

VI. Application for Plan for Augmentation. A. Structure to be Augmented. The structure to be augmented is the Liseanns Well, along with any replacement or additional wells associated therewith as a well field, constructed to the Dawson aquifer underlying the Applicant's Property. B. Water Rights to be Used for Augmentation. The water rights to be used for augmentation during pumping are the return flows resulting from the pumping of the not-nontributary Dawson aquifer from the Liseanns Well or any replacement or additional wells, together with water rights from the nontributary Laramie-Fox Hills aquifer for any injurious post pumping depletions. C. Not-Nontributary. The ground water to be withdrawn from the Dawson aquifer underlying the Applicant's Property is not-nontributary. Pursuant to § 37-90-137(9)(c.5), C.R.S., the augmentation requirements for wells in the Dawson aquifer will require the replacement of actual stream depletions. D. Statement of Plan for Augmentation. Applicant wishes to provide for the augmentation of stream depletions caused by pumping of the not-nontributary Dawson aquifer. Potential water use criteria and their consumptive use component for replacement of actual depletions for the lots are estimated as follows: 1. Uses. i. Household Use Only: 0.25 acre-feet annually within one single family dwelling, with a maximum of 10% consumptive use based on a non-evaporative septic leach field disposal system. The annual consumptive use will therefore be 0.025 acre-feet per year with return flows of 0.225 acre-feet per year. ii. Veterinary Clinic: 0.50 acre-feet annually within a veterinary clinic with a maximum of 10% consumptive use based on a non-evaporative septic leach field disposal system. The annual consumptive use will therefore be 0.05 acre-feet per year with return flows of 0.45 acre-feet per year. iii. Landscape Irrigation: 0.05 acre feet annually per 1,000 square feet with an 85% consumptive use rate. The annual consumptive use for each 1,000 square feet of lawn and garden irrigated is therefore 0.042 acre feet. Planned irrigation of lawn and garden is 4,000 square feet with an annual consumptive use of 0.168 acre-feet with return flows of 0.032 acre-feet. iv. Livestock: 10 gallons per day for horse or equivalent, 5 gallons per day for sheep or equivalent, and 3 gallons per day for goat or equivalent. All livestock watering is presumed to be 100% consumptive. Planned total livestock watering at any given time amounts to 15 horses, 100 sheep, and 20 goats. Therefore, total annual consumptive use for livestock watering amounts to 0.8 acre-feet. 2. Total Pumping. Maximum annual pumping for the Applicant's Property will be 1.75 acre-feet of water from the Dawson aquifer. 3. Depletions. Applicant's consultant has determined that maximum stream depletions over the 100-year pumping period for the Dawson aquifer amounts to approximately 8.16% of pumping. Maximum annual depletions for total pumping will therefore be 0.143 acre-feet in year 100. Should Applicant's pumping be less than the 1.75 acre-feet total described herein, resulting depletions and required replacements will be correspondingly reduced. 4.

Augmentation of Depletions During Pumping. Pursuant to § 37-90-137(9)(c.5), C.R.S., Applicant is required to replace actual stream depletions attributable to pumping from the Dawson aquifer. Applicant's consultant has determined that depletions during pumping will be effectively replaced by residential and veterinary clinic return flows from non-evaporative septic systems amounting to 0.675 acre-feet per year. Thus, during pumping, stream depletions will be more than adequately augmented.

5. Augmentation for Post Pumping Depletions. For the replacement of any injurious post-pumping depletions which may be associated with the pumping under this plan, Applicant will reserve a portion 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. Applicant also reserves 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, Applicant reserves the right in the future to prove that post pumping depletions will be noninjurious. The reserved nontributary Laramie-Fox Hills groundwater will be used to replace any injurious post pumping depletions. Upon entry of a decree in this case, the Applicant will be entitled to apply for and receive a new well permit for the Liseanns Well for the uses in accordance with this Application and otherwise in compliance with § 37-90-137, C.R.S.

VII. Remarks. A. This Application was filed in both Water Divisions 1 and 2 because depletions from the pumping of the Dawson aquifer may occur in both the South Platte and the Arkansas River systems. The return flows set forth herein will accrue to tributaries of the South Platte River system where the majority of such depletions will occur, and it is Applicant's intent to consolidate the instant matter with the pending Division 2 application in Water Division 1 upon completion of publication. Applicant requests that the total amount of depletions to both the South Platte River and the Arkansas River systems be replaced to the South Platte River as set forth herein, and for a finding that those replacements are sufficient. B. Applicant requests a finding that it has complied with § 37-90-137(4), C.R.S. and that the groundwater requested herein is legally available for withdrawal by the requested not-nontributary wells upon the entry of a decree approving an augmentation plan pursuant to C.R.S. §37-90-137(9)(c.5). C. The term of this augmentation plan is for 100 years; however, the length of the plan may be extended beyond such time provided the total plan pumping allocated thereto is not exceeded. Post pumping stream depletions accrue to a particular well or wells only to the extent related to that well's actual pumping. D. The Court will retain jurisdiction over this matter to provide for the adjustment of the annual amount of ground water withdrawals to be allowed in order to conform to actual local aquifer characteristics from adequate information obtained from well drilling or test holes. E. The Applicant requests a finding that vested water rights of others will not be materially injured by the withdrawals of ground water and the proposed plan for augmentation. F. Any well shall be installed and metered as reasonably required by the State Engineer and Division Engineer. Each well must be equipped with a totalizing flow meter and Applicant shall submit diversion records to the Division Engineer on an annual basis or as otherwise requested by the Division Engineer. The Applicant shall also provide accountings to the Division Engineer as required to demonstrate compliance under this plan of augmentation. G. The Applicant intends to waive the 600 feet well spacing requirement for any wells to be located upon the Applicant's Property. H. The lienholder notice provisions of §37-92-302(2) are not

applicable as this case is not seeking a determination of groundwater rights.

CASE NO. 2021CW3032; COLORADO WATER PROTECTIVE AND DEVELOPMENT ASSOCIATION (“CWPDA”), 205 South Main Street, Fowler, CO 81039 (Please address all pleadings and inquiries regarding this matter to Applicant’s attorneys: James S. Witwer and Andrea M. Bronson, DAVIS GRAHAM & STUBBS LLP, 1550 17th Street, Suite 500, Denver, CO 80202, 303-892-9400.)

Application to Add Structure to Decreed Plan for Augmentation

FREMONT COUNTY

Description of Application: CWPDA is a non-profit corporation organized in part to provide a means for its members to replace out-of-priority depletions from their wells. In this Application, CWPDA seeks to add an additional augmented structure to its plan for augmentation decreed in Case No. 07CW128 on June 7, 2018 (“07CW128 Plan”), pursuant to section 13.20 of the Findings of Fact, Conclusions of Law, Judgment and Decree entered in Case No. 07CW128 (“07CW128 Decree”). **Additional Structure to be Augmented:** CWPDA proposes to replace out-of-priority depletions from domestic uses of water pumped from Farmer Well No. 5600-F, WDID 1205021, owned by CWPDA member Dale Self under its 07CW128 Plan. Farmer Well No. 5600-F is located in the NW¼, SE¼ of Section 12, Township 19 South, Range 70 West, 6th P.M., in Fremont County, Colorado. The well was constructed on June 1, 1964, decreed in Case No. W-4029, Water Division No. 2, on May 23, 1975, and is currently permitted for irrigation use. The source of water is groundwater tributary to the Arkansas River. The approximate location of Farmer Well No. 5600-F is depicted in **Exhibit 1** a general location map attached to the application. (All exhibits mentioned herein are incorporated by reference and may be inspected at the office of the clerk of this Court.) Out-of-priority depletions resulting from irrigation use of water pumped from Farmer Well No. 5600-F are currently, and will continue to be, replaced under CWPDA’s Rule 14 Plan. CWPDA plans to add a second meter to Farmer Well No. 5600-F to separately measure and account for domestic use for two residences. CWPDA will contemporaneously file a Substitute Water Supply Plan and Mr. Self will apply for a new, separate well permit to authorize domestic uses of water pumped from Farmer Well No. 5600-F. All depletions associated with the Farmer Well No. 5600-F for domestic use shall be replaced and accounted for in accordance with the 07CW128 Plan. This Application does not change any provisions of the 07CW128 Decree other than as stated in this Application. **Source of Augmentation Water:** CWPDA shall account for and replace all out-of-priority depletions resulting from domestic uses of Farmer Well No. 5600-F with fully consumable water in accordance with the terms and conditions of the 07CW128 Decree, and such other water as may become available to CWPDA pursuant to the terms of the 07CW128 Decree. The existing augmentation water sources in the 07CW128 Decree will be sufficient to replace the depletions from the well and the other structures augmented therein in amount, time, and location, and will prevent injury to the owners of or persons entitled to use vested water rights and to Stateline flows. **Statement of Augmentation Plan:** A. Farmer Well No. 5600-F is located in and the anticipated use shall occur inside of the boundaries of the Southeastern Colorado Water Conservancy District. However, CWPDA will not use Project Water or Project Water Return Flows to replace depletions from Farmer Well No. 5600-F. B. This Application does not seek to change any provisions of the 07CW128 Decree other than

as stated in this Application. The amount, timing, and location of the depletions to be augmented will be determined according to the methodologies approved in the 07CW128 Plan. CWPDA estimates that the depletions from the indoor domestic uses of Farmer Well No. 5600-F will be 10% of the amount pumped for those uses, as defined in Exhibit 9.A, Item 4 of Case No. 07CW128, which pertains to a presumptive depletion factor for indoor uses treated with a septic tank leach field disposal system. CWPDA shall project and augment well pumping, depletions, and augmentation deliveries pursuant to the methodologies provided in and the terms and conditions of the 07CW128 Decree. For initial projection purposes, well pumping for domestic use is projected to be 1.2 acre-feet per year and projected monthly pumping is projected to be:

Aug.	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	June	July	Total
0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.01	1.2

The projected depletion patterns and proposed unit response functions to be used are:

Month	URF	Month	URF	Month	URF
1	0.03 1	13	0.01 6	25	0.00 1
2	0.16 3	14	0.01 3	26	0.00 1
3	0.16 7	15	0.01	27	0.00 1
4	0.13 5	16	0.00 8	28	0.00 1
5	0.10 7	17	0.00 6	29	0
6	0.08 4	18	0.00 5	30	0
7	0.06 6	19	0.00 4	31	0
8	0.05 2	20	0.00 3	32	0
9	0.04 1	21	0.00 2	33	0
10	0.03 2	22	0.00 2	34	0
11	0.02 6	23	0.00 2	35	0
12	0.02	24	0.00 1	36	0
Total	0.92 4		0.07 2		0.00 4
Cumulative Total					100

The depletions are defined using the Glover method based on the following Glover input parameters.

Specific Yield	Transmissivity (gal/day-foot)	X - Distance between Pond and Creek (feet)	W - Width of the Alluvial Aquifer (feet)
0.20	40,000	2,110	2,900

The depletions shall accrue to the Arkansas River in the NE¼, NE¼ of Section 12, Township 19 South, Range 70 West, 6th P.M., in Fremont County, Colorado, as indicated in Exhibit 1. C. The most likely source of replacement shall be shares in Twin Lakes Reservoir and Canal Company currently available for augmentation use under 07CW128 Decree. As required by the 07CW128 Decree’s accounting protocol, CWPDA shall call for the replacement supply plus an allowance to account for transit loss to be released from Twin Lakes and delivered down the Arkansas River to the point of depletion for the well (see Paragraph 5.B). **Name and Address of Land Where Farmer Well No. 5600-F is Located:** Dale Self, 3600 Telck Rd., Florence, CO 81226-9550. WHEREFORE, Applicant requests that this Court enter findings of fact, conclusions of law, and a judgment and decree to add the above-described domestic use of the Farmer Well No. 5600-F to the 07CW128 Plan.

CASE NO. 2021CW3033; Previous Case No. 04CW96 – UPPER ARKANSAS WATER CONSERVANCY DISTRICT, acting through the Upper Arkansas Water Activity Enterprise (“UAWCD”), P.O. Box 1090, Salida, CO 81201 (Please direct all correspondence to counsel for UAWCD: Law of the Rockies, Kendall K. Burgemeister, Atty. Reg. #41593, 525 North Main Street, Gunnison, CO 81230, 970-641-1903)
 Amended Application for Finding of Reasonable Diligence and to Make Absolute in Part
PUEBLO, FREMONT, CHAFFEE, AND LAKE COUNTIES

UAWCD seeks to make absolute portions of the conditional appropriative rights of exchange decreed in Case No. 04CW96 (District Court, Water Division 2, June 16, 2015) based on the exchange operations described below, and a finding of reasonable diligence for all conditional water rights and portions thereof decreed in Case No. 04CW96 that are not made absolute in this proceeding. Relevant structures are illustrated on **Exhibit A** attached to the Application a general location map. (All exhibits mentioned herein are incorporated by reference and may be inspected at the office of the clerk of this Court.)
Arkansas River Exchanges: Exchange Rate: 160.0 c.f.s. (conditional). Appropriation date: November 11, 2004. Lower Terminus: Pueblo Reservoir (WDID: 1403526), UTM: 524076E, 4235362N. (All UTM coordinates in this Application are NAD 83, Zone 13S, and approximate.) Erroneous verbatim description from 04CW96 Decree: Sec. 7, 18, 19, 20, 21, 22, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35 and 36 in T 20S, R 55W and Sec. 1, 2, 3, 4, 5, 9, 10 and 11, in T 21 S, R 66 W, and Sec. 5, 8, 9, 13, 14, 15, 16, 22, 23, 24 and 25, T 20 S, R 67 W, all 6th P.M., Pueblo County, Colorado. Additional description from 04CW96: in all or portions of Sections 7, 18, 19, 20, 21, 22, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35 and 36 in Township 20 South, Range 66 West, and Sections 1, 2, 3, 4, 5, 9, 10 and 11, in Township 21 South, Range 66 West, and Sections 5, 8, 9, 13, 14, 15, 16, 22, 23, 24 and 25, in Township 20 South, Range 67 West, all of the 6th P.M., in Pueblo County, Colorado. The Pueblo Reservoir Dam axis and the center line of the Arkansas River intersect at a point in Section 36, Township 20 South, Range 66 West of the 6th P.M., from which the Northeast corner of said Section bears North 61° 21’ 20” East, a distance of 2,511.05’, all more particularly described in the decree in Case No. B-42135, District Court, Pueblo County, Colorado, in Pueblo County. Upper Termini and Volumetric Limits:

Description	Location	Volumetric Limit (acre-feet per year)
-------------	----------	--

Minnequa Ditch Headgate	SW1/4NW1/4NW1/4, Sec. 7, T19S, R69W, 6th P.M.; 486022 E, 4251810 N	1,000
Confluence of Grape Creek and Arkansas River	NW1/4NE1/4NW1/4, Sec. 6, T19S, R70W, 6th P.M.; 476546 E, 4253704 N (In 04CW96 Decree: NW/4, NE/4, NW/4, Sec. 7, T 19S, R 70W)	619
Confluence of Stout Creek and Arkansas River	SW1/4NE1/4NW1/4, Sec. 12, T48N, R10E, N.M.P.M.; 429079 E, 4253907 N	100
Confluence of Cherry Creek and Arkansas River	SW1/4NW1/4NW1/4, Sec. 12, T48N, R10E, N.M.P.M.; 428642 E, 4253844 N (in 04CW96 Decree: NW/4, SW/4, NW/4, Sec. 12, T 48N, R 10 E, N.M.PM)	100
Confluence of West Creek and Arkansas River	NE1/4NE1/4NW1/4, Sec. 11, T48N, R10E, N.M.P.M.; 427632 E, 4254216 N	100
Confluence of South Arkansas River and Arkansas River	SW1/4SW1/4SE1/4, Sec. 4, T 49N, R 9E, N.M.P.M.; 414781 E, 4264103 N	1,300
Confluence of Chalk Creek and Arkansas River	SW1/4NE1/4SW1/4, Sec. 13, T 15 S, R 78 W, 6th P.M.; 407321 E, 4288612 N	1,000
Helena Ditch Headgate	NE1/4SE1/4SE1/4, Sec. 16, T 14 S, R 78 W, 6th P.M.; 403682 E, 4298355 N	10,000
Confluence of Cottonwood Creek and Arkansas River	SW1/4NW1/4NE1/4, Sec. 16, T 14 S, R 78 W, 6th P.M.; 403016 E, 4299206 N	450
Confluence of Lake Creek and Arkansas River	NE1/4NW1/4SE1/4, Sec. 24, T 11 S, R 80 W, 6th P.M.; 389206 E, 4326202 N	1,000
Confluence of Lake Fork Creek and Arkansas River	SW1/4SW1/4SE1/4, Sec. 5, T 10 S, R 80 W, 6th P.M.; 383089 E, 4340034 N	1,000

South Arkansas Exchanges: Exchange Rate: Up to 23.7 cfs. Lower Terminus: Confluence of the Arkansas River and South Arkansas River, as described above (also described in 04CW96 Decree as SWNWSE Sec. 4, T49N, R9E, NMPM). Appropriation date: November 11, 2004. Volumetric limits, exchange rates, and upper termini:

Description	Location	Rate Limit (cfs)	Volumetric Limit (acre-feet per year)
Tennessee Ditch	SE1/4SW1/4SE1/4, Sec. 6, T 49N, R 9E, N.M.P.M.; 411693 E, 4264220 N	5.23	1,000
Confluence of Poncha Creek and South Arkansas River	NW1/4SE1/4SW1/4, Sec. 10, T 49N, R 8E, N.M.P.M.; 406224 E, 4262968 N (In 04CW96 Decree "NE/4, NE/4, SW/4, Sec. 10, T 49N, R 9E, N.M.PM")	23.7	700
Confluence of Grays Creek and Poncha Creek	NW1/4SE1/4SW1/4, Sec. 7, T 48N, R 8E, N.M.P.M.; 401471 E, 4253333 N	10	700
Noland Ditch	NE1/4SE1/4SE1/4, Sec. 1, T 49N, R 7E, N.M.P.M.; 401024 E, 4264610 N	1.96	238.6

O'Haver Reservoir	Section 12, T.48N., R.7E, N.M.P.M.; 399983 E, 4253720 N	10	700
Maysville	NE1/4NE1/4NW1/4, Sec. 3, T 49N, R 7E, N.M.P.M.; 396862 E, 4265780 N	23.7	1,300
Cameron Ditch	SE1/4SE1/4SW1/4, Sec. 34, T 50N, R 7E, N.M.P.M.; 396758 E, 4265940 N	17	800
Boss Lake	E½Sec. 29, T. 50N., R. 6E. N.M.P.M.; 385004 E, 4268662 N (In 04CW96 Decree: "E½ of Sec. 25 and NE¼ Sec. 29, T. 50N., R. 6E. N.M.P.M.")	23.7	680
North Fork Reservoir	SE1/4, Sec. 5, T.50N., R.6E, N.M.P.M.; 384999 E, 4274370 N	23.7	976.3

Cottonwood Creek Exchanges: Exchange Rate: Up to 20.67 cfs. Lower Terminus: Confluence of the Arkansas River and Cottonwood Creek, described above. Appropriation date: November 11, 2004. Volumetric limits, exchange rates, and upper termini:

Description	Location	Rate Limit (cfs)	Volumetric Limit (acre-feet per year)
Thompson Ditch Headgate	SW1/4NW1/4SE1/4 Sec.7, T 14S, R 78W, 6TH P.M.; 399910 E, 4300060 N	0.795	60
Cottonwood Irrigating Ditch No. 1 Headgate	SE1/4SW1/4NE1/4 Sec.13, T 14S, R 79W, 6TH P.M.; 398346 E, 4298880 N	3.0	1,183
Cottonwood Maxwell Ditch Headgate	NW1/4SE1/4SW1/4 Sec.22, T 14S, R 79W, 6TH P.M.; 394543 E, 4296750 N	0.775	60
Confluence of South Cottonwood and Middle Cottonwood Creeks	SE1/4NW1/4NW1/4 Sec.28, T 14S, R 79W, 6TH P.M.; 392678 E, 4296189 N	20.67	313.54
Rainbow Lake	SE1/4SW1/4 and SW1/4SE1/4 Sec. 19, T 14S, R 79W, 6TH P.M.; 390150 E, 4296557 N (In 04CW96 Decree: "SE/4, SWE/4, & SW/4, SE/4, Sec. 19 & NE/4, NW/4, Sec. 19, T 14S, R 79, 6 TH PM")	16.90	192.8
Cottonwood Lake	SE1/4 Sec.36, T 14S, R 80W, 6TH P.M.; 388968 E, 4293208 N	20.11	210.74

Lake County Reservoir Exchange. Exchange Rate: 25 cfs (conditional). Lower Terminus: Confluence of Lake Creek and the Arkansas River, as described above. Upper Terminus: Twin Lakes Reservoir, in Lake County. 387249 E, 4326318 N. Appropriation date: November 11, 2004. Beneficial Use: The above exchanges are decreed for all uses for which the applicable source of substitute supply is decreed, including but not limited to irrigation, agricultural, municipal, industrial, replacement, fisheries, augmentation and

exchange, and recreation. Structures from which the sources of substitute supply will be released: Pueblo Reservoir, as described above; DeWeese Reservoir in Custer County, 460690 E, 4229169N; North Fork Reservoir, as described above (The 04CW96 Decree also described the reservoir as “Beginning at the Northeasterly point of contact of the dam axis with the existing ground said point being situated whence the Northwest corner of Section 21, T.50N., R.7E, N.M.P.M., in Chaffee, County, Colorado bears South 68°50’ East a distance of 31,920 feet; said point being further described by bearing on the Peak of Granite Mountain of North 23°28’ West and by bearing on the Peak of Calico Mountain of North 37°03’ East. Thence South 15°30’ West a distance of 500 feet to the Southwesterly point of contact of the dam axis with existing ground”); O’Haver Reservoir, as described above (The 04CW96 Decree also described the reservoir as being “near the center of Section 12, T.48N., R.7E, N.M.P.M., in Chaffee County”); Boss Lake and/or Donnell Reservoir 1 and 2, as described above (The 04CW96 Decree also described the reservoir as being in the “E½ of Sec. 25 and NE¼ Sec. 29, T. 50 N., R. 6 E. N.M.P.M, in Chaffee County.”); Cottonwood Lake, as described above; Rainbow Lake, as described above (The 04CW96 Decree also described the reservoir as being in “the SE¼SW¼, and SW¼SE¼, Sec. 19, the NE¼NW¼ and NW¼NE¼, Sec. 30, at a point whence the SE corner of Sec. 19, T. 14 S., R. 79W. 6th P.M. bears South 80°34.0’ East, 2,110.3 feet.”); Twin Lakes Reservoir, as described above; Turquoise Reservoir, in Lake County, 381722 E, 4345669 N; and Cameron Ditch, as described above (“The 04CW96 Decree also described the ditch as being in “located on North Fork of the South Arkansas River about one-half mile above the confluence of the North and South Forks of the South Arkansas River, in Chaffee County.”). Sources of Substitute Supply. North Fork Reservoir: Date of Original Decree – Sept. 9, 1982; Case No. 82CW204, District Court, Water Division No. 2, Colorado; appropriation date – Sept. 9, 1982; amount – 595 a.f.; uses – irrigation, municipal, industrial, recreational, and augmentation; White Ditch: Date of original decree – April 20, 1993; Case No. 91CW19, District Court, Water Division No. 2; appropriation date – May 1, 1874; amount – 26.08 a.f.; uses – storage in North Fork Reservoir for municipal, irrigation, augmentation, and recreational; North Fork Reservoir, 1984 Enlargement: Date of Original Decree - September 18, 1985, Case No. 84CW141, District Court, Water Division No. 2, Colorado (this conditional water right has been canceled); Water owned by the City of Salida and provided to UAWCD and stored in North Fork Reservoir pursuant to contract with UAWCD, decreed in Case Nos. 87CW61 or 04CW125, or any other decrees obtained by the City of Salida. Prior to using such water owned by Salida, UAWCD must have a contract with Salida giving UAWCD the right to such water such as the June 21, 1993 lease agreement currently in effect between UAWCD and Salida; O’Haver Reservoir: date of original decree - June 28, 1985, Case No. 82CW205, District Court, Water Division No. 2, Colorado; appropriation date - September 9, 1982; amount - 193 acre-feet; uses: agricultural, municipal, industrial, replacement, fisheries, augmentation and exchange, and recreation; Fryingpan-Arkansas Project water stored by exchange in Cottonwood Lake and Rainbow Lake: date of original decree – July 12, 1999, Case No. 96CW17, District Court, Water Division No. 2, Colorado; appropriation date – Feb. 10, 1939; amount – 10 c.f.s., 75 a.f.y.; uses – augmentation and replacement; Thompson Ditch Water stored in Rainbow Lake, date of original decree June 4, 1996, Case No. 95CW208, District Court, Water Division No. 2, Colorado, or in Cottonwood Lake, date of original decree August 19, 1995, Case No. 94CW5, District

Court, Water Division No. 2, Colorado; appropriation date - April 5, 1930; amount - 23.45 a.f.y.; uses - augmentation and replacement uses; Any water available to UAWCD by reason of its ownership or control of shares in the Twin Lakes Reservoir and Canal Company ("Twin Lakes Water") and other Twin Lakes Water currently owned or controlled by UAWCD or acquired by UAWCD in the future. Such additional Twin Lakes Water acquired in the future may be exchanged pursuant to this decree without further amendment to this decree. The water rights producing UAWCD's interest in Twin Lakes water are: Colorado River Water Rights, as described in Case No. 3802, District Court, Garfield County, August 25, 1963 and Case No. W-1901, District Court, Water Div. No. 5, May 12, 1976; and Arkansas River Water Rights: Case No. 2346, District Court, Chaffee County, July 14, 1913 as modified in Case No. W-3965, District Court, Water Div. No. 2, April 19, 1974; Fryingpan-Arkansas Project Water and return flows from Fryingpan-Arkansas Project Water which may be allocated to UAWCD in accordance with applicable principles, policies, rules and regulations. The water rights of the Project consist of: West Slope Decrees: The Project diverts surface water from the headwaters of Hunter Creek and the Fryingpan River and their tributaries in Pitkin County, Colorado. The principal water rights were adjudicated by the decrees in Civil Action No. 4613, District Court, Garfield County on June 20, 1958 and August 3, 1959, and were modified by the Decree in Case No. W-829-76, District Court, Water Division No. 5, dated November 27, 1979, and supplemented by the Decree in Case No. 83CW352, District Court, Water Division No. 5, dated May 31, 1985. The Project also diverts and stores surface water from the Arkansas River and its tributaries in Lake, Chaffee, Fremont, and Pueblo Counties. The principal water rights were adjudicated by the decrees in Civil Action No. 5141, District Court, Chaffee County, dated July 9, 1969, and Civil Action No. B-42135, District Court, Pueblo County, dated June 25, 1962, and were modified and supplemented by the Decree in Case No. 80CW6, District Court, Water Division No. 2, dated October 23, 1980; and Any other water rights that UAWCD may add in the future pursuant to paragraph 11.f. of the 04CW96 Decree. A detailed outline of what has been done toward completion or for completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures is included in the Application. Specifically, UAWCD exercised its rights in the 04CW96 Exchanges in every year subsequent to the 04CW96 Decree. A tabulation of exchange operations is included as Exhibit B to the Application. Significantly: On August 12, 2019, UAWCD operated the Arkansas River Exchange at a rate of 50.55 acre-feet per day, or 25.49 cfs. The lower terminus was Pueblo Reservoir, and the upper termini were the confluence with the South Arkansas River (0.23 acre-feet), the confluence with Cottonwood Creek (0.32 acre-feet), and the confluence with Lake Creek (50 acre-feet); UAWCD exchanged Twin Lakes Water into Cottonwood Lake at a maximum rate of 1.95 acre-feet per day, or 0.98 cfs, from October 30 through November 18, 2019, and in a maximum annual volume of 39.6 acre-feet in 2019. UAWCD exchanges of Project Water did not exceed the maximum decreed rate under the senior 96CW17 exchange. UAWCD exchanged Twin Lakes Water into Rainbow Lake at a maximum rate of 8.81 cfs on October 3, 2016, and a maximum volume of 28.45 acre-feet in 2020. UAWCD exchanged Project Water at a rate of 14 cfs on May 17 and 18, 2020. Of this, 10 cfs was exchanged under the senior 96CW17 exchange. UAWCD completed multiple exchanges to Boss Lake, but none exceeded the senior absolute exchange rate decreed in 97CW31. UAWCD completed multiple exchanges to

North Fork Reservoir, but none exceeded the senior absolute amounts decreed in 04CW96. UAWCD completed multiple exchanges to O'Haver Reservoir. None of the Project Water exchanges exceed the senior right decreed in 97CW160. UAWCD exchanged Twin Lakes Water at a maximum rate of 0.06 cfs and a maximum annual volume of 14.826 acre-feet in 2020; On August 12, 2019, UAWCD exchanged 50 acre-feet of water from Pueblo Reservoir to Twin Lakes Reservoir, at an average daily rate of 25.21 cfs. Owners of the land upon which any new diversion or storage structure or modification to any existing diversion or storage structure or existing storage pool is or will be constructed or upon which water is or will be stored: Cottonwood Reservoir, North Fork Reservoir, Boss Lake, and O'Haver Reservoir are located on land owned by the United States Forest Service, 5575 Cleora Rd, Salida, CO 81201; A portion of Boss Lake may be located on land owned by SALCO Associates, LLP, 225 G St., Salida, CO 81201. Pueblo Reservoir, Turquoise Reservoir, and Twin Lakes Reservoir are owned by United States Department of the Interior, Bureau of Reclamation, 11056 W. County Road 18-E, Loveland, CO 80537; Rainbow Lake is located on land owned by Rainbow Lake Resort, Inc., P.O. Box 17450, Oklahoma City, OK, 73136; DeWeese Reservoir is owned by DeWeese Dye Ditch & Reservoir Co., c/o Dorothy Ormsby, PO Box 759, Canon City, CO 81215.

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 August 31 2021, (forms available at Clerk's office or at 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.

Witness my hand and the seal of this Court this 13th day of July 2021.

/s/ Michele M. 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)
Published: