

DISTRICT COURT, WATER DIVISION NO. 2, COLORADO

RESUME OF CASES FILED AND/OR ORDERED PUBLISHED DURING NOVEMBER 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 November 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:

CASE NO. 2021CW3069; Previous Case Nos: 2000CW152, 2007CW79, 2015CW3020 – FOUNTAIN VALLEY POWER, LLC (“FVP”), c/o Director of Asset Management, Southwest Generation, 600 Seventeenth Street, Suite 2400S, Denver, Colorado 80202-2110 (Please address all pleadings and inquiries regarding this matter to Applicant’s attorneys: Peter C. Johnson, Esq., Alison D. Gorsevski, Esq., Andrea A. Kehrl, Esq., Vranesh and Raisch, LLP, 5303 Spine Road, Suite 202, Boulder, CO 80301, Telephone: (303) 443-6151)

Application for Findings of Reasonable Diligence and to Make Water Rights Absolute
EL PASO COUNTY

2. Names of structures. (collectively, “FVP Wells”). 1.1 FVP Well No. 1, Permit No. 055541-F. 1.2 FVP Well No. 2, Permit No. 055540-F. 1.3 FVP Well No. 3, Permit No. 055539-F. 3. Description of conditional water right. 3.1 Original decree. The water right for FVP Well Nos. 1, 2, and 3 (“FVP Right”) that is the subject of this application was originally decreed in Case No. 2000CW152, Water Division 2, State of Colorado, on August 29, 2001. 3.2 Subsequent diligence decrees. Applicant was granted findings of reasonable diligence in the development of the FVP Right by decrees entered in Case No. 2007CW79, Water Division 2, State of Colorado, dated April 22, 2010, as amended nunc pro tunc May 26, 2009; and Case No. 15CW3020, Water Division 2, State of Colorado, dated November 24, 2015. 3.2.1 Remark: In the final decree in Case No. 15CW3020, the Division 2 Water Court found that FVP Well Nos. 1, 2, and 3 are components of an integrated water supply system for the Fountain Valley Power Plant. 3.3 Augmentation decrees. The FVP Wells are augmented under a plan for augmentation currently operated by Triview Metropolitan District (“Triview”). The original augmentation plan, operated by Comanche Resources, LLC, was approved in Case No. 99CW146, Water Division 2, by a decree dated November 15, 2000. The amendments to that plan applicable to the FVP Wells were decreed in Case No. 2000CW152, to add the FVP Wells as augmented structures; in Case No. 2002CW63, to increase the amount of augmentation supplies available to augment the FVP Wells and authorize Applicant to claim augmentation credit for return flows from the FVP Right; and in Case No. 16CW3010, to amend and update the augmentation plan to facilitate operation of the plan by Triview (collectively, the “Augmentation Plan”). During the pendency of Case Nos. 2000CW152 and 2002CW63, the FVP Wells were augmented pursuant to substitute water supply plans approved under Sec. 37-92-308(4), C.R.S., prior to entry of the

respective decrees in those cases (“SWSPs”). 4. Legal descriptions of structures. 4.1 FVP Well No. 1 is located in the SW1/4 NE1/4 of Section 23, Township 17 South, Range 65 West, 6th P.M., approximately 3,885 feet from the south line of Section 23 and approximately 1,520 feet from the east line of Section 23. The well is drilled to a depth of 35 feet. 4.2 FVP Well No. 2 is located in the NW1/4 NE1/4 of Section 26, Township 17 South, Range 65 West, 6th P.M., approximately 1,130 feet from the north line of Section 26 and approximately 1,540 feet from the east line of Section 26. The well is drilled to a depth of 38 feet. 4.3 FVP Well No. 3 is located in the SW1/4 SE1/4 of Section 23, Township 17 South, Range 65 West, 6th P.M., approximately 730 feet from the south line of Section 23 and approximately 2,070 feet from the east line of Section 23. The well is drilled to a depth of 36 feet. See **Exhibit A** attached to the application a map showing the location of FVP Well Nos. 1, 2, and 3. (All exhibits mentioned herein are incorporated by reference and may be inspected at the office of the clerk of this Court). 5. Source. The alluvium of Fountain Creek, a tributary to the Arkansas River. 6. Date of appropriation. December 11, 2000. 7. Amount. The maximum combined pumping rate for FVP Well Nos. 1, 2, and 3 is 1,300 gallons per minute, and FVP Well No. 1 will not exceed 430 gallons per minute. The combined annual appropriation for the FVP Wells is limited to 224 annual acre feet, and the annual appropriation for FVP Well No. 1 will not exceed 75 annual acre feet of that total. 8. Use. Water pumped from the FVP Wells under the FVP Right is used as a water supply for the Fountain Valley Power Plant for industrial, commercial, fire protection and cooling purposes, including the rights of use, reuse, successive use, and disposition to extinction. The Fountain Valley Power Plant is located in Section 20, Township 17 South, Range 65 West, 6th P.M., El Paso County, Colorado. 8.1 Remark: The FVP Right was originally decreed to include use for irrigation purposes; however, FVP abandoned that use in Case No. 15CW3020. 9. Absolute claim. Applicant has diverted water at the FVP Wells at the flow rates and amounts listed below and put that water to the decreed beneficial uses of industrial, commercial, fire protection and cooling purposes, including the rights of use, reuse, successive use, and disposition to extinction. All delayed depletions associated with the FVP Wells’ diversion of the FVP Right have been fully replaced under the Augmentation Plan and/or SWSPs. Applicant maintains accounting records that show that the FVP Right was pumped through the FVP Wells and applied to all decreed beneficial uses in the amount and rate described below. Accordingly, the FVP Right has been made absolute as follows: 9.1 Rate: Combined maximum rate of 453.4 gallons per minute, absolute, on July 23, 2008. 9.2 Amount: 193 acre-feet, absolute, of total annual pumping, in 2003. 9.3 Remarks: Since 2001, the FVP Wells have routinely pumped under the FVP Right and the Augmentation Plan and/or SWSPs, and Applicant has put that water to beneficial use for its decreed purposes. Consequently, Applicant reserves the right to demonstrate that the FVP Right has been made absolute at rates and/or in amounts that are equal to or less than those stated above, and/or based on pumping that occurred on any date prior to the date of this Application. If the FVP Right is decreed as absolute at the above-described rate and amount, then the portion of the FVP Right which remains conditional will be a rate of 846.6 gallons per minute and an amount of 31 acre-feet. 10. Detailed outline of what has been done toward completion of the appropriation and application of the water to beneficial use as conditionally decreed, including expenditures, during the previous diligence period. During the diligence period of May 20, 2015 through the date of filing this Application

("Diligence Period"), the following work has been done toward completion of the appropriation of the conditional FVP Right: 10.1 Applicant operates the Fountain Valley Power Plant ("Plant"), which is used to generate electricity to meet peaking demands for customers along the Front Range. Applicant has an on-going need for the FVP Right to supply water to the Plant and can and will continue to pump the FVP Right from the FVP Wells for all decreed uses. 10.2 Applicant holds a perpetual easement for access, construction, maintenance, and repair of the FVP Wells under that Easement Agreement, dated January 25, 2007, as recorded in El Paso County, Colorado under Rec. No. 201035741 on March 26, 2001. Pursuant to that Easement Agreement, Applicant has paid \$1,000 each month of the Diligence Period (approximately \$77,000, total) as consideration for that easement. 10.3 Applicant performed maintenance and made improvements to the FVP Wells in the amount of \$91,000. These costs included brushing well screens and replacing pump bowl assemblies, motors, valves, and discharge piping at two of the FVP Wells. 10.4 Applicant has paid monthly invoices, totaling approximately \$1 million, for the costs associated with augmentation of the FVP Wells and its on-going participation in the Augmentation Plan. 10.5 Applicant expended approximately \$25,000 on costs associated with a water delivery line and its easement that are used to deliver water from the FVP Wells to the Plant. 10.6 Applicant has participated in Case Nos. 16CW3010 and 21CW3022 (pending) as an opposer to monitor the impact of the claims in those cases on the FVP Right and the Augmentation Plan. Participation in these cases resulted in costs to Applicant, including court filing fees and fees for outside legal counsel.

11. 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. 11.1 FVP Well No. 1 is located on land owned by Garney Colorado, LLC, 1333 NW Vivion Road, Kansas City, MO 64118-4554. 11.2 FVP Well Nos. 2 and 3 are located on land owned by Tanakhanda LLC, 3875 Hills Circle, Colorado Springs, CO 80904. **WHEREFORE**, Applicant seeks entry of a decree that: 1) makes the FVP Water Right absolute in the rate and amount set forth in paragraph 9, above, for the decreed beneficial uses of industrial, commercial, fire protection and cooling purposes, including the rights of use, reuse, successive use, and disposition to extinction; 2) includes findings of reasonable diligence for the remaining conditional portion of the FVP Right; and 3) continues the remaining conditional portion of the FVP Right for another diligence period and confirms Applicant's right to complete the appropriation of the FVP Right up to the maximum decreed rates and amounts. If the Court determines that the absolute claim cannot be approved, in whole or in part, Applicant seeks findings of reasonable diligence with respect to those claims and continuation of the right as conditional for another diligence period.

CASE NO. 2021CW3070; A withdrawal of application was filed under this case number. This case is being listed in the resume to account for the case number in consecutive order.

CASE NO. 2021CW3071; THOMAS H. SASS, 613 Evita Court, Berthoud, CO 80513
(Please address all pleadings and inquiries regarding this matter to Applicant's attorney:

Glenn E. Porzak, Porzak Law, LLC, 1111 Spruce Street, Suite 303, Boulder, Colorado 80302, (303) 589-0909)

Amended Application for Changes of Water Rights

SOUTH TAYLOR CREEK AND MIDDLE BRANCH OF TAYLOR CREEK IN CUSTER COUNTY, COLORADO

2. Description of water rights to be changed: (a) An undivided 46% interest in the Priestly and Robins Ditch, Ditch No. 297-A, priority no. 359-A, decreed by the Fremont County District Court for 2.33 cfs, the source of which is South Taylor Creek, with an appropriation date of June 10, 1883, and an adjudication date of March 12, 1896, the headgate being located on the South Bank of South Taylor Creek at a point where the E1/4 corner of Section 19, T. 22. S., R. 73 W., bears N 59° E 2,500 feet, for the irrigation of 15 acres in SE1/4 SW1/4 of Section 20, and 25 acres in Section 29. (b) An undivided 75% interest in the Lawrence Young Ditch, Ditch No. 58, priority no. 66, decreed by the Fremont County District Court for 1.6 cfs, the source of which is the Middle Branch of Taylor Creek, with an appropriation date of June 14, 1873, and an adjudication date of March 12, 1896, and priority no. 504, decreed by the Fremont County District Court for 1.6 cfs, the source of which is the Middle Branch of Taylor Creek, with an appropriation date of October, 1890, and an adjudication date of March 12, 1896, the headgate being located in the SE1/4 SW1/4 of Section 20, T. 22. S., R. 73 W., on the south side of the Middle Branch of Taylor Creek at a point whence the NE corner of the SE1/4 SW1/4 of said Section 20 bears 75° 167 feet, for the irrigation of 80 acres in the E1/2 NE1/4 of Section 29 and the W1/2 NW1/4 of Section 28, T. 22. S., R. 73 W., 6th P.M. 3. Changes of Water Rights: (a) Applicant in the owner of approximately 47 acres of land in Sections 28 and 29, T. 22. S., R. 73. W., of the 6th P.M., Custer County, Colorado, more particularly described on **Exhibit A** 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.) By this application, Applicant seeks to change the places of use of the Applicant's interest in the Priestly and Robins Ditch and Lawrence Young Ditch to irrigate 32 acres of land located in the NW1/4 NW1/4 of Section 28 and the NE1/4 NE1/4 of Section 29., T. 22. S., R. 73. W., of the 6th P.M., Custer County, Colorado. This is the land that has historically been irrigated by the Applicant's interest in these water rights. Therefore, this change seeks to conform the decrees of the subject water rights to the historical places of use of Applicant's interests in the subject water rights. A map of the subject water rights and the places of irrigation use are attached here to as **Exhibit B**. (b) Applicant seeks to change the source of the Priestley and Robins Ditch to the Middle Branch of Taylor Creek, which is and has always been the true source, and confirm that the headgate is located in the SW1/4 SE1/4 of Section 19, T. 22 S., R. 73 W., of the 6th P.M., approximately 1027 feet North of the SW corner of the SW1/4 SE1/4 of said Section 19. (c) Applicant seeks to change the location of the point of diversion of the Lawrence Young Ditch to a point in the SE1/4 SW1/4 of Section 20, T. 22 S., R. 73 W., of the 6th P.M., approximately 800 feet West of the NE corner of the SE1/4 SW1/4 of said Section 20. 4. Land Ownership: The Applicant is the owner of the interests in the water rights for which the changes are sought and the land on which the places of use are sought. Prescriptive easements exist for the Priestly and Robins Ditch and the Lawrence Young Ditch and the associated headgates. The headgate for the Priestly and Robins Ditch is located at the boundary of land owned by Hermit Basin Christian Conference Center, whose address is P.O. Box 25, Westcliffe,

CO., 81252, Attn: Penny Button, and the United States Forest Service, whose address is San Isabel National Forest, San Carlos Ranger District, 3028 E. Main Street, Canon City, Colorado 81212. The headgate for the Lawrence Young Ditch is located on land owned by Alma Golden, whose address is 325 CR 159, Westcliffe, CO. 81252. WHEREFORE, the Applicant seeks a decree which (i) changes the place of use of the Applicant's interests in the subject water rights as described above; (ii) changes the source of the Priestly and Robins Ditch to the Middle Branch of Taylor Creek and the decreed location of the points of diversion of the Priestly and Robins Ditch and the Lawrence Young Ditch; and (iii) such other and further relief as the Court may grant.

CASE NO. 2021CW3072; CATLIN AUGMENTATION ASSOCIATION, INC. (CAA), GARDNER FARMS, LLP; HIRAKATA FARMS, LLC; MARVIN SCHLEGEL; AND ARKANSAS GROUNDWATER AND RESERVOIR ASSOCIATION, Attn: Kent Ricken, 205 South Main Street, Fowler, CO 81039 (Please address all pleadings and inquiries regarding this matter to Applicant's attorneys: James S. Witwer, Andrea M. Bronson, Davis Graham & Stubbs LLP; 1550 Seventeenth Street, Suite 500, Denver, Colorado 80202; Telephone: (303) 892-9400)

Application for Change of Water Rights, Including Storage, Recharge, and Appropriative Rights of Exchange and/or Water Exchange Project Water Rights; for Underground Water Rights; and for Approval of Plan for Augmentation Including Exchange

OTERO, BENT, AND PUEBLO, COUNTIES

1. Name, address email address, and telephone number of Applications: (see above). CAA is the Applicant for the First and Third Claims in this Application. Gardner Farms, LLP, Marvin Schlegel, and Hirakata Farms, LLC are Co-Applicants only for corresponding portions of the Second Claim in this Application (for Underground Water Rights). The Arkansas Groundwater and Reservoir Association ("AGRA") is a Co-Applicant only for the First Claim in this Application (for Appropriative Rights of Exchange) and only for the absolute exchange right claims in which AGRA's predecessor entity, Colorado Water Protective and Development Association ("CWPDA"), was involved. **2. Application for Change of Water Rights, Including Storage, Recharge, and Appropriative Rights of Exchange and/or Water Exchange Project Water Rights; for Underground Water Rights; and for Approval of Plan for Augmentation Including Exchange:**

General Description of Application: a. CAA is comprised of a group of Catlin Canal Company shareholders whose Catlin Canal water rights were historically used for irrigation in Otero County, Colorado. In Case No. 12CW94, this Court approved CAA's application to change the water rights associated with certain of its members' shares of capital stock in the Catlin Canal Company to various uses in addition to their originally decreed uses, including the replacement of out-of-priority depletions from wells and other structures located in Otero County and located in the vicinity of the Catlin Canal, as more specifically described in the decree entered therein. See Findings of Fact, Conclusions of Law, Judgment and Decree, Case No. 12CW94, entered May 8, 2017 ("12CW94 Decree"), at ¶ 11.1. Such changed water rights are more particularly described in this Application, and hereinafter referred to as the Changed Water Rights. b. The 12CW94 Decree specified that the Changed Water Rights may not be used for any other purposes "unless a new application is filed in Water Court to approve such uses and is approved by a decree of the Water Court, or such other use is administratively authorized

pursuant to a substitute water supply plan.” See 12CW94 Decree at ¶ 11.2. Accordingly, this Application also seeks judicial approval of further changes of water rights in order to allow CAA to divert the Changed Water Rights to recharge facilities, to store such water in additional water storage facilities, and to use the Changed Water Rights by exchange and/or in water exchange projects. The requested changes of water rights do not seek a change in the point of diversion for the Changed Water Rights, or otherwise seek changes inconsistent with the approval given by the Catlin Canal Company for the initial application to change the Changed Water Rights. c. CAA also seeks approval herein of a plan for augmentation including exchange in order to use the Changed Water Rights and other water rights available for augmentation to replace out-of-priority depletions from wells which, due to date of their initial irrigation use, future manner of use, location of lands to be irrigated thereby, or other factors cannot be replaced (or fully replaced) as part of replacement plans developed and annually approved by the State and Division Engineers under Rule 14 of the Amended Rules and Regulations Governing the Diversion and Use of Tributary Ground Water in the Arkansas River Basin (“Amended Use Rules”). Such annually approved replacement plans will hereinafter be referred to as “Rule 14 Plans.” d. In addition, several CAA members here seek confirmation of underground water rights associated with six new wells that will operate pursuant to the plan for augmentation described herein, or pursuant to a related substitute water supply plan. e. CAA and its members will not use any structure that is owned or controlled by other entities or individuals without having first acquired the legal right to use such structure. **I. APPLICATION FOR CHANGE OF WATER RIGHTS. 3. General Description. Decreed Water Rights for which Change is Sought:** The Changed Water Rights consist of water available through CAA members’ ownership of 7,607.799 shares of the total 18,660 shares of outstanding capital stock in the Catlin Canal Company, which shares are identified on **Exhibit A**, 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.) and consist of the pro rata interest in the water rights diverted by the Catlin Canal Company and described in the 12CW94 Decree. Because no change of point of diversion was sought in Case No. 12CW94 (nor is a change of point of diversion sought herein), the point of diversion for the Changed Water Rights remains as described in the Findings of Fact, Conclusions of Law, Ruling and Decree entered in Case No. 09CW35, at a point of diversion on the south bank of the Arkansas River, in the N1/2 of the NW1/4 of Section 19, Township 22 South, Range 58W, 6th P.M., in Water District No. 17 in Otero County, Colorado, which point is about 1,300 feet East of, or down, the Arkansas River from the original point of diversion fixed by decree of the Court on the South bank of the Arkansas River at the confluence of said river and the Apishapa River (“Catlin Canal Headgate”). A map showing the general location of the point of diversion and the Catlin Canal is attached to the Application as **Exhibit B**. b. Summary of Additional Changes Sought in this Application. In order to provide additional flexibility in the use of its Changed Water Rights, CAA seeks approval, consistent with C.R.S. § 37-92-305(3)(e), of the following additional changes to its Changed Water Rights: i. In addition to storage in Pueblo Reservoir approved in Case No. 12CW94, storage of the Changed Water Rights in any of the facilities described herein in which CAA is legally permitted to store water, which storage may occur directly or following exchange as further described herein; ii. Use in recharge projects through delivery of the Changed Water Rights to any recharge facility

to which CAA is legally permitted to recharge water or which may be constructed or decreed in the future in order to provide replacement credit for return flows and out-of-priority depletions from CAA members' wells, or replacement credit in any future plan for augmentation, substitute water supply plan, Rule 14 plan, or Rule 10 plan authorized by ¶ 11.1 of the 12CW94 Decree, including, without limitation, those recharge facilities described in Paragraph 5 herein (with any such recharge in those facilities that are outside of, and whose intake structures are upstream of, the Catlin Canal system, occurring following exchange); and iii. Use, either directly or following storage, as a source of substitute supply for the appropriative rights of exchange and/or water exchange project water rights sought in this Application, or any future exchanges operated or decreed for use by CAA or AGRA. **4. Additional Places of Storage. a. Overview.** The 12CW94 Decree provides: "Before CAA may store any of the Changed Water Rights in a facility other than Pueblo Reservoir, it must secure any and all necessary water storage rights, changes of water rights, contracts, and approvals for such storage and file a new water court application." 12CW94 Decree, ¶ 14.28. This Application seeks approval of storage of the Changed Water Rights in structures in addition to Pueblo Reservoir, following diversion to the Catlin Canal headgate, delivery to the Arkansas River through any of augmentation stations described in the 12CW94 Decree, or through recharge facilities located under the Canal described in Paragraph 5(c) of this Application, and redirection via exchange. **b. Statement of Proposed Change.** CAA seeks an additional change to its Changed Water Rights to allow storage in structures in addition to Pueblo Reservoir. The point of diversion of the Changed Water Rights has not been changed from the Catlin Canal Headgate and CAA does not seek to change the point of diversion in this Application. The Changed Water Rights will continue to be diverted at the Catlin Canal Headgate, delivered to canal headgates on the Catlin Canal and measured through the augmentation stations described in the 12CW94 Decree or delivered to recharge facilities located under the Canal described in Paragraph 5(c) of this Application, and then released or returned back to the Arkansas River. Following release or return to the Arkansas River, the water may be delivered downstream to John Martin Reservoir: i. John Martin Reservoir. John Martin Reservoir is located on the Arkansas River in parts of Townships 22 and 23 South, and Ranges 49, 50, 51, and 52 West, 6th P.M., Bent County, Colorado. c. In addition, following release or return to the Arkansas River, the water may be exchanged in one of the exchanges described herein, or another administrative exchange, and stored in Pueblo Reservoir or one of the following structures: i. Lake Meredith Reservoir. Lake Meredith an off-channel reservoir which is located in parts of Township 21 South, Range 56 West, parts of Township 22 South, Range 57 West, and parts of Township 21 South, Range 57 West, 6thP.M., Crowley County, Colorado. ii. East Pueblo Reservoirs 1 and 2. AGRA's East Pueblo Reservoirs 1 and 2 are off-channel gravel pit storage structures located in parts of Sections 33, 34, and 35, Township 20 South, Range 64 West, 6th P.M., Pueblo County, Colorado. East Pueblo Reservoir 2 is currently lined; East Pueblo Reservoir 1 is currently unlined. iii. West Pueblo Reservoir. AGRA's West Pueblo Reservoir is an off-channel lined gravel pit storage structure located in the NW1/4, the SW1/4, and the SW1/4, Section 32, Township 20 South, Range 65 West, 6th P.M., Pueblo County, Colorado. d. The Changed Water Rights will be stored in these structures only pursuant to agreements with the owners of the structures: i. Pueblo Reservoir. CAA has an Excess Capacity Contract for a current maximum storage volume

of 400 acre-feet in Pueblo Reservoir, and certain CAA members, who collectively are members of the Arkansas River Farms Group (“ARFG”), also have an Excess Capacity Contract for a current maximum storage volume of 650 acre-feet in Pueblo Reservoir. These contracts may be amended to provide additional storage volume, which CAA and ARFG have identified as up to a total of 1,000 acre-feet each. The term of the contracts currently in place is from January 1, 2021-December 31, 2021. These contracts are annually renewed.

ii. Lake Meredith. As described herein, AGRA, formerly known as CWPDA, owns 21.09 shares of Colorado Canal/Lake Meredith and has leased one of the shares to CAA. Pursuant to the Colorado Canal Company Water Delivery Policy, CAA has the right to run non-Colorado Canal Company water to storage, carry over water in storage from previous years, and store water in space in Lake Meredith that is not used by other shareholders; all of these rights are subject to the spill priorities of Colorado Canal Company. As CAA members are also members of AGRA, and CAA is a lessee of Colorado Canal Company shares, CAA has used Lake Meredith for its return flow replacement operations pursuant to the 12CW94 Decree.

iii. John Martin Reservoir. CAA and AGRA are two of several parties included in a request to the Arkansas River Compact Administration (ARCA) by the Lower Arkansas Valley Water Conservancy District for storage in John Martin Reservoir. The requested storage is currently under consideration. Water stored in the account (Colorado Multi-Purpose Account) will be used to replace impacts to the Winter Water Storage Program and for Compact Storage. The stored consumptive use credits will also be exchanged to diversion points upstream for storage or recharge operations as described in Paragraph 6 hereof. CAA has requested 2,000 acre-feet of storage space; AGRA has requested 5,500 acre-feet of storage space which could store water available under the Changed Water Rights by agreement between CAA and AGRA. CAA will also store water in the John Martin Reservoir Offset Account, which is 20,000 acre-feet. The primary purpose of the Offset Account is to facilitate Colorado’s water user participant compliance with the Arkansas River Compact by delivering consumptive use credits to Conservation Storage. CAA will use water stored in its Offset Account Colorado Upstream Consumable CAA subaccount only for that purpose.

iv. East Pueblo Reservoirs 1 and 2 and West Pueblo Reservoir. CAA is seeking an agreement with AGRA for storage in the East Pueblo Reservoirs 1 and 2 and West Pueblo Reservoir.

e. Owners or Reputed Owners of Land Upon Which any New Diversion 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 Modification to the Existing Storage Pool.

i. Lake Meredith: Lake Meredith Reservoir Company, 331 Main Street, Ordway, Colorado 81063.

ii. John Martin Reservoir: United States Army Corps of Engineers, 29955 County Road 25.75, Hasty, Colorado 81044.

iii. East Pueblo Reservoirs 1 & 2 and West Pueblo Reservoir: AGRA, Co-Applicant in this case for which notice pursuant to C.R.S. § 37-92--302(2)(b) is not required: 205 South Main Street, Fowler, Colorado 81039.

5. Diversion of Changed Water Rights to Recharge Facilities. a. Overview. Paragraph 14.25 of the 12CW94 Decree provides: Should CAA wish to take advantage of a recharge facility for re-timing CU or meeting its SRO [surface return flow obligations] or DPO [deep percolation return flow obligations] or include any recharge water in its Projection, it may only do so pursuant to a new Water Court application, including a substitute water supply plan pending approval of such.

b. Statement of Proposed Change. In accordance with this provision, CAA now seeks to use the Changed

Water Rights for recharge by delivering water available under the Changed Water Rights to recharge facilities in which CAA is legally permitted to recharge water or which may be constructed or decreed in the future, including the recharge facilities described in Paragraph 5(c) hereof. CAA seeks approval to use the recharge credits generated thereby to meet the foregoing return flows obligations, maintain system losses, and replace out-of-priority depletions from wells and other structures described in the 12CW94 Decree pursuant to plans approved by the State Engineer, or by this Court in separately decreed augmentation plans, including the plan described in the Third Claim of this Application. c. Recharge Structures. The description, location of structures and accretions associated with the recharge ponds and canal recharge are described as follows: i. Recharge Ponds. 1. Description of Recharge Ponds. CAA will divert water available under the Changed Water Rights and other water rights described in Paragraph 4 through the Catlin Canal Headgate, Rocky Ford Highline (RFHL) Canal, or the Excelsior Ditch and then into any of ten operating recharge ponds that have been constructed and are currently being used to recharge water rights owned or controlled by AGRA or other water users, or two proposed recharge ponds that will be constructed in the future. Diversions through the RFHL or Excelsior Ditch for recharge will occur following initial diversion of the Changed Water Rights through the Catlin Canal headgate consistent with the requirement in Case No. 12CW94, and then via an exchange of the Changed Water Rights as described herein or using water released from storage. As described in Part III herein, CAA also seeks approval of use of the credits generated from water diverted and returned to the river via these recharge ponds. A listing of the recharge ponds, their status, a description of their physical characteristics and their locations are described in Table 1. The locations of these ponds are also shown on Figure 2A and 2B. TABLE 1

DESCRIPTION OF RECHARGE PONDS								
Site ID	WDID	Name	Diverts From	Area	Capacity	Location	UTM X	UTM Y
				ac.	a.f.	PLSS ¹		
Operational -- CAA Member Owned								
		Knapp Pond No. 202	Catlin	2.75	13.5	NW1/4 SW1/4 Sec. 3, T23S, R57W	607050	4214820
		Gardner Pond 301	Catlin	1.2	5	NW1/4 NW1/4 Sec. 4, T24S, R54W	624870	4206380
		Diamond A Pond 179	Catlin	3.2	9.7	NW1/4 NW1/4 Sec. 10, T24S, R56W	616490	4204600
		Diamond A Pond 201	Catlin	2.4	11.9	NE1/4 NE1/4 Sec. 32, T22S, R57W	604821	4216983
Operational – Leased from Catlin Canal Shareholder (non-CAA member)								
		Schweitzer Pond	Catlin	5.15	15	NW1/4 NW1/4, Sec. 32, T22S, R57W	603455	4216650
		Hanagan Pond	Catlin	3.9	13.1	NW1/4 NW1/4, Sec. 31, T23S, R55W	621400	4207830
Operational & Operated by AGRA²								
		AGRA RFHL Pond	RFHL			NW1/4 SE1/4, Sec. 29, T22S, R58W	595205	4217895

1400627	Excelsior Recharge Pond (Meas. Pt.)	Excelsior Ditch	--	--	SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 31, T20S, R62W	554131.9	4235591.3
1400627	Excelsior Recharge Pond #1	Excelsior Ditch	4.8	--	NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 6, T21S, R62W	554883.2	4234736.8
1400627	Excelsior Recharge Pond #2	Excelsior Ditch	1.4	--	NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 6, T21S, R62W	554948.5	4234456.1
1400627	Excelsior Recharge Pond #3	Excelsior Ditch	8.3	--	SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 6, T21S, R62W	554903.1	4234201.0
1400627	Excelsior Recharge Pond #4	Excelsior Ditch	2.812	--	NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 6, T21S, R62W	554735.8	4234606.2
	Excelsior Ditch Recharge Ponds Nos. 1-3				NE $\frac{1}{4}$ Sec. 6, T21S, R62W	554934	4234433
CAA Member Owned But Not Yet Constructed							
	Newdale Site	Catlin/RFD	5 (est.)	25 (est.)	SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 27, T23S, R56W	617270	4208960
	Wallace Site	Catlin	5 (est.)	25 (est.)	NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 11, T23S, R57W	608560	4214090

¹ All PLSS locations described herein are in the 6th Principal Meridian. ² CAA's use of ARGA's RFHL and Excelsior Ditch Ponds to generate recharge credits from any of the sources listed in Paragraph 6(f) shall be by agreement with AGRA.

2. Location of Accretions to the Arkansas River from Recharge Ponds. The approximate locations where the accretions from the Recharge Ponds will impact the river are described in Table 2. TABLE 2

LOCATION OF ARKANSAS RIVER REACH IMPACTED								
Site ID	WDID	Name	Location -- Upstream Terminus			Location -- Downstream Terminus		
			PLSS	UTM X	UTM Y	PLSS	UTM X	UTM Y
		Knapp Pond No. 202	NW $\frac{1}{4}$, NW $\frac{1}{4}$ Sec. 5, T23S, R56W	613563	4215153	NW $\frac{1}{4}$, NW $\frac{1}{4}$ Sec. 5, T23S, R56W	613563	4215153
		Gardner Pond 301	NW $\frac{1}{4}$, NW $\frac{1}{4}$ Sec. 4, T25S, R55W	625266	4206300	NE $\frac{1}{4}$, SW $\frac{1}{4}$ Sec. 4, T25S, R55W	625000	4206900

		Diamond A Pond 179	SW1/4, SW1/4 Sec. 4, T24S, R56W	615055	4205480	NW1/4, NE1/4 Sec. 3, T24S, R56W	617340	4206140
		Diamond A Pond 201	SW1/4, SE1/4, Sec. 28, T22S, R57W	606020	4217540	SE1/4, NW1/4, Sec. 28, T22S, R57W	605320	4218370
		Schweitzer	NW1/4, SE1/4, Sec. 20, T22S, R57W	604360	4219485	SE1/4, SE1/4, Sec. 28, T22S, R57W	606040	4217545
		Hanagan	NW1/4, NW1/4, Sec. 30, T23S, R55W	621670	4209235	SE1/4, SE1/4, Sec. 30, T23S, R55W	622770	4208284
		AGRA RFHL Pond	NE1/4, NE1/4, Sec. 20, T22 S, R58W	594857	4220180	NE1/4, NE1/4, Sec. 21, T22S, R58W	596655	4220505
1400627		Excelsior Recharge Pond Accretions	W. Line Sec. 34, T20S, R63W	548909.6	4234832.3	Arkansas River/Chico Creek Confluence	555410.9	4233058.6
CAA Member Owned But Not Yet Constructed								
		Newdale Site	NW1/4, SE1/4 Sec. 35, T23S, R56W	618320	4207220	NE1/4, NE1/4 Sec. 26, T23S, R56W	519370	4204940
		Wallace Site	SW1/4, SW1/4 Sec. 4, T23S, R56W	614853	4214340	SW1/4, SW1/4 Sec. 4, T23 S, R56W	614853	4214340

3. Other Catlin Canal Recharge Pond Sites. Upon notice to and approval of the Division Engineer and the Catlin Canal Company, CAA may also develop additional recharge pond sites on Farm Units described in the 12CW94 Decree; and may add such sites to this Plan entered in this Application by providing notice to the Court of such approvals. In Case No. 12CW94, CAA calculated unit response functions (“URFs”) for each quarter-quarter section of land that was historically irrigated with the Changed Water Rights. The URFs for each Farm Unit was then calculated as the average of the Farm Unit’s quarter-quarter URFs. These URFs will be used as the URFs for such additional recharge facilities on the property described on Exhibit C to the 12CW94 Decree. ii. Canal Recharge. CAA also seeks approval to divert its Changed Water Rights into the Colorado Canal and Rocky Ford Highline Canal for recharge purposes and claim credit for the amount of water that is diverted and seeps from these Canals to recharge the alluvium of the Arkansas River. Such diversions for recharge will occur following initial diversion of the Changed

Water Rights through the Catlin Canal headgate consistent with the requirement in Case No. 12CW94, and then via an exchange of the Changed Water Rights as described herein or using water released from storage. 1. Canal Locations: a. The description of the recharge reach on the Colorado Canal and the recharge reach on the Rocky Ford Highline Canal is described in Table 3. The physical parameters of each reach are described in Table 4. The locations of these canal reaches are shown on Figures 3A and 3B, attached to the Application. TABLE 3

CANAL RECHARGE REACHES		
Canal	Reach ID	Reason for Sector Delineation
Colorado Canal	CCnl 1	Colorado Canal flume to H-I Model Reach 4 Intercept (Nepesta)
	CCnl 2	Nepesta to Otero Canal H-I Model intercept
	CCnl 3	Otero Canal H-I Model intercept to H-I Model Reach 6 Intercept (Catlin Canal)
	CCnl 4	Catlin Canal to County Road 8 Crossing
	CCnl 5	County Road 8 Crossing to County Road F.
Rocky Ford Highline Canal	RFHL I	Canal adjacent to river.
	RFHL II	Canal to river distance increases & end = start of seepage to Chicosa Creek
	RFHL III	Canal Seepage tributary to Chicosa Creek.
	RFHL IV	Tributary to Ark Riv. & similar distance Canal to Ark. River
	RFHL V	Tributary to Ark. Riv. & End = start of seepage tributary to Apishapa River
	RFHL VI	Canal seepage tributary to Apishapa River
	RFHLVII	Apishapa to End of canal recharge reach.

TABLE 4

CHARACTERISTICS OF CANAL RECHARGE REACHES					
Canal	Reach ID	Length (mi.)	Avg. Width (ft)	% Length	Seepage Loss Percentage
Colorado Cnl	CCnl 1	9.52	35	30.8%	34.5%
	CCnl 2	6.86	23	22.2%	15.9%
	CCnl 3	3.11	24	10.1%	30.3%
	CCnl 4	4.26	31	13.8%	14.3%
	CCnl 5	1.48	31	4.8%	5.0%
Rocky Ford Highline Cnl	RFHL I	2.97	24	9.6%	9.6%
	RFHL II	4.39		14.2%	14.2%
	RFHL III	3.88		12.5%	12.5%
	RFHL IV	2.14		6.9%	6.9%
	RFHL V	6.42		20.8%	20.8%
	RFHL VI	8.58		27.7%	27.7%

	RFHLVII	2.54		8.2%	8.2%
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d. Use. The recharge accretions generated by the recharge facilities described herein will be used to retine consumptive use from the Changed Water Rights; to meet the surface water return flow obligations and lagged groundwater return flow obligations associated with use of the Changed Water Rights for the changed uses decreed in Case No. 12CW94; and for augmentation or replacement purposes in (i) an augmentation plan or plans approved by this Court, or (ii) in substitute water supply or replacement plans approved by the State Engineer. e. Name and Address of Owners of Property Upon Which Any Existing or New Diversion Structure or Storage Structure Is or Will be Constructed. i. Knapp Pond is located on property owned by Knapp Farms, 29742 Hwy 71, Rocky Ford, Colorado 81067. ii. Gardner Pond is located on property owned by Gardner Farms, 26825 County Road DD, Rocky Ford, Colorado 81067. iii. Diamond A Ponds 179 & 201 are located on property owned by Diamond A Products, Inc., P.O. Box 551, Rocky Ford, CO 81067. iv. Schweitzer Pond is located on property owned by Ken Schweitzer, 30102 County Road 15, Rocky Ford, Colorado 81067. v. Hanagan Pond is located on property owned by Eric and Chuck Hanagan, 25620 County Road 24.5, La Junta, CO, 81050. vi. The Wallace Pond will be located on property owned by Diamond A Products, Inc., P.O. Box 551, Rocky Ford, CO 81067. vii. The Newdale Pond will be located on property owned by Rocky Ford Upland Adventures, LLC, 29742 Hwy 71, Rocky Ford, CO 81067. viii. The AGRA RFHL Pond is located on property owned by AGRA, a Co-Applicant in this case for which notice pursuant to C.R.S. § 37-92--302(2)(b) is not required. ix. The Excelsior Ditch Ponds are located on property owned by Triview Metropolitan District, 16055 Old Forest Point, Suite 302, Monument, CO 80132. x. The Excelsior Ditch is owned by the Excelsior Ditch Company, c/o AGRA, 205 Main St., Fowler, CO 81039. xi. The Colorado Canal is owned by the Colorado Canal Company, 331 Main Street, Ordway, Colorado 81063. xii. The Rocky Ford Highline Canal is owned by the High Line Canal Company, 963 Elm, Rocky Ford, Colorado 81067. xiii. The Catlin Canal is owned by the Catlin Canal Company, 917 Elm Ave., Rocky Ford, CO 81067. **6. Absolute and Conditional Appropriative Rights of Exchange or, in the Alternative, for Water Exchange Project Water Rights.** a. Background. The 12CW94 Decree did not “adjudicate an appropriative right of exchange or in any way approve any other method of exchanging the Changed Water Rights.” 12CW94 Decree, at ¶ 11.4. Any exchange of the water rights changed in Case No. 12CW94 “must occur through separately decreed exchanges, separately approved administrative exchanges, or separate contract exchanges.” *Id.* CAA accordingly now seeks to adjudicate absolute and conditional appropriative rights of exchange to facilitate its use of the Changed Water Rights pursuant to the 12CW94 Decree and in the operation of the Plan for Augmentation described herein. As described below, AGRA also seeks to adjudicate absolute appropriative rights of exchange. b. Conditional Exchange Matrix. The upstream and downstream termini, flow rates, and volumes of each the conditional exchanges are set forth in Table 5. TABLE 5

RIVER REACH, WATER SOURCE, RATE AND VOLUME OF EXCHANGES

Terminus		Water Source*	Rate	Volume
Lower	Upper		CFS	Ac-Ft
Confluence of Arkansas River and Timpas Creek	Pueblo Reservoir	12CW94 CU Credits	24	2000
	East Pueblo Reservoirs 1 and 2 Inlet		24	937
	West Pueblo Reservoir Inlet		24	1229
	Catlin Canal		15	500
	Colorado Canal		24	2000
	Rocky Ford Highline		24	2000
	Rocky Ford Ditch		5	500
Confluence of Arkansas River and Crooked Arroyo	Pueblo Reservoir	12CW94 CU Credits	4	100
	East Pueblo Reservoirs 1 and 2 Inlet		4	100
	West Pueblo Reservoir Inlet		4	100
	Catlin Canal		4	100
	Colorado Canal		4	100
	Rocky Ford Highline		4	100
	Rocky Ford Ditch		4	100
Confluence of Arkansas River and Crooked Arroyo	A.J. Anderson Ditch	Fully Consumable Water	4	100
Lake Meredith Outlet	Pueblo Reservoir	12CW94 CU Credits & Fully Consumable Water	400	2000
	East Pueblo Reservoirs 1 and 2 Inlet		24	2000
	West Pueblo Reservoir Inlet		24	2000
	Catlin Canal		15	2000
	Colorado Canal		25	3000
	Rocky Ford Highline		25	3000
	Rocky Ford Ditch		10	750
John Martin Reservoir	Pueblo Reservoir	12CW94 CU Credits & Fully Consumable Water	400	2000
	East Pueblo Reservoirs 1 and 2 Inlet		24	2000
	West Pueblo Reservoir Inlet		24	2000

RIVER REACH, WATER SOURCE, RATE AND VOLUME OF EXCHANGES				
Terminus		Water Source*	Rate	Volume
Lower	Upper		CFS	Ac-Ft
	Rocky Ford Highline Canal		24	
Confluence of East Pueblo Reservoir 1 Outlet and Arkansas River;	Pueblo Reservoir	12CW94 CU Credits & Fully Consumable Water	30	900
Confluence of East Pueblo Reservoir 2 Outlet and Arkansas River	West Pueblo Reservoir Inlet		24	900
Confluence of West Pueblo Reservoir Outlet and Arkansas River	Pueblo Reservoir		30	900
Arkansas River (H-I Model Reach 3), Colo. Canal to Nepesta Gage	Pueblo Reservoir	Accretions to River from Recharge of 12CW94 CU Credits, Fully Consumable Water & Frying Pan-Arkansas Project Return Flows (described below)	20	1000
Arkansas River (H-I Model Reach 4), Nepesta Gage to below Otero Canal	Pueblo Reservoir		20	1000
	Colorado Canal			
	Rocky Ford Highline Canal			
Arkansas River (H-I Model Reach 5), Below Otero Canal to Below Catlin Canal	Pueblo Reservoir		20	1000
	Colorado Canal			
	Rocky Ford Highline Canal			
Arkansas River (H-I Model Reach 6), Below Catlin Canal to Below Ft Lyon Storage Canal	Pueblo Reservoir	20	1000	
	Colorado Canal			
	Rocky Ford Highline Canal			

RIVER REACH, WATER SOURCE, RATE AND VOLUME OF EXCHANGES				
Terminus		Water Source*	Rate	Volume
Lower	Upper		CFS	Ac-Ft
Arkansas River (H-I Model Reach 7), Below Ft Lyon Storage Canal to La Junta Gage	Pueblo Reservoir		20	1000
	Colorado Canal			
	Rocky Ford Highline Canal			

c. Location of Exchange Points. The legal descriptions of the termini of the exchanges claimed herein are described in Table 6. TABLE 6

LOCATION OF EXCHANGE TERMINI				
Description	UTM X	UTM Y	PLSS	
Confluence of Arkansas River and Timpas Creek	620018	4209391	NE1/4 NW1/4, Section 25, Township 23 South, Range 56 West, 6th P.M., in Water District 17, Otero County, Colorado	
Confluence of Arkansas River and Crooked Arroyo	624826	4207134	NW1/4 NW1/4, Section 33, Township 23 South, Range 55 West, 6th P.M., in Water District 17, Otero County Colorado	
Lake Meredith Outlet	609775	4222984	Lake Meredith's Outlet discharged into the Arkansas River in the NW1/4 SE1/4 of Section 27, Township 22 South, Range 57 West, 6th P.M., Otero County, Colorado.	
John Martin Reservoir	680795	4215646	Outlet Location: SW1/4 SW1/4, Section 5, Township 23 South, Range 57 West, 6th P.M., in Water District 67, Bent County, Colorado	
East Pueblo Reservoirs 1 and 2 Intake/Outlet	540779	4235682	<p>AGRA's East Pueblo Reservoir 1 is situated on the north bank of the Arkansas River, in the Southwest ¼ of Section 34, Township 20 South, Range 64 West, 6th P.M. The coordinates of the reservoir are 104°32'55.54" W, 38°16'00.33" N.</p> <p>AGRA's East Pueblo Reservoir 2 is situated on the north bank of the Arkansas River, in the Northeast ¼ of Section 34, Township 20 South, Range 64 West, 6th P.M. The</p>	

LOCATION OF EXCHANGE TERMINI			
Description	UTM X	UTM Y	PLSS
			coordinates of the reservoir are 104°32'31.17" W, 38°16'09.46" N.
West Pueblo Reservoir Intake and Outlet	527169	4235692	AGRA's West Pueblo Reservoir is situated on the north bank of the Arkansas River, approximately 7,600 feet east of the centerline of Pueblo Dam, in the Southwest ¼ of Section 34, Township 20 South, Range 65 West, 6 th P.M. The coordinates of the reservoir are 104°41'32.90" W, 38°15'47.61" N. The intake location is approximately 4 miles upstream of the East Pueblo Reservoirs 1 and 2. The outlet location is approximately 2 miles downstream of the East Pueblo Reservoirs 1 and 2.
Pueblo Reservoir	524024	4235675	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 6 th P.M., from which the Northeast corner of said Section 36 bears North 61° 21' 20" East, a distance of 2,511.05 feet.
Catlin Canal Headgate	592536	4220319	NE1/4 NW1/4, Section 19, Township 22 South, Range 58 West 6 th P.M. in Water District No. 17 in Otero County, Colorado.
Colorado Canal Headgate	560241	4233243	NW1/4 NW1/4, Section 11, Township 21 South, Range 62 West 6 th P.M., in Water District 14, Pueblo County Colorado
Rocky Ford Highline Canal Headgate	566520	4231225	NE1/4 NE1/4 of Section 17, Township 21 South, Range 61 West 6 th P.M., in Water District 14, Pueblo County Colorado
Rocky Ford Ditch Headgate	602903	4218898	NW1/4 NE1/4 Section 30, Township 22 South, Range 57 West, 6 th PM in Water District No. 17 in Otero County, Colorado
A J Anderson Ditch	623728	4205971	NW1/4 NE1/4, Section 5, Township 24 South, Range 55 West, 6 th P.M.,

LOCATION OF EXCHANGE TERMINI			
Description	UTM X	UTM Y	PLSS
			in Water District No. 17 in Otero County, Colorado.
EXCHANGES OF RECHARGE CREDITS			
Arkansas River (H-I Model Reach 3), Colo. Canal to Nepesta Gage	57232 0	4226630	SW1/4 SE1/4, Sec. 25, T.21S., R.61W., 6 th P.M.
Arkansas River (H-I Model Reach 4), Nepesta Gage to below Otero Canal	58367 0	4221940	NE1/4 NE1/4, Sec. 18, T.22S., R.59W., 6 th P.M.
Arkansas River (H-I Model Reach 5), Below Otero Canal to Below Catlin Canal	59254 0	4220360	NE1/4 NW1/4, Sec. 19, T.22S., R.58W., 6 th P.M.
Arkansas River (H-I Model Reach 6), Below Catlin Canal to Below Ft Lyon Storage Canal	60442 0	4219530	NW1/4 SE1/4, Sec. 20, T.22S., R.57W., 6 th P.M.
Arkansas River (H-I Model Reach 7), Below Ft Lyon Storage Canal to La Junta Gage	62892 0	4205810	SE1/4 NE1/4, Sec. 2, T.24S., R.55W., 6 th P.M.

d. Appropriation Date of Conditional Appropriative Rights of Exchange. November 22, 2021, the date of filing this Application. e. Appropriation Dates and Amounts of Absolute Appropriative Rights of Exchange. CAA and AGRA exercised exchanges that were administratively approved pursuant to C.R.S. § 37-80-120, using the Changed Water Rights and other water rights on the dates and in the amounts described in Table 7. Pursuant to C.R.S. § 37-92-305(10), CAA seeks to adjudicate the original priority date of these exchanges. TABLE 7

SUMMARY OF HISTORICAL EXCHANGES OF CAA AND AGRA					
Termini		Water Source	Date	Max. Rate (cfs)	Volume Ac-Ft
Lower	Upper				
Confluence of Ark. River &	Pueblo Reservoir	Catlin Canal Consumptive Use Credits*	6/6/2003	7.69 ¹	91.52
			9/1/2003		76.27
			11/1/2003		76.27
			4/30/2004		79.36

Timpas Creek			5/31/2004		116.18
			6/30/2004		297.5
			5/1/2005		116.37
			6/1/2005		627
			9/4/2013	16.8	118
			10/20/2013	8.4	196
			6/9/2014	6.5	143
			7/31/2014		202
			8/30/2014		202
			9/30/2014		65
			6/6/2015	6.1	289
			7/31/2015		162
			8/31/2015	3.2	158
			9/30/2015	1.5	84
			6/30/2016		288
			7/31/2016		162
			8/31/2016		158
			9/30/2016		84
			9/30/2017		118
			Catlin Winter Water*		
3/22/2017	15	853			
4/19/2017	6.69	60			
CAA 12CW94			4/5/2018	5.04	544
			5/21/2019	5.04	705
			5/9/2020	4.03	318
Lake Meredith Outlet	Pueblo Reservoir	CAA 12CW94	6/1/2020	100	446.29
			6/18/2020	2	
	Rocky Ford Highline	Fully Consumable Water	6/28/2018	0.5	27.77
			8/15/2018	1	93.23
	Catlin Canal	Fully Consumable Water	6/6/2018	3	
			4/9/2019	4.05	13.03
			6/18/2019	4	309
			5/15/2020	3	170
			6/27/2020	2	17.51
			7/1/2020	2	53.93
Confluence of Ark. River &	A.J. Anderson Ditch	Fully Consumable Water	6/7/2018	0.52	14.9

Crooked Arroyo					
*Catlin Canal shares of CAA members dedicated to replacement uses in CWPDA's Rule 14 Replacement Plan pursuant to Rule 6 of the Amended Rules and Regulations Governing the Diversion and Use of Tributary Groundwater in the Arkansas River Basin Colorado					

¹ This exchange was operated by CWPDA using Catlin Canal consumptive use credits owned by members of CAA. f. Substitute Supply. The following sources will be the substitute supplies of water that will be provided for replacement for the above-described exchanges: i. Net depletion credits decreed in Case No. 12CW94. ii. Recharge accretions from the recharge sites described herein. CAA is informed and believes that the State Engineer and/or the Colorado Attorney General's Office take(s) the position that exchanges of recharge credits not then needed for replacement of out-of-priority depletions in an augmentation plan are not subject to adjudication as appropriative rights of exchange, but alternatively may be adjudicated as part of a plan for augmentation as a water exchange project water right. While CAA questions the correctness of this position, for those rights claimed herein to exchange surplus water recharge credits to upstream surface points of diversion, CAA makes an alternative claim to do so as water exchange project water rights as part of this plan for augmentation. iii. Frying Pan-Arkansas Project Return Flows annually allocated by the Southeastern Colorado Water Conservancy District ("Southeastern"), pursuant to the terms and conditions of the Decree in Case No. 01CW151. CAA members are eligible to purchase from Southeastern an annual allocation of return flows that occur from irrigation with Fryingpan-Arkansas ("Fry-Ark") Project water by ditches in the Arkansas River basin. iv. Additional water supplies and/or rights leased to CAA, including without limitation any of the following: 1. Fully consumable water leased to CAA by AGRA, Colorado Springs Utilities, Pueblo Board of Water Works, City of Aurora, Upper Arkansas Water Conservancy District, or St. Charles Mesa Water District. **II. APPLICATION FOR UNDERGROUNDS WATER RIGHTS. 7. Summary.** Gardner Farms, Hirakata Farms, and Marvin Schlegel each individually seek confirmation of underground water rights associated with six new wells ("New Wells") that will operate pursuant to the plan for augmentation described herein, or pursuant to a related substitute water supply plan. Gardner Farms, Hirakata Farms, and Mr. Schlegel are each members of CAA, but seek confirmation of these underground water rights on an individual basis. **8. Names and Location of New Wells.**

Name of Well	PLSS
Gardner Farms 306	SE1/4 NE1/4, Sec. 5, T.24S., R.56W., 6 th P.M.
Gardner Farms 308	NW1/4 SE1/4, Sec. 20, T.23S., R.56W., 6 th P.M.
Gardner Farms 1602	NW1/4 SW1/4, Sec. 36, T.23S., R.56W., 6 th P.M.
Gardner Farms 2602	Lot, NE1/4, Sec. 23, T.22S., R.58W., 6 th P.M.
Hirakata Farms 902	NW1/4 SE1/4, Sec. 5, T.24S., R.56W., 6 th P.M.
Schlegel 2502	SE1/4 NE1/4, Sec. 2, T.24S., R.56W., 6 th P.M.

9. Source of water for all New Wells: Groundwater tributary to the Arkansas River. **10. Depth of well, if completed:** The Wells have not yet been completed. **11. Date of appropriation for all New Wells:** November 22, 2021, date of the filing of this application. **12. How appropriation was initiated for all New Wells:** Filing of this application. **13. Date water applied to beneficial use:** Water has not yet been applied to beneficial use. **14. Amount claimed:** the following table provides the amount of water claimed for each New Well, conditional.

Name of Well	Maximum Annual Pumping (ac-ft)
Gardner Farms 306	435
Gardner Farms 308	706
Gardner Farms 1602	1517
Gardner Farms 2602	235
Hirakata Farms 902	853
Schlegel 2502	640

15. Does the well operate pursuant to a decreed plan for augmentation? All New Wells will operate pursuant to the plan for augmentation described in the Third Claim in this application, or pursuant to State Engineer approval of a substitute water supply plan pursuant to C.R.S. § 37-92-308. **16. Uses:** Irrigation of land in Otero County, described as follows:

Name of Well	Maximum Number of Irrigated Acres	DWR Parcel IDs for Irrigated Acreage
Gardner Farms 306	95	24560530, 24560542, 24520525, 24520536, 24520543
Gardner Farms 308	152	23562024, 23562029, 23562027, 23562028, 23562006
Gardner Farms 1602	314	23563637, 23563609, 23562507, 23562518, 23563601, 23563605, 23563622, 23563606, 23563641, 23563602, 23563639, 23563643, 23563640, 23563610
Gardner Farms 2602	75	No parcel IDs; irrigated acreage is located in Section 23, Township 22 South, Range 58 West, 6th P.M.
Hirakata Farms 902	187	24560533, 24560517, 24560518, 24560520, 24560503, 24560522, 24560540, 24560527, 24560541, 24560504, 24560526, 24560538
Schlegel 2502	133	24560205, 24560227, 24560219, 24560218, 24560207, 24560220, 24560221, 24560206, 24560240, 24560238, 24560239

17. Name(s) and address(es) of owner(s) or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing pool. a. The Hirakata Farms New Well is located on property owned by Glenn and Michael Hirakata, 22161 County Road CC, Rocky Ford, CO 81067. b. All Gardner Farms New Wells are located on property owned by Co-Applicant Gardner Farms, LLP, 26825 Co Rd DD, Rocky Ford, CO 81067. c. The Schlegel New Well is located on property owned by Co-Applicant Marvin Schlegel 24775 County Road 24, La Junta, CO 81050. **III. APPLICATION FOR APPROVAL OF PLAN FOR AUGMENTATION. 18. Structures to be Augmented.** a. CAA Members own twenty-two (22) existing wells (the “Existing Wells”) and plan to construct the New Wells, the out-of-priority depletions from which CAA seeks to augment pursuant to this application. CAA may also augment out-of-priority depletions of additional wells under the Catlin Canal that would be added to this plan for augmentation upon further order of the Court. b. Name, Appropriation Date, Amount, Case No., and Permit No. of Wells. Table 8, below, includes the general description of each of the Wells, including the name, WDID, decree in which the well was adjudicated, well permit no., appropriation date, and decreed pumping rate and volume. The New Wells have not yet been drilled, and accordingly do not yet have an associated decree, permit, appropriation date, pumping rate, or volume, but are described more fully in the Second Claim of this Application. **TABLE 8 – WELL DESCRIPTION**

CAA ID	SEO WDID	CAA MEMBER	CAA FARM UNIT	CASE NO.	PERMIT NO.	APPRO. DATE	RATE (GPM)	VOLUME (AC-FT)
301	170534 4	GARDNER FARMS	350	W 2592	7021-R	12/31/19 36	750	534
303	170544 9	GARDNER FARMS	350	W 646	13240-R	12/31/19 34	950	675
305	170549 3	GARDNER FARMS	330	W 460	1373-R	5/31/195 7	766	547
901	170580 9	HIRAKATA FARMS	950	W 1464	10069-R	9/16/195 6	600	425
1001	170532 3	MORELAND, JAMES	1010	W 1471	6340-F	10/30/19 64	350	250
1301	170528 1	GMG, (GRIMSLEY, GREG) LP.	1310	W 2496	22974-F	4/30/193 1	1943	1375
1403	170528 5	KNAPP FARMS	1410	W 657	6655-F	1/6/1965	1450	1030
1405	170529 0	KNAPP FARMS	1440	W 2519	6633-R	7/15/193 4	350	250
1407	170529 1	KNAPP FARMS	1440	W 2502	6698-R	6/10/193 4	189	134
1409	170529 2	KNAPP FARMS	1430	W 2502	6699-R	7/10/193 5	320	227

CAA ID	SEO WDID	CAA MEMBER	CAA FARM UNIT	CASE NO.	PERMIT NO.	APPRO. DATE	RATE (GPM)	VOLUME (AC-FT)
2001	170558 9	PROCTOR FARMS	2010	W 1466	13283-R	11/27/19 56	1053	750
2003	170559 6	PROCTOR FARMS	2010	W 2424	13038-R	7/1/1953	800	570
2601	170522 8	GARDNER FARMS	2610	W 1334	6867-F-R	3/1/1965	1180	841
2603	170523 3	GARDNER FARMS	2610	W 1334	1182-R	6/30/195 4	543	384
2605	170523 4	GARDNER FARMS	2610	W 1334	1183-R	6/30/195 4	489	348
2607	170523 5	GARDNER FARMS	2610	W 1334	4466-R-R	7/31/194 6	850	608
2609	170523 6	GARDNER FARMS	2610	W 1334	19972-S	4/30/194 0	1050	748
2611	170523 9	GARDNER FARMS	2610	W 1334	6542-F	12/14/19 65	1200	857
NA	170523 8	GARDNER FARMS (bank)	2610	W 1334	2753-F	11/15/60	600	425
2701	170529 7	McELROY, LARRY or NANCY	2710	W 2692	6385-F	11/11/19 64	1300	928
3301	170554 4	PROCTOR FARMS	3310	W 1230	12857-R	4/21/196 0	697	496
4021	170552 4	DIAMOND FARMS A	4170	W 100	5927-R	4/20/195 5	600	430
306	NEW	GARDNER FARMS	320	--	--	--	--	--
308	NEW	GARDNER FARMS	310	--	--	--	--	--
902	NEW	HIRAKATA FARMS	960	--	--	--	--	--
1602	NEW	GARDNER FARMS	1650, 330	--	--	--	--	--
2502	NEW	SCHLEGEL, MARVIN	2510	--	--	--	--	--
2602	NEW	GARDNER FARMS	2610	--	--	--	--	--

c. Legal Description of Wells. The legal descriptions and UTM coordinates for each of the Wells are described on Table 9, below, and the location of each of the Wells is shown on Figure 1, attached to the Application. TABLE 9 – WELL LOCATIONS

CAA ID	SEO WDID	PLSS	UTM X	UTM Y
f301	1705344	SE1/4 SW1/4, Sec. 32, T.23S., R.55W., 6 th P.M.	624025	4206468
303	1705449	SW1/4 NW1/4, Sec. 32, T.23S., R.55W., 6 th P.M.	622830	4206816
305	1705493	NW1/4 NW1/4, Sec. 36, T.23S., R.56W., 6 th P.M.	619621	4207515

901	1705809	NW1/4 NE1/4, Sec. 4, T.24S., R.56W., 6 th P.M.	615422	4206026
1001	1705323	NW1/4 NW1/4, Sec. 12, T.23S., R.57W., 6 th P.M.	610045	4214073
1301	1705281	NW1/4 SE1/4, Sec. 3, T.23S., R.57W., 6 th P.M.	607061	4215200
1403	1705285	SW1/4 NE1/4, Sec. 2, T.23S., R.57W., 6 th P.M.	609012	4214683
1405	1705290	NW1/4 SW1/4, Sec. 12, T.23S., R.57W., 6 th P.M.	609921	4213726
1407	1705291	NW1/4 SE1/4, Sec. 12, T.23S., R.57W., 6 th P.M.	610427	4213695
1409	1705292	NW1/4 SW1/4, Sec. 11, T.23S., R.57W., 6 th P.M.	609339	4213478
2001	1705589	NE1/4 SW1/4, Sec. 18, T.24S., R.56W., 6 th P.M.	612400	4202570
2003	1705596	SE1/4 SE1/4, Sec. 7, T.24S., R.56W., 6 th P.M.	612919	4203035
2601	1705228	NE1/4 NW1/4, Sec. 11, T.23S., R.57W., 6 th P.M.	601238	4218659
2603	1705233	SW1/4 SW1/4, Sec. 23, T.22S., R.58W., 6 th P.M.	598645	4219166
2605	1705234	SW1/4 SW1/4, Sec. 23, T.22S., R.58W., 6 th P.M.	598612	4219213
2607	1705235	NW1/4 SE1/4, Sec. 23, T.22S., R.58W., 6 th P.M.	599006	4219785
2609	1705236	SE1/4 NE1/4, Sec. 23, T.22S., R.58W., 6 th P.M.	599928	4219535
2611	1705239	NE1/4 SW1/4, Sec. 23, T.22S., R.58W., 6 th P.M.	599705	4220022
NA	1705238	SE1/4 NW1/4, Sec. 23, T.22S., R.58W., 6 th P.M.	599409	4219457
2701	1705297	NE1/4 NW1/4, Sec. 25, T.23S., R.56W., 6 th P.M.	620721	4209095
3301	1705544	NW1/4 NW1/4, Sec. 13, T.23S., R.57W., 6 th P.M.	609980	4212659
4021	1705524	NE1/4 SW1/4, Sec. 35, T.23S., R.56W., 6 th P.M.	618998	4207502
306	<i>NEW</i>	SE1/4 NE1/4, Sec. 5, T.24S., R.56W., 6 th P.M.	614765	4205511
308	<i>NEW</i>	NW1/4 SE1/4, Sec. 20, T.23S., R.56W., 6 th P.M.	613942	4209909
902	<i>NEW</i>	NW1/4 SE1/4, Sec. 5, T.24S., R.56W., 6 th P.M.	614163	4205232
1602	<i>NEW</i>	NW1/4 SW1/4, Sec. 36, T.23S., R.56W., 6 th P.M.	619635	4206984
2502	<i>NEW</i>	SE1/4 NE1/4, Sec. 2, T.24S., R.56W., 6 th P.M.	619558	4205574

2602	NEW	Lot, NE1/4, Sec. 23, T.22S., R.58W., 6 th P.M.	599286	4220308
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d. Source of Water. Groundwater tributary to the Arkansas River. e. Decreed Use. All of the Existing Wells are used for irrigation and all of the New Wells will be used for irrigation. f. Anticipated Pumping Amounts. CAA’s engineering consultant used historical monthly pumping data for each of the Existing Wells from 2000 through 2019, to calculate the average and maximum annual pumping amounts for each Existing Well over this time period. Collectively, the annual pumping for the Existing Wells ranged from 960 to 3,821 acre-feet, and averaged 1,979 acre-feet. CAA’s engineering consultant also calculated the maximum and average pumping requirement for each New Well as the wellhead depletion rate times the area (acres) to be irrigated and divided by the presumptive depletion factor. The collective annual pumping of New Wells ranged from an average of 2,346 ac-ft to a maximum of 4,406 ac-ft. Collectively, the annual pumping for the Existing Wells and New Wells could range from 3,306 to 8,227 ac-ft, and is currently projected to average 4,282 ac-ft. **19. Water Rights to be Used for Augmentation**. a. The Changed Water Rights described in Part I above, which may be released from storage, diverted to a recharge structure, diverted to an augmentation station described in the 12CW94 Decree, or used following exchange as described herein. b. Frying Pan-Arkansas Project Return Flows allocated by and purchased from Southeastern Colorado Water Conservancy District, as described in Paragraph 6(f) above. c. Recharge accretions from several groundwater recharge facilities operated by CAA and/or AGRA following the delivery of any of the water rights described in this Paragraph 19, as such facilities are more particularly described in Paragraph 5 hereof. d. Twin Lakes Reservoir and Canal Company, Colorado Canal Company, Lake Meredith Reservoir Company, and/or Lake Henry Reservoir Company (“Colorado Canal Companies”) shares decreed for all beneficial uses in Case Nos. 84CW62, 84CW63, and 84CW64 that CAA leases or may lease from AGRA or other parties. AGRA owns 20 shares of Colorado Canal / Lake Meredith and it currently leases one of those shares to CAA; CAA’s use of any Colorado Canal Companies shares shall be by agreement. e. Fully consumable water made available to CAA for the benefit of its members by agreement with AGRA. CAA members are members of AGRA. Fully consumable water sources include water AGRA leases from Colorado Springs Utilities, Pueblo Board of Water Works, City of Aurora, Upper Arkansas Water Conservancy District, or St. Charles Mesa Water District, upon the securing of any needed lessor consents. Such water may also include recharge credits available to AGRA following recharge of such fully consumable water. f. Fully consumable water leased to CAA by the Upper Arkansas Water Conservancy District (“Upper Ark”). In 2018, Upper Ark leased CAA 350 acre-feet of water attributable to shares of stock in Twin Lakes Reservoir and Canal Company. CAA received this leased water in two deliveries, 220 acre-feet in December 2018 and 130 acre-feet in March 2020, and used it to meet its return flow obligations pursuant to the 12CW94 Decree. In October 2020, Upper Ark leased certain CAA members 400 acre-feet of fully consumable water. Subject to availability and by mutual agreement, CAA may continue to lease water from Upper Ark in the future. g. Water decreed or otherwise legally available to be used for augmentation that CAA may acquire, lease, or otherwise have permission to use and that can be delivered to the Arkansas River in time, location, and amount to replace depletions of the wells described herein. Such water includes water that may be leased to CAA by Pueblo Board of Water Works (“PBWW Water”) and is delivered to the Arkansas River

directly or following storage or recharge. Historically, CAA member wells, including the Existing Wells, have received the benefit of such PBWW Water for replacement of out-of-priority via agreement with AGRA. **20. Statement of Plan for Augmentation.** To support their agricultural operations in and around Otero County, Colorado, CAA Members intend to divert water from the Wells and other future wells on property owned by CAA Members. The diversions from such wells will cause depletions to the Arkansas River and these depletions may be out of priority and thus require replacement pursuant to this plan. This augmentation plan will provide for such replacement to prevent injury to all vested water users by delivering the water rights described in Paragraph 19 above to either (a) directly to the Arkansas River; (b) from reservoirs, recharge ponds and canal reaches described in Part I hereof; or (b) through existing and future augmentation stations on the Catlin Canal described in Paragraph 21 below. These deliveries may occur after storage, recharge or exchange of the Changed Water Rights as described herein. **21. Augmentation Stations:** To replace out-of-priority depletions from the above-described wells, CAA may also deliver water to the Arkansas River attributable to the Changed Water Rights via the following structures: a. Catlin Canal headgate no. 156, located at Timpas Creek in the SW1/4SW1/4, Section 18, Township 24S, Range 56W, 6th P.M., approximately at UtmX611958, UtmY4201520, NAD 83 (“Timpas Augmentation Station”). b. Catlin Canal headgate no. 222, located at Crooked Arroyo in the NW1/4NW1/4, Section 24, Township 24S, Range 56W, 6th P.M., approximately at UtmX619841, UtmY, 4201280, NAD 83 (“Crooked Arroyo Augmentation Station”). c. A future Catlin Canal augmentation station to be located near headgate no. 3 in the NE1/4SE1/4, Section 22, Township 22S, Range 58W, 6th P.M., approximately at UtmX598318, UtmY4219385, NAD 83 (“Wasteway Augmentation Station”). WHEREFORE, Applicants respectfully request that the Court enter an order: (1) approving the changes of the Changed Water Rights; (2) confirming the underground water rights and appropriate rights of exchange (or, as to exchanges of surplus water recharge credits claimed herein, confirming water exchange project water rights as part of this plan for augmentation); (3) approving its plan for augmentation including exchange; and (4) for such further relief as to the Court seems proper.

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

CASE NO. 2021CW3073 Water Division 2 and CASE NO. 2021CW3202 Water Division 1 – MARK E. MCDONALD AND AMANDA M. ENLOE, 5775 Mountain Shadow View, Colorado Springs, CO 80908 (Please address all pleadings and inquiries

regarding this matter to Applicant’s attorneys: Chris D. Cummins, #35154, Emilie B. Polley, #51296, MONSON, CUMMINS & SHOHET, LLC, 13511 Northgate Estates Dr., Ste. 250, Colorado Springs, Colorado 80921, (719) 471-1212)

Application for Adjudication of Denver Basin Groundwater and for Approval of Plan for Augmentation

EL PASO COUNTY

II. Summary of Application. Applicants seek to construct up to two non-exempt wells in addition to an existing well to the not-nontributary Dawson aquifer for a total of three (3) non-exempt wells to provide water service to an equivalent number of lots, based on an anticipated subdivision of Applicants’ 36-acre parcel. Applicants therefore seek to quantify the Denver Basin groundwater underlying the Applicants’ Property, and approval of a plan

for augmentation for the use thereof. **III. Application for Underground Water Rights.**

A. Legal Description of Wells. 1. Property Description. All wells will be located on Applicants' approximately 36-acre property ("Applicants' Property") anticipated to be subdivided into three lots, with current schedule number 6124000013. Applicants' Property is depicted on **Exhibit A** map attached to application, (All exhibits mentioned herein are incorporated by reference and may be inspected at the office of the clerk of this Court.) located in the E½ SE¼ of Section 24, Township 11 South, Range 66 West of the 6th P.M., and more particularly described as 5775 Mountain Shadow View, Colorado Springs, CO 80908, El Paso County, Colorado. 2. Existing Well. There is an existing domestic well with Division of Water Resources Permit No. 209839 ("McDonald Well No. 1), permit attached as **Exhibit B**. It is drilled to a total depth of 357 feet to the Dawson aquifer, and located 300 feet from the East Section Line, and 1500 feet from the South Section Line. Upon approval of this plan for augmentation, this well will be re-permitted.

3. Proposed Wells. Applicants propose that two additional wells will be located on the Applicants' Property at specific locations not yet determined ("McDonald Wells Nos. 2 and 3"), to be constructed to the Dawson aquifer, for a total of three wells (one well per lot).

B. Water Source. 1. Not-Nontributary. The ground water to be withdrawn from the Dawson aquifers underlying the Applicants' Property is not-nontributary. Pursuant to C.R.S. §37-90-137(9)(c.5), the augmentation requirements for wells in the Dawson aquifer will require the replacement of actual stream depletions. 2. Nontributary. The groundwater that will be withdrawn from the Denver, Arapahoe, and Laramie-Fox Hills aquifers underlying the Applicants' Property is nontributary. C. Estimated Rates of Withdrawal and Ground Water Available. 1. Estimated Rates of Withdrawal. Pumping from the wells will not exceed 100 g.p.m. The actual pumping rates for each well will vary according to aquifer conditions and well production capabilities. The Applicants request the right to withdraw ground water at rates of flow necessary to withdraw the entire decreed amounts. The actual depth of each well to be constructed within the respective aquifers will be determined by topography and actual aquifer conditions. 2. Estimated Average Annual Amounts of Ground Water Available. Applicants request a vested right for the withdrawal of all legally available ground water in the Denver Basin aquifers underlying the Applicants' Property. Said amounts may be withdrawn over the 300-year life of the aquifers as required by El Paso County, Colorado Land Development Code §8.4.7(C)(1) which is more stringent than the State of Colorado's 100-year life requirement pursuant to C.R.S. §37-90-137(4). Applicants estimate that the following values and average annual amounts are representative of the Denver Basin aquifers underlying Applicants' Property:

1. Estimated Rates of Withdrawal. Pumping from the wells will not exceed 100 g.p.m. The actual pumping rates for each well will vary according to aquifer conditions and well production capabilities. The Applicants request the right to withdraw ground water at rates of flow necessary to withdraw the entire decreed amounts. The actual depth of each well to be constructed within the respective aquifers will be determined by topography and actual aquifer conditions. 2. Estimated Average Annual Amounts of Ground Water Available. Applicants request a vested right for the withdrawal of all legally available ground water in the Denver Basin aquifers underlying the Applicants' Property. Said amounts may be withdrawn over the 300-year life of the aquifers as required by El Paso County, Colorado Land Development Code §8.4.7(C)(1) which is more stringent than the State of Colorado's 100-year life requirement pursuant to C.R.S. §37-90-137(4). Applicants estimate that the following values and average annual amounts are representative of the Denver Basin aquifers underlying Applicants' Property:

AQUIFER	NET SAND (Feet)	Total Appropriation (Acre Feet)	Annual Avg. Withdrawal 100 Years (Acre Feet)	Annual Avg. Withdrawal 300 Years (Acre Feet)
Dawson (NNT)	488.2	3514	35.14	11.71
Denver (NT)	521.3	3181	31.81	10.60
Arapahoe (NT)	237.0	1461	14.61	4.87
Laramie Fox	197.8	1072	10.72	3.57

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

IV. APPLICATION FOR PLAN FOR AUGMENTATION. A. Structures to be Augmented. The structures to be augmented are the McDonald Wells Nos. 1 through 3, along with any replacement or additional wells associated therewith, as likewise may be constructed to the Dawson aquifer of the Denver Basin underlying the Applicants' Property as requested and described herein. B. Water Rights to be Used for Augmentation. The water rights to be used for augmentation during pumping are the return flows resulting from the pumping of the not-nontributary Dawson aquifer from the McDonald Wells Nos. 1 through 3, together with water rights from the nontributary Laramie-Fox Hills aquifer for any injurious post pumping depletions. C. Statement of Plan for Augmentation. Applicants wish to provide for the augmentation of stream depletions caused by pumping of the not-nontributary Dawson aquifer by three wells as constructed and proposed herein for three lots. 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: 0.30 acre-feet annually within a single-family dwelling and guest house on up to three lots, with a maximum of ten percent consumptive use based on non-evaporative septic leach field disposal systems. The annual consumptive use for each lot will therefore be 0.03 acre-feet, with return flows of 0.27 acre-feet per lot, or 0.81 acre-feet per year. ii. Landscape Irrigation: 0.05 acre-feet annually per 1,000 square feet (2.18 acre feet per

acre) per year, with an 85% assumed consumptive use rate. The annual consumptive use for each 1,000 square feet of lawn and garden irrigated is therefore 0.042 acre-feet.

iii. Horses (or equivalent livestock): 0.011 acre-feet annually (10 gallons per day) per head with a one hundred percent consumptive use component.

iv. Commercial/Equestrian Facility: 1.0 acre-foot annually within a commercial equestrian facility for washing, cleaning and animal bathing, dust control, and other sanitary needs for the facility, with a maximum of fifty percent consumptive use based on use of a non-evaporative septic system. The annual consumptive use for the facility will therefore be 0.50 acre-feet, with return flows of 0.50 acre-feet per year.

2. Amounts. The McDonald Wells Nos. 2 and 3 will each pump a maximum of 1.0 acre-feet per year per lot, and the McDonald Well No. 1 will pump a maximum of up to 3.8 acre-feet per year, for a maximum total of 5.8 acre-feet being withdrawn from the Dawson aquifer annually. Such use shall be a combination of household use inside a single-family dwelling and guest house, irrigation of lawn, garden, and greenhouse, and the watering of horses or equivalent livestock, and other permitted uses described in paragraph III.D., above.

i. McDonald Well No. 1. An example breakdown of the combination of use for the McDonald Well No. 1 on the third lot, utilizing the factors described above, is in-house use inside a single-family dwelling and guest house of 0.30 acre-feet of water annually, and 1.3 acre-feet available for irrigation of lawn, garden, pasture, and greenhouse, and the watering of domestic animals and livestock on the lot. Upon completion of construction of the commercial equestrian facility, the McDonald Well No. 1 will pump an additional 2.3 acre-feet (for a total of 3.8 acre-feet) annually, of which 1.0 acre-feet will be dedicated to those commercial equestrian facility uses described in paragraph IV.C.iii, above, with the remaining 1.3 acre-feet available for other permitted uses detailed in paragraph III.D., including irrigation and stock watering.

ii. McDonald Wells Nos. 2 and 3. Utilizing the factors described above, an example breakdown of the combination of use for two of the lots is in-house use inside a single-family dwelling and guest house of 0.30 acre-feet of water per year per lot, with the additional 0.70 acre-feet per year per lot available for irrigation of lawn, garden, and greenhouse, and the watering of up to four horses and eight chickens or equivalent livestock and poultry on each.

3. Depletions. Applicants' consultant has determined that maximum stream depletions over the 300-year pumping period for the Dawson aquifer amounts to approximately 22.31% of pumping. Prior to completion of the equestrian facility construction, maximum annual depletions for total pumping from the McDonald Wells Nos. 1 through 3 will amount to 0.80 acre-feet in year 300 (i.e. 22.31% of pumping 3.6 annual acre-feet). Following construction of the commercial equestrian facility, maximum annual depletions for total pumping from all wells are 1.29 acre-feet in year 300 (i.e. 22.31% of pumping 5.8 annual acre-feet). Applicants are required to replace a maximum of 1.29 acre-feet annually as a result of pumping a total of 5.8 annual acre-feet from the McDonald Wells Nos. 1 through 3, assuming the commercial equestrian facility has been constructed. Should the commercial equestrian facility not be constructed, or should the Applicants' pumping otherwise be less than the 5.8 acre-feet total, which represents a maximum of 2.0 acre-feet for two wells/lots, and 3.8 acre-feet for a third well/lot, per year, as described herein, resulting depletions and required replacements will be correspondingly reduced.

4. Augmentation of Depletions During Pumping. Pursuant to C.R.S. §37-90-137(9)(c.5), Applicants are required to replace actual stream depletions attributable to pumping of the

three wells. Applicants' consultant has determined that depletions during pumping will be effectively replaced by return flows from non-evaporative septic systems, both before and after completion of the commercial equestrian facility. The annual consumptive use for non-evaporative septic systems is 10% per year per residence. At in-house use rates of 0.30 acre-feet per lot per year, total of 0.9 acre-feet, 0.81 acre-feet is replaced to the stream system per year, utilizing residential non-evaporative septic systems, adequately replacing maximum depletions of 0.80 acre-feet from pumping a combined total of 3.6 acre-feet from the McDonald Wells Nos. 1 through 3. The annual consumptive use of the equestrian facility utilizing a non-evaporative septic system is 50% per year. At an annual use rate of 1.0 acre-foot for the equestrian facility, 0.50 acre-feet is replaced to the stream system per year, resulting in total replacements from all non-evaporative septic systems of 1.58 acre-feet annually. Thus, during pumping from the McDonald Wells Nos. 1 through 3 of up to 5.8 annual acre-feet, stream depletions will be more than adequately augmented. Applicant does not at this time claim return flows from irrigation uses as a source of augmentation supply, but retains the right to amend this plan in the future to make such claims.

5. Augmentation for Post Pumping Depletions. For the replacement of any injurious post-pumping depletions which may be associated with the use of the McDonald Wells Nos. 1 through 3, Applicants will reserve up to 690 acre-feet of the nontributary Arapahoe aquifer, and the entirety of the Laramie Fox Hills aquifer, accounting for actual stream depletions replaced during the plan pumping period, as necessary to replace any injurious post pumping depletions. Applicants also reserve the right to substitute other legally available augmentation sources for such post pumping depletions upon further approval of the Court under its retained jurisdiction. Even though this reservation is made, under the Court's retained jurisdiction, Applicants reserve the right in the future to prove that post pumping depletions will be noninjurious. The reserved nontributary Arapahoe and Laramie-Fox Hills groundwater will be used to replace any injurious post-pumping depletions. Upon entry of a decree in this case, the Applicants will be entitled to apply for and receive a new well permit for the McDonald Wells Nos. 1 through 3 for the uses in accordance with this Application and otherwise in compliance with C.R.S. §37-90-137.

V. Remarks. A. This Application was filed in both Water Divisions 1 and 2 because depletions from the pumping of the Dawson aquifer may occur in both the South Platte and the Arkansas River systems. The return flows set forth herein will accrue to tributaries of the South Platte River system where the majority of such depletions will occur, and it is Applicants' intent to consolidate the instant matter in Water Division 1 upon completion of publication. Applicants request that the total amount of depletions to both the South Platte River and the Arkansas River systems be replaced to the South Platte River as set forth herein, and for a finding that those replacements are sufficient. B. The Applicants request a finding that they have complied with C.R.S. §37-90-137(4), and that the ground water requested herein is legally available for withdrawal by the requested not-nontributary wells upon the entry of a decree approving an augmentation plan pursuant to C.R.S. §37-90-137(9)(c.5). C. The term of this augmentation plan is for 300 years, however the length of the plan for a particular well may be extended beyond such time provided the total plan pumping allocated thereto is not exceeded. Post pumping stream depletions accrue to a particular well or wells only to the extent related to that well's actual pumping. D. The Court will retain jurisdiction over this matter to provide for the adjustment of the annual amount of ground water

withdrawals to be allowed in order to conform to actual local aquifer characteristics from adequate information obtained from well drilling or test holes. E. The Applicants request a finding that vested water rights of others will not be materially injured by the withdrawals of ground water and the proposed plan for augmentation. F. The wells shall be installed and metered as reasonably required by the State Engineer. Each well must be equipped with a totalizing flow meter and Applicants shall submit diversion records to the Division Engineer on an annual basis or as otherwise requested by the Division Engineer, including those diversion records for the equestrian facility, if any. The Applicants shall also provide accountings to the Division Engineer and Water Commissioner as required by them to demonstrate compliance under this plan of augmentation. G. The Applicants intend to waive the 600 feet well spacing requirement for any wells to be located upon the Applicants' Property. H. Applicants will comply with any lienholder notice provisions set forth in C.R.S. §37-92-302(2)(b) and §37-90-137(4)(b.5)(I), and such notice will be sent within 14 days of the filing of this application.

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

CASE NO. 2021CW3074, Water Division 2 and CASE NO. 2021CW3203 Water Division 1; Previous Case No. 05CW37 Water Division 1 – DOUGLAS E. HILL and KATERINE L. HILL, 13985 Silverton Road, Colorado Springs, CO 80921 (Please

address all pleadings and inquiries regarding this matter to Applicant's attorney: Chris D. Cummins, #35154, Emilie B. Polley, #51296, MONSON, CUMMINS & SHOHET, LLC, 13511 Northgate Estates Dr., Ste. 250, Colorado Springs, Colorado 80921, (719) 471-1212)

Application for Revision of Plan for Augmentation

EL PASO COUNTY

II. Background and Summary of Application. A. Applicants seek to revise a portion of an existing augmentation plan concerning groundwater supplies underlying an approximately 16.47 acre parcel of land located in El Paso County, Colorado. Applicants own a lot within the C&H Estates subdivision, as depicted on **Exhibit A** 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.) specifically described as Lot 1 and Tract A of C&H Estates, also known as 6910 Alpaca Heights, Colorado Springs, CO 80908 ("Applicants' Property"). B. Underground water rights within the Dawson, Denver, Arapahoe, and Laramie-Fox Hills aquifers, along with a plan for augmentation, were decreed in Case No. 05CW37 (consolidated with Water Court Division 2 Case No. 05CW13), District Court, Water Division 1 ("05CW37 Decree"). The 05CW37 Decree established an augmentation plan for approximately 36.47 acres of land located in part of the NW¼ of Section 29, Township 11 South, Range 65 West of the 6th P.M., known as the C&H Estates, consisting of Lot 1 and Tract A (16.47 acres, the Applicants' Property), Lot 2 (8.95 acres), and Lot 3 (8.84 acres). Approximately 2.21 acres of land owned by the developer of C&H Estates at the time of adjudication of the water rights was dedicated to El Paso County as a right of way at the time of subdivision, though no underlying groundwater was conveyed to the County as part of that process, and such groundwater remains in the ownership of the owners of Lots 1 (and Tract A), 2, and 3, pro rata to their overlying land ownership, consistent with the water covenants executed at the time of platting of the C&H Estates subdivision. The augmentation plan decreed in the 05CW37

Decree provided for withdrawals of a combined 3.9 acre-feet of water per year from the not-nontributary Dawson aquifer from individual wells on each of the lots at a rate not to exceed 15 gpm, with 2.0 acre-feet of pumping allocated by covenants and well permit to the Applicants; and 0.95 acre-feet allocated to each of Lots 2 and 3. The 05CW37 Decree set forth the consumptive factors for the subject water uses as in-house use (0.314 acre-feet), irrigation (0.65 acre-feet/limited to irrigation of 11,000 square feet), and stockwatering of four large domestic animals (0.05 acre-feet). These uses were to be augmented by return flows from the individual non-evaporative septic systems on each lot during the pumping life of the wells. Post-pumping augmentation obligations were met by the reservation of 1,019 acre-feet of water in the Laramie-Fox Hills aquifer (a 300-year aquifer life/plan for augmentation). C. Applicants are the current owners of Lot 1 and Tract A, the Applicants' Property, with existing Well Permit No. 63600-F ("Hill Well No. 1"), attached as **Exhibit B**. Based upon the allocation of Denver Basin supplies adjudicated in Case No. 05CW37 and the water covenants allocation *pro rata* to the overlying landowner, Applicants own the following water in the Denver Basin aquifers underlying Lot 1 and Tract A, as described on the attached **Exhibit C** Deed, and **Exhibit D** Water Covenants, being 48.1% of the quantities previously adjudicated:

Aquifer	Annual Amount – 300 years (Acre-Feet)	Total (Acre-Feet)
Dawson (NNT)	5.87	1,760.46
Denver (NT)	4.77	1,431.46
Arapahoe (NT)	2.43	730.16
Laramie-Fox Hills (NT)	1.71	512.26 ¹

III. Proposed Revision. Applicants are the owners of Applicants' Property, and the water subject to the plan for augmentation approved and decreed by the Division 1 Water Court in the 05CW37 Decree underlying Lot 1 and Tract A, *pro rata*, as described above. Applicants do not seek any changes or revisions as to the 05CW37 Decree as would affect the rights and entitlements of the owners of Lots 2 and 3 of the C&H Estates subdivision. Applicants intend to further subdivide the Applicants' Property into a maximum of four (4) total lots, requiring up to four (4) individual wells. By this application, Applicants request the following revisions to the plan for augmentation set forth in the 05CW37 Decree, only as pertains to the Applicants' Property, as follows: 1. Structures to be Augmented: The structures to be augmented are the Hill Wells Nos. 1 through 4, as proposed or as currently constructed to the not-nontributary Dawson aquifer, including any future replacement or substitute wells as may be constructed to the not-nontributary Dawson aquifer formation underlying the Applicants' Property. 1. Existing Well. The Hill Well No. 1, with existing Division of Water Resources Well Permit No. 63600-F, is located approximately 2,000 feet from the north section line and 500 feet from the west section line in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 29, Township 11 South, Range 65 West of the 6th P.M. and is completed to the Dawson aquifer. 2. Proposed Additional Wells: Applicants will construct up to three additional wells on Applicants' Property, or one on each lot based on the anticipated subdivision into up to four lots. All such additional and/or replacement

¹ The entirety of this entitlement has been reserved for post pumping depletions pursuant to the 05CW37 Decree, and by this application is intended to remain so dedicated.

wells shall be constructed to the Dawson aquifer. B. Water Rights to be Used for Augmentation. The water rights to be used for augmentation during pumping are the septic return flows resulting from pumping of the not-nontributary Dawson aquifer by the Hill Wells Nos. 1 through 4, as well as return flows from any replacement/substitute wells, as set forth in this plan for augmentation, together with water rights from the nontributary Arapahoe and Laramie-Fox Hills aquifers for any injurious post pumping depletions. C. Statement of Plan for Augmentation. Applicants wish to provide for the augmentation of stream depletions caused by pumping the not-nontributary Dawson aquifer wells proposed for up to four residential lots on Applicants' Property. Applicants therefore seek revision of the use factors as applicable only to the Applicants' Property by this application, so as to support subdivision of Applicants' Property in El Paso County consistent with the El Paso County Land Development Code requirements. Potential water use criteria and their consumptive use component for replacement of actual depletions for the lots are estimated as follows, though Applicants may utilize water in excess of that utilized within each single family dwelling for any beneficial use as previously decreed in the 05CW37 decree, with septic return flows from in-house use providing sufficient augmentation for replacement of depletions from all pumping: 1. Uses. i. Household Use Only: 0.26 acre-feet annually within single family dwellings on up to 4 lots, with a maximum of ten percent consumptive use based on a non-evaporative septic leach field disposal systems. The annual consumptive use for each lot will therefore be 0.026 acre-feet per well, with return flows of 0.234 acre-feet per lot, or 0.936 acre-feet per year, assuming four lots are developed. ii. Landscape Irrigation: 0.05 acre-feet annually per 1,000 square feet (2.18 acre-feet per acre) per year, with an 85% assumed consumptive use rate. The annual consumptive use for each 1,000 square feet of lawn and garden irrigated is therefore 0.042 acre-feet. iii. Horses (or equivalent livestock): 0.011 acre-feet annually (10 gallons per day) per head with a one hundred percent consumptive use component. 2. Hill Wells Nos. 1 through 4 will each pump a maximum of 1.0 acre-feet of water per year per residence, for a maximum total of 4.0 acre-feet being withdrawn from the Dawson aquifer per year. Such use shall be any combination of beneficial uses, as previously decreed in the 05CW37 Decree. An example breakdown of this combination of use, utilizing the factors described above, for one residential lot is household use of 0.26 acre-feet of water per year, with the additional 0.74 acre-feet per year available for irrigation of lawn and garden, the watering of perhaps four horses or equivalent livestock, use in a hot tub, and other permitted uses consistent with the 05CW37 decree and as described herein. D. Depletions. Pursuant to C.R.S. §37-90-137(9)(c.5), replacement of actual stream depletions attributable to pumping of the Hill Well Nos. 1 through 4 will be required to the extent necessary to prevent injurious effect, such wells being constructed to the Dawson aquifer. As previously decreed in the 05CW37 Decree, maximum stream depletions over the 300-year pumping period required by El Paso County Land Use Code for the Dawson aquifer amounts to 21.01% of pumping. Maximum annual depletions for total residential pumping from all wells are therefore 0.84 acre-feet in year 300, or 0.21 acre-feet per well (*i.e.* 21.01% of pumping). Should Applicants' pumping be less than the 4.0 total, which represents a maximum of 1.0 acre-feet for four wells/lots per year, as described herein, resulting depletions and required replacements will be correspondingly reduced. E. Augmentation of Depletions During Pumping. Applicants will replace depletions resulting from the pumping of Hill Well

Nos. 1 through 4 during the pumping life of such wells utilizing residential return flows from non-evaporative septic systems from in house uses of the lots served by the Hill Well Nos. 1 through 4. The annual consumptive use for non-evaporative septic systems is 10% per year per residence. At a household use rate of 0.26 acre-feet per residence per year, total of 1.04 acre-feet for four lots, 0.936 acre-feet is replaced to the stream system per year, utilizing the non-evaporative septic systems. Thus, during pumping, stream depletions will be more than adequately augmented thereby preventing injury to other vested water rights.

F. Augmentation for Post Pumping Depletions. Applicants seek to reserve additional groundwater from the not-nontributary Arapahoe aquifer underlying the Applicants' Property, in addition to the prior reservation in the 05CW37 Decree of the nontributary Laramie-Fox Hills aquifer, for replacement of any injurious post-pumping depletions as to Applicants' Property. Applicant shall reserve an additional 600 acre-feet of the underlying Arapahoe aquifer in order to adequately replace post-pumping depletions from the proposed additional 600 acre-feet of pumping beyond that amount anticipated in the 05CW37 Decree. Applicants reserve the right to substitute other legally available augmentation sources for such post pumping depletions upon further approval of the Court under its retained jurisdiction. Even though this reservation is made, under the Court's retained jurisdiction, Applicants reserve the right in the future to prove that post pumping depletions will be noninjurious. The reserved nontributary Arapahoe and Laramie-Fox Hills groundwater will be used to replace any injurious post-pumping depletions. Upon entry of a decree in this case, the Applicants will be entitled to apply for and receive a new well permit for the existing Hill Well No. 1 and new permits for the Hill Wells Nos. 2 through 4 for the uses in accordance with this Application and otherwise in compliance with C.R.S. §37-90-137.

G. Other Remarks. 1. This Application is being filed in Water Divisions 1 and 2 because depletions may occur to both divisions. The return flows set forth above will accrue to the South Platte River system where the majority of depletions occur, and it is Applicants' intent to consolidate the instant matter in Water Division 1 upon completion of publication. Applicants request that the total amount of depletions to both the South Platte River and the Arkansas River systems be replaced to the South Platte River as set forth herein, and for a finding that those replacements are sufficient. 2. Applicants note that no revision of the decreed plan for augmentation is requested as affects Lots 2 and 3 of the C&H Estates subdivision in Case No. 05CW37, but rather only replacement as to uses and amounts for Applicants Property, being Lot 1 and Tract A, and to add augmented structures to the plan for augmentation thereon. 3. Applicants request a finding that they have complied with C.R.S. §37-90-137(4), and that the ground water requested herein is legally available for withdrawal by the requested wells upon the entry of a decree approving an augmentation plan pursuant to C.R.S. §37-90-137(9)(c). 4. The term of this augmentation plan is for 300 years, however the length of the plan for a particular well may be extended beyond such time provided the total plan pumping allocated thereto is not exceeded. Post pumping stream depletions accrue to a particular well or wells only to the extent related to that well's actual pumping. 5. 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.

IV. Remarks. A. The Applicants request a finding that vested water rights of others will not be materially injured by the additional use requested herein. B. Upon entry of a decree

in this case, the Applicants shall be entitled to apply for and receive new well permits in accordance with the provisions of any decree entered in this case. C. The Water Court has jurisdiction over the subject matter of this application pursuant to §§ 37-90-137(6) and 37-92-302, C.R.S. D. The Applicants intend to waive the 600 feet well spacing requirement for any wells to be located upon the Applicants' Property. E. The wells shall be installed and metered as reasonably required by the State Engineer. Each well will be equipped with a totalizing flow meter and Applicants shall submit diversion records to the Division Engineer on an annual basis or as otherwise requested by the Division Engineer. The Applicants shall also provide accountings to the Division Engineer and Water Commissioner as required by them to demonstrate compliance under this plan of augmentation. F. There are no lienholder interests in the Applicants' Property, Applicants own the property free and clear of all encumbrances. As such, no notifications pursuant to § 37-92-302(2)(b), C.R.S., are required.

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 January 2022, (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 10TH day of December 2021.

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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