

DISTRICT COURT, WATER DIVISION NO. 2, COLORADO

RESUME OF CASES FILED AND/OR ORDERED PUBLISHED DURING FEBRUARY 2022. (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 February 2022, 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. 20213065; Previous Case No. 08CW38 – HILL RANCH, LTD., c/o B. F. Hill, 3794 C Highway 67W, Glen Rose, Texas, 76043 (Please address all pleadings and inquiries regarding this matter to Applicant's attorneys: Alan E. Curtis, Virginia M. Sciabbarrasi, White & Jankowski LLC, 1333 West 120th Avenue, Suite 302, Westminster, CO 80234, (303) 595-9441)

Amended Application for Finding of Reasonable Diligence

LAS ANIMAS COUNTY, COLORADO.

2. Claim for Conditional Storage Water Right. a. Name of Structure. Legend Lake. **b.** Description of Conditional Water Rights. **i.** Date of Original Decree: The water right for Legend Lake (Legend Lake Water Right) was confirmed by the decree entered on October 9, 2015 in Case No. 08CW38, Water Division 2 (08CW38 Decree). **ii.** Subsequent Decrees Awarding Findings of Diligence: None. This is the first diligence filing for the Legend Lake Water Right. **iii.** Location: NE¼ NE¼ Section 4, Township 34 South, Range 66 West of the 6th P.M., Las Animas County, Colorado. The midpoint of the reservoir is approximately 364 feet south of the north section line, and approximately 452 feet west of the east section line, of said Section 4, at a point located by G.P.S. by the Division of Water Resources during a field inspection at NAD 83, 520342.4 East, 4107874 North. **1.** Dimensions: (a) Surface area of high water line: 9.7 acres. (b) Maximum height of dam: 8.75 feet. (c) Length of dam: 1557 feet. **iv.** Source: Purgatoire River. **v.** Amount: 121.25 annual acre-feet, conditional. Hill Ranch can make gravity releases of 43.65 acre-feet and can pump the remaining balance of 77.60 acre-feet. **vi.** Rate of Diversion in c.f.s. and Point of Diversion for Filling Legend Lake: 10 c.f.s. filled by diversions at the headgate of the Velasquez and Chacon No. 2 Ditch on the south bank of the Purgatoire River in the NW¼ of Section 4, Township 34 South, Range 66 West of the 6th P.M., at a point located by G.P.S. by the Division of Water Resources during a field inspection at NAD 83, 519321.1 East, 4108065 North. **vii.** Appropriation Date: February 8, 2007. **viii.** Uses: (1) Industrial use, including mining use, dust control, coal washing, augmentation, incidental domestic and fire protection purposes at the New Elk Mine; (2) stock watering, recreational, piscatorial, fish and wildlife, fire protection, replacement of reservoir evaporation and augmentation purposes at Legend Lake; and (3) augmentation and replacement purposes. Water may be diverted for immediate application to said uses, for storage and subsequent application to said uses and by exchange and subsequent application to said uses as limited by the terms and conditions

of the 08CW38 Decree. **3. Claim for Exchange Rights.** **a. Description of Exchanges.** **i.** Date of Original Decree: The water right for the exchanges described in this Application (Exchange Rights) were confirmed by the 08CW38 Decree. **ii.** Subsequent Decrees Awarding Findings of Diligence: None. This is the first diligence filing for the Exchange Rights. **b. Appropriation Date.** June 30, 2011. **c. Water to Be Exchanged.** Hill Ranch seeks to exchange the following water rights: **i.** Velasquez & Chacon No. 2 Ditch. The fully consumable historical use of the Velasquez & Chacon No. 2 Ditch water as changed in the 08CW38 Decree. **ii.** Fully Consumable Water Stored in Legend Lake. As allowed under the augmentation plan in the 08CW38 Decree, Hill Ranch may fully augment the out of priority diversions of Legend Lake. Such water, less any evaporative depletions and augmentation requirements, may be subsequently released for exchange purposes. **d. Reach of Exchange.** The reach of the Exchange Rights are as follows: **i.** Hill Ranch Exchange No. 1. For the exchange of Velasquez & Chacon No. 2 Ditch water from a waste gate on the Velasquez & Chacon No. 2 Ditch located in the Northwest $\frac{1}{4}$ Section 4, Township 34 South, Range 66 West of the 6th P.M., to the confluence of the Purgatoire River and the Middle Fork of the Purgatoire located in Section 36, Township 33 South, Range 67 West of the 6th P.M., near the town of Weston, Colorado, and up the Middle Fork to: **1.** The New Elk Mine (formerly known as Allen Mine) East Diversion Point on the Middle Fork of the Purgatoire River located in the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 23, Township 33 South, Range 68 West, 6th P.M., at a point approximately 2,200 feet west of the east section line and 2,000 feet south of the north section line of said Section 23; **2.** The New Elk Mine (formerly known as Allen Mine) West Diversion Point on the Middle Fork of the Purgatoire River located in the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 21, Township 33 South, Range 68 West, 6th P.M., at a point approximately 1,500 feet north of the south section line and 500 feet west of the east section line of said Section 21; **3.** A pump at the New Elk Mine Water Discharge on the Middle Fork of the Purgatoire River located in the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 23, Township 33 South, Range 68 West, 6th P.M., at a point approximately 1,700 feet west of the east section line and 1,900 feet south of the north section line of said Section 23, and other points in Sections 22 and 23, Township 33 South, Range 68 West where water flows from the New Elk Mine. **ii.** Hill Ranch Exchange No. 2. For all water stored in Legend Lake from an outlet structure from Legend Lake directly to the Purgatoire River located either in the Southeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 33 or the Southwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 34, Township 33 South, Range 66 West of the 6th P.M., or from an outlet structure from Legend Lake to Lorencito Canyon Creek located in the Northwest $\frac{1}{4}$ of Section 3 or the Northeast $\frac{1}{4}$ of Section 4, Township 34 South, Range 66 West of the 6th P.M., down to the confluence of Lorencito Canyon Creek and Purgatoire River located in the Northwest $\frac{1}{4}$ of Section 3 or the Northeast $\frac{1}{4}$ of Section 4, Township 34 South, Range 66 West of the 6th P.M., to the confluence of the Purgatoire River and the Middle Fork the Purgatoire as described above, and up the Middle Fork to: **1.** The New Elk Mine East Diversion Point as described above; **2.** The New Elk Mine West Diversion Point as described above; **3.** A pump at the New Elk Mine Water Discharge as described above. **e. Uses.** Industrial use, including mining use, dust control, coal washing, augmentation, incidental domestic and fire protection purposes at the New Elk Mine. Such uses may be for immediate application or placed into storage for subsequent beneficial use. These beneficial uses are to include use, reuse, and successive use to extinction. Any reuse and successive use to extinction

at New Elk Mine may only occur pursuant to the terms and conditions to be decreed in Case No. 13CW3000, or other administrative approvals or decree, which must include a reuse plan that demonstrates dominion and control over water to be reused. Any reuse and successive use to extinction at any other location may only occur pursuant to the terms and conditions in a decree allowing such use that includes a reuse plan that demonstrates dominion and control over water to be reused. **f.** Minimum Stream Flow. The CWCB has obtained minimum stream flow water rights in Case Nos. 09CW88 and 09CW90. Hill Ranch shall not operate an exchange up streams on which the CWCB holds a minimum flow right, as decreed in Case Nos. 09CW88 and 09CW90, at times when the minimum flow water right is not being fully satisfied and the CWCB has placed a call recognized and administered by the Division Engineer. **g.** Amount of Exchange. Each exchange shall be for a maximum exchange rate of 5.0 c.f.s., up to 160 annual acre feet. The exchanges decreed in the 08CW38 Decree shall not exceed the rate of flow released from Legend Lake or the return gate on the Velasquez & Chacon No. 2 Ditch. Additionally, any direct exchange of just the Velasquez & Chacon No. 2 Ditch water right shall be limited to the availability of in priority diversions of the Velasquez and Chacon No. 2 Ditch water right at its headgate, and only the historic consumptive use attributable to the Velasquez and Chacon No. 2 Ditch may be diverted by exchange at the exchange to points, which rate shall not exceed 0.78 c.f.s., which is 39% of headgate diversions times the decreed 2 c.f.s. diversion rate for the Velasquez and Chacon No. 2 Ditch water right. **4. Diligence Claim.** **a.** Diligence Period. The most recent diligence period for the Legend Lake Water Right and the Exchange Rights was from October 9, 2015, when the 08CW38 Decree was entered, through October 31, 2021 (Diligence Period). **b.** Activities and Expenditures. During the Diligence Period, Hill Ranch, with the assistance of White & Jankowski LLC and Hill Ranch's consultants, completed activities and expended funds exceeding Ninety Nine Thousand Eight Hundred Dollars (\$99,800). These actions and expenditures confirm Hill Ranch's steady and diligent effort to complete the appropriation of the Legend Lake Water Right and the Exchange Rights. These activities and expenditures include: **i.** Continuing Use of Legend Lake Water Right. Hill Ranch continued to use the Legend Lake Water Right for all decreed purposes. **ii.** Installation, Maintenance and Repair of Diversion and Measurement Devices. Hill Ranch: (1) installed a flowmeter, a staff gage and a diversion structure and performed a pond storage study necessary for diversion and operation of the Legend Lake Water Right and the Exchange Rights; (2) repaired and performed weed control on the ditch that supplies the Legend Lake Water Right and the perimeter of Legend Lake; and (3) installed a pump and power supply to pump water from Legend Lake, if desired by Hill Ranch or required by State water administration officials. **iii.** Monitoring and Reporting of Legend Lake Operations. Hill Ranch monitored diversions to and storage in Legend Lake and provided accounting of these operations to State water administration officials. **iv.** Lease/Sale of Hill Ranch Water Rights. Hill Ranch actively explored lease and sale of various Hill Ranch water rights, including the Legend Lake Water Right and the Exchange Rights, to the New Elk Mine. As of this filing, Hill Ranch and the New Elk Mine have executed a water lease that includes use of the Legend Lake Water Right. **v.** Negotiations For Storage in Trinidad Reservoir. Hill Ranch explored storage of Hill Ranch water rights, including the Legend Lake Water Right, in Trinidad Reservoir. **vi.** Protection of Water Rights. Hill Ranch: (1) actively managed its water rights portfolio, including the Legend Lake Water Right and

the Exchange Rights to maximize long-term beneficial use; (2) reviewed Water Division 2 resumes and substitute water supply plan notices to identify applications requiring opposition; (3) filed statements of opposition and actively participated in numerous matters in Water Division 2 as necessary to protect Hill Ranch's water rights, including the Legend Lake Water Right and the Exchange Rights; and (4) reviewed the 2020 Division 2 water rights abandonment list and prepared objections to the same. **5. Requested Ruling.** Based on the foregoing, Hill Ranch respectfully requests that the Water Court enter a decree finding: (a) the entire Legend Lake Water right in the amount of 121.25 acre-feet annually to be filled at a rate of 10 c.f.s. by diversions at the headgate of the Velasquez and Chacon No. 2 Ditch; and (b) the entire Exchange Rights in the amount of 5.0 cfs, up to 160 acre-feet annually are both continued in full force and effect for all decreed purposes. **6. Names and Addresses of Owners or Reputed Owners of Land Upon Which Structures are Located.** All the facilities and structures identified in this Application are on land owned by Hill Ranch. WHEREFORE, Hill Ranch respectfully requests that the Court find the foregoing actions and expenditures demonstrate Hill Ranch's steady effort to apply the full decreed amount of the Legend Lake Water Right and the Exchange Rights to beneficial use in a reasonably expedient and efficient manner under all pertinent facts and circumstances and that Hill Ranch is entitled to continuation of the Legend Lake Water Right and the Exchange Rights for additional diligence periods at its full decreed rate for all decreed purposes.

CASE NO. 2022CW1; MARK AND DIANE PRUDHOMME, 4647 County Rd 16, Cotopaxi, CO 81223, (719) 942-3188

Application for Absolute Water Rights (Surface)

FREMONT COUNTY

2. Name of Structure and 3. Location of Structure:

WDID	STRUCTURE NAME	Q40	Q160	SECTION	TOWNSHIP	RANGE	PM	UTM X	UTM Y
1213485	KRISTY'S POND	SW	SE	20	50N	12E	SIXTH	441500	4268692
1202854	MARK'S LOWER POND SPRING	SW	SE	20	50 N	12 E	SIXTH	441490	4268685
1202855	KELLY'S MID STREAM SPRING	SE	SW	20	50 N	12 E	SIXTH	441357	4268578
1202857	WEST GATE SPRING	SE	SW	20	50 N	12 E	SIXTH	441100	4268368
1202856	LUKE'S OBSESSION SPRING	SE	SW	20	50 N	12 E	SIXTH	441200	4268400
1202850	THE FORT SPRING	NE	NW	29	50 N	12 E	SIXTH	441140	4268149
1202851	KATE'S SECRET LAKE SPRING	NW	NE	29	50 N	12 E	SIXTH	441687	4268252
1202852	DIANE'S BERM SPRING	SW	SE	20	50 N	12 E	SIXTH	441740	4268341

See general location map attached to the application. (All attachments mentioned herein are incorporated by reference and may be inspected at the office of the clerk of this Court.)

Source of UTM's: Kristy's Pond, Digitized, Location: Dam ABV Outlet, All other structures by GPS. **4. Source:** Miller Creek. **5. Date of Appropriation:** January 2022. **How appropriation initiated:** Livestock. **6. Amount Claimed:**

STRUCTURE NAME	AMOUNT CLAIMED	ABSOLUTE/ CONDITIONAL
KRISTY'S POND	2.5 gpm Livestock .32 AF Storage (3106SQ FT)	Absolute
MARK'S LOWER POND SPRING	.75 gpm	Absolute
KELLY'S MID STREAM SPRING	.25 gpm	Absolute
WEST GATE SPRING	.25 gpm	Absolute
LUKE'S OBSESSION SPRING	.5 gpm	Absolute
THE FORT SPRING	2 gpm	Absolute
KATE'S SECRET LAKE SPRING	3.5 gpm	Absolute
DIANE'S BERM SPRING	2.5 gpm	Absolute

7. Uses: Livestock/storage. **8. If non-irrigation, describe purpose fully:** Kristy's Pond to be used for storage and livestock. All others not to be developed. Intent is to protect our water rights on our property. **8. Name(s) and address(es) of owner(s) or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool:** Applicants. **9. Remarks:** The springs are just a trickle. Our intent is to protect the rights to the water on our property (see attachment to application).

CASE NO. 2022CW3005; Previous Case No. 15CW3049 – ACADEMY WATER AND SANITATION DISTRICT, c/o Manager, 1755 Spring Valley Drive, Colorado Springs, CO 80921 (Please address all pleadings and inquiries regarding this matter to Applicant's attorneys: Gilbert Marchand, Cynthia Covell, Andrea Benson, Alperstein & Covell, P.C., 1391 Speer Boulevard, Suite 730, Denver, CO 80204, (303) 894-8191)

Application for Finding of Diligence and to Make Absolute in Part
EL PASO COUNTY

1. Description of application: The District provides water and sewer service in an area encompassing approximately 315 acres on the western edge of the Black Forest area north of Colorado Springs, northeast of the United States Air Force Academy, and east of I-25. The District operates a central water system that obtains its supply from permitted and augmented wells, two of which pump from the alluvium of Smith Creek, and one of which pumps from the Dawson and Denver aquifers tributary to Smith Creek. The District previously operated a central sewage collection system and treatment plant which discharged to Smith Creek. The discharge from the former treatment plant consisted of wastewater return flows resulting from use of the District's wells. The wastewater return flows were the source of augmentation water for the District as confirmed in the decree entered by this Court in Case No. 98CW110. In December 2015, the District entered into an intergovernmental agreement ("IGA") with Donala Water and Sanitation District ("Donala"). Pursuant to the IGA, the District connected to Donala's wastewater collection and conveyance system, and Donala now treats the District's wastewater at the Upper Monument Creek Regional Wastewater Treatment Facility ("UMCR WWTF"), thereby causing the District's wastewater return flows to be discharged to Monument Creek at a point upstream from its confluence with Smith Creek. The decree in Case No. 15CW3049 approved the District's wastewater return flows discharged from the UMCR WWTF as a

new location of replacement water delivery in the District's 98CW110 augmentation plan, and also approved the appropriative right of substitution and exchange that is the subject of this application. **3.** The decree for the District's appropriative right of substitution and exchange ("Subject Exchange") was entered on February 23, 2016, in Case No. 15CW3049, by District Court, Water Division No. 2 ("Court"). This is the first diligence proceeding. The WDID for the exchange is 1002822. **4. Names of structures:** The structures involved in this diligence/make absolute application are the structures involved in the Subject Exchange. The District's wastewater is discharged from the UMCR WWTF to Monument Creek and then exchanged up Smith Creek from its confluence with Monument Creek to the points where the District's three wells deplete Smith Creek, the most upstream point of which is in the northwest quarter of the northwest quarter of Section 33, Township 11 South, Range 66 West, 6th P.M., El Paso County, Colorado. The names of the District's wells are: Well No. 1R (also known and referred to in the application as Well No. 1) (Permit No. 68062-F, formerly Permit No. 6790-F-R) (WDID 1005839). The UTM coordinates (NAD83) are 518111 Easting and 4322631 Northing; and the WDID of the augmentation plan for this well is 1007801. Well No. 2R (also known as Well No. 2-F-R, and referred to in the application as Well No. 2) (Permit No. 10532-F-R) (WDID 1005840). The UTM coordinates (NAD83) are 517747 Easting 4322456 Northing; and the WDID of the augmentation plan for this well is 1007801. Well No. 3 (Permit No. 6892-F) (WDID 1005436). The UTM coordinates (NAD83) are 518132 Easting 4322708 Northing; and the WDID of the augmentation plan for this well is 1007801. **5. Legal description from the most recent decree that adjudicated the location:** A. Exchange from point: confluence of Smith Creek and Monument Creek which is in the southwest quarter of the northeast quarter of Section 12, Township 12 South, Range 67 West, 6th P.M., El Paso County, Colorado. B. Exchange to point: the most upstream point of the reach on Smith Creek where depletions from pumping the District's Well No. 3 accrue, which point is in the northwest quarter of the northwest quarter of Section 33, Township 11 South, Range 66 West, 6th P.M., El Paso County, Colorado. C. Well No. 1: The presently permitted, actual location of Well No. 1 is in the southwest quarter of the northwest quarter of section 33, Township 11 South, Range 66 West, 6th P.M., El Paso County, Colorado, approximately 1,410 feet from the north section line and 950 feet from the west section line. The decreed location (per the decree entered by this Court in Case No. W-143) is described as being in the northwest quarter of the northwest quarter of Section 33, Township 11 South, Range 66 West, 6th Principal Meridian, El Paso County, Colorado, beginning at the southwest corner of Lot 2, Block 2, Filing No. 2 of Pleasant View Estates, El Paso County, Colorado, thence 244 feet east, thence 577 feet south. D. Well No. 2: The presently permitted, actual location of Well No. 2 is in the southeast quarter of the northeast quarter of section 32, Township 11 South, Range 66 West, 6th P.M., El Paso County, Colorado, approximately 1,770 feet from the north section line and 220 feet from the east section line. The decreed location (per the decree entered by this Court in Case No. 81CW124) is described as being in that portion of the northeast quarter of Section 32 and the northwest quarter of section 33, all in Township 11 South, Range 66 West, 6th Principal Meridian, in El Paso County, Colorado, beginning at the northeasterly corner of Lot 1, Block 4, Filing No. 2 of Pleasant View Estates, El Paso County, Colorado, thence north 35 degrees, 28 minutes, 35 seconds, east, on Spring Valley Drive R.O.W. line 70.00 feet; thence south 54 degrees, 31 minutes,

25 seconds, east, 80.00 feet, thence south 35 degrees, 28 minutes, 35 seconds, west, 70.00 feet; thence south 71 degrees, 27 minutes, 02 seconds, west, 69.55 feet to a point on the easterly line of said Lot 1, Block 4, Pleasant View Estates, Filing No. 2; thence north 00 degrees, 39 minutes, 39 seconds, east, 68.56 feet to the point of beginning. The actual location is within 200 feet of the decreed location. E. Well No. 3: The decree in Case No. W-143 describes the location of Well No. 3 as being in the northeast quarter of the northwest quarter of section 33, Township 11 South, Range 66 West, 6th Principal Meridian, in El Paso County, Colorado, beginning at the southwest corner of Lot 3, Block 2, Filing No. 1 of Pleasant View Estates, El Paso County, Colorado, thence west 189 feet, thence south 18 feet. The actual location of Well No. 3 is in the northwest quarter of the northwest quarter of section 33, Township 11 South, Range 66 West, 6th Principal Meridian, in El Paso County, Colorado, within 200 feet of said point beginning at the southwest corner of Lot 3, Block 2, Filing No. 1 of Pleasant View Estates, El Paso County, Colorado, thence west 189 feet, thence south 18 feet. F. A Location Map depicting the approximate boundaries of the District's service area and the locations of the UMCR WWTF, the "exchange from" and "exchange to" points, the exchange reach including the stream depletion reach of Smith Creek, and the three wells is attached to the application. (All attachments mentioned herein are incorporated by reference and may be inspected at the office of the clerk of this Court.) **6. Source:** The sources of substitute supply for the exchange are the District's wastewater return flows arising from the District's wastewater that is treated by Donala at the UMCR WWTF pursuant to the December 8, 2015 IGA. The District's wastewater return flows are discharged from the UMCR WWTF to Monument Creek at a point upstream from its confluence with Smith Creek. The source for all three wells is described in the decree in Case No. W-143 as "[g]roundwater from the underground aquifer in the drainage area of Smith Creek which is tributary to Fountain Creek, which is tributary to the Arkansas River." The sources are also described as follows. Well Nos. 1 and 3: alluvium of Smith Creek, tributary to Monument Creek, tributary to Fountain Creek, tributary to the Arkansas River; Well No. 2: ground water from the Dawson and Denver aquifers, tributary to Smith Creek, tributary to Monument Creek, tributary to Fountain Creek, tributary to the Arkansas River. **7. Appropriation date:** The date of appropriation of the Subject Exchange is September 30, 2015. **8. Amount:** The maximum rate of the Subject Exchange is 0.2 cfs. **9. Uses:** The use of the exchanged water is augmentation and replacement of the District's well pumping depletions. The uses of the water diverted by the District's wells are municipal, domestic, fire protection, and augmentation pursuant to the terms and conditions of the W-143 and 98CW110 decrees. **10. Detailed outline of what has been done toward completion or for completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures.** During the subject diligence period (from February 24, 2016 through the time of filing this application), the District has undertaken the following actions toward completion of the appropriation: A. The District incurred expenses in the amount of \$3,312,743.77 as part of its project to connect to Donala's wastewater collection and conveyance system. The expenses included costs associated with: Service Agreement with Donala; Administrative Costs; El Paso County 1041; El Paso County Site Development Plan; Evaluation of Donala Collection System; Funding Administration; Project Needs Assessment; Colorado Department of Public Health and Environment ("CDPHE") Submissions/Reviews; CDPHE Site Application;

CDPHE Design Report; Rights-of-Way/Easements/El Paso County Research; Permits; Pikes Peak Regional Building Department Building Permit; Environmental Report; Design/Contract Administration; Geotechnical; Construction Observation; Additional Services; Instrumentation and Controls; Reproduction; Plant Investment Fee; and Construction. The District retained the technical services of GMS, Inc., Consulting Engineers in connection with the project. B. The District's connection to Donala's wastewater collection and conveyance system was completed, and the District's wastewater began to be treated at the UMCR WWTF in September of 2018. The District began taking augmentation credits for its wastewater return flows from the UMCR WWTF in March of 2021. C. The District's water resource engineering consultants (HRS Water Consultants, Inc.) developed accounting to enable the District to obtain augmentation credits from its wastewater return flows treated at the UMCR WWTF and to enable the subject exchange to be administered by the State water officials. In compliance with the requirements of the 15CW3049 decree, the District's accounting accounts for losses resulting from transit of the wastewater return flows from the UMCR WWTF discharge point to the confluence of Monument Creek with Smith Creek. To determine approximate transit losses, the District uses a method consistent with the Fountain Creek Transit Loss Accounting Program and that will be consistent with the Fountain Creek Transit Loss Accounting Program as modified from time to time or a substitute model acceptable to the Division Engineer or approved by this Court. The District obtained the Division Engineer's approval of the District's method for determining transit losses prior to obtaining credit for its wastewater return flows discharged from the UMCR WWTF. D. In 2019, the District secured an agreement regarding easements for its Well Nos. 1 and 3. E. On April 14, 2020, in Case No. 19CW3075, the District obtained a diligence decree for its Well Nos. 1 and 2. The District incurred legal fees in connection with obtaining the 19CW3075 decree. F. The District's water system has been consistently operated and maintained during the entire diligence period. The operation of the wells has been in compliance with the augmentation plan decreed in Case No. 98CW110. The District provides accounting of such operations on a regular basis to the Division Engineer. The District's wells have provided a municipal water supply to the District's customers during the entire diligence period. **11. Claim to make absolute in whole or in part: Date water applied to beneficial use: March 9, 2021. Amount: 0.13 cfs absolute, 0.07 cfs remains conditional. Use: The use of the exchanged water is augmentation and replacement of the District's well pumping depletions. The uses of the water diverted by the District's wells are municipal, domestic, fire protection, and augmentation pursuant to the terms and conditions of the W-143 and 98CW110 decrees. Evidence of diversion and beneficial use in amounts claimed: The District's March 2021 accounting spreadsheet is attached to the application. Description of place of use where water is applied to beneficial use. Water is applied to beneficial use within the District, whose boundaries are shown on the Location Map. **12. Names(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 or existing storage pool is or will be constructed or upon which water is or will be stored:** No such land or structures are the subject of this application.**

CASE NO 2022CW3006; Previous Case Nos. 13CW9; 02CW72; 93CW36; 84CW203

– CITY OF COLORADO SPRINGS, ACTING THROUGH COLORADO SPRINGS UTILITIES, c/o Abigail Ortega, P.E., 1521 Hancock Expressway, Mail Code 1825, Colorado Springs, CO 80903

(Please address all pleadings and inquiries regarding this matter to Applicant's attorneys: Michael J. Gustafson, Senior Attorney, Nathan Endersbee, Attorney, City Attorney's Office-Utilities Division, 30 South Nevada Ave., MC 510, Colorado Springs, CO 80903; (719) 385-5909)

Application for Finding of Reasonable Diligence and to Make Conditional Water Rights Absolute in Part

LAKE, CHAFFEE, FREMONT, PUEBLO, TELLER, AND EL PASO COUNTIES

2. Names of Structures and Description of Conditional Water Rights: This Application involves the City of Colorado Springs, acting by and through its enterprise, Colorado Springs Utilities ("Applicant") conditional appropriative rights of substitution and exchange described in paragraph 3 below that were decreed in District Court, Water Division No. 2, Case No. 84CW203. 3. Conditional Rights of Substitution and Exchange. A. Date of Original Decree: June 16, 1987, Case No. 84CW203, District Court, Water Division No. 2. B. Subsequent Decrees Awarding Findings of Diligence: Case No.13CW009, entered February 19, 2016; Case No. 02CW72, entered January 30, 2007; and Case No. 93CW36, entered May 15, 1996. C. Appropriation Date: November 24, 1981. D. Decreed Use: All beneficial uses for which the waters to be exchanged and reused are decreed, including those uses set forth in the Decree in Case No. 84CW203. E. Decreed Legal Description and PLSS Description of the structures involved in exchanges: I. Pueblo Reservoir (WDID: 1403526): Pueblo Reservoir is located at a point at the intersection of the Pueblo Dam axis and the Arkansas River whence the NE corner of Section 36, Township 20 South, Range 66 West of the 6th P.M. bears north 61°21'20" east a distance of 2,511.05 feet. Said Reservoir will inundate all or portions of Sections 7, 18, 19, 20, 21, 22, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, and 36, Township 20 South, Range 66 West; Sections, 1, 2, 3, 4, 5, 9, 10, and 11, Township 21 South, Range 66 West; and Sections 5, 8, 9, 13, 14, 15, 16, 22, 23, 24, and 25 Township 20 South, Range 67 West; all of the 6th P.M. in Pueblo County, Colorado. UTM coordinates for dam: (NAD83)(GPS): Easting: 524024.0, Northing: 4235675.0. II. Twin Lakes Reservoir (WDID:1103503): Twin Lakes Reservoir is formed by a dam across Lake Creek in Lake County in Section 23, Township 11 South, Range 80 West of the 6th P.M., as described in the decree in Case No. 80CW6 (District Court, Water Division No. 2), dated October 23, 1980. UTM coordinates (NAD83)(GPS): Easting: 387249.0, Northing: 4326318.0. III. Turquoise Reservoir (WDID: 1103500): Turquoise Reservoir is formed by a dam across Lake Fork Creek in Lake County in Section 19, Township 9 South, Range 80 West of the 6th P.M. as described in the decree in Case No. 80CW6 (District Court, Water Division No. 2), as dated October 23, 1980. UTM coordinates (NAD83)(GPS): Easting: 381722.0, Northing: 4345669.0. IV. Clear Creek Reservoir (WDID: 1103504): Clear Creek Reservoir is located on Clear Creek in Sections 7 and 8, Township 12 South, Range 79 West, and Section 12, Township 12 South, Range 80 West of the 6th P.M., Chaffee County. UTM coordinates (NAD83)(GPS): Easting: 392231.0, Northing: 4319918.0. V. Fountain Valley Conduit (WDID: 1400560): The Fountain Valley Conduit is a series of pipelines, pumping stations and other water-conveyance facilities in Pueblo and El Paso Counties that together convey water from the outlet works of Pueblo Reservoir to the Fountain Valley Authority's water users, including the City of Colorado Springs. The Fountain Valley Conduit is a part of the Fryingpan-Arkansas

Project which is described in more detail in Paragraphs 3 and 5, and Exhibit 2, of Contract Number 9-07-70-W0315, dated July 10, 1979, between the United States and the Southeastern Colorado Water Conservancy District. Colorado Springs is authorized to utilize a portion of the capacity of the Fountain Valley Conduit to transport water, pursuant to Subcontract dated July 10, 1979, between the Southeastern Colorado Water Conservancy District, the Fountain Valley Authority, the City of Colorado Springs, and various other parties. UTM's (NAD83)(GPS): Easting: 524071.0, Northing: 4235776.0. VI. Otero Pump Station (a.k.a. Otero Diversion Structure) (WDID: 1100529): The Otero Pump Station diverts water from the Arkansas River in Chaffee County, approximately at the point that bears North 30° West a distance of 6,180 feet to the Northeast corner of Section 6, Township 12 South, Range 79 West of the 6th P.M. PLSS: in the Southwest quarter of the Southeast quarter of Section 5, Township 12 South, Range 79 West of the 6th P.M. at a point 35 feet from the South Section line and 2256 feet from the East Section line. UTM's (NAD83)(GPS): Easting: 393090.0, Northing: 4319215.0. VII. Pikes Peak Collection System – South Slope (South Slope System): The Pikes Peak Collection System-South Slope is a system of five reservoirs and connected diversion structures, pipelines and tunnels in Teller and El Paso Counties consisting of the following: a) Big Horn Reservoir (Reservoir Number 7) (WDID: 1203816): Located on a branch of the East Fork of West Beaver Creek in the Southeast quarter of Section 13 and the Northeast quarter of Section 24, Township 14 South, Range 69 West of the 6th P.M. A point located at the intersection of the Creek and the dam axis bears South 19 West 2,896 feet to a point, thence South 66° West 1,598 feet to the Northwest corner of Section 26, Township 14 South, Range 69 West of the 6th P.M. UTM's (NAD83)(GPS): Easting: 494633.0, Northing: 4297227.0. b) Wilson Reservoir (Reservoir Number 8) (WDID: 1203817): Located on the East Fork of West Beaver Creek in the Southeast quarter and the Southeast quarter of the Northeast quarter of Section 23, the West half of the Southwest quarter and the Southwest quarter of the Northwest quarter of Section 24, Township 14 South, Range 69 West of the 6th P.M. Station 65 near the dam bears South 53° East a distance of 19,280 feet to the Southeast corner of Section 32, Township 14 South, Range 68 West of the 6th P.M. UTM's (NAD83)(GPS): Easting: 493961.0, Northing: 4296143.0. c) Boehmer Reservoir (Reservoir Number 2) (WDID: 1203813): Located on the Main Fork of Middle Beaver (Boehmer) Creek in the South half of Section 19 and the North half of Section 30, Township 14 South, Range 68 West of the 6th P.M. UTM's (NAD83)(GPS): Easting: 496638.0, Northing: 4295465.0. d) Mason Reservoir (Reservoir Number 4) (WDID: 1203814): Located on Middle Beaver Creek in Sections 32 and 33 Township 14 South, Range 68 West of the 6th P.M., and Sections 4 and 5 Township 15 South, Range 68 West of the 6th P.M. in Teller County. Station 0 of the dam bears North 6°49' West a distance of 950.62 feet to the Southeast Corner of Section 32, Township 14 South, Range 68 West of the 6th P.M. UTM's (NAD83)(GPS): Easting: 498820.0, Northing: 4292362.0. e) McReynolds Reservoir (Reservoir Number 5) (WDID: 1203815): Located on a tributary of Middle Beaver Creek in Section 4, Township 15 South, Range 68 West of the 6th P.M. in Teller County. Station 0 of the dam bears North 34° 35' West a distance of 2,166.2 feet to the Southeast corner of Section 32, Township 14 South, Range 69 West of the 6th P.M. UTM's (NAD83)(GPS): Easting: 499245.0, Northing: 4291971.0. These reservoirs are more fully described in the decree in Case No. 2673 (District Court, Fremont County, Dated February 8, 1918. VIII. Rosemont Collection System (WDID: 1203820). The

Rosemont Collection System consists of Rosemont Reservoir and connected diversion structures, pipelines and tunnels in Teller and El Paso Counties. The Reservoir is located on East Beaver Creek in the Southeast quarter and the Southeast quarter of the Northeast quarter of Section 23, Township 15 South, Range 68 West of the 6th P.M., and the system diverts waters from East Beaver Creek and its tributaries, as described in the decree in Case No. 6193, District Court of Fremont County. UTM (NAD83)(GPS): Easting: 503103.0, Northing: 4286560.0. IX. Las Vegas Street Wastewater Treatment Facility Outfall (WDID: 1000870): Located on Fountain Creek in the Southeast quarter of the Southwest quarter of Section 20, Township 14 South, Range 66 West of the 6th P.M. in El Paso County. PLSS: In the Southeast quarter of the Southwest quarter of Section 20, Township 14 South, Range 66 West of the 6th P.M. at a point 583 feet from the South Section line and 2176 feet from the West Section line. UTM (NAD83)(GPS): Easting: 517116.8, Northing: 4295427.4. X. Air Force Academy Wastewater Treatment Facility Outfall (WDID: 1000919): Located on Monument Creek in the Southwest quarter of the Southwest quarter of Section 19, Township 12 South, Range 66 West of the 6th P.M. in El Paso County. PLSS: In the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 19, Township 12 South, Range 66 West of the 6th P.M. at a point 10 feet from the South Section line and 775 feet from the West Section line. UTM (NAD83)(GPS): Easting: 514717.0, Northing: 4314897.0. XI. Northern Water Reclamation Facility Outfall (a/k/a the J.D. Phillips Water Reclamation Facility) (WDID: 1000920). Located on Monument Creek in the Southeast quarter of the Northwest quarter of Section 30, Township 13 South, Range 66 West of the 6th Principal Meridian in El Paso County. PLSS: In the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 30, Township 13 South, Range 66 West of the 6th P. M. at a point 1488 feet from the North Section line and 2026 feet from the West Section line. UTM (NAD83)(GPS): Easting: 515242.1, Northing: 4304859.9. XII. Any other supplemental or replacement wastewater treatment facility outfall located within the drainages of Fountain Creek or the Arkansas River above its confluence with Fountain Creek and hereafter utilized by Applicant, including any terminal storage facilities hereafter constructed and located to receive Applicant's wastewater facility discharges. XIII. A map depicting the location of the exchange from and exchange-to points is attached to application as **Exhibit A**. (All exhibits mentioned herein are incorporated by reference and may be inspected at the office of the clerk of this Court.) F. Source of water: The sources of water for the appropriate rights of exchange herein are: I. Transmountain Water Rights: a) The Blue River Project: which diverts water from the headwaters of the Blue River and its tributaries in Summit County. The 1929 water rights associated with this project were adjudicated by the decree in Civil Action No. 1710 (District Court, Summit County) dated October 26, 1937, and were modified by the decree in Civil Action No. 1883 (District Court, Summit County) dated June 15, 1953. These water rights have an appropriation date of August 5, 1929. The 1948 water rights associated with this project were adjudicated by the decree in Civil Action No. 1806 (District Court, Summit County) dated May 10, 1952, the Final Decree in Consolidated Case Nos. 2782, 5016, and 5017 (U.S. District Court, District of Colorado) dated October 15, 1955, and were made absolute by the decree in Consolidated Case Nos. 2782, 5016, and 5017 (U.S. District Court, District of Colorado) dated February 26, 1968. These water rights have an appropriation date of May 13, 1948. An additional component of the Blue River Project is water diverted from the Middle Fork of the South Platte River in Park County. Water from the Middle Fork of the South Platte

is stored in Montgomery Reservoir pursuant to Priority No. A-207 of appropriation dated September 5, 1930, by absolute decree dated May 16, 1966, in Civil Action No. 3286, District Court of Park County. b) The Homestake Project: which diverts water from the headwaters of tributaries of the Eagle River in Eagle County. The water rights were conditionally adjudicated by the decree in Civil Action No. 1193 (District Court, Eagle County) dated June 8, 1962. These water rights have an appropriation date of September 22, 1952. Applicant has the right to utilize one-half of the waters produced by the Homestake Project by virtue of the agreement dated June 18, 1962, between the City of Aurora and the City of Colorado Springs. c) The Fryingpan-Arkansas Project: which diverts water from the headwaters of Hunter Creek and the Fryingpan River and its tributaries in Pitkin County. The water rights were adjudicated by the decrees in Civil Action No. 4613 (District Court, Garfield County) dated June 20, 1958, and August 3, 1959, and were modified by the decree in Case No. W-829-76 (District Court, Water Division No. 5) dated November 27, 1979. These water rights have an appropriation date of July 29, 1957. The Application in this case does not give the Applicant any rights to use of Fryingpan-Arkansas Project ("Project") structures, or any rights of ownership or rights to purchase or receive allocation of Project water or return flows from Project water, but does not alter any existing rights the Applicant may otherwise have. The amount of Project water available to the Applicant is determined by Southeastern Colorado Water Conservancy District's ("Southeastern") annual allocations made pursuant to its Allocation Principles, policies, and agreements. Return flows from Project water will be utilized in exchanges only after they are purchased from Southeastern. The Applicant's purchase and use of Project water and return flows therefrom shall be consistent with the Allocation Principles of Southeastern (as they may be amended from time to time), and the lawful rules, regulations, policies, procedures, contracts, charges and terms as may be lawfully determined from time to time by Southeastern, in its sole discretion. The exchange and use of Project water under this Application shall be subject to and consistent with the terms of any agreement between the Applicant and Southeastern for storage of the Applicant's allocated and purchased Project water and return flows therefrom in non-project facilities. d) The Independence Pass Transmountain Diversion System (a/k/a Twin Lakes Project): which diverts water from the headwaters of the Roaring Fork River and its tributaries in Pitkin County. The water rights were adjudicated by a decree in Civil Action No. 3082 (District Court, Garfield County) dated August 25, 1936, and were modified by a decree in Case No. W-1901 (District Court, Water Division No. 5), dated May 12, 1976. These water rights have an appropriation date of August 23, 1930. The Applicant has the right to utilize a portion of such waters and the return flows therefrom by virtue of its ownership of shares of the Twin Lakes Reservoir and Canal Company. II. Arkansas River Water Rights: a) Twin Lakes Reservoir (WDID: 1103503): which impounds water from Lake Creek for storage at the Reservoir. The water rights were adjudicated by decree in Civil Action No. 2346 (District Court, Chaffee County), dated July 14, 1913, with appropriation dates and amounts as follows: December 15, 1896 – 20,645.3 acre feet; March 29, 1897 – 33,806.7 acre feet. UTM's (NAD83)(GPS): Easting: 387249.0, Northing: 4326318.0. b) Sugarloaf Reservoir: which impounds water from Lake Fork Creek for storage at Turquoise Reservoir. The water right was adjudicated by decree in Civil Action No. 1856 (District Court, Chaffee County), dated March 18, 1912, with appropriation date of May 1, 1902, for 17,416 acre feet. The amount of water which

Colorado Springs may divert and use pursuant to the decree in Civil Action No. 1856, with the terms and conditions of such use, was determined in Case No. 86CW117. The description of or reference to structures and water rights in this paragraph 3 is not intended to amend or limit the decrees for those structures and water rights in any way, and omissions in such descriptions and references shall in no way prejudice the owners of those structures and water rights. G. Description of Transmountain Water Rights Exchanges: I. Exchange and Reuse Program from Fountain Creek Wastewater Treatment Facilities to Pueblo Reservoir, Twin Lakes Reservoir, Fountain Valley Conduit, Otero Pump Station, South Slope System, Turquoise Reservoir, Clear Creek Reservoir, and the Rosemont System: a) Stream Reaches of Exchanges. i. Points from which water is exchanged: 1) The Las Vegas Street Wastewater Treatment Facility Outfalls (“Las Vegas WWTP”) on Fountain Creek; 2) The Air Force Academy Wastewater Treatment Facility Outfall on Monument Creek; 3) The Northern Water Reclamation Facility Outfall on Monument Creek (a/k/a the J.D. Phillips Water Reclamation Facility Outfall); and 4) Any other supplemental or replacement wastewater treatment facility outfall, including terminal storage facilities, located within the drainage of Fountain Creek or the Arkansas River above its confluence with Fountain Creek. ii. Points to which water is exchanged: Pueblo Reservoir, Twin Lakes Reservoir, Fountain Valley Conduit, Otero Pump Station, South Slope System, Turquoise Reservoir, Clear Creek Reservoir, and the Rosemont System. b) Amount: 164.0 c.f.s. total, of which the following amounts have previously been decreed absolute and remain conditional:

FROM	TO	ABSOLUTE (C.F.S.)	CONDITIONAL (C.F.S.)
Wastewater Outfalls	Pueblo Reservoir	48.62	115.38
	Twin Lakes Reservoir	36.46	127.54
	Fountain Valley Conduit	0.00	164.00
	Otero Pump Station	0.00	164.00
	South Slope System	0.00	164.00
	Turquoise Reservoir	25.00	139.00
	Clear Creek Reservoir	17.50	146.50
	Rosemont System	0.00	164.00

II. Exchange and Reuse Program from Fountain Creek Terminal Effluent Storage Facilities to Pueblo Reservoir, Twin Lakes Reservoir, Fountain Valley Conduit, Otero Pump Station, South Slope System, Turquoise Reservoir, Clear Creek Reservoir, and the Rosemont System: a) Stream reaches of exchanges: the reaches of Fountain Creek and its tributaries and the Arkansas River and its tributaries between the following points of exchange: i. Points from which water is exchanged: Terminal Effluent Storage Facilities in the Fountain Creek drainage. ii. Points to which water is exchanged: Pueblo Reservoir,

Twin Lakes Reservoir, Fountain Valley Conduit, Otero Pump Station, South Slope System, Turquoise Reservoir, Clear Creek Reservoir, and the Rosemont System. b) Amount: 1,000.00 c.f.s. total, of which the following amounts have previously been decreed absolute and remain conditional.

FROM	TO	ABSOLUTE (C.F.S.)	CONDITIONAL (C.F.S.)
Fountain Creek (Terminal Storage Facilities)	Pueblo Reservoir	11.49	988.51
	Twin Lakes Reservoir	0.00	1000.00
	Fountain Valley Conduit	0.00	1000.00
	Otero Pump Station	0.00	1000.00
	South Slope System	0.00	1000.00
	Turquoise Reservoir	0.00	1000.00
	Clear Creek Reservoir	0.00	1000.00
	Rosemont System	0.00	1000.00

Exchange and Reuse Program from Pueblo Reservoir to Twin Lakes Reservoir, Otero Pump Station, South Slope System, Turquoise Reservoir, Clear Creek Reservoir, and the Rosemont System: a) Stream Reaches of exchanges: the reaches of the Arkansas River and its tributaries between the following points of exchange: i. Points from which water is exchanged: Pueblo Reservoir. ii. Points to which water is exchanged: Twin Lakes Reservoir, Otero Pump Station, South Slope System, Turquoise Reservoir, Clear Creek Reservoir, and the Rosemont System. b) Amount: The maximum rate of flow that would have been released from the receiving storage reservoir had no exchange been made and had no storage right junior to November 24, 1981, been exercised to store water in the receiving reservoir; except that Contract Exchanges have no rate of flow limitation and the Otero Pump Station is limited to its physical capacity. The amounts that have previously been decreed absolute for these exchanges are set forth below:

FROM	TO	ABSOLUTE (C.F.S.)
Pueblo Reservoir	Twin Lakes Reservoir	765.95
	Otero Pump Station	20.80
	South Slope System	76.05
	Turquoise Reservoir	125.00
	Clear Creek Reservoir	50.00
	Rosemont System	28.34

IV. Exchange and Reuse Program from the Rosemont System to Twin Lakes Reservoir, Otero Pump Station, South Slope System, Turquoise Reservoir, and Clear Creek Reservoir: a) Stream Reaches of exchanges: the reaches of the Arkansas River and its tributaries between the following points of exchange: i. Point from which water is exchanged: the Rosemont System. ii. Points to which water is exchanged: Twin Lakes Reservoir, Otero Pump Station, South Slope System, Turquoise Reservoir, and Clear Creek Reservoir. b) Amount: The maximum rate of flow that would have been released from the receiving storage reservoir had no exchange been made and had no storage right junior to November 24, 1981, been exercised to store water in the receiving reservoir; except that Contract Exchanges have no rate of flow limitation and the Otero Pump Station is limited to its physical capacity. The amounts that have previously been decreed absolute for these exchanges are set forth below:

FROM	TO	ABSOLUTE (C.F.S)
Rosemont System	Twin Lakes Reservoir	30.00
	Otero Pump Station	0.00
	South Slope System	10.18
	Turquoise Reservoir	0.00
	Clear Creek Reservoir	0.00

V. Exchange and Reuse Program from the South Slope System to the Rosemont System, Twin Lakes Reservoir, Otero Pump Station, Turquoise Reservoir, and Clear Creek Reservoir: a) Stream Reaches of Exchanges: the reaches of the Arkansas River and its tributaries between the following points of exchange: i. Point from which water is exchanged: the South Slope System. ii. Point to which water is exchanged: the Rosemont System, Twin Lakes Reservoir, Otero Pump Station, Turquoise Reservoir, and Clear Creek Reservoir. b) Amount: The maximum rate of flow that would have been released from the receiving storage reservoir had no exchange been made and had no storage right junior to November 24, 1981, been exercised to store water in the receiving reservoir; except that Contract Exchanges have no rate of flow limitation and the Otero Pump Station is limited to its physical capacity. None of this amount has previously been decreed absolute.

VI. Exchange and Reuse Program from Turquoise Reservoir to Twin Lakes Reservoir, South Slope System, Clear Creek Reservoir, and the Rosemont System: a) Stream reaches of exchanges: the reaches of the Arkansas River and its tributaries between the following points of exchange: i. Point from which water is exchanged: Turquoise Reservoir. ii. Points to which water is exchanged: Twin Lakes Reservoir, South Slope System, Clear Creek Reservoir, and the Rosemont System. b) Amount: The maximum rate of flow that would have been released from the receiving storage reservoir had no exchange been made and had no storage right junior to November 24, 1981, been exercised to store water in the receiving reservoir; except that Contract Exchanges have no rate of flow limitation. None of this amount has previously been decreed absolute.

VII. Exchange and Reuse Program from Twin Lakes Reservoir to Turquoise Reservoir, South Slope System, Clear Creek Reservoir, and the Rosemont System: a) Stream reaches of exchanges: the reaches of the Arkansas River and its tributaries between the following points of exchange: i. Point from which water is exchanged: Twin Lakes Reservoir. ii. Points to which water is exchanged: Turquoise Reservoir, South Slope System, Clear Creek Reservoir, and the Rosemont System. b)

Amount: The maximum rate of flow that would have been released from the receiving storage reservoir had no exchange been made and had no storage right junior to November 24, 1981, been exercised to store water in the receiving reservoir; except that Contract Exchanges have no rate of flow limitation. The amounts that have previously been decreed absolute for these exchanges are set forth below:

FROM	TO	ABSOLUTE (C.F.S)
Twin Lakes Reservoir	Turquoise Reservoir	100.00
	South Slope System	0.00
	Clear Creek Reservoir	23.90
	Rosemont System	0.00

VIII. Exchange and Reuse Program from Clear Creek Reservoir to Twin Lakes Reservoir, Otero Pump Station, South Slope System, Turquoise Reservoir, and the Rosemont System: a) Stream Reaches of exchanges: the reaches of the Arkansas River and its tributaries between the following points of exchange: i. Point from which water is exchanged: Clear Creek Reservoir. ii. Points to which water is exchange: Twin Lakes Reservoir, Otero Pump Station, South Slope System, Turquoise Reservoir, and the Rosemont System. b) Amount: The maximum rate of flow that would have been released from the receiving storage reservoir had no exchange been made and no storage right junior to November 24, 1981, been exercised to store water in the receiving reservoir; except that Contract Exchanges have no rate of flow limitation and the Otero Pump Station is limited to its physical capacity. The amounts that have previously been decreed absolute for these exchanges are set forth below:

FROM	TO	ABSOLUTE (C.F.S)
Clear Creek Reservoir	Twin Lakes Reservoir	30.00
	Otero Pump Station	0.00
	South Slope System	0.00
	Turquoise Reservoir	0.00
	Rosemont System	0.00

H. Description of Arkansas River Water Rights Exchanges: I. Exchange and Reuse Program from Twin Lakes Reservoir to South Slope System, Turquoise Reservoir, Clear Creek Reservoir and the Rosemont System: a) Stream Reaches of Exchanges: the reaches of the Arkansas River and its tributaries between the following points of exchange: i. Point from which water is exchanged: Twin Lakes Reservoir. ii. Points to which water is exchanged: South Slope System, Turquoise Reservoir, Clear Creek Reservoir and the Rosemont System. b) Amount: The maximum rate of flow that would have been released from the receiving storage reservoir had no exchange been made and had no storage right junior to November 24, 1981, been exercised to store water in the receiving reservoir; except that Contract Exchanges have no rate of flow limitation. The amounts that have been previously decreed absolute for these exchanges are set forth below:

FROM	TO	ABSOLUTE (C.F.S.)
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Twin Lakes Reservoir	South Slope System	66.89
	Turquoise Reservoir	80.00
	Clear Creek Reservoir	4.56
	Rosemont System	0.00

II. Exchange and Reuse Program from Sugar Loaf Reservoir (at Turquoise Reservoir) to Twin Lakes Reservoir, South Slope System, Clear Creek Reservoir and the Rosemont System: a) Stream reaches of exchanges: the reaches of the Arkansas River and its tributaries between the following points of exchange: i. Point from which water is exchanged: Sugar Loaf Reservoir (at Turquoise Reservoir). ii. Points to which water is exchanged: Twin Lakes Reservoir, South Slope System, Clear Creek Reservoir and the Rosemont System. b) Amount: The maximum rate of flow that would have been released from the receiving storage reservoir had no exchange been made and had no storage right junior to November 24, 1981, been exercised to store water in the receiving reservoir; except that Contract Exchanges have no rate of flow limitation. None of this amount has previously been decreed absolute. 4. Diligence: A. Integrated System. The Applicant owns and operates an integrated system for water diversions, transmission, storage, treatment, and distribution, as well as collection and treatment of the resultant wastewater for release, exchange, and reuse. The conditional water rights herein are a part of this integrated water system comprising all water rights decreed and used for development and operation of the City of Colorado Springs' municipal water supply system. Reasonable diligence in the development of one component of the system comprises reasonable diligence in the development of all components. B. Diligence Activities. Provide a detailed outline of what has been done toward completion or for completion of the appropriation and application of water to beneficial use as conditionally decreed, including expenditures. I. During the period from February 19, 2016 (date of last decree) through February 1, 2022 (the "Diligence Period"), Applicant has operated the decreed exchanges that are the subject of this application to divert and beneficially use additional amounts of water so as to make absolute additional incremental amounts of the decreed exchanges. Applicant has also spent substantial sums of money and devoted many thousands of man hours to the operation, maintenance, improvement, and development of its water resources and its municipal water supply, distribution, and wastewater treatment systems, including work related to collection system facilities, storage reservoirs, water transmission pipelines, water treatment plants, and distribution system mains, meters, and reservoirs. The water delivered through the Applicant's municipal water systems includes the water made available to Applicant by the rights of exchange that are the subject of this Application. These expenditures on Applicant's municipal water supply system are necessary for further development of Applicant's exchanges and reuse program. As part of this overall effort, Applicant retained engineering consultants and attorneys to assist it in the acquisition, operation, maintenance, improvement, and protection of its water resources and its municipal water supply, distribution, and wastewater treatment systems. Applicant has undertaken numerous projects and activities for the improvement and enlargement of its water supply and distribution systems in order to facilitate the completion of the appropriation of the conditionally decreed rights of storage, substitution and exchange that are the subject of this

Application including, but not limited to: completion of the SDS Project Phase 1; construction and establishment of certain wetlands along Fountain Creek as required per the SDS Project environmental mitigation requirements; improvements to the raw water pipeline between Pikeview Reservoir and the Tollefson (Mesa) water treatment plant; improvements to the Northfield Reservoir dam and spillway; completion of upgrades to the 33rd Street Pump Station; completion of upgrades to the Manitou Intake diversion structure on Ruxton Creek; improvements to the French Creek Intake diversion structure; improvements to Gold Camp and South Suburban Reservoirs; investigations into seepage from Rampart Reservoir dam; investigations regarding system water losses; install water quality improvements on its Northfield and Pikeview Systems, replacement of the South Catamount transfer pipeline, design and initial construction activities for refacing of the Crystal Creek Reservoir dam; improvements to the Nichols Reservoir dam and spillway; design for refacing of the South Catamount Reservoir dam; completion of dam face reconstruction and outlet works for rehabilitation/maintenance of Homestake Reservoir (Homestake Project); pipeline repair and replacement of certain sections of the Homestake Pipeline; operation and development of its Arkansas River exchange program and its Colorado Canal reuse program; development and completion of the Integrated Water Resources Plan which identified a portfolio of water supply projects, policies, and processes that will be necessary to provide a reliable and sustainable supply of water for its customers for the next 50 years; continued pursuit of development of a joint project(s) as contemplated by the 1998 MOU between the cities of Aurora and Colorado Springs, Vail Associates, Upper Eagle River Regional Water Authority, Eagle River Water and Sanitation District, Cypress Climax Mining Company, and the Colorado River Water Conservation District; and pursuit of a project to maximize the yield of the Blue River System. Applicant also purchased shares in the Lower Arkansas Water Management Association. II. During the Diligence Period, Applicant also filed applications for, prosecuted and completed several adjudications of water rights that comprise portions of Applicant's integrated municipal water supply system. These activities include, but are not limited to, filing of applications in Water Division 2 (Arkansas River Basin) and/or pursuit of adjudication of decrees in: Case No. 15CW3001 (Water Division No. 2) involving a change of water rights in the Chilcott Ditch Company ("Chilcott") (decree entered on September 5, 2018); Case No. 15CW3002 (Water Division No. 2) involving a change of water rights in the Fountain Mutual Irrigation Company ("FMIC") (decree entered on September 5, 2018); Case No. 16CW3050 (Water Division No. 2) involving a change of water right for Chancellor Well No. 1 (application withdrawn and water rights ultimately abandoned on April 27, 2017); Case No. 16CW3053 (Water Division No. 2) involving claims for diligence for Chancellor Well No. 1 and Chancellor Well No. 2 (application withdrawn and water rights ultimately abandoned on April 27, 2017); Case No. 16CW3054 (Water Division No. 2) involving claims for diligence for Roby Ditch and Reservoir (application withdrawn and water rights ultimately abandoned on April 27, 2017); Case No. 16CW3056 (Water Division No. 2) involving an augmentation plan, replacement plan, and appropriative right of exchange involving Applicant's FMIC and Chilcott water rights (decree entered on January 29, 2020); Case No. 16CW3072 (Water Division No. 2) involving claims for diligence related to Applicant's appropriative rights of exchange originally decreed in Consolidated Case Nos. 84CW202, 84CW203, 86CW118(B) and 89CW36 (decree entered on February 13, 2018); Case No. 18CW3042

(Water Division No. 2) regarding Applicant's claims of diligence for rights of exchange and substitution involving Lake Meredith, Pueblo Reservoir, Turquoise Reservoir, Twin Lakes Reservoir, and Clear Creek Reservoir (decree entered on June 19, 2019); Case No. 18CW3053 (Water Division No. 2) regarding Applicant's conditional storage Rights for Upper Sugar Loaf Reservoir and Sugar Loaf Reservoir Enlargement and Amendment (decree entered on March 8, 2019); Case No. 19CW3026 (Water Division No. 2) involving claims for diligence related to Applicant's appropriative rights of exchange originally decreed in Case No. 86CW118(A) (decree entered on April 29, 2020); 19CW3052 (Water Division No. 2) involving an augmentation plan, replacement plan, and appropriative rights of exchange on Fountain Creek (pending); Case No. 19CW3053 (Water Division No. 2) involving an augmentation plan, and appropriative rights of exchange (pending); Case No. 20CW3033 (Water Division No. 2) involving claims for diligence related to Applicant's appropriative rights of substitution and exchange in the Fountain Creek watershed originally decreed in Case No. 84CW202 (decree entered on August 5, 2021); Case No. 20CW3047 (Water Division No. 2) involving claims for diligence for the Quail Lake conditional storage right decreed in Case No. 07CW122 (Water Division No. 2) (decree entered on February 17, 2021; Case No. 20CW3048 (Water Division 2) involving claims for diligence related to Applicants water rights decreed in Case No. 07CW121 for the Fountain Creek Recovery Project (pending); Case No. 20CW3056 (Water Division 2) involving a change in legal description of a portion of the Fountain Creek Recovery Project (decree entered March 22, 2021); Case No. 21CW3009 (Water Division 2) involving claims for diligence related to Applicant's Denver Basin groundwater exchange program decreed in Case No. 04CW132 (decree entered on February 4, 2022); Case No. 21CW3015 (Water Division 2) involving a claim for appropriative rights of exchange associated with water available under Applicant's shares in the Lower Arkansas Water Management Association (pending); Case No. 21CW3055 (Water Division 2) involving claims for diligence related to Applicant's water rights decreed in Case No. 12CW31 for Upper Williams Creek Reservoir (pending); and Case No. 22CW3002 (Water Division 2) involving claims for diligence related for Applicant's rights of substitution and exchange decreed in Case No. 07CW122 (pending). III. Applicant has also acted to preserve and protect all its water rights by filing statements of opposition to, and participating in, many judicial and administrative proceedings. For example, Applicant has consistently opposed water court applications that seek approval of plans for augmentation that operate on Fountain Creek. Applicant has participated in these cases to ensure that the out-of-priority depletions are replaced in time, amount, and location, and that the Division Engineer assesses transit losses on the replacement water supply. Applicant has undertaken endeavors to improve the accuracy of the Fountain Creek Transit Loss Model, which directly affects the exchanges at issue in this Application. C. Expenditures. Applicant's total capital expenditures in connection with the activities described above on its integrated system during the Due Diligence Period have exceeded \$434,489,311. In addition to that amount, over \$9,392,749 was expended on the operation of the Arkansas River Exchange Program. Applicant reserves the right to identify additional relevant efforts that may be later discovered or to make upward adjustments to amounts expended on certain projects. D. Applicant made diligent efforts regarding this Application to determine and quantify all efforts made toward completion of the appropriations and application of the water rights decreed in Case No. 84CW203 to beneficial use. However,

it is reasonably possible that relevant efforts or expenditures may have been overlooked or need further upward adjustment. 5. Claim to make absolute in whole or in part: The Applicant has operated the decreed exchanges that are the subject of this application to divert and beneficially use additional amounts of water beyond the amounts previously made absolute so as to make absolute additional incremental amounts of the decreed exchanges as follows: A. Date water applied to beneficial use: Between April 1, 2013 and January 31, 2022 as documented in the attached Exhibit B. I. Amounts: as set forth in the Table below (2013-2022 Exchanges):

2013-2022 EXCHANGE

FROM	STRUCTURE NAME (Exchange-to)	Total Amount of Exchange Decreed in 84CW203	Amount Decreed Absolute in 13CW009 (C.F.S.)	Amount Decreed Conditional in 13CW009 (C.F.S.)	Additional Amount Claimed Absolute (C.F.S.)	Resulting Remaining Conditional Amount (C.F.S.)	New Total New Amount Claimed Absolute (C.F.S.)	
Transmountain water: Fountain Creek (from Wastewater Outfalls)	Pueblo Reservoir	164.00	48.62	115.38	10.42	104.96	59.04	
	Twin Lakes Reservoir	164.00	36.46	127.54	0.00	127.54	36.46	
	Fountain Valley Conduit	164.00	0.00	164.00	0.00	164.00	0.00	
	Otero Pump Station	164.00	0.00	164.00	0.00	164.00	0.00	
	South Slope System	164.00	0.00	164.00	32.27	131.73	32.27	
	Turquoise Reservoir	164.00	25.00	139.00	0.00	139.00	25.00	
	Clear Creek Reservoir	164.00	17.50	146.50	0.00	146.50	17.50	
	Rosemont System	164.00	0.00	164.00	0.00	164.00	0.00	
	Fountain Creek (Terminal Storage Facilities)	Pueblo Reservoir	1000.00	11.49	988.51	0.00	988.51	11.49
	Twin Lakes Reservoir	1000.00	0.00	1000.00	0.00	1,000.00	0.00	
Fountain Valley Conduit	1000.00	0.00	1000.00	0.00	1,000.00	0.00		
Otero Pump Station	1000.00	0.00	1000.00	0.00	1,000.00	0.00		
South Slope System	1000.00	0.00	1000.00	0.00	1,000.00	0.00		
Turquoise Reservoir	1000.00	0.00	1000.00	0.00	1,000.00	0.00		
Clear Creek Reservoir	1000.00	0.00	1000.00	0.00	1,000.00	0.00		
Rosemont System	1000.00	0.00	1000.00	0.00	1,000.00	0.00		
Pueblo Reservoir	Twin Lakes Reservoir	Flow**	765.95	Flow**	0.00	Flow**	765.95	
	Otero Pump Station	Flow**	20.80	Flow**	0.00	Flow**	20.80	
		Flow**	76.05	Flow**	0.00	Flow**	76.05	

	South Slope System	Flow**	125.00	Flow**	175.00	Flow**	300.00
	Turquoise Reservoir	Flow**	50.00	Flow**	0.00	Flow**	50.00
	Clear Creek Reservoir	Flow**	28.34	Flow**	0.00	Flow**	28.34
Rosemont System	Rosemont System						
	Twin Lakes Reservoir	Flow**	0.00	Flow**	0.00	Flow**	0.00
	Turquoise Reservoir	Flow**	0.00	Flow**	0.00	Flow**	0.00
	Otero Pump Station	Flow**	0.00	Flow**	0.00	Flow**	0.00
	South Slope System	Flow**	10.18	Flow**	0.00	Flow**	10.18
	Clear Creek Reservoir	Flow**	0.00	Flow**	0.00	Flow**	0.00
South Slope System	South Slope System						
	Twin Lakes Reservoir	Flow**	0.00	Flow**	0.00	Flow**	0.00
	Otero Pump Station	Flow**	0.00	Flow**	0.00	Flow**	0.00
	Turquoise Reservoir	Flow**	0.00	Flow**	0.00	Flow**	0.00
	Clear Creek Reservoir	Flow**	0.00	Flow**	0.00	Flow**	0.00
	Rosemont System	Flow**	0.00	Flow**	0.00	Flow**	0.00
Turquoise Reservoir	Turquoise Reservoir						
	South Slope System	Flow**	0.00	Flow**	2.51	Flow**	2.51
	Clear Creek Reservoir	Flow**	0.00	Flow**	0.00	Flow**	0.00
	Rosemont System	Flow**	0.00	Flow**	1.88	Flow**	1.88
Twin Lakes Reservoir	Twin Lakes Reservoir						
	Turquoise Reservoir	Flow**	100.00	Flow**	0.00	Flow**	100.00
	Clear Creek Reservoir	Flow**	23.90	Flow**	0.00	Flow**	23.90
	South Slope System	Flow**	0.00	Flow**	3.17	Flow**	3.17
	Rosemont System	Flow**	0.00	Flow**	1.01	Flow**	1.01
Clear Creek Reservoir	Clear Creek Reservoir						
	Twin Lakes Reservoir	Flow**	30.00	Flow**	0.00	Flow**	30.00
	Otero Pump Station	Flow**	0.00	Flow**	0.00	Flow**	0.00
	South Slope System	Flow**	0.00	Flow**	0.00	Flow**	0.00
	Turquoise Reservoir	Flow**	0.00	Flow**	0.00	Flow**	0.00
	Rosemont System	Flow**	0.00	Flow**	0.00	Flow**	0.00
ARKANSAS RIVER WATER:							

Twin Lakes Reservoir	South Slope System	Flow**	66.89	Flow**	0.00	Flow**	66.89
	Turquoise Reservoir	Flow**	80.00	Flow**	0.00	Flow**	80.00
	Clear Creek Reservoir	Flow**	4.56	Flow**	0.00	Flow**	4.56
	Rosemont System	Flow**	0.00	Flow**	0.00	Flow**	0.00
Sugar Loaf Reservoir	Twin Lakes Reservoir	Flow**	0.00	Flow**	0.00	Flow**	0.00
	South Slope System	Flow**	0.00	Flow**	0.00	Flow**	0.00
	Clear Creek Reservoir	Flow**	0.00	Flow**	0.00	Flow**	0.00
	Rosemont System	Flow**	0.00	Flow**	0.00	Flow**	0.00

**The maximum rate of flow that would have been released from the receiving storage reservoir had no exchange been made and had no storage right junior to November 24, 1981, been exercised to store water in the receiving reservoir; except that Contract Exchanges have no rate of flow limitation and the Otero Pump Station is limited to its physical capacity. B. Uses: Municipal purposes within the Colorado Springs municipal water supply service area, including replacement/augmentation of evaporation on Colorado Springs Utilities Reservoirs. 6. Landowners: Names and addresses of 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: A. City of Colorado Springs, Colorado Springs Utilities, c/o Jessica Davis, Plaza of the Rockies, 121 S. Tejon, MC 950, Colorado Springs, CO 80903 (Las Vegas Street Wastewater Treatment Facility Outfall, South Slope System, Rosemont System). B. Air Force Academy, Attn: Real Estate Office, 8120 Edgerton Dr., Ste 40, USAF Academy, CO 80840 (Air Force Academy Wastewater Treatment Facility Outfall). C. United States of America, Department of Interior, Bureau of Reclamation, Eastern Colorado Area Office, 11056 W. County 18-E, Loveland, CO 80537 (Pueblo Reservoir; Twin Lakes Reservoir; Turquoise Reservoir; Fountain Valley Conduit). D. Board of Water Works of Pueblo, c/o Seth Clayton, P.O. Box 400, Pueblo, Co 81002-0400 (Clear Creek Reservoir). E. Homestake Partners Cities of Colorado Springs and Aurora, acting through the Homestake Steering Committee), c/o Tom Hankins, Superintendent, Otero Pump Station, 37200 North Highway 24, P.O. Box 1821, Buena Vista, CO 81211 (Otero Pump Station). F. The Fountain Mutual Irrigation Company, c/o Gary Steen, P.O. Box 75292, Colorado Springs, CO 80970-5292 (Big Johnson Reservoir, which is the Fountain Creek terminal effluent storage facility from which an absolute exchange is claimed herein). 7. Remarks or other pertinent information: A. PLSS Descriptions. PLSS descriptions are included herein in compliance with Water Court forms. In the event of a discrepancy between the decreed location and the PLSS descriptions herein, the decreed location is controlling. Any person reading this application should rely on the terms of the decree in Case No. 84CW203 adjudicating the conditional water rights herein.

CASE NO. 2022CW3007; CHRISTOPHER AND WENDY JEUB, 16315 Rickenbacker

Ave, Monument, CO 80132 (Please address all pleadings and inquiries regarding this matter to Applicant's attorneys: James J. Petrock and Eric K. Trout, Hayes Poznanovic Korver LLC, 700 17th Street, Suite 1800, Denver, CO, 80202, (303) 825-1980)

Application for Underground Water Rights from Nontributary and Not Nontributary Sources and Approval of Plan for Augmentation, in the Nontributary Arapahoe, and Laramie-Fox Hills Aquifers and the Not-Nontributary Dawson and Denver Aquifers

EL PASO COUNTY

2. Subject Property: 5 acres generally located in the NW1/4 of NE1/4, Section 27, Township 11 South, Range 67 West of the 6th P.M., also known as 16315 Rickenbacker Ave, Monument, El Paso County, State of Colorado. See **Exhibit A** ("Subject Property") attached to the application for a general location map. (All exhibits mentioned herein are incorporated by reference and may be inspected at the office of the clerk of this Court.) Applicants are the sole owners of the Subject Property and have provided notice to all mortgage and lien holders as required under C.R.S. § 37-92-302(2)(b). 3. Well Permits: There is one existing Denver Aquifer household-use only well on the Subject Property under well permit number 161942. This well will be re-permitted under the plan for augmentation requested in this application. Additional well permits will be applied for prior to construction of additional wells. 4. Source of Water Rights: The Dawson and Denver aquifers are not-nontributary as defined in C.R.S. § 37-90-103(10.7), and the Arapahoe and Laramie-Fox Hills aquifers are nontributary as defined in C.R.S. § 37-90-103(10.5). 5. Estimated Amounts: Applicants estimate the following annual amounts may be available for withdrawal:

Aquifer	Annual Amount (acre-feet)
Dawson (NNT)	1.05
Denver (NNT)	3.82
Arapahoe (NT)	4.24
Laramie-Fox Hills (NT)	1.77

6. Proposed Uses: Domestic, including in-house use, commercial, irrigation, livestock watering, fire protection, and augmentation purposes, including storage, both on and off the Subject Property. 7. Jurisdiction: The Court has jurisdiction over the subject matter of this application pursuant to C.R.S. §§ 37-90-137(6), 37-92-203(1), 37-92-302(2). 8. Summary of Plan for Augmentation: Groundwater to be Augmented: 2.1 acre-feet per year for 100 years of Denver Aquifer groundwater. Water Rights to be Used for Augmentation: Return flows from the use of not nontributary and nontributary groundwater and direct discharge of nontributary groundwater. Statement of Plan for Augmentation: The Denver Aquifer groundwater will be used for domestic purposes, including in-house use, irrigation, commercial, livestock watering, and fire protection, through one or more wells, both on and off the Subject Property. Applicants reserve the right to amend the amount and uses without amending the application or republishing the same. Sewage treatment for in-house use will be provided by non-evaporative septic systems. Return flow from in-house use will be approximately 90% of that use, and return flow from irrigation use will be approximately 15% of that use. During pumping Applicants will replace actual depletions pursuant to C.R.S. § 37-90-137(9)(c.5). Depletions occur to the Monument Creek stream system and return flows accrue to that creek system and

are sufficient to replace actual depletions while the subject groundwater is being pumped. Applicants will reserve an equal amount of nontributary groundwater underlying the Subject Property to meet post pumping augmentation requirements. Applicants request the Court approve the above underground water rights and augmentation plan, find that Applicants have complied with C.R.S. § 37-90-137(4) and water is legally available for withdrawal, find there will be no material injury to the owners of or persons entitled to use water under any vested water right or decreed conditional water right, and grant such other and further relief as is appropriate.

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 April 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 4TH day of March 2022.

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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