

DISTRICT COURT, WATER DIVISION NO. 2, COLORADO

RESUME OF CASES FILED AND/OR ORDERED PUBLISHED DURING NOVEMBER 2023. (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 2023, in Water Division No. 2. The names and addresses of applicants, description of water rights or conditional water rights involved, and description of ruling sought as reflected by said applications, or amendments, are as follows:

CASE NO. 2023CW3041 Water Division 2 and CASE NO. 2023CW3110 Water Division 1; SUSAN C. MCLEAN, 2415 Hodgen Road, Colorado Springs, CO 80921

(Please address all pleadings and inquiries regarding this matter to Applicant's attorneys: Chris D. Cummins, W. James Tilton, Sedona E. Chavez and Paul J. Raymond, Monson, Cummins, Shohet & Farr, LLC, 13511 Northgate Estates Drive, Ste. 250, Colorado Springs, CO 80921 (719) 471-1212)

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

EL PASO COUNTY

Applicant seeks to construct up to four wells, including an existing exempt well (to remain exempt), to the not-nontributary Dawson aquifer to provide water service to an equivalent number of lots, based on an anticipated subdivision of Applicant's 38 acre parcel of land. Applicant therefore seeks to quantify the Denver Basin groundwater underlying the Applicant's Property, and approval of a plan for augmentation for the use thereof. Application for Use of Underground Water Rights. Legal Description of Wells. Property Description. All wells are and will be located on Applicant's approximately 38-acre property ("Applicant's Property") anticipated to be subdivided into up to four lots, with current schedule number 6128100014. Applicant's Property is depicted on the **Exhibit A** map attached to the application, (All exhibits mentioned herein are incorporated by reference and may be inspected at the office of the clerk of this Court.), located in the N½ NE¼ of Section 28, Township 11 South, Range 66 West of the 6th P.M., and more particularly described as 2415 Hodgen Road, Colorado Springs, CO 80921. Existing Well. There is an existing domestic well with Division of Water Resources Permit No. 49049 for the Dawson aquifer ("McLean Well No. 1"), permit attached as **Exhibit B**. It is drilled to a total depth of approximately 125 feet, and is located 682 feet from the North Section Line, and 650 feet from the East Section Line. While McLean Well No. 1 is currently believed to be constructed to an alluvial formation, Applicant reserves 300 acre feet of Dawson aquifer water for McLean Well No. 1, or any replacement wells, to utilize. Proposed Wells. Applicant proposes that up to three additional wells will be located on the Applicant's Property at specific locations not yet determined ("McLean Wells Nos. 2 through 4"), each to be constructed to the Dawson aquifer (one well per lot). Land Ownership. The land upon which the existing and proposed wells will be constructed is owned by Applicant. Water Source. Not-Nontributary. The ground water to be withdrawn

from the Dawson, Denver, and Arapahoe aquifers underlying the Applicant's Property is not-nontributary. Pursuant to C.R.S. § 37-90-137(9)(c.5), the augmentation requirements for wells in the Dawson, Denver, and Arapahoe aquifers will require the replacement of actual stream depletions. Nontributary. The groundwater that will be withdrawn from the Laramie-Fox Hills aquifers underlying the Applicant's Property is nontributary. Estimated Rates of Withdrawal and Ground Water Available. 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 Applicant requests 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. Estimated Average Annual Amounts of Ground Water Available. Applicant requests a vested right for the withdrawal of all legally available ground water in the Denver Basin aquifers underlying the Applicant's 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). Applicant estimates that the following values and average annual amounts are representative of the Denver Basin aquifers underlying Applicant's 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) | 383.9 | 2670 ¹ | 26.7 | 8.9 |
| Denver (NNT) | 547.5 | 3600 | 36 | 12 |
| Arapahoe (NNT) | 235.7 | 1550 | 15.5 | 5.16 |
| Laramie Fox Hills (NT) | 193.4 | 1122 | 11.22 | 3.74 |

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 Applicant further requests that the Court retain jurisdiction to finally determine the amount of water available for appropriation and withdrawal from each aquifer. Requested Uses. The Applicant requests the right to use the ground water for beneficial uses upon the Applicant's 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 Applicant also request that the nontributary water may be used, reused, and successively used to extinction, both on and off the Applicant's Property subject, however, to the requirement of C.R.S. §37-90-137(9)(b), that no more

¹ Applicant will reserve 300 acre feet of Dawson aquifer water to be utilized by existing well permit no. 49049, reducing the total amount available in the Dawson aquifer to 2,670 acre feet, as compared to the 2,970 acre feet modeled to be available.

than 98% of the amount withdrawn annually shall be consumed. Applicant may use such water by immediate application or by storage and subsequent application to the beneficial uses and purposes stated herein. Provided, however, Applicant shall only be entitled to construct wells or use water from the not-nontributary Dawson, Denver, or Arapahoe aquifers pursuant to a decreed augmentation plan entered by this Court, covering the out-of-priority stream depletions caused by the use of such not-nontributary aquifers in accordance with C.R.S. § 37-90-137(9)(c.5). Well Fields. Applicant requests that she be permitted to produce the full legal entitlement from the Denver Basin aquifers underlying Applicant's Property through any combination of wells. Applicant requests that these wells be treated as a well field. Averaging of Withdrawals. Applicant requests that she be entitled to withdraw an amount of ground water in excess of the average annual amount decreed to the aquifers beneath the Applicant's 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 Applicant is entitled to withdraw from the aquifers underlying the Applicant's Property. 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 Applicant. Application for Approval of Plan for Augmentation. Statement of Plan for Augmentation. Applicant seeks approval of a plan for augmentation to allow it to utilize the not-nontributary Dawson aquifer underlying the property described herein, including following potential subdivision thereof. All wells to the not-nontributary Dawson aquifer will, during the pumping life of such wells, be augmented by septic return flows resulting from domestic uses, with post pumping depletions provided by pumping of the nontributary Laramie-Fox Hills aquifer. Structures to be Augmented. The structures to be augmented are the McLean Wells Nos. 2 through 4, along with any replacement or additional wells associated therewith, as likewise may be constructed to the Dawson aquifer of the Denver Basin underlying the Applicant's Property as requested and described herein. 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 McLean Wells Nos. 2 through 4, together with water rights from the nontributary Laramie-Fox Hills aquifer for any injurious post pumping depletions. Statement of Plan for Augmentation. Applicant wishes to provide for the augmentation of stream depletions caused by pumping of the not-nontributary Dawson aquifer by McLean Wells Nos. 1 through 4, together with water rights from the nontributary Laramie-Fox Hills aquifer for any injurious post pumping depletions. Potential water use criteria and their consumptive use component for replacement of actual depletions for the lots are estimated as follows: Uses. Household Use Only: 0.26 acre-feet annually within single-family dwellings on up to three of the subdivided lots, with a maximum of ten percent consumptive use based on non-evaporative septic leach field disposal systems. 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. Horses (or equivalent livestock): 0.011 acre-feet annually (10 gallons per day) per head with a one hundred percent consumptive use component. Amounts. McLean Wells Nos. 2 through 4 will each pump a maximum of 0.766 acre-feet

per year per lot, for a maximum total of 2.3 acre-feet being withdrawn from the Dawson aquifer per year. Such use shall be a combination of household use, irrigation of lawn, garden, and greenhouse, and the watering of horses or equivalent livestock, and other permitted uses described in paragraph III.D., above. An example breakdown of this combination of use, utilizing the factors described above, for each lot, is in-house use of 0.26 acre-feet of water per year, with the additional 0.506 acre-feet per year available for irrigation of lawn, garden, and greenhouse, and the watering of up to four horses or equivalent livestock and poultry on each lot. Depletions. Applicant's consultant has determined that maximum stream depletions over the 300-year pumping period for the Dawson aquifer amounts to approximately 23.4% of pumping. Maximum annual depletions for total pumping from all wells are therefore 0.538 acre-feet in year 300 (i.e. 23.4% of pumping). Should Applicant's pumping be less than the 2.3 total per year described herein, resulting depletions and required replacements will be correspondingly reduced, so long as depletions resulting from pumping are adequately replaced. Augmentation of Depletions During Pumping. Pursuant to C.R.S. § 37-90-137(9)(c.5), Applicant is required to replace actual stream depletions attributable to pumping of the up to three residential wells subject to this augmentation plan. Applicant's consultant has determined that depletions during pumping will be effectively replaced by residential return flows from non-evaporative septic systems. The annual consumptive use for non-evaporative septic systems is 10% per year per residence. At in-house use rates of 0.2 acre-feet per lot per year, total of 0.6 acre-feet, 0.54 acre-feet is replaced to the stream system per year, utilizing non-evaporative septic systems. Thus, during pumping, stream depletions will be more than adequately augmented. Augmentation for Post Pumping Depletions. For the replacement of any injurious post-pumping depletions which may be associated with the use of the McLean Wells Nos. 2 through 4, Applicant will reserve 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. Applicant also reserves the right to substitute other legally available augmentation sources for such post pumping depletions upon further approval of the Court under its retained jurisdiction. Even though this reservation is made, under the Court's retained jurisdiction, Applicant reserves the right in the future to prove that post pumping depletions will be noninjurious. The reserved nontributary Laramie-Fox Hills groundwater will be used to replace any injurious post-pumping depletions. Upon entry of a decree in this case, the Applicant will be entitled to apply for and receive a new well permit for the McLean Wells Nos. 1 through 4 for the uses in accordance with this Application and otherwise in compliance with C.R.S. § 37-90-137. Remarks: This Application was filed in both Water Divisions 1 and 2 because depletions from the pumping of the Dawson, Denver, and Arapahoe aquifers may occur in both the South Platte and the Arkansas River systems. The return flows set forth herein will accrue to tributaries of the Arkansas River system where the majority of such depletions will occur, and it is Applicant's intent to consolidate the instant matter in Water Division 2 upon completion of publication. Applicant requests that the total amount of depletions to both the South Platte River and the Arkansas River systems be replaced to the Arkansas River as set forth herein, and for a finding that those replacements are sufficient.

CASE NO. 2023CW3048; COLORADO DIVISION OF PARKS AND WILDLIFE AND THE PARKS AND WILDLIFE COMMISSION (“CPW”), Attn: Robert K. Harris, Water Resources Section Manager, 6060 Broadway, Denver, Colorado 80216 (Please

address all pleadings and inquiries regarding this matter to Applicant’s attorneys: Ema I.G. Schultz, Second Assistant Attorney General, Elizabeth Joyce, Senior Assistant Attorney General, Christopher Breidenbach, Senior Assistant Attorney General, Natural Resources & Environment Section, Office of the Colorado Attorney General, 1300 Broadway, 7th Floor, Denver, Colorado 80203. Telephone: (720) 508-6307 (Schultz) (720) 508-6761 (Joyce) (720) 508-6298 (Breidenbach). Email: ema.schultz@coag.gov; elizabeth.joyce@coag.gov; christopher.breidenbach@coag.gov)

Application For Storage Water Rights And Approval Of Plan For Augmentation

OTERO COUNTY

1. Name, mailing address, e-mail address, and telephone number of Applicants:

Colorado Division of Parks and Wildlife 6060 Broadway, Denver, Colorado 80216 **2.**

General Description of Application: CPW seeks to adjudicate storage water rights and an augmentation plan for ponds located on the Rocky Ford State Wildlife Area (“Rocky Ford SWA”) by this application. The Rocky Ford SWA is made up of 1,138 acres located northeast of Rocky Ford on the north side of the Arkansas River. *See Exhibit 1 attached to the application. (General Location Map).* (All exhibits mentioned herein are incorporated by reference and may be inspected at the office of the clerk of this Court.)

CPW has owned and managed the Rocky Ford SWA for wildlife and recreation purposes since 1954. **3. Claim for Water Rights** A. Name of Reservoir: Ryan’s Pond Southwest

(aka Pond C²), WDID 1713346 1. Location of Reservoir: Ryan’s Pond Southwest is located on-channel on a natural unnamed drainage that is tributary to the Arkansas River.

The location of the pond is shown on *Exhibit 2 (Structures Map).* a. PLSS: Ryan’s Pond Southwest is generally located in the SW1/4 NE1/4 Section 9, Township 23 South, Range 56 West, 6th PM. The centroid of the pond is located at approximately Easting 615665.7

Northing 4213570.6. b. Point of diversion: The point of diversion for Ryan’s Pond Southwest is the dam that creates the pond. The center line of the dam is located

approximately: i. UTM Coordinates: Easting 615617, Northing 4213541 Zone 13 2.

Source: Seepage and springs in an unnamed tributary to Arkansas River 3. Date of

Appropriation: June 28, 1975 a. How appropriation was initiated: Construction and filling

of Ryan’s Pond Southwest for beneficial use b. Date water applied to beneficial use: June

28, 1975 4. Amount claimed: 4.48 af absolute with the right to continuous fill and refill as

necessary to keep the pond full 5. Uses: piscatorial, fish propagation, wildlife, waterfowl,

recreation 6. Surface area of high water line: 1.12 acres a. Vertical height of dam³: 4 ft b.

Length of dam in feet: 685 ft 7. Total capacity of reservoir in acre-feet: 4.48 af 8. Active

capacity: 4.48 af b. Dead storage: 0 af 8. Remarks: Ryan’s Pond Southwest was

constructed between 1954 and 1975, but records of the specific date of construction are

not available. Ryan’s Pond Southwest has filled and been dredged and maintained since

² The lettered pond names are included in this application to aid in tracking them from the previous SWSPs. CPW intends to drop the letter naming convention for the ponds and refer to them by their proper names in the future.

³ All UTM locations and dam measurements in this application are estimated from imagery, electronic mapping systems, or visual inspection. CPW will correct any measurements based on surveys, physical measurements, or bathymetric surveys when that information is available.

its construction. Ryan's Pond Southwest was constructed in part to control the seepage and spring flows through the natural drainage to allow irrigation by other sources of leveled fields south of Ryan's Pond Southwest. Ryan's Pond Southwest storage water is not used or delivered to irrigation on the Rocky Ford SWA. Ryan's Pond Southwest releases are delivered directly to an unnamed tributary channel near the western edge of the property which then flows via natural drainage pathways to the Arkansas River. B. Name of Reservoir: Ryan's Pond Northeast (aka Pond H), WDID 1714423 1. Location of Reservoir: Ryan's Pond Northeast is located on-channel on a natural unnamed drainage that is tributary to the Arkansas River. The location of the pond is shown on **Exhibit 2 (Structures Map)**. a. PLSS: Ryan's Pond Northeast is generally located in the NE1/4 SE1/4 Section 9, Township 23 South, Range 56 West, 6th PM. The centroid of the pond is located at approximately Easting 616206.8 Northing 4213369.3. b. Point of diversion: The point of diversion for Ryan's Pond Southwest is the dam that creates the pond. The center line of the dam is located approximately: i. UTM Coordinates: Easting 616141, Northing 4213338 Zone 13 2. Source: Seepage and springs in an unnamed tributary to Arkansas River 3. Date of Appropriation: July 19, 1947 a. How appropriation was initiated: Construction and filling of Ryan's Pond Northeast for beneficial use b. Date water applied to beneficial use: July 19, 1947 4. Amount claimed: 52.95 af absolute with the right to continuous fill and refill as necessary to keep the pond full 5. Uses: piscatorial, fish propagation, wildlife, waterfowl, recreation, wetland maintenance 6. Surface area of high water line: 3.53 acres a. Vertical height of dam: 15 ft b. Length of dam in feet: 625 ft 7. Total capacity of reservoir in acre-feet: 52.95 af a. Active capacity: 52.95 af b. Dead storage: 0 af 8. Remarks: Ryan's Pond Northeast existed when CPW acquired the property in 1954, but records of the specific date of construction are not available. Ryan's Pond Northeast has filled and been maintained since its construction and since CPW acquired the property. Ryan's Pond Northeast was constructed in part to control the seepage and spring flows through the natural drainage to allow irrigation by other sources of leveled fields south and west of Ryan's Pond Northeast. Ryan's Pond Northeast storage water is not used or delivered to irrigation on the Rocky Ford SWA. Ryan's Pond Northeast releases are delivered directly to the unnamed tributary channel which flows through the Serpentine Pond (paragraph 3.C), Ryan's Pond Southeast (paragraph 3.D), and the Rocky Ford SWA onto a neighboring property before following natural drainage pathways to the Arkansas River. C. Name of Reservoir: Serpentine Pond (aka Structure I), WDID not assigned 1. Location of Reservoir: Serpentine Pond is a located on-channel on a natural unnamed drainage area that is tributary to the Arkansas River. The location of the pond is shown on **Exhibit 2 (Structures Map)**. a. PLSS: The Serpentine Pond is generally located in the SE1/4 SE1/4 Section 9, Township 23 South, Range 56 West, 6th PM. The centroid of the pond is located at approximately Easting 616203, Northing 4213083 Zone 13. b. Point of diversion: The Serpentine Pond is a constructed and shaped pond that altered a portion of the unnamed tributary designed for the maintenance of waterfowl and wetland habitat in the pond area. The pond does not include a dam of any kind. Rather the pond was constructed in a way to control and slow the movement of flows through the pond area to support its uses. The point of diversion is considered to be the beginning of the pond. The beginning of the pond is located approximately: i. UTM Coordinates: Easting 616184, Northing 4213002 Zone 13 2. Source: Seepage and springs in an unnamed tributary to Arkansas River 3. Date of Appropriation: June 28,

1975 a. How appropriation was initiated: Construction of Serpentine Pond for beneficial use b. Date water applied to beneficial use: June 28, 1975 4. Amount claimed: 4.95 af absolute with the right to continuous fill and refill as necessary to keep the pond full 5. Uses: piscatorial, fish propagation, wildlife, waterfowl, recreation, and wetland maintenance 6. Surface area of high water line: 0.97 acres a. The average depth of the pond at high water level is 2 ft. The water surface level is controlled by Ryan's Pond Southeast (paragraph 3.D). 7. Total capacity of reservoir in acre-feet: 1.94 af a. Active capacity: 0 af b. Dead storage: 1.94 af 8. Remarks: The Serpentine Pond was constructed by CPW between 1964 and 1975, but records of the specific date of construction are not available. The Serpentine Pond is a pond designed to hold water in a serpentine shape rather than a traditional pond shape. The Serpentine Pond is constructed in a natural drainage channel area that was previously manipulated for agricultural purposes. CPW believes this area would have been historically boggy before it was drained and cultivated. Aerial imagery is not available early enough in time to see the natural state of the Serpentine Pond area. The pond has been maintained since its construction. Water in the Serpentine Pond is not used or delivered to irrigation on the Rocky Ford SWA. The Serpentine Pond collects natural seepage water that gathers in the vicinity of the pond and outflow from Ryan's Pond Northeast (paragraph 3.B). Water in the Serpentine Pond then flows to Ryan's Pond Southeast (paragraph 3.D) which then flows onto a neighboring property before following natural drainage pathways to the Arkansas River. D. Name of Reservoir: Ryan's Pond Southeast (aka Pond J), WDID 1713348 1. Location of Reservoir: Ryan's Pond Southeast is an excavated on-channel pond where a historical drainage once existed. The location of the pond is shown on **Exhibit 2 (Structures Map)**. a. PLSS: Ryan's Pond Southeast is generally located in the SE1/4 SE1/4 Section 9, Township 23 South, Range 56 West, 6th PM. The centroid of the pond is located at approximately Easting 616178.0 Northing 4212960.2. b. Point of diversion: The point of diversion for Ryan's Pond Southeast is the dam that is a road and culvert that creates the pond. The center line of the dam is located approximately: i. UTM Coordinates: Easting 616248.6, Northing 4212883.1 Zone 13 2. Source: Seepage and springs in an unnamed tributary to Arkansas River and groundwater tributary to Arkansas River 3. Date of Appropriation: June 28, 1975 a. How appropriation was initiated: Construction and filling of Ryan's Pond Southeast for beneficial use b. Date water applied to beneficial use: June 28, 1975 4. Amount claimed: 1.50 af absolute with the right to continuous fill and refill as necessary to keep the pond full 5. Uses: piscatorial, fish propagation, wildlife, waterfowl, and recreation 6. Surface area of high water line: 0.50 acres a. Vertical height of dam: 3 ft b. Length of dam in feet: 10 ft 7. Total capacity of reservoir in acre-feet: 1.50 af a. Active capacity: 0 af b. Dead storage: 1.50 af 8. Remarks: Ryan's Pond Southeast was constructed between 1964 and 1975 by CPW. Before 1964, the area where Ryan's Pond Southeast is constructed appears to be a natural drainage that flows off Rocky Ford SWA to the Arkansas River. Between 1964 and 1975, CPW believes the drainage channel was excavated in conjunction with construction of the Serpentine Pond to accommodate more consistent drainage flows from the Serpentine Pond, but records of the specific date of construction are not available. Ryan's Pond Southeast filled with groundwater along with seepage and drainage from the Serpentine Pond and surrounding irrigation. The pond has been maintained since its construction. Ryan's Pond Southeast is not used or delivered to irrigation on the Rocky Ford SWA. Ryan's Pond Southeast releases are

delivered directly to an unnamed tributary channel which flows from the Rocky Ford SWA onto a neighboring property before following natural drainage pathways to the Arkansas River. E. Name of Reservoir: Big Mac Pond North (aka Structure L), WDID 1714390 1. Location of Reservoir: Big Mac Pond North is located on-channel on a natural unnamed drainage that is tributary to the Arkansas River. The location of the pond is shown on **Exhibit 2 (Structures Map)**. a. PLSS: Big Mac Pond North is generally located in the NE1/4 SW1/4 Section 14, Township 23 South, Range 56 West, 6th PM. The centroid of the pond is located at approximately Easting 618589.9, Northing 4211893.7 Zone 13 b. Point of diversion: The point of diversion for the Big Mac Pond North is the road dam and culvert which directs the water stored in the pond to Big Mac Pond South. The road culvert is located approximately: i. UTM Coordinates: Easting 618586.5, Northing 4211851.3 Zone 13 2. Source: Seepage and springs in an unnamed tributary to Arkansas River 3. Date of Appropriation: July 25, 1993 a. How appropriation was initiated: Construction of road and culvert that established the Big Mac Pond North for beneficial use b. Date water applied to beneficial use: July 25, 1993 4. Amount claimed: 1.66 af absolute with the right to continuous fill and refill as necessary to keep the pond full 5. Uses: piscatorial, fish propagation, wildlife, waterfowl, recreation, and wetland maintenance 6. Surface area of high water line: 0.83 acres a. Vertical height of dam: 2 ft b. Length of dam in feet: 225 ft 7. Total capacity of reservoir in acre-feet: 1.66 af a. Active capacity: 1.66 af b. Dead storage: 0 af 8. Remarks: The Big Mac Pond North was constructed by CPW between 1988 and 1993, but records of the specific date of construction are not available. The Big Mac Pond North was created by a road that CPW constructed through the historical Big Mac Pond area, separating the pond into two distinct and separate ponds. A culvert was constructed at the time the road was constructed that directs the pond releases at a steady state from the Big Mac Pond North to the Big Mac Pond South (paragraph 3.F). Big Mac Pond North is not used or delivered to irrigation on the Rocky Ford SWA. Big Mac Pond North releases are delivered to Big Mac Pond South and then directly to an unnamed tributary channel which flows to the Arkansas River. F. Name of Reservoir: Big Mac Pond South (aka Pond K), WDID not assigned 1. Location of Reservoir: Big Mac Pond South is located on-channel on a natural unnamed drainage that is tributary to the Arkansas River. The location of the pond is shown on **Exhibit 2 (Structures Map)**. a. PLSS: Big Mac Pond South is generally located in the NE1/4 SW1/4 Section 14, Township 23 South, Range 56 West, 6th PM. The centroid of the pond is located at approximately Easting 618535, Northing 4211766 Zone 13. b. Point of diversion: The point of diversion for Big Mac Pond South is the dam that creates the pond. The center line of the dam is located approximately: i. UTM Coordinates: Easting 618503, Northing 4211777 Zone 13. 2. Source: Seepage and springs in an unnamed tributary to Arkansas River 3. Date of Appropriation: July 25, 1993 a. How appropriation was initiated: Construction and filling of Big Mac Pond South for beneficial use b. Date water applied to beneficial use: July 25, 1993 4. Amount claimed: 3.95 af absolute with the right to continuous fill and refill as necessary to keep the pond full 5. Uses: piscatorial, fish propagation, wildlife, waterfowl, recreation, wetland maintenance, irrigation a. Irrigation description: CPW proposes to irrigate approximately 5.5 acres of land. Approximately 4.9 acres of the proposed irrigated acreage is currently cultivated and water for irrigation is currently supplied by an augmented irrigation well. Water from Big Mac Pond South would be used either as an alternative irrigation source (in a season when well water is not used) or as a

supplemental source (when well water is not sufficient). The irrigated acreage is located in portions of the NE1/4 SW1/4 and SE1/4 SW1/4 of Section 14, Township 23 South, Range 56 West, 6th PM. The irrigated acreage is shown on **Exhibit 2 (Structures Map)**.

6. Surface area of high water line: 0.79 acres **a. Vertical height of dam:** 5 ft **b. Length of dam in feet:** 355 ft **7. Total capacity of reservoir in acre-feet:** 3.95 af **a. Active capacity:** 3.95 af **b. Dead storage:** 0 af **8. Remarks:** Aerial imagery shows what appears to be the dam that creates the impoundment for Big Mac Pond as early as 1947. However, it is not clear whether water was stored in Big Mac Pond at that time or whether the dam was constructed to direct the flow in the drainage along a certain path to allow cultivation between the dam and the Arkansas River. The current configuration of Big Mac Pond South and the Big Mac Pond North (paragraph 3.E) is present in aerial imagery beginning in 1993. CPW acquired the parcel with Big Mac Pond for the Rocky Ford SWA in 1984. Between 1947 and 1993, the entire area that is now Big Mac Pond South and Big Mac Pond North (paragraph 3.E) appears to be a wetland drainage area. Big Mac Pond South has been maintained and managed since CPW acquired it. Big Mac Pond South will only be used for irrigation on the Rocky Ford SWA in accordance with the augmentation plan claimed in this case. Big Mac Pond South releases are delivered directly to an unnamed tributary channel which flows to the Arkansas River.

4. Claim for Approval of Plan for Augmentation

A. General Description: CPW seeks a plan for augmentation to replace out-of-priority depletions from evaporative losses from the ponds on the Rocky Ford SWA and to replace out-of-priority depletions from consumption of crops irrigated by Big Mac Pond South.

B. Structures to be augmented: The structures that CPW will augment under this plan include the following: 1. Ryan's Pond Southwest described in paragraph 3.A. 2. Ryan's Pond Northeast described in paragraph 3.B. 3. Serpentine Pond described in paragraph 3.C. 4. Ryan's Pond Southeast described in paragraph 3.D. 5. Big Mac Pond North described in paragraph 3.E. 6. Big Mac Pond South described in paragraph 3.F.7. CPW also requests the right to add, remove, or change structures as augmented structures pursuant to sufficient terms and conditions in the final decree including, but not limited to: sufficient notice to the Division of Water Resources, the Court, and any opposers; a showing to the Court that CPW can provide sufficient replacement water at the appropriate time and location to prevent injurious effects to the owner of or persons entitled to use water under a vested water right or a decreed conditional water right; and updated accounting forms.

C. Water Rights to be used for augmentation: The water rights or sources of water that may be used for augmentation in this augmentation plan include the following: **1. Fully consumable water owned or controlled by CPW and stored in Pueblo Reservoir.** All water to be used in this augmentation plan must be decreed or otherwise legally available for augmentation purposes. CPW owns 1,000 acre-feet of storage space in a Pueblo Reservoir account and may store any water rights legally allowed for storage in Pueblo Reservoir in the space. Pueblo Reservoir is located in all or portions of Sections 7, 18, 19, 20, 21, 22, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35 and 36, in Township 20 South, Range 66 West, and Sections 1, 2, 3, 4, 5, 9, 10 and 11, in Township 21 South, Range 66 West, and Sections 5, 8, 9, 13, 14, 15, 16, 22, 23, 24 and 25, in Township 20 South, Range 67 West, all in the 6th P.M., Pueblo County, Colorado. The Pueblo Reservoir Dam axis and the center line of the Arkansas River intersect at a point in Section 36, Township 20 South, Range 66 West of the 6th P.M., from which the NE corner of said Section bears N 61° 21' 20" E, a distance of 2,511.05 feet. CPW may

use any water right lawfully stored in its Pueblo Reservoir account and legally available for augmentation purposes in this plan for augmentation. The following sources are currently stored in CPW's Pueblo Reservoir account: a. Fully consumable water owned or controlled by the Board of Water Works of Pueblo, Colorado ("Pueblo Water"). All water to be used in this augmentation plan provided by Pueblo Water must be decreed or otherwise legally available for augmentation purposes. CPW and Pueblo Water entered a water exchange agreement in 1990 which allows CPW the right to use up to 52 acre-feet per year of transmountain or other fully consumable water. In addition, CPW and Pueblo Water are negotiating a lease for up to an additional 70 acre-feet per year of transmountain or other fully consumable water. The source of Pueblo Water's water is unspecified in the water exchange agreement and has not yet been determined for the potential lease, but may include Pueblo Water's water stored in Clear Creek Reservoir, Pueblo Reservoir, Turquoise Reservoir, Twin Lakes Reservoir, from direct flow transmountain water or from any other reservoir or place from which Pueblo Water may deliver water, the sources of which are at the option of Pueblo Water, as long as they are legally available for augmentation purposes, but such sources do not include Fryingpan-Arkansas Project Water. The sources of such water may include, but are not limited to, the water rights decreed in Case Nos. 84CW177, District Court, Water Div. No. 2; 84CW177(B), District Court, Water Div. No. 2; 90CW340, District Court, Water Div. No. 5; W-1901, District Court, Water Div. No. 5; 95CW321, District Court, Water Div. No. 5; 90CW55, District Court, Water Div. No. 2; and 04CW130, District Court, Water Div. No. 2. b. Fully consumable water attributable to leased shares in Twin Lakes Reservoir and Canal Company controlled by CPW and stored in Pueblo Reservoir. CPW and the Town of Ordway entered a water lease agreement in 2021 which allows CPW the right to use up to 222.5 shares of Ordway's 445 shares per year of Twin Lakes Reservoir and Canal Company. The lease is for five (5) years with an option for renewal up to another five (5) years. The source of Ordway's water is a pro rata amount water attributable to shares in Twin Lakes Reservoir and Canal Company stored in Twin Lakes Reservoir. CPW may deliver its leased water from Twin Lakes Reservoir to Pueblo Reservoir for storage and later use in accordance with applicable Twin Lakes Reservoir decrees. The leased water may be stored in Pueblo Reservoir over multiple years in CPW's Pueblo Reservoir Account. CPW proposes to augment depletions utilizing the fully consumptive, transmountain portion of the water available to the shares CPW leases. CPW does not request a change of the fully consumptive, transmountain portion of the water attributable to the leased shares by this application. i. Twin Lakes Reservoir is an on-stream reservoir, comprised of Lower Twin Lake and Upper Twin Lake, located in all or portions of Sections 14, 15, 16, 17, 18, 19, 20, 21, 22, 23 and 30 of Township 11 South, Range 80 West, 6th P.M. The water attributable to Twin Lakes shares is categorized as Colorado River Water Rights or Arkansas River Water Rights. ii. Colorado River Water Rights: The Independence Pass Transmountain Diversion System (the "System") diverts water from the headwaters of Roaring Fork Creek and its tributaries in Pitkin County. The System was decreed by the District Court for Garfield County in Civil Action No. 3082, on August 25, 1936, with a date of appropriation of August 23, 1930, for direct irrigation and storage in Twin Lakes Reservoir. The original decree for the System was modified by the decree entered by the District Court for Water Division 5 in Case No. W-1901, on May 12, 1976, which provides that water gathered and collected from the System is decreed for the

following purposes: direct flow and storage for irrigation, domestic, commercial, industrial, municipal, and all beneficial uses. Water is carried through the Continental Divide for delivery to Lake Creek, a tributary of the Arkansas River, at a decreed rate of 625 cubic feet per second (“cfs”), with an annual limit of 68,000 acre-feet, a running ten-year limit of 570,000 acre-feet, and other limitations set forth in the aforementioned decrees. iii. Arkansas River Water Rights: Water in Lake Creek, a tributary of the Arkansas River, is stored in Twin Lakes Reservoir pursuant to the decree entered by the District Court for Chaffee County in Civil Action No. 2346, on July 14, 1913, with dates of appropriation of December 15, 1896, for 20,645.3 acre-feet, and March 29, 1897, for 33,806.7 acre-feet. The original decree was modified by the District Court for Water Division 2 in Case No. W-3965, dated April 19, 1974. The water is decreed for storage for irrigation, domestic, commercial, industrial, and municipal purposes on any sites in the Arkansas River basin of Colorado below Twin Lakes Reservoir which are capable of being served water by diversions from said Arkansas River. iv. A Twin Lakes share represents a pro-rata interest in native Arkansas River diversions and the Independence Pass Transmountain Diversion System. The water associated with the transmountain portion of a Twin Lakes share is available for one-hundred percent consumptive use and reuse, including augmentation purposes. CPW intends to maintain, utilize, and control the native portion of the leased shares in accordance with applicable decrees and the lease. CPW will only use the leased shares in this augmentation plan after water attributable to the shares has been stored in Pueblo Reservoir. 2. Water rights to be changed and quantified in future cases. This application does not seek a change of water rights for any water rights. However, CPW anticipates the need to change water rights that it owns to make them available for augmentation purposes in the future. Therefore, in this application, CPW seeks to acknowledge that any of the following water rights may be used as replacement sources in this plan for augmentation provided that the water rights are first changed by separate decree of the Water Court. a. Catlin Canal Company Shares: CPW owns 2,102.580 shares in the Catlin Canal Company. CPW’s share are currently used for irrigation under the Catlin Canal and have not been changed or quantified. If CPW decides to change its Catlin Canal Company shares, CPW will comply with all relevant Catlin Canal Company requirements and seek a change of water rights from the Water Court before using water represented by the CPW shares in this augmentation plan. b. Mt. Pisgah Reservoir Company Shares: CPW owns 2,446.249 shares in the Mt. Pisgah Reservoir Company. CPW’s share are currently used for irrigation under the Catlin Canal and have not been changed or quantified. If CPW decides to change its Mt. Pisgah Reservoir Company shares, CPW will comply with all relevant Mt. Pisgah Reservoir Company requirements and seek a change of water rights from the Water Court before using water represented by the CPW shares in this augmentation plan. c. Larkspur Ditch Company Shares: CPW owns 2,102.58 shares in the Larkspur Ditch Company. CPW’s share are currently used for irrigation and have not been changed or quantified. If CPW decides to change its Larkspur Ditch Company shares, CPW will comply with all relevant Larkspur Ditch Company requirements and seek a change of water rights from the Water Court before using water represented by the CPW shares in this augmentation plan. 3. Additional replacement sources. Water from additional and alternative sources may be used in this plan for augmentation if such sources are decreed or lawfully available for such use or are part of a substitute water supply plan approved by the State Engineer pursuant to

§37-92-308, C.R.S., or an interruptible supply agreement approved under §37-92-309, C.R.S., or other applicable and/or successor statutes. D. Does the Applicant intend to change a water right to provide a source of augmentation? CPW does not intend to change any water rights to provide a source of augmentation in this case. E. Complete statement of plan for augmentation

1. General description: Out-of-priority depletions may occur at the Rocky Ford SWA as a result of evaporation from the open water surfaces in the ponds or crop consumption through irrigation with the Big Mac Pond South water right. All out-of-priority depletions will affect the Arkansas River in the vicinity of Rocky Ford SWA or a short distance downstream from the Rocky Ford SWA. The natural habitats that the ponds provide offer many native species of animals and fish food, water sources, livable habitats, and reproduction habitats and some areas provide habitat for threatened species. To protect any federally threatened species on Rocky Ford SWA, CPW cannot provide specific locations where the habitats are located. This augmentation plan will ensure that the fragile habitats have the water necessary to allow the threatened species to survive in Colorado.

2. Depletions: CPW has estimated depletions from evaporation at all the claimed water features on Rocky Ford SWA. CPW has also estimated depletions from crop consumption that will result if Big Mac Pond South is delivered to irrigation use. Historically, additional ponds existed on Rocky Ford SWA. Ponds not included in this application have been effectively drained and allowed to return to a natural state. In total, CPW estimates that net evaporation from the ponds result in approximately 35 acre-feet of out-of-priority depletions per year. CPW will calculate evaporation based on exposed surface acres for on-channel reservoirs evaporation requirements for Ryan's Pond Southwest, Ryan's Pond Northeast, Serpentine Pond, Big Mac Pond North, and Big Mac Pond South. CPW will calculate evaporation based on exposed groundwater requirements for Ryan's Pond Southeast. Depletions for Ryan's Pond Southeast will be lagged to the Arkansas River using Glover methodology for alluvial aquifers. CPW will estimate depletions from crop consumption using crop specific crop requirements and consumption factors generally accepted in the Arkansas River. CPW estimates that the maximum irrigation contemplated may result in approximately 35 acre-feet of out-of-priority depletions per year. CPW will lag irrigation depletions to the Arkansas River using Glover methodology for alluvial aquifers.

3. Replacements: CPW will replace out-of-priority depletions when calls senior to the priority dates for the water rights decreed in this case are located below the Rocky Ford SWA. CPW will release augmentation water from its account stored in Pueblo Reservoir to replace out-of-priority depletion on a frequency as requested by the Division Engineer or Water Commissioner. If CPW acquires or changes water rights that will not be stored in Pueblo Reservoir for replacement, CPW will deliver those replacement sources in accordance with the decree adjudicating the change of water rights and based on the location of the changed water rights. CPW will detail the location of delivery of the replacement source in any future notice of the new replacement source in this case. CPW will only use replacement sources that can be delivered to the point of depletion or the senior calling water right.

4. Terms to prevent injury: CPW will include sufficient terms and conditions in any decree in this case to prevent injury to owner of or persons entitled to use water under a vested water right or a decreed conditional water right. Terms and conditions will include, but are not limited to: a. Transit losses. When replacement water is released at locations upstream of locations of depletions, transit losses will be assessed at the rate prescribed

by the Division Engineer. b. Accounting. CPW will account for the depletions and amounts of replacement water under this augmentation plan. An accounting report will be submitted to the Division Engineer no later than February 15 annually. The report will contain monthly summaries of the depletions from the ponds and irrigation. The report will specify the location, timing, rate, and volume of replacement water releases. 5. Does the plan for augmentation include an exchange that Applicant desires to adjudicate? No. This plan for augmentation does not include any type of exchange. **5. Name 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 will be stored:** a. CPW owns all of the lands upon which any pond claimed in this application exist. b. Pueblo Reservoir is located on land owned by the U. S. Department of the Interior, Bureau of Reclamation, 11056 W. County Road, 18E, Loveland, Colorado 80537 9711. WHEREFORE, CPW respectfully requests this Court enter a decree confirming CPW's appropriation of the water rights and approving the plan for augmentation as set forth herein and granting such other relief as the Court deems just and proper.

CASE NO. 2023CW3049; Previous Case Nos. 13CW3016; 19CW3072 – RON ANDERSON, 4800 Northcreek Road, Beulah, CO 81023 (Please address all pleadings and inquiries regarding this matter to Applicant's attorneys: Matthew S. Poznanovic, Eric K. Trout, Hayes Poznanovic Korver LLC, 700 17th Street, Suite 1800, Denver, CO 80202, (303) 825-1980)

Application to Make Absolute

PUEBLO COUNTY

Prior Decree Information: Originally Decreed on June 7, 2007, in Case No. 02CW115, District Court, Water Division 2 (the "02CW115 Decree"). Diligence decreed on November 22, 2013, in Case No. 13CW3016, District Court, Water Division 2, and continued on May 14, 2020, in Case No. 19CW3072, District Court, Water Division 2. Name and Location of Structure: Well No. 1 (Permit No. 54586-F), located in the SW1/4 SE1/4, Section 21, Township 22 South, Range 68 West of the 6th P.M., Pueblo County, Colorado, at a point approximately 525 feet from the south and 2095 feet from the east section lines of said Section 21, as shown 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.) Source of Water: Groundwater tributary to North Creek, a tributary of the North St. Charles River. Date of Appropriation: August 6, 2002. Flow Rate: 15 gpm (conditional), up to 2.679 acre-feet annually. Uses: Domestic, commercial, stockwatering and irrigation. **CLAIM TO MAKE ABSOLUTE** Following approval of the plan for augmentation in the 02CW115 Decree, Well No. 1 has pumped every year at various amounts for all decreed uses, including domestic, commercial, stockwatering, and irrigation, in compliance with the plan for augmentation, as shown on the annual pumping records attached as **Exhibit B**. In 2008, Well No. 1 pumped a maximum of 1.28 acre-feet. Applicant requests that 15 gpm, not to exceed maximum pumping of 2.679 acre-feet per year, of the conditional water right for Well No. 1, be made absolute for all decreed uses, including domestic, commercial, stockwatering, and irrigation. The 15 gpm pumping rate is verified on the Statement of Beneficial Use attached as **Exhibit C**. Pursuant to Division of Water Resources Written Instruction 2020-01, a decreed

conditional water right for a well that has been lawfully completed out-of-priority in compliance with a decreed plan for augmentation may be made absolute in the amount pumped. Pursuant to the Case No. 19CW3072 decree, an application for finding of reasonable diligence for any remaining conditional water right shall be filed on or before May 31, 2026. Applicant is the owner of the land on which Well No. 1 is located. WHEREFORE, Applicant requests that this Court enter a decree finding that Applicant has made 15 gpm, not to exceed maximum pumping of 2.679 acre-feet per year, of the conditional water right for Well No. 1 absolute for all decreed uses, including domestic, commercial, stockwatering, and irrigation, and for such other and further relief as the Court deems just and proper in the premises.

CASE NO. 2023CW3050; (Originally Decreed in Case No. 00CW149; Diligence Decrees in Case Nos. 11CW8, 17CW3034); TOWN OF LA VETA (La Veta), P.O. Box 174, La Veta, CO 81055 (Please address all pleadings and inquiries regarding this matter to Applicant's attorneys: WHITE & JANKOWSKI LLC, 1333 W. 120th Ave., Suite 302, Westminster, Colorado 80234, Tele: (303) 595-9441, alanc@white-jankowski.com, virginias@white-jankowski.com, nicolib@white-jankowski.com)

Application For Finding Of Reasonable Diligence

HUERFANO COUNTY

2. BACKGROUND AND INTRODUCTION. This application seeks a finding of reasonable diligence for the water right for the La Veta Town Reservoir Enlargement (La Veta Reservoir Enlargement Water Right). a. Original Decree. The La Veta Reservoir Enlargement Water Right was confirmed by the Division 2 Water Court's March 28, 2005 Decree in Case No. 00CW149 (00CW149 Decree). b. Subsequent Diligence Decrees. The following decrees continuing the La Veta Reservoir Enlargement Water Right have been entered by the Division 2 Water Court: i. Decree in Case No. 11CW8: June 15, 2011 (11CW8 Diligence Decree). ii. Decree in Case No. 17CW3034: November 15, 2017 (17CW3034 Diligence Decree). **3. DESCRIPTION OF LA VETA TOWN RESERVOIR ENLARGEMENT WATER RIGHT.** a. Name of Structure: La Veta Town Reservoir Enlargement. b. Legal Description: The La Veta Town Reservoir and the La Veta Town Reservoir Enlargement are located in the W $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Section 28, Township 29 South, Range 68 West, 6th P.M., Huerfano County, Colorado. UTM location 499765 E, 4149395 N (NAD 83). See **EXHIBIT A** map attached to the application. (All exhibits mentioned herein are incorporated by reference and may be inspected at the office of the clerk of this Court.) c. Point(s) of Diversion: i. Town of La Veta Pipeline. The Town of La Veta Pipeline is decreed for 2.98 cubic feet per second (cfs), diverted from a point on the right bank of the Cucharas River bearing South 71° 23' West 2862 feet from the E $\frac{1}{4}$ corner of Section 5, Township 30 South, Range 68 West of the 6th P.M., Huerfano County, Colorado. ii. Town of La Veta Pipeline No. 2. The Town of La Veta Pipeline No. 2 will be located at the same general location as the Town of La Veta Pipeline and will be diverted at a rate of 5.0 cfs, conditional. d. Appropriation Date: December 19, 2000. e. Source: Cucharas River. f. Amount: 150 acre-feet. g. Uses: Municipal. **4. DILIGENCE CLAIM.** a. Diligence Period. The most recent diligence period for the La Veta Reservoir Enlargement Water Right was from November 15, 2017, the date the 17CW3034 Diligence Decree was entered, through November 30, 2023 (Diligence Period). b. Activities and Expenditures. During the Diligence Period, La Veta completed activities and expended

approximately Four Hundred Twenty-Five Thousand Dollars (\$425,000) to protect and develop La Veta's water rights, including the La Veta Reservoir Enlargement Water Right. These activities and expenditures confirm La Veta's steady and diligent efforts to complete the appropriation of the La Veta Reservoir Enlargement Water Right and include:

- i. 17CW3075 Joint Application. On December 29, 2017, La Veta, the Cucharas Sanitation & Water District, and Huerfano County Water filed a joint application for conditional storage rights and conditional appropriative rights of exchange in Water Division 2 Case No. 17CW3075 (the 17CW3075 Joint Application). The 17CW3075 Joint Application included claims for: (1) a 150 acre-foot right for storage in the La Veta Reservoir Enlargement approved in the 00CW149 Decree; and (2) exchanges that rely, in part, on La Veta's changed Mexican Ditch water rights. The 17CW3075 Joint Application was approved by the decree entered July 13, 2020 (17CW3075 Decree). La Veta completed and has participated under the terms of the agreement required in paragraph 8.4 of the 17CW3075 Decree.
- ii. Dry-Up of Irrigated Lands to Allow Exchange to La Veta Town Reservoir. La Veta's water engineer continued work on identifying lands irrigated by La Veta's changed Mexican Ditch water rights that will be dried up so the water can be exchanged to the La Veta Town Reservoir, including the La Veta Town Reservoir Enlargement.
- iii. 17CW3049 Application. On August 30, 2017, La Veta filed an application in Water Division 2 Case No. 17CW3049 (17CW3049 Application). The 17CW3049 Application sought authorization to use a portion of La Veta's water rights in the Coler Ditch and Reservoir System to meet return flow obligations from La Veta's changed Mexican Ditch water rights. The 17CW3049 Application was approved by decree entered October 30, 2019.
- iv. Maintenance of Structures. La Veta conducted maintenance activities to ensure continued water deliveries under La Veta's portfolio of water rights, including: (1) weed removal at the La Veta Town Reservoir, the La Veta Town Reservoir Enlargement, and La Veta's other storage facilities; (2) replacement of filter media and turbidity meters at La Veta's water treatment plant; (3) installation of radio read meters for La Veta's entire water supply system; and (4) construction of a main line extension to new facilities annexed into La Veta.
- v. Management of La Veta's Water Rights Portfolio. La Veta actively managed its water rights portfolio, including the La Veta Reservoir Enlargement Water Right, to maximize long-term beneficial use, including dealing with: (1) annexation issues; and (2) water treatment plant permitting issues.
- vi. Monitoring of Division 2 Water Court Resumes. La Veta monitored Division 2 resumes and Substitute Water Supply Plan (SWSP) notices for new water right applications and to determine if such applications would result in injury to La Veta's water rights, including the La Veta Reservoir Enlargement Water Right.
- vii. Water Court Oppositions. La Veta actively participated in the following Division 2 Water Court Cases to protect La Veta's water rights, including the La Veta Reservoir Enlargement Water Right: (1) 15CW3048 (decree entered February 28, 2018). (2) 16CW3022 (decree entered June 25, 2018). (3) 17CW3063 (decree entered September 18, 2020). (4) 19CW3070 (decree entered August 23, 2021).
- viii. Review of 2020 Division 2 Abandonment List. La Veta reviewed the Division 2 2020 water rights abandonment list to ensure La Veta's water rights, including the La Veta Reservoir Enlargement Water Right, were not improperly listed as abandoned.
- ix. SWSP Comments. La Veta provided comments on a Division 2 SWSP request to ensure La Veta's water rights, including the La Veta Reservoir Enlargement Water Right were not injured.

5. LA VETA'S INTEGRATED WATER SUPPLY SYSTEM.

The 11CW8 Diligence Decree and 17CW3034 Diligence Decree confirm La Veta's water system, including the La Veta Reservoir Enlargement Water Right, are part of an integrated water supply system under C.R.S. § 37-92-301(4)(b) and work on other components of La Veta's integrated municipal water supply system is evidence of diligence on the La Veta Reservoir Enlargement Water Right. **6. 00CW149 AND 17CW3034 TERMS.** All terms and conditions reached through stipulations with parties in the 00CW149 Decree and the 17CW3034 Diligence Decree will be incorporated as part of the final decree in this matter. **7. NAMES AND ADDRESSES OF OWNERS OR REPUTED OWNERS OF LAND UPON WHICH STRUCTURES ARE LOCATED.** The La Veta Town Reservoir, including the La Veta Town Reservoir Enlargement, is located on land owned by La Veta. The owner of the land on which the La Veta Town Pipeline point of diversion is located and the Town of La Veta Pipeline No. 2 will be located is Ewing Homestead, L.L.C., 9035 Ladue Road, St. Louis, Missouri 63124. **8. REQUESTED RULING.** La Veta respectfully requests the Water Court enter a decree: (a) finding the activities outlined above support a finding of reasonable diligence as to all remaining conditional amounts and uses of the La Veta Reservoir Enlargement Water Right; (b) continuing the full amount of the conditional portion of the La Veta Reservoir Enlargement Water Right for all decreed uses for an additional diligence period; and (c) such other and further relief as the Court deems 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 January 2024, (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 11th day of December 2023.

Michele Santistevan

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



(Court seal)
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