

DISTRICT COURT, WATER DIVISION NO. 2, COLORADO

RESUME OF CASES FILED AND/OR ORDERED PUBLISHED DURING June 2024.

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TO: ALL INTERESTED PARTIES

Pursuant to C.R.S. 37-92-302, you are hereby notified that the following is a resume of applications and certain amendments filed and/or ordered published during June 2024, 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 2024CW4 – BRAD FLORA, 1500 CR 125 Westcliffe CO 81252, (785) 754-8041, Design@privategarden.org

Amended Application for Simple Change in Surface Point of Diversion

CUSTER COUNTY

2. Decreed water right for which change is sought: **A. Name of Structure:** Ditch No 53-A, F. Acklebein No. 2, and Ditch No. 216-A. The Fred Acklebein Ditch No. 3. **B. Date of original and all relevant subsequent decrees:** 03-12-1896, **C. Legal Description:** **Ditch No. 53-A F. Acklebein No. 2:** It's head is located on the S.E. bank of Macey Creek, at a point whence the w. ¼ cor. Sec. 8 Tp. 23 S. R 72 W., bears N. 87 deg. W. 3760 ft., and in the S.W. 4 N.E. 4 Section 8. It's general course it East. It's length is ¼ mile. It draws it's supply of water from the said Macey Creek. It is used for the purpose of irrigating 60 acres of land lying in the N.E. 4 Sec. 8 Tp. 23 S., R. 72 W. **Ditch No. 216-A. The Fred Acklebein Ditch No. 3:** It's head is located on the N.W. bank of Macey Creek, at a point whence the w. ¼ cor. Sec 8 Tp. 23 S., R 72 W., bears W. 3765 ft. and in the S.W. 4 N.E 4 Section 8. It's general course it N.E. It's length is 2175 feet. It draws it's supply of water from said Macey Creek. It is used for the purpose of irrigating 40 acres of land lying in the N.E. 4 Sec. 8 Tp. 23 S., R. 72 W. See map **Exhibit "D"** for both structures attached to application. (All attachments mentioned herein are incorporated by reference and may be inspected at the office of the clerk of this Court.) **D. Decreed source of water:** Macey Creek. **E. Appropriation Date:** **Ditch No. 53-A:** 05-20-1873, **Ditch No. 216-A:** 05-31-1880. **F. Total amount decreed to structure in gallons per minute (gpm) or cubic feet per second (cfs):** **Ditch No. 53-A:** Absolute 1.25 cfs, **Ditch No. 216-A:** Absolute 0.93 cfs. **G. Decreed use or uses:** **Irrigation.** **H. Amount of water that applicant intends to change:** **Ditch No. 53-A:** Absolute: 100% (1.25cfs), **Ditch No. 216-A:** Absolute: 100% (0.93cfs). **3. Detailed description of proposed change in a surface point of diversion:** **A. Complete statement of change:** We have been working with NRCS to improve our existing flood irrigation system to pivot/gated pipe irrigation, and our EQIP application has been approved by NRCS. The proposed design includes adding 2 pivots for our senior water right (Ditch No. 53-A. F. Acklebein Ditch #2), and adding gated pipe for our junior water right (Ditch No. 216-A. The Fred Acklebein Ditch #3). It was determined that the most efficient way to design these systems is to change the existing points of diversions for both water rights to 2 different points further upstream, then piping the water underground to the decreed areas. The proposed senior water right diversion will be

approx. 75' in elevation above the pivots, which will allow them to run off of gravity pressure. The junior water right diversion will also be higher than the existing diversion, which will give us gravity pressure on the gated pipe, as the existing ditch is very flat and is difficult to get good water flow. See the attached map Exhibit "D" for clarity. There are no intervening surface diversion points or inflows between the existing and proposed points of diversions. The proper measuring devices, per the Division Engineer, will be installed at each location to ensure that there will be no additional water flow for either water right. The 2 pivots will not irrigate more than the decreed 60 acres for the senior right, east of Macey Creek, and the gated pipe will not irrigate more than the decreed 40 acres for the junior right, west of Macey Creek. **B. Legal Description of the corrected point of diversion: Ditch No 53-A, F. Acklebein No. 2:** SW ¼ SW ¼ Section 8, Township 23 South, Range 72 West, 6th PM and **Ditch No. 216-A. The Fred Acklebein Ditch No. 3:** NW ¼ SE ¼, Section 8, Township 23 South, Range 72 West, 6th PM. **UTM Coordinates: Ditch No 53-A, F. Acklebein No. 2:** Easting: 0458846; Northing 4212469, and **Ditch No. 216-A. The Fred Acklebein Ditch No 3:** Easting: 459650; Northing 4212932, Zone 13, **4. 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:** Joseph Kropf, 6715 Galbreth Rd. Pueblo CO 81005.

CASE NO. 2024CW3020 – GTG RED ROCK, LLC, A Colorado limited liability company, c/o Jeff Mandarich, 8605 Explorer Drive, Suite 250, Colorado Springs, CO 80920 (Please address all pleadings and inquiries regarding this matter to Applicant's attorneys: Chris D. Cummins, W. James Tilton, and Paul J. Raymond of 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

EL PASO COUNTY

II. GTG Red Rock, LLC, a Colorado limited liability company, (hereafter "Applicant") seeks to quantify the Denver Basin groundwater underlying two adjacent parcels of property it owns in El Paso County. **III.** These two parcels are approximately 54.5-acres of property in El Paso County, Colorado. The Applicant's approximately 54.5-acre property is located in the SE¼ NW¼, the SW¼ NE¼, the NE¼ SW¼, and the NW¼ SE¼ of Section 9, Township 11 South, Range 67 West of the 6th P.M. in El Paso County, Colorado, and 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.) **Not-Nontributary.** The ground water in the Dawson aquifer underlying the land is not-nontributary. The majority of the Dawson aquifer at this location has been previously appropriated by the Forest View Acres Metropolitan District and Applicant makes no claim upon the Dawson aquifer in this Application. **Nontributary.** The groundwater that will be withdrawn from the Denver, Arapahoe, and Laramie-Fox Hills aquifers underlying the Applicant's Property is nontributary. Applicant intends to utilize the nontributary water from these aquifers for the referenced wells. **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 any 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 request 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 100-year aquifer life pursuant to C.R.S. § 37-90-137(4) or 300-years pursuant to the El Paso County Land Use Development Code Applicant estimate that the following values and average annual amounts are representative of the Denver Basin aquifers underlying Applicant's Property:

Groundwater Quantification				
Denver Basin Aquifer	Net Sand	Total (AF)	100 Year (AF)	300 Year (AF)
Denver (NT)	418.9	1,486	14.86	4.95
Arapahoe (NT)	228.8	4,422	44.22	14.74
Laramie-Fox Hills (NT)	189.9	1,538	15.38	5.12

Decreed amounts may vary based upon the State's Determination of Facts. Pursuant to C.R.S. § 37-92-305(11), the Applicant further request that the Court retain jurisdiction to finally determine the amount of water available for appropriation and withdrawal from each aquifer. Requested Uses. The Applicant request the right to use the ground water for beneficial uses upon the Applicant's Property consisting of domestic, irrigation for lawn, garden, and greenhouse; domestic animal and livestock watering, fire protection, 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 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 use water from the not-nontributary Dawson aquifer pursuant to a decreed augmentation plan entered by this Court covering the out-of-priority stream depletions caused by the use of such not-nontributary aquifer in accordance with C.R.S. § 37-90-137(9)(c.5). Well Fields. Applicant request that they be permitted to produce the full legal entitlement from the Denver Basin aquifers underlying Applicant's Property through any combination of wells. Applicant request that these wells be treated as a well field. Averaging of Withdrawals. Applicant request the entitlement 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 and underlying groundwater upon which the wells are located is owned by the Applicant.

CASE NO. 2024CW3021 – SHAWNETTE M. SANDOVAL AND BRIAN P. SANDOVAL
2670 N Interstate 25, Pueblo, CO 81008 (Please address all pleadings and inquiries regarding this matter to Applicant's attorneys: Jennifer M. DiLalla, Virginia S. Sargent,

Moses, Wittemyer, Harrison and Woodruff, P.C., 2595 Canyon Boulevard, Suite 240, Boulder, CO 80302)

Application For Correction Of An Established But Erroneously Described Point Of Diversion Under C.R.S. § 37-92-305(3.6)

FOUNTAIN CREEK AND ITS TRIBUTARIES, IN PUEBLO COUNTY

2. Decreed water right for which correction is sought: 2.1 Name of structure: Cactus Ditch (WDID 1000746). 2.2 Original decree: March 23, 1896, Civil Action No. 2535 in the District Court for Pueblo County (“CA 2535 Decree”). 2.3 Legal description: The decreed point of diversion is on the west bank of Fountain Creek (Fontaine Qui Bouille) in the NW1/4 Section 25, T19S, R64W, Pueblo County, Colorado, as approximately 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.) (UTM: 542729.6 Easting; 4247148.8 Northing.) All UTM coordinates in this Application are in meters, NAD 83, Zone 13. 2.4 Source: Fountain Creek, tributary to the Arkansas River. 2.5 Amounts and appropriation dates: 2.5.1 1 cubic foot per second (“cfs”) absolute with an appropriation date of January 9, 1869. 2.5.2 0.5 cfs absolute with an appropriation date of December 31, 1879. 2.6 Use: Irrigation. 3. Detailed description of proposed correction: 3.1 Erroneous description: The legal description given in the CA 2535 Decree for the Cactus Ditch headgate places the point of diversion approximately 6 miles east of the described “west bank of Fountain Creek,” and of the actual point of diversion, as shown on **Exhibit A**. As shown in attached **Exhibit B**, which is labelled as “A Referee’s Draft Ruling” in Civil Action 2535 and which is available for download on Colorado’s Decision Support Systems (<https://dnrweblink.state.co.us/dwr/DocView.aspx?id=700337&dbid=0&cr=1>), the Referee in that case originally recorded the point of diversion as located in Range 65 West, which is consistent with the range in which the actual point of diversion is located. Despite the Referee’s correct original recording of the legal description of the point of diversion in his draft Ruling, an apparent typographical error led to an erroneous description of the established point of diversion in the CA 2535 Decree, which locates the Cactus Ditch headgate in Range 64 West. 3.2 Historical aerial photos: Applicants’ consulting engineers have obtained historical aerial photographs of the Cactus Ditch headgate going back to 1953, which is the earliest date for which such photos are available. The 1953 aerial photo, which is attached as **Exhibit C**, is evidence that the point of diversion has not been moved from its original location. 3.3 Statutory requirements: In accordance with C.R.S. § 37-92-305(3.6), the Cactus Ditch point of diversion described in the CA 2535 Decree is a point of diversion of surface water (A) that has been at the same physical location since the CA 2535 Decree confirmed the water right; (B) that is not located at the location specified in the CA 2535 Decree; and (C) from which Applicants have diverted water with the intent to divert under the CA 2535 Decree. The point of diversion therefore is established but erroneously described in the CA 2535 Decree. 3.4 Legal Description of the corrected point of diversion: 3.4.1 Location information in UTM format: 533430 Easting; 4246094 Northing, as shown on the map attached as **Exhibit A**. 3.4.1.1 Source of UTM coordinates: Digitized as part of the Arkansas River Decision Support System Task 1.1 Canal Coverage. 3.4.2 PLSS legal description: SE1/4 SW1/4 Section 25, T19 S, R65W, 6th P.M., Pueblo County. 3.4.2.1 Source of PLSS description: Converted the UTM coordinates using the Location

Converter tool available from the Division of Water Resources website: <https://dwr.state.co.us/Tools/LocationConverter> 3.5 Authority to correct point of diversion for 1/6 interest not owned by Applicants: Applicants own 5/6 of the water rights decreed to the Cactus Ditch. The remaining 1/6 interest is owned by Jason Ward. Attached **Exhibit D** is a Grant of Authority from Mr. Ward to Applicants to include his 1/6 interest in the Cactus Ditch in this Application. 4. Names and addresses of owners or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure, is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool: No diversion structure or storage structure will be constructed or modified, and no water will be stored, under this Application. Wherefore, Applicants request that the Court enter a decree granting this Application and correcting the established but erroneously described point of diversion for the Cactus Ditch as described herein.

CASE NO. 2024CW3022 – Previous Case Nos. 17CW3062, 11CW44, 01CW148; TOWN OF PONCHA SPRINGS, c/o Lance Hostetter, Town Administrative Officer, PO Box 190 Poncha Springs, CO 81242 (Please address all pleadings and inquiries regarding this matter to Applicant’s attorneys: David M. Shohet and Paul J. Raymond of Monson, Cummins, Shohet & Farr, LLC, 13511 Northgate Estates Dr., Ste. 250, Colorado Springs, CO 80921 (719) 471-1212)

Application for Finding of Reasonable Diligence

CHAFFEE AND LAKE COUNTIES

III. Town of Poncha Springs’ Exchange. **IV.** Type of conditional water right: Conditional exchange. Original decree: Case No. 01CW148, District Court, Water Division No. 2, decreed on June 17, 2005. Subsequent decrees awarding findings of diligence: Case No. 11CW44, District Court, Water Division No. 2, decreed on November 28, 2011. Case No. 17CW3062, District Court, Water Division No. 2, decreed on June 22, 2018. Amount of conditional exchange: 125 annual acre feet of water, at a maximum exchange rate of 10 cfs. Sources of exchange water: McPherson Ditch. The historical stream depletion credits during the irrigation season from the 1.0 cfs of the McPherson Ditch as changed in Case No. 99CW183, Water Division 2 (“McPherson Water Right”). Pursuant to Case No. 99CW183, the McPherson Water Right is used, without limitation, as additional augmentation water within Applicant’s existing augmentation plan decreed in Case No. 82CW104 and can be placed into upstream storage in O’Haver Reservoir for later use. The decreed amount of depletion credits in Case No. 99CW183 is 43.4 annual acre feet during the historical irrigation season with delayed return flow obligations of 8.2 acre feet, for a net consumptive use of 35.2 annual acre feet. The availability and timing of water under the McPherson Water Right is determined under the decree entered in Case No. 99CW183. Fryingpan Arkansas Project Water. The Applicant’s allocation of Fryingpan Arkansas Project Water purchased from the Southeastern District (“Project Water”) described as follows: West Slope Decrees: The Fryingpan Arkansas Project diverts surface water from the headwaters of Hunter Creek and the Fryingpan River and their tributaries in Pitkin County. The principal 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; and were supplemented by the Decree in Case

No. 83CW352 (District Court, Water Division No. 5) dated May 31, 1985. These water rights have an appropriation date of July 29, 1957. Water diverted under these decrees travels under the Continental Divide through Boustead Tunnel, which empties into Turquoise Reservoir. This water may be stored in Turquoise Reservoir, Twin Lakes Reservoir and elsewhere, and applied to beneficial use within Southeastern's District boundaries. Because the water is imported from another river basin, it is fully consumable in Water Division 2. East Slope Decrees: The Fryingpan Arkansas Project also diverts and stores surface water from the Arkansas River and its tributaries in Lake, Chaffee, Fremont and Pueblo Counties. The principal water rights were adjudicated by the decrees in Civil Action No. 5141 (District Court, Chaffee County) dated July 9, 1969; and Civil Action No. B 42135 (District Court, Pueblo County) dated June 25, 1962; and were modified and supplemented by the Decree in Case No. 80CW6 (District Court, Water Division No. 2), dated October 23, 1980. These water rights include storage in Turquoise Reservoir, Twin Lakes Reservoir, Pueblo Reservoir and elsewhere, with an appropriation date of February 10, 1939, and are expressly decreed for reuse and exchange for beneficial use within Southeastern's District boundaries. Under these decrees, Turquoise Reservoir and Twin Lakes Reservoir may store native water or imported water, directly or by exchange with each other or with Pueblo Reservoir. Priority date of the conditional exchange: November 26, 2001. Uses of the exchange water: Augmentation purposes in accordance with the Applicant's decreed plans for augmentation in Case Nos. 82CW104 and 99CW183. Exchange reach: On the mainstem of the Arkansas River from its confluence with the South Arkansas River in Section 4, Township 49 North, Range 9 East, N.M.P.M., and from this point, (1) up the mainstem of the Arkansas River to the confluence with the Lake Fork of the Arkansas River located in Section 5, Township 10 South, Range 80 West, 6th P.M., and from this point up the Lake Fork of the Arkansas River to the terminus of the exchange at Turquoise Reservoir formed by a dam across the Lake Fork of the Arkansas River 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; and (2) up the mainstem of the Arkansas River to the confluence with Lake Creek located in Section 24, Township 11 South, Range 80 West of the 6th P.M., and from this point up Lake Creek to the terminus of the exchange at Twin Lakes Reservoir 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. **V.** In Case No. 01CW148, the Applicant was awarded the Town of Poncha Springs' Exchange being a 10 c.f.s. conditional water right for the exchange of its McPherson Water Right and its allocation of Project Water into storage in Turquoise and Twin Lakes Reservoirs. The adjudicated depletion and consumptive use under the McPherson Water Right is available for exchange as a direct flow stream credit or as water placed into and released from storage in O'Haver Reservoir in accordance with the terms of the decree in Case No. 99CW183. The Applicant's purchased allocation of Project Water is available for this exchange as placed into and released from storage in O'Haver Reservoir, North Fork Reservoir, and Boss Lake under storage contract with the Upper Arkansas River Water Conservancy District. The use of the exchange water is for augmentation purposes in accordance with the Applicant's decreed plans for augmentation in Case Nos. 82CW104 and 99CW183. Accordingly, the Town of Poncha Springs' Exchange awarded to Applicant in Case No. 01CW148 is an integral part of Applicant's current and future municipal water supply

system. During this diligence period, Applicant has performed significant work within its service boundaries and on its municipal water system to develop the decreed Town of Poncha Springs' Exchange as part of its integrated municipal supply system. This work, without limitation, includes significant time and effort updating its physical water supply delivery system, which included water main extension and loop across US Highway 285 and extension of water main westward beyond the visitor's center property to serve 3 new development communities on the west side of highway 285 which are to be served by the Town of Poncha Springs' municipal water system. Applicant is also in the planning stages of developing municipal water service connections to two other new development communities which are currently in the planning stages of development. Applicant also completed two new water wells being the Poncha Well Nos. 6 and 7 which brought the total number of water wells under the Town's control from 5 to 7. Applicant has also expended significant funds on a major water infrastructure improvement project, which included construction of a 400,000-gallon elevated storage tank, and remediation including sandblasting and resurfacing of two other water storage tanks the Town owns. As the decreed Town of Poncha Springs' Exchange is part of the Applicant's integrated water supply system, work performed on behalf of one component of this integrated system constitutes diligence on behalf of all structures, which are a part of this integrated system. Applicant expended over \$100,000.00 on the work associated with its municipal water system during this diligence period. Applicant has also incurred legal, engineering, and administrative fees related to its water supply system consisting of, without limitation, water supply and distribution analysis, water rights planning, Water Court filings for the change of water rights and for the protection of its water rights, well permitting, and water rights administration matters. No part of the conditional water right awarded in Case No. 01CW148 is requested to be made absolute herein at this time.

CASE NO. 2024CW3023 – Previous Case Nos. 17CW3059, 06CW126; SECURITY WATER DISTRICT, c/o Roy Heald, Manager, 231 Security Blvd., Colorado Springs, CO 80911 (Please address all pleadings and inquiries regarding this matter to Applicant's attorneys: David M. Shohet and Sedona E. Chavez of Monson, Cummins, Shohet & Farr, LLC, 13511 Northgate Estates Dr., Ste. 250, Colorado Springs, CO 80921 (719) 471-1212)

Amended Application for Finding of Reasonable Diligence

EL PASO COUNTY

Security seeks a finding of reasonable diligence for the remaining conditional exchange right originally decreed in Case No. 06CW126 with a subsequent finding of diligence and partially absolute in Case No. 17CW3059, District Court, Water Division 2. Description of Conditional Exchange: The Decree in Case No. 06CW126, District Court, Water Division 2, adjudicated a conditional exchange from the exchange from point of the Chilcott Ditch headgate, located in the SE1/4 of Section 25, Township 15 South, Range 66 West of the 6th P.M.¹ as administered through the Chilcott Ditch augmentation station as shown on **Exhibit A** attached to the application, (All exhibits mentioned herein are

¹ Paragraph 11.A. of the Decree entered in Case No. 06CW126 erroneously lists the location of the Chilcott Ditch headgate as SW1/4 of Section 30, Township 15 South, Range 65 West. The accurate location of the Chilcott Ditch headgate, as listed in Paragraphs III.A. of this Application and 7.1 of the Decree entered in Case No. 17CW3059, is the SE1/4 of Section 25, Township 15 South, Range 66 West of the 6th P.M.

incorporated by reference and may be inspected at the office of the clerk of this Court.) to the exchange points of: The point of depletion on Fountain Creek of the wells Security owns or leases in the Widefield Aquifer and Windmill Gulch Aquifer as decreed in Case Nos. W-103, W-104, W-105, W-106, W-107, W-108, W-109, W-110, W-111, W-112, W-346, W-400, W-664, W-3174, W-4766, W-1551, 81CW225, 84CW130, and 91CW33, as covered in Security's existing plans for augmentation in Case Nos. W-4212, 90CW28, 07CW51, 01CW149, and 09CW92. The place of Security's well depletions to Fountain Creek is generally located in the NE1/4 of Section 25, Township 15 South, Range 66 West of the 6th P.M., as generally depicted on **Exhibit A**. The Fountain Mutual Ditch headgate located in the SW1/4 of Section 20, Township 14 South, Range 66 West of the 6th P.M., also as generally shown on **Exhibit A**. The Stubbs and Miller Ditch headgate located in the NE1/4 of the SW1/4 of Section 3, Township 15 South, Range 66 West of the 6th P.M., also as generally shown on **Exhibit A**. The above is collectively referred to as the "Exchange." Date and Case Number of Original Decree: The Original Decree was entered on October 12, 2011, in Case No. 06CW126, District Court, Water Division 2. Date and Case Number of Subsequent Diligence Decree: A subsequent diligence decree was entered on June 25, 2018, in Case No. 17CW3059, District Court, Water Division 2. Source for Exchange: The water that is the subject of the Exchange is the stream depletion credits adjudicated to Security's 10.25 shares in the Chilcott Ditch Company under the terms and conditions of the August 11, 2009 Judgment and Decree in Case No. 06CW119, District Court, Water Division 2 ("Chilcott Change Decree"). The Chilcott Ditch water rights are described as follows: Priority No. 27. Fountain Creek Priority No. 27 for 27.0 c.f.s., with an appropriation date of March 21, 1866, as described in the decree for the original adjudication for former Water District 10, District Court, entered by the District Court, El Paso County on February 15, 1882. Security's pro-rata share of the Priority No. 27 water right equals 2.635 c.f.s. Priority No. 39. Fountain Creek Priority No. 39 for 20.63 c.f.s., with an appropriation date of March 21, 1874 as described in the decree for the original adjudication for former Water District 10, District Court, entered by the District Court, El Paso County on February 15, 1882. Security's pro-rata share of the Priority 39 water right equals 2.014 c.f.s. Change of Water Rights. The Chilcott Change Decree changed the water associated with 20.5 shares of the Chilcott Ditch Company, including Security's 10.25 shares, from irrigation use to all municipal uses, including, but not limited to, domestic, irrigation, commercial, industrial, recreational, fishery, piscatorial, wildlife, augmentation, replacement, substitution, exchange, and storage for later use. Decreed Point of Diversion. The point of diversion for the Chilcott Ditch water rights is at a point on the north bank of Fountain Creek in the SE1/4 of Section 25, Township 15 South, Range 66 West of the 6th P.M., in El Paso County, Colorado. Source. The Chilcott Ditch water rights source is Fountain Creek, a tributary to the Arkansas River. Appropriation Date of Exchange: The appropriation date for the Exchange is December 29, 2006. Amount of the Exchange: The amount of the Exchange is the annual stream depletion credits from Security's 10.25 shares in the Chilcott Ditch Company based upon its pro-rata share of the Chilcott Ditch water rights under the terms and conditions of the Chilcott Change Decree with a maximum exchange rate of 2.0 c.f.s. In Case No. 17CW3059, the Court decreed Security made 1.7 c.f.s. of its conditional exchange right absolute, for augmentation purposes, with 0.3 c.f.s. remaining conditional for augmentation uses and 2.0 c.f.s. remaining conditional for recharge and municipal uses.

Uses of Exchange Water: In accordance with the Case No. 06CW126 Decree, the water will be used for augmentation and replacement of Security’s depletions as a result of the pumping of the Widefield Aquifer wells and Windmill Gulch Aquifer wells. Security may also divert the exchanged water at the Fountain Mutual Ditch headgate or the Stubbs and Miller Ditch headgate for treatment and application to direct municipal use and reuse. Additionally, Security may divert the exchanged water at the Fountain Mutual Ditch headgate or the Stubbs and Miller headgate for treatment and then used and reused as a supplemental source of Widefield Aquifer recharge and augmentation. Ownership of Exchange Source: Security is the owner of the water source for the Exchange. In the Case No. 06CW126 Decree, Security was awarded a conditional appropriative right of exchange. The conditional appropriative right of exchange is a component part of Security’s integrated water system, which consists of storage water rights, plans for augmentation, appropriative rights of exchange, surface water rights, groundwater rights, as well as both a physical and administrative infrastructure to operate the system. Pursuant to C.R.S. § 37-92-301(4)(b), work on one component of the integrated system shall be considered in finding that reasonable diligence has been shown for all components of the integrated system. During this diligence period, Security has completed the following work and outlaid the following expenditures related to the integrated water system: Security has expended over \$73,691 in plant repairs and maintenance of their integrated water system, in addition to \$11,850,122 total capital expenditures for the water system. Security has continuously operated its integrated water system to provide water services to the district's residents, which has cost \$34,101,425 in general operations and maintenance expenses. During this diligence period, Security temporarily discontinued the use of all of its wells in 2016 due to the discovery of perfluorinated compounds (PFCs) in the Widefield and Windmill Gulch aquifers. Security has designed, constructed, and operated a new water treatment system designed to remove Perfluoroalkyl substances (“PFAS”) from Security’s base water supply. This PFAS water treatment system was completed in 2021, and became fully operational in 2022. In total, \$26,176,741 was expended in in designing, constructing, and operating this PFAS water treatment system. Costs incurred by Security for the PFAS water treatment system are included in the total operation costs described in paragraph IV.B. Security has pursued the adjudication of an additional plan for augmentation and change of water right in Case No. 23CW3039, District Court, Water Division 2. Security has continued to operate the absolute portion of the Exchange to replace its well depletions. Security does not seek to make any portion of the remaining conditional Exchange absolute. Chilcott Ditch headgate is located upon land or easements owned by Chilcott, whose address is P.O. Box 1407, Monument, CO 80132. The Fountain Mutual Irrigation Company headgate and Big Johnson are located upon land or easements owned by FMIC, whose address is PO Box 75292, Colorado Springs, CO, 80970-5292. The Stubs and Miller Ditch is owned by the City of Colorado Springs and is located upon land owned by the City whose address 107 N Nevada Ave., # 300, Colorado Springs, CO, 80903-1305.

****Per Order, Resume to be published by Water Division 1 and Consolidated to Water Division 1 after publication****

CASE NO. 2024CW3024, Water Division 2 and CASE NO. 2024CW3096, Water Division 1 – WADE CARTER, 7910 E. Greenland Road, Franktown, CO 80116

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

CASE NO. 2024CW3025 – TOWN OF BUENA VISTA, COLORADO (“Buena Vista”), c/o Brian Berger, Town Administrator, P.O. Box 2002, Buena Vista, CO 81211

(Please address all pleadings and inquiries regarding this matter to Applicant’s attorneys: Gilbert Y. Marchand, Jr., #19870, Andrea L. Benson, #33176, Alperstein & Covell, P.C., 2299 Pearl Street, Suite 400-C, Boulder, CO 80302, Phone: (303) 894-8191, gym@alpersteincovell.com; alb@alpersteincovell.com)

Application For Correction Of Established But Erroneously Described Point Of Diversion Pursuant To § 37-92-305(3.6), C.R.S.

CHAFFEE COUNTY

2. The decreed water right for which correction is sought is referred to herein as the “Bray-Allen Ditch Water Right,” and is described as follows: **A. Name of structure:** The Bray Ditch and Allen Extension (WDID 1100537. **B. Date of original and all relevant subsequent decrees, including case number and court:** The Bray-Allen Ditch Water Right was decreed by the District Court, County of Chaffee, State of Colorado, in Cause No. 1530 “In the Matter of Water Rights and Priorities in Water District No. 11 of the State of Colorado” on July 13, 1897, with Priority No. 116E for 5.0 cfs for irrigation purposes with an appropriation date of September 28, 1882. The decree is referred to herein as the “CA 1530 Decree.” **C. Legal description of structure: (1)** The CA 1530 Decree describes the headgate of the Bray-Allen Ditch Water Right as follows: “the headgate of said ditch is located on the east bank of and takes water from that natural stream the Arkansas River and at a point thereon bearing S. 76 [degrees] and 40 [minutes] east from the N.W. corner of Sec. 22, Tp. 14 S. R. 78 W. 720 feet.” **(2)** The actual location of the Bray-Allen Ditch Water Right is on the east bank of the Arkansas River in the NW1/4 quarter of the NW1/4 quarter of Section 22, Township 14 South, Range 78 West, of the 6th P.M., at a point located approximately 300 feet from the west section line and 1,210 feet from the north section. The UTM coordinates (Zone 13, NAD 83) are: 403839mE, 4297550mN. **(3)** The established location is approximately 1,130 feet from the decreed location described in the CA 1530 Decree. A map depicting both the established location of the Bray-Allen Ditch Water Right and the erroneous location described in the CA 1530 decree is attached as **Figure 1** to the application filed with the Court in this case. (All exhibits mentioned herein are incorporated by reference and may be inspected at the office of the clerk of this Court.) **D. Decreed source of water:** Arkansas River. **E. Appropriation date:** September 28, 1882. **F. Total amount decreed to structure in gallons per minute (gpm) or cubic feet per second (cfs):** 5 cfs, absolute. **G. Decreed use or uses:** irrigation. **3. Detailed description of proposed correction to established but erroneously described point of diversion pursuant to Section 37-92-305(3.6)(a) and (b), C.R.S.:** Applicant is the owner by deed of the Bray-Allen Ditch Water Right, having acquired the water right by deed executed on December 15, 2022. Applicant’s seller owned and use the water right and diverted it from its actual location, described above, since the late 1980s. Applicant has also reviewed aerial photography to confirm

the location of the actual diversion point in accordance with its description above. Upon information and belief, the point of the diversion of the Bray-Allen Ditch Water Right has been at the physical location described in paragraph 2.C.(2), above, since the CA 1530 Decree confirmed the water right, and is the point from which Applicant and/or Applicant's predecessors have diverted water with the intent to divert pursuant to the CA 1530 Decree. Applicant learned of the erroneous description of the point of diversion in June of 2024. Applicant is filing this application less than three years from the date that Applicant was informed of the error. **4. Remarks:** This application does not include, and will not be consolidated or joined with, an action by Applicant seeking any type of change of water right or diligence proceeding or application to make absolute with respect to the Bray-Allen Ditch Water Right described herein. **5. 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:** Not applicable. **WHEREFORE,** pursuant to C.R.S. Section 37-92-305(3.6), Applicant requests the court: to find that Applicant has satisfied the requirements for the correction of an established but erroneously described point of diversion set forth in C.R.S. Section 37-92-305(3.6); that the correction to the established but erroneously described point of diversion sought herein will not cause an enlargement of the historical use associated with the Bray-Allen Ditch Water Right and will not injuriously affect the owner of or persons entitled to use water under a vested water right or a decreed conditional water right; and to enter a decree correcting the established but erroneously described point of diversion as described herein and granting such other relief as the Court deems proper under the circumstances.

CASE NO. 2024CW3026, Water Division 2, and CASE NO. 2024CW3101, Water Division 1 – THE LASCO REVOCABLE TRUST, (Laura and Jerry Lasco, Trustees), 3 Meeker Lane, Colorado Springs, CO 80921 (Please address all pleadings and inquiries regarding this matter to Applicant's attorneys: Chris D. Cummins and Paul J. Raymond of 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 Approval of Plan for Augmentation.

EL PASO COUNTY

II. Applicant desires to adjudicate the Denver Basin groundwater underlying its property in El Paso County, and to obtain a plan for augmentation for depletions resulting from pumping of not-nontributary groundwater from up to two wells, including for evaporative depletions associated with a swimming pool located on Applicant's property. One of the maximum two wells includes the Applicant's existing well, which will be re-permitted pursuant to the augmentation plan requested herein. These wells will provide water service to one single-family lot containing one residential home and up to two accessory dwelling units ("ADUs") which ADUs shall be treated as additional single-family residences pursuant to DWR Guideline 2016-1, as concerns water demands. **III. Legal Description of Wells. Property Description.** All wells are and will be located on Applicant's approximately 10-acre property ("Applicant's Property"). Applicant's Property is depicted

on **Exhibit A map** attached to the application, (All exhibits mentioned herein are incorporated by reference and may be inspected at the office of the clerk of this Court.) and is more particularly described as being located in the NE¼ SW¼ of Section 32, Township 11 South, Range 66 W. of the 6th P.M., also known as Lots 11 and 12, Block 6, Sun Hills Sub No. 3 with a street address of 3 Meeker Lane, Colorado Springs, CO 80921. Existing Well. There is an existing domestic well with Division of Water Resources Permit No. 35223 (“Pigg Well No. 1”). Pigg Well No. 1 is constructed to a total depth of 300 feet to the Dawson aquifer and located 1984 feet from the South Section Line and 2002 feet from the West Section Line. Applicant intends to repermit the Pigg Well No. 1 and include its uses under the plan for augmentation in this case. Proposed Well. Applicant proposes to construct an additional well on the Applicant’s Property at a specific location not yet determined (“Lasco Well No. 1”), to be constructed to the Dawson aquifer. Not-Nontributary. The groundwater 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 these aquifers will require the replacement of actual stream depletions. Nontributary. The groundwater that will be withdrawn from the Laramie-Fox Hills aquifer underlying the Applicant’s Property is nontributary. 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 groundwater 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 Groundwater Available. The Applicant requests the vested right for the withdrawal of all legally available groundwater in the Denver Basin aquifers underlying the Applicant’s Property. Said amounts may be withdrawn over 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)
Dawson (NNT)	171.8	344	3.44
Denver (NNT)	462.1	786	7.86
Arapahoe (NNT)	242.5	412	4.12
Laramie Fox Hills (NT)	188.6	283	2.83

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 groundwater for beneficial uses upon the Applicant's Property consisting of domestic, commercial, irrigation, stock water, fire protection, recreational, and also for storage and augmentation associated with such uses. The Applicant also requests 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 than 98% of the amount withdrawn annually shall be consumed, and further subject to reservations in the plan for augmentation requested herein. 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 it 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. IV. Averaging of Withdrawals. Applicant requests that it be entitled to withdraw an amount of groundwater 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. Structures to be Augmented. The structures to be augmented are the Pigg Well No. 1 and Lasco Well No. 1, 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 wastewater return flows resulting from the pumping of the not-nontributary Dawson aquifer from the Pigg Well No. 1 and Lasco Well No. 1, 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 up to two wells proposed herein for one residential lot with one single-family dwellings and up to two ADUs, including fill and evaporative depletions from a swimming pool located on the Applicant's Property. Potential water use criteria and their consumptive use component for replacement of actual depletions for the lot is estimated as follows: Consumptive Use Criteria. If only the Pigg Well No. 1 is used, the augmented well will pump a maximum of 2.1 acre-feet from the Dawson Aquifer. If the Lasco Well No. 1 is drilled and also used, then the combined augmented wells will pump a maximum of 2.77 acre-feet of water per year from the Dawson aquifer. Such use from either well shall be a combination of household use, irrigation of lawn and garden, the watering of horses or equivalent livestock, and fill and replacement of evaporative depletions from one residential pool.

Should applicant only utilize the Pigg Well No. 1, an example breakdown of this combination of use, utilizing the factors described above, is household use of 0.20 acre-feet of water per year inside one single family residence, 0.20 acre-feet of water per year inside one ADU, leaving 1.7 acre-feet available for all other consumptive uses including irrigation, the watering of horses or equivalent livestock, and one annual fill of the residential swimming pool and replacement of evaporative depletions therefrom. If a second ADU is completed on the Applicant's Property, and therefore Lasco Well No. 1 constructed, the maximum use shall be 2.77 acre-feet, and an additional demand of 0.20 acre-feet will result, leaving the remaining 2.17 acre-feet for all other consumptive uses described above. Depletions. Maximum stream depletions over the 100-year pumping period for the Dawson aquifer amounts to approximately 8.24% of pumping. If Applicant is only pumping from the Pigg Well No. 1, pumping will be limited to 2.1 acre-feet per year and depletions would therefore be 0.173 acre-feet in year 100. Maximum annual depletions from the Pigg Well No. 1 and Lasco Well No. 1 combined pumping a maximum of 2.77 acre-feet would therefore be 0.228 acre-feet in year 100. Should Applicant's pumping be less than the 2.77 acre-feet total per year when both wells are constructed, or 2.1 acre-feet if only the Pigg Well no.1 is used, as described herein, resulting depletions and required replacements will be correspondingly reduced. 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 residential wells from the Dawson aquifer. Depletions during pumping will be effectively replaced by residential return flows from a non-evaporative septic system. The annual consumptive use for non-evaporative septic systems is 10% per year. At a household use rate of 0.20 acre-feet per year, 0.18 acre-feet is replaced to the stream system annually through one single-family dwelling, utilizing a non-evaporative septic system. Should only the Pigg Well No. 1 be utilized, the return flows from one non-evaporative septic system will adequately replace all depletions when pumping is limited to a maximum of 2.1 acre-feet. Once a second single-family dwelling is completed, and the Lasco Well No. 1 is constructed, return flows resulting from two non-evaporative septic systems will result in 0.36 acre-feet of replacements from a maximum combined pumping rate of 2.77 acre-feet, and the resulting depletions will be more than adequately replaced. Thus, during pumping, stream depletions will be more than adequately augmented by in house uses in either scenario. Augmentation for Post Pumping Depletions. For the replacement of any injurious post-pumping depletions which may be associated with the use of the Pigg Well No. 1 and Lasco Well No. 1, Applicant will reserve up to the entirety of the nontributary Laramie Fox Hills aquifer, accounting for actual stream depletions replaced during the plan pumping period, as necessary to replace any injurious post pumping depletions. 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 new well permits for the Lasco Wells No. 1 and 2 for the uses in accordance with this Application and otherwise in compliance with C.R.S. § 37-90-137. **V.** This Application was filed in both Water Divisions 1 and 2 because depletions from the

pumping of the Dawson aquifer may occur in both the South Platte and the Arkansas River systems. The return flows set forth herein will accrue to tributaries of the Arkansas River system where the majority of such depletions will occur, and it is Applicants' intent to consolidate the instant matter in Water Division 2 upon completion of publication. Applicants request that the total amount of depletions to both the South Platte River and the Arkansas River systems be replaced to the Arkansas River as set forth herein, and for a finding that those replacements are sufficient.

CASE NO. 2024CW3027 – LAVERNCLAUS, LLC, 8547 E. Arapahoe Road, J-366, Greenwood Village, CO 80112 (Please address all pleadings and inquiries regarding this matter to Applicant's attorneys: David M. Shohet and W. James Tilton of Monson, Cummins, Shohet & Farr, LLC, 13511 Northgate Estates Drive, Ste. 250, Colorado Springs, CO 80921 (719) 471-1212)

Application for Plan for Augmentation

PUEBLO COUNTY

II. Applicant is the owner of approximately 26.65 acres for a commercial cannabis grow operation located at 1812 S. La Crosse Avenue, Pueblo, Colorado 81025, Parcel # 1405002032 ("North Parcel"). Applicant also owns an adjacent parcel approximately 3.36 acres for the same commercial cannabis grow operation located at 1215 Santa Fe Drive, Pueblo, Colorado 81006, Parcel # 1405002036 ("South Parcel"). These two properties (collectively, the "Properties") are located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, the NW $\frac{1}{4}$ SW $\frac{1}{4}$, the NE $\frac{1}{4}$ SW $\frac{1}{4}$, and the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 5, Township 21 South, Range 64 West of the 6th P.M., Pueblo County, Colorado. The Properties are shown 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.) The Applicant seeks a plan to augment an existing well for both indoor and outdoor cultivation and irrigation of a crop including cannabis (hemp and marijuana) on the Properties, and the associated industrial, commercial, processing, domestic, cooling, drinking and sanitary needs for the operation and any grow facilities. **III. Structure to be Augmented.** The structure to be augmented is the one existing well. The existing well, Well Permit No. 11789-R (WDID 1405864), is located in the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 5, Township 21 South, Range 64 West of the 6th P.M., Pueblo, Colorado. This well is located on Applicant's Properties and its source is the alluvium of the Arkansas River. The location of the well is shown on the attached Exhibit A map. **Water Rights to be Used for Augmentation.** Water rights to be used for augmentation consist of fully consumable water leased from the Board of Water Works of Pueblo, Colorado ("Pueblo Water"). **Lease with Pueblo Board of Water Works.** Applicant has entered into a lease for fully consumable water with Pueblo Water. Applicant intends to enter into a new lease with Pueblo Water for additional augmentation supplies. The water rights or sources of water that may be used for augmentation in this augmentation plan include the following: Fully consumable water owned or controlled by 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. The source of such water is unspecified in the lease, but may include Pueblo Water's water stored in Clear Creek 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

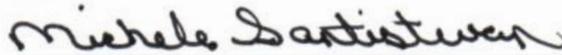
legally available for augmentation purposes. Water deliveries may include, without limitation, water stored in Twin Lakes Reservoir (located in all or portions of Sec. 14, 15, 16, 17, 18, 19, 20, 21, 22, 23 and 30 in T.11S., R.80W., 6th P.M., in Lake County), Turquoise Reservoir (located on Lake Fork Creek in Sec. 7, 8, 17, 18, 19, and 20, T.9S., R.80W., 6th P.M. and Sec. 10, 11, 12, 13, 14, and 15, T.9S., R.81W., 6th P.M., in Lake County), Clear Creek Reservoir (located in Sec. 7 and 8, T.12S., R.79W, and Sec. 12, T.12S., R.80W., 6th P.M. in Chaffee County), and reusable return flows. 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. Applicant will also seek a term and condition requesting the Water Court to retain perpetual jurisdiction over the plan for augmentation for the sole purpose to add new or additional sources of augmentation to this requested plan for augmentation. Accordingly, Applicant may utilize other fully consumable water rights for augmentation purposes under this plan. Diversions and Depletions. Uses. Indoor and outdoor cultivation and irrigation of a crop, including cannabis (hemp and marijuana), and the associated commercial, industrial, processing, cooling, domestic, drinking and sanitary needs for Applicant's operation and grow facility, including water treatment and storage for such uses. Diversions. Applicant's grow facility will operate year-round, with all uses generally increasing during the summer months. The anticipated maximum well diversions under this plan is 40 annual acre feet. Depletions. All water diverted from any wells under this plan for augmentation will be considered 100% percent depletive. Return Flows. Applicant does not claim credit for return flows from any uses under this Application. Applicant, however, reserves the right to claim such return flows in the future. Location and Timing of Depletions. Pumping of the Applicant's well will be entitled to occur on a year-round basis, resulting in year-round lagged depletions to the Arkansas River. Depletions from the Applicant's well occur to the Arkansas River at a point in the SW¼ NW¼ of Section 5, Township 21 South, Range 64 West of the 6th P.M. Applicant's water resource engineer has generated a Unit Response Function (URF) for the well using the Glover Method (Glover, 1954). Applicant's preliminary lagging analysis indicates that over ninety-five percent (95%) of the well's depletions are expected to occur within five (5) months of pumping. Replacement Water. Pueblo Water will provide the replacement water described above to augment the Applicant's well. The replacement water provided by Pueblo Water shall be fully consumable and will be available to replace the Applicant's well depletions at the point of depletion on the Arkansas River.

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

YOU ARE HEREBY NOTIFIED that any party who wishes to oppose an application, or application as amended, may file with the Water Clerk a verified statement of opposition

setting forth facts as to why the application should not be granted, or why it should be granted only in part or on certain conditions, such statement of opposition must be filed by the last day of August 2024, (forms available at Clerk's office or at www.coloradojudicial.gov, 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 July 2024.



Michele M. Santistevan, Clerk
District Court, Water Div. 2
Pueblo Judicial Building
501 N. Elizabeth Street, Suite 116
Pueblo, CO 81003; (719) 404-8832



(Court seal)
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