DISTRICT COURT, WATER DIVISION NO. 2, COLORADO

RESUME OF CASES FILED AND/OR ORDERED PUBLISHED DURING APRIL 2020

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 April 2020, 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. 2019CW3052; CITY OF COLORADO SPRINGS, COLORADO SPRINGS UTILITIES c/o Abby Ortega, Water Supply Resources Manager, P.O. Box 1103, MC 1825, Colorado Springs, CO 80947-1825, (Please address all pleadings and inquiries regarding this matter to Applicant's attorney: Michael J. Gustafson, Senior Attorney, City Attorney's Office – Utilities Division, 30 South Nevada Avenue, MC 510, Colorado Springs, CO 80903, (719) 385-5909).

Amended Application for Plan for Augmentation

EL PASO COUNTY

2. Summary of Application: Applicant, the City of Colorado Springs, acting by and through its enterprise Colorado Springs Utilities, has constructed wetlands in order to mitigate existing and future impacts to existing wetlands caused by construction of the Southern Delivery System Project ("SDS Project"). A Section 404 Permit was obtained from the United States Army Corps of Engineers ("USACE") for the SDS Project. The Compensatory Mitigation Plan, which was approved by the USACE as part of the 404 Permit, included construction of the mitigation wetlands and surrounding riparian areas at Clear Spring Ranch and Pinello Ranch along Fountain Creek. Applicant constructed the mitigation wetlands in three phases. The first and second phases of the mitigation wetlands are located on Clear Spring Ranch, a property owned by Applicant that is located south of Colorado Springs. The initial phase of wetlands construction involved 0.45 acres of wetlands, including a 0.23 acre jurisdictional portion, and was completed in September 2011 ("Phase 1 Wetlands"). The next phase of wetland construction involved a realignment of Fountain Creek and construction of an additional 4.64 acres of non-jurisdictional wetlands and was completed in July 2014. ("Phase 2 Wetlands"). The third phase of the mitigation wetlands is located on Pinello Ranch, a property owned by Applicant located south of Colorado Springs. ("Phase 3 Wetlands"). The Phase 3 Wetlands were completed in 2017 with three mitigation areas totaling an estimated 9.8 acres of jurisdictional wetlands. The purpose of the augmentation plan requested herein is to replace out-of-priority depletions associated with the evapotranspiration of groundwater from vegetation. **II. Application for Plan for Augmentation.** 3. Name and Relevant Information Regarding Augmented Structures (WDID #1007389): 3.1 Name of structure: Phase 1 Wetlands (WDID #1003364). 3.1.1 Date, case number and court of original and all relevant subsequent decrees: N/A. 3.1.2 Structure Location: UTM Coordinates: (GPS) - Easting: 527471, Northing: 4275777, Zone: 13. Legal Description: Located in El Paso County, Colorado in the SE 1/4 of the NE 1/4 of Section 29, T. 16 S, R. 65 W of the 6th P.M**.** 3.1.3 Source: Precipitation, groundwater and surface water

tributary to Fountain Creek. 3.1.4 Appropriation dates: N/A. 3.1.5 Decreed use or uses: N/A. 3.1.6 Amount: N/A. 3.2 Name of structure: Phase 2 Wetlands (WDID #1003365): 3.2.1 Date, case number and court of original and all relevant subsequent decrees: N/A. 3.2.2 Structure Location: UTM Coordinates: (GPS) - Easting: 528382, Northing: 4272712, Zone: 13. Legal Description: Located in El Paso County, Colorado in the NE 1/4 and SE 1/4 of the NW 1/4 and the NW 1/4 and SW 1/4 of the NE 1/4 of Section 4, T. 17 S, R. 65 W of the 6th P.M. 3.2.3 Source: Precipitation, groundwater and surface water tributary to Fountain Creek. 3.2.4 Appropriation dates: N/A. 3.2.5 Decreed use or uses: N/A. 3.2.6 Amount: N/A. 3.3 Name of structure: Phase 3 Wetlands (WDID #1003366): 3.3.1 Date, case number and court of original and all relevant subsequent decrees: N/A. 3.3.2 Structure Location: UTM Coordinates: Easting: 520851, Northing: 4290331, Zone: 13. Legal Description: Located in El Paso County, Colorado in the NE 1/4 of Section 10, and the SW 1/4 of the NW 1/4 of Section 11, T. 15 S, R. 66 W of the 6th P.M. 3.3.3 Source: Precipitation, groundwater and surface water tributary to Fountain Creek. 3.3.4 Appropriation dates: N/A. 3.3.5 Decreed use or uses: N/A. 3.3.6 Amount: N/A. 4. Water and Water Rights to be Used for Augmentation: Depletions resulting from the Phase 1 Wetlands, Phase 2 Wetlands, and Phase 3 Wetlands will be replaced through the use of sewered and non-sewered return flows from the reusable waters described in paragraphs 4.1 through 4.10, below and/or through direct deliveries of fully consumable water available under the source described in paragraphs 4.8 through 4.10. 4.1 The Blue River Project: The Blue River Project diverts water from the headwaters of the Blue River and its tributaries in Summit County. The 1929 water rights associated with this project were adjudicated by the decree in Civil Action No. 1710 (District Court, Summit County) dated October 26, 1937, and modified by the decree in Civil Action No. 1883 (District Court, Summit County) dated June 15, 1953. These water rights have an appropriation date of August 5, 1929. The 1948 water rights associated with this project were adjudicated by the decree in Civil Action No. 1806 (District Court, Summit County) dated May 10, 1952, the final decree in Consolidated Case Nos. 2782, 5016 and 5017 (U.S. District Court, District of Colorado) dated October 15, 1955, and were made absolute by the decree in Consolidated Case Nos. 2782, 5016 and 5017 (U.S. District Court, District of Colorado) dated February 26, 1968. These water rights have an appropriation date of May 13, 1948. An additional component of the Blue River Project is water diverted from the Middle Fork of the South Platte River in Park County. Water from the Middle Fork of the South Platte is stored in Montgomery Reservoir pursuant to Priority No. A-207 of an appropriation dated September 5, 1930, by absolute decree dated May 16, 1966, in Civil Action No. 3286, District Court of Park County. 4.2 The Homestake Project: The Homestake Project diverts water from the headwaters of tributaries of the Eagle River in Eagle County. The water rights were conditionally adjudicated by the decree in Civil Action No. 1193 (District Court, Eagle County) dated June 8, 1962. These water rights have an appropriation date of September 22, 1952. Applicant has the right to utilize one-half of the waters produced by the Homestake Project by virtue of the agreement dated June 18, 1962, between the City of Aurora and the City of Colorado Springs. 4.3 The Independence Pass Transmountain Diversion System (a/k/a Twin Lakes Project): The Twin Lakes Project diverts water from the headwaters of the Roaring Fork River and its tributaries in Pitkin County. The water rights were adjudicated by a decree in Civil Action No. 3082 (District Court, Garfield County) dated August 25, 1936, and modified by the decree in Case No.

W-1901 (District Court, Water Division No. 5) dated May 12, 1976. These water rights have an appropriation date of August 23, 1930. Applicant has the right to take and use its *pro rata* share of the water diverted and stored by the Twin Lakes Reservoir and Canal Company under these water rights. 4.4 Colorado Canal Company: Applicant owns the water rights associated with 28,012.76 shares of the Colorado Canal Company, 21,084.75 shares in the Lake Meredith Reservoir Company, and 6,923.15 shares in the Lake Henry Reservoir Company ("Colorado Canal Waters") which were quantified and changed to include use and total consumption for municipal, commercial, industrial, and all other beneficial uses at any location in Case Nos. 84CW62, 84CW63 and 84CW64. Pursuant to those decrees, Applicant has the right to take its *pro rata* share of the water diverted and stored through the Colorado Canal in Lake Meredith Reservoir and Lake Henry Reservoir, by exchange or by pipeline for use and total consumption in Applicant's municipal water system or elsewhere. The Colorado Canal water right is described as follows: Arkansas River Priority No. 62 for 756.28 c.f.s. for irrigation, with an appropriation date of June 9, 1890, as described in the decree in Case No. CA-2535, District Court, Pueblo County, Colorado, former Water District 14 entered on March 23, 1896. Applicant's *pro rata* share of Priority No. 62 is as specified in the decree in Consolidated Case Nos. 84CW62, 84CW63, and 84CW64. The Lake Meredith Reservoir water storage right is described as follows: Storage Priority No. 11 for 26,028.40 A.F. by diversions from the Arkansas River through the Colorado Canal at a rate of 756.28 c.f.s. for irrigation with an appropriation date of March 9, 1898, as described in the decree in Case No. CA-13693, District Court, Pueblo County, Colorado, former Water District 14, entered on November 25, 1916. Applicant's *pro rata* share of Storage Priority No. 11 is as specified in the decree in Consolidated Case Nos. 84CW62, 84CW63, and 84CW64. The Lake Henry Reservoir water storage rights are described as follows: Storage Priority No. 10 for 6,355 A.F. by diversions from the Arkansas River through the Colorado Canal at a rate of 756 c.f.s. for irrigation with an appropriation date of December 31, 1891, as described in the decree in Case No. CA-13693, District Court, Pueblo County, Colorado, former Water District 14, entered on entered on November 25, 1916, and Storage Priority No. 17.5 for 3,561 A.F. by diversions from the Arkansas River through the Colorado Canal at a rate of 756 c.f.s. with an appropriation date of May 15, 1909, as described in the decree in Case No. CA-13693, District Court, Pueblo County, Colorado, former Water District 14, entered on April 14, 1927. Applicant's *pro rata* share of Storage Priority No. 10 and Storage Priority No. 17.5 is as specified in the decree in Consolidated Case Nos. 84CW62, 84CW63, and 84CW64. 4.5 Sugarloaf Water Storage Rights: These rights are diverted from Lake Fork Creek, a tributary of the Arkansas River, and were originally decreed for the use of CF&I Steel Corporation, are now owned by Applicant, and are described in the decree dated June 16, 1994, in Case No. 86CW117, District Court, Water Division No. 2, as the "Sugarloaf Reservoir Right" and the "Colorado Gulch Right" (collectively referred to herein as the "Sugarloaf Water Storage Rights"). By decree dated June 16, 1994, in Case No. 86CW117, District Court, Water Division No. 2, the use and place of use of the Sugarloaf Water Storage Rights were changed to include municipal use and all other beneficial uses, including use, reuse, and successive use to extinction. 4.6 Denver Basin Reusable Water: Reusable Denver Basin Ground Water derived from nontributary, or fully augmented not-nontributary, ground water from the Denver, Arapahoe, and Laramie-Fox Hills Aquifers controlled by Applicant. The sources of the

Denver Basin Groundwater controlled by Applicant are described in paragraph 13 of the Findings of Fact, Conclusions of Law, Judgment and Decree entered on February 3, 2015, in Case No. 04CW132, District Court, Water Division No. 2. 4.7 Fryingpan-Arkansas Project: The Fryingpan-Arkansas Project diverts water from the headwaters of Hunter Creek and the Fryingpan River and its tributaries in Pitkin County. The water rights were adjudicated by the decrees in Civil Action No. 4613 (District Court, Garfield County) dated June 20, 1958, and August 3, 1959, and were modified by the decree in Case No. W-829-76 (District Court, Water Division No. 5) dated November 27, 1979. These water rights have an appropriation date of July 29, 1957. Return flows from the Fryingpan-Arkansas Project will be utilized in the augmentation plan and exchanges requested herein only after they are purchased from the Southeastern Colorado Water Conservancy District ("Southeastern"). The Applicant's purchase and use of Project water and return flows therefrom shall be consistent with the Allocation Principles of Southeastern (as they may be amended from time to time), and the lawful rules, regulations, policies, procedures, contracts, charges and terms as may be lawfully determined from time to time by Southeastern, in its sole discretion. This Decree does not create in Colorado Springs any rights of use of Fryingpan-Arkansas Project structures, or any rights of ownership or rights to purchase or receive allocation of Fryingpan-Arkansas Project water or return flows from Fryingpan-Arkansas Project water, but does not alter any existing rights Colorado Springs may otherwise have of such waters and the right to purchase return flows therefrom by virtue of Colorado Springs' interests in the Fountain Valley Authority and by virtue of the Allocation Principles adopted by Southeastern on November 29, 1979, and approved in Civil Action No. 40487 (District Court, Pueblo County) on December 18, 1979. Return flows from the Fryingpan-Arkansas Project will be utilized in the requested augmentation plan and exchanges only after they are purchased from the District and in accordance with the Stipulation dated January 12, 1989, in Case No. 84CW56. 4.8 Fountain Mutual Irrigation Company Water: Applicant is the owner of 144 of the 5,793 currently issued outstanding shares of the Fountain Mutual Irrigation Company ("FMIC") which were quantified and changed in Case No. 15CW3002 from irrigation use to all municipal uses including augmentation, exchange, and storage for later use. The FMIC water rights are described as follows: 5.38 c.f.s. for irrigation under Fountain Creek Priority No. 4, 1.125 c.f.s. for irrigation under Fountain Creek Priority No. 7, 16.69 c.f.s. for irrigation under Fountain Creek Priority No. 11, 2.125 c.f.s. for irrigation under Fountain Creek Priority No. 17, 4.65 c.f.s. for irrigation under Fountain Creek Priority No. 21, 8.48 c.f.s. for irrigation under Fountain Creek Priority No. 28, 9.68 c.f.s. for irrigation under Fountain Creek Priority No. 29, 17.05 c.f.s. for irrigation under Fountain Creek Priority No. 41, and 343.2 c.f.s. for irrigation under Fountain Creek Priority No. 168. Applicant's *pro rata* share of the FMIC water rights is as specified in the decree in Case No. 15CW3002. 4.9 Chilcott Ditch Company Water: Applicant is the owner of 9 of the 105 outstanding shares in the Chilcott Ditch Company which were quantified and changed in Case No. 15CW3001 from irrigation to all municipal uses including augmentation, exchange, and storage for later use. The Chilcott Ditch water rights are described as follows: 27.0 c.f.s. for irrigation under Fountain Creek Priority No. 27, 20.63 c.f.s. for irrigation under Fountain Creek Priority No. 39, and 30.95 c.f.s. for irrigation under Fountain Creek Priority No. 172. Applicant's *pro rata* share of the Priority No. 27 water right equals 2.314 c.f.s. Applicant's *pro rata* share of the Priority No. 39 water right

equals 1.768 c.f.s. Applicant's *pro rata* share of the Priority 172 water right equals 2.653 c.f.s., which Applicant abandoned in Case No. 15CW3001. 4.10 Additional Sources: Applicant requests the right to use water from additional sources in the augmentation plan decreed herein, including, but not limited to, any such waters that are or will be available in Applicant's system pursuant to the *Findings of Fact, Conclusions of Law, Judgment and Decree*, in Case No. 05CW96, Water Court, Water Division 2, Colorado, if such sources are decreed for augmentation use or are otherwise available for use as an augmentation source by Applicant. These sources include, but are not limited to, water acquired through short and long-term leases or subleases and/or available under decrees, substitute water supply plans pursuant to C.R.S. § 37-92-308, interruptible supply agreements pursuant to C.R.S. § 37-92-309, and the Lease-Fallow Project Statute pursuant to C.R.S. § 37-60-115(8) or waters acquired through participation in existing or future water banking programs, such as that created under C.R.S. § 37-80.5-101, *et seq*., and the sewered and non-sewered return flows derived therefrom that are legally available for use by Applicant. 4.11 Reusable Return Flows: Reusable Non-Sewered Return Flows derived from the sources described in paragraphs 4.1-4.7 and described in Appendix A to the amended decree entered January 8, 1998, in Consolidated Case Nos. 84CW202, 84CW203, 86CW118(B), and 89CW36, Water Division 2, which shall be quantified pursuant to the terms of that decree. Reusable Sewered Return Flows derived from the sources described in paragraphs 4.1-4.7, shall be quantified pursuant to the terms of the decrees entered in Case Nos. W-4376 (Sewered), 84CW202 (Sewered), 84CW203 (Sewered), and 86CW118(A) (Sewered), District Court, Water Division No. 2. Reusable Sewered and Non-Sewered Return Flows derived from the source described in paragraphs 4.8 and 4.9 above, shall be quantified pursuant to the terms of the final decree entered in Case No. 16CW3056, District Court, Water Division 2. Reusable Sewered and Non-Sewered Return Flows derived from the sources described in paragraph 4.10 above, shall be quantified pursuant to the terms of the applicable decree or administrative approval. 5. Statement of Plan for Augmentation: 5.1 Description of Augmented Structures. The structures for which out-of-priority depletions will be replaced under the requested plan for augmentation are as follows: 5.1.1 Phase 1 Wetlands: The area of the Phase 1 Wetlands currently totals approximately 0.45 acres. The surface gradient for the Phase 1 Wetlands was designed to prevent ponding of ground and/or surface water and Applicant has monitored the Phase 1 Wetlands and determined that long term ponding is not occurring at the site. As such, Applicant will only replace the out of priority depletions resulting from evapotranspiration of groundwater from vegetation within the Phase 1 Wetlands, which are estimated to total a maximum of 2.76 acre-feet annually. 5.1.2 Phase 2 Wetlands: The area of the Phase 2 Wetlands is currently 4.64 acres. The surface gradient for the Phase 2 Wetlands was designed to prevent ponding of ground and/or surface water, however Applicant has monitored the Phase 2 Wetlands and determined that long term ponding is occurring at the site with a surface area of 0.44 acres. Applicant has determined that gross evaporation depletions due to ponding in the area of the Phase 2 Wetlands are less than depletions from evapotranspiration of groundwater from vegetation within the Phase 2 Wetlands. To be conservative to the stream system, Applicant will apply the higher evapotranspiration depletion rate for the entire area of the Phase 2 Wetlands instead of applying the lesser gross evaporation rate for the 0.44 acres of ponded water. Therefore, Applicant will replace the out of priority

depletions resulting from evapotranspiration of groundwater from vegetation within the entirety of the Phase 2 Wetlands, which are estimated to total a maximum of 28.49 acre-feet annually before the reduction in consumptive use discussed in paragraph 5.2. 5.1.3 Phase 3 Wetlands: The area of the Phase 3 Wetlands is currently estimated to be 9.8 acres. Applicant has also monitored the Phase 3 Wetlands for long-term ponding and has determined that Area 3 of the site includes an oxbow pond with a surface area of 0.42 acres that contains free-standing water year-round. Applicant has determined that gross evaporation depletions due to ponding in the area of the Phase 3 Wetlands are less than depletions from evapotranspiration of groundwater from vegetation within the Phase 3 Wetlands. To be conservative to the stream system, Applicant will apply the higher evapotranspiration depletion rate for the entire area of the Phase 3 Wetlands instead of applying the lesser gross evaporation rate for the 0.42 acres of ponded water. Therefore, Applicant will only replace the out of priority depletions resulting from evapotranspiration of groundwater from vegetation within the entirety of the Phase 3 Wetlands, which are estimated to total a maximum of 37.22 acre-feet annually. 5.2 Determination of Depletions: The estimated annual depletions from the evapotranspiration of groundwater from vegetation within the Phase 1 Wetlands, Phase 2 Wetlands and the Phase 3 Wetlands were determined utilizing ASCE standardized evapotranspiration equations set forth in the Colorado Division of Water Resources Memorandum entitled "Estimating Wetland Evapotranspiration and Shallow Water Evaporation using the ASCE Standardized ET Equation" (Thompson 2018). Because the wetlands consume shallow groundwater, the associated depletions do not affect the stream instantaneously and instead deplete the stream in a lagged manner. To determine the timing of lagged depletions to Fountain Creek, the groundwater consumptive use for each mitigation wetland phase was lagged to the nearest point on Fountain Creek from the subject wetland location using the Glover method with an alluvial aquifer boundary condition. Approximately 0.306 acres of existing wetlands were impacted during construction of the SDS Project to date reducing the total augmentation requirement for the mitigation wetlands. The decrease in consumptive use resulting from the evapotranspiration of these impacted wetlands is 1.16 acre-feet per year and is applied to the Phase 2 Wetland augmentation requirement. In total, the depletions resulting from the consumptive use due to evapotranspiration of the Phase 1 Wetlands, Phase 2 Wetlands and Phase 3 Wetlands (including the reduction in augmentation requirements from impacted wetlands that are accounted for at the Phase 2 Wetlands) are estimated to be a maximum of 67.31 acre-feet per year. 5.3 Augmentation Sources: 5.3.1 Sewered Return Flows: The sewered return flows derived from the sources described in subparagraphs 4.1-4.10 will be measured and returned to the Fountain Creek basin at the following locations: 5.3.1.1 The Las Vegas Street Waste Water Treatment Plant Outfall: Located in El Paso County, Colorado in the SE 1/4 of the SW 1/4 of Section 20, T. 14 S, R. 66 W of the 6th P.M. Said outfall discharges to the Fountain Creek system. 5.3.1.2 The Northern Water Reclamation Facility Outfall (a/k/a the J.D. Phillips Water Reclamation Facility): Located in El Paso County, Colorado in the SE 1/4 of the NW 1/4 of Section 30, T. 13 S, R. 66 W of the 6th P.M. Said outfall discharges to Monument Creek. 5.3.1.3 The Air Force Academy Waste Water Treatment Facility Outfall: Located in El Paso County, Colorado in the SW 1/4 of the SW 1/4 of Section 19, T. 12 S, R. 66 W of the 6th P.M. Said outfall discharges to Monument Creek. 5.3.1.4 Fort Carson Military Reservation Waste Water Treatment

Facility Outfall: Located in El Paso County, Colorado in the SE 1/4 of Section 23, T. 15 S, R. 66 W of the 6th P.M. Said outfall discharges to the Clover Ditch, which discharges to Fountain Creek. 5.3.1.5 Fountain Regional Wastewater Treatment Plant: Located in SW 1/4 of the NW 1/4 of Section 34, T. 16 S, R. 65 W of the 6th P.M. in El Paso County. Said outfall discharges to Fountain Creek. 5.3.1.6 Additional Replacement Locations: Any other supplemental or replacement wastewater treatment facility outfall located within the drainages of Fountain Creek or the Arkansas River above its confluence with Fountain Creek and hereafter utilized by Applicant, including any terminal storage facilities hereafter constructed and located to receive the city's wastewater facility discharges. 5.3.2 Direct Use of FMIC Consumptive Use: Water available for first use under Applicant's FMIC shares will be diverted at the headgate of the Fountain Mutual Ditch and released back to Fountain Creek at the Spring Creek augmentation station or the McRae Reservoir augmentation station to replace depletions from the three phases of the wetlands. The Fountain Mutual Ditch Headgate is located in the SW 1/4 of Section 20, T. 14 S, R. 66 W of the 6th P.M., El Paso County, Colorado. The Spring Creek augmentation station is located along Spring Creek in the NE 1/4 of Section 29, T. 14 S, R 66 W of the 6th P.M., El Paso County, Colorado. The McRae Reservoir augmentation station is located along Crews Gulch at McRae Reservoir in the SW 1/4 SE 1/4 of Section 18, T. 15 S, R. 65 W of the 6th P.M. Subject to entry into a written agreement with the owner or owners, Applicant may also use augmentation stations other than Spring Creek and McRae Reservoir, whether currently existing or to be built in the future. The replacement credits at the FMIC augmentation stations will be assessed a transit loss from the respective augmentation stations to the point of depletion for the wetlands as deemed necessary by the Division Engineer. Applicant's *pro rata* share of water attributable to its FMIC shares may be placed into storage in Big Johnson Reservoir (Fountain Valley Reservoir No. 2), together with any excess consumptive use credits from FMIC shares put through FMIC's augmentation stations. Applicant's *pro rata* share of water attributable to its FMIC shares stored in Big Johnson Reservoir maybe used as an augmentation source and may be delivered to the Spring Creek augmentation station by means of an intraditch exchange. The intraditch exchange from Big Johnson Reservoir to the Spring Creek augmentation station will operate at any time FMIC is diverting water, except when both (a) Big Johnson Reservoir is full and (b) the date is between November 15 and March 15. This intraditch exchange will operate from Big Johnson Reservoir, which is located in Sections 8, 17 and 18, T. 15 S, R. 65 W of the 6th P.M., up the Fountain Mutual Ditch to the location of the Spring Creek augmentation station in the NE 1/4 of Section 29, T. 14 S, R. 66 W of the 6th P.M. As an alternative to the delivery of water to the Spring Creek augmentation station, Applicant's replacements may also be made by releasing water from Big Johnson Reservoir and returning it to Fountain Creek through the McRae Reservoir augmentation station, in addition to the intraditch exchange. As another alternative to the delivery of water to the Spring Creek augmentation station, if FMIC constructs a new augmentation station on the Fountain Mutual Ditch down gradient from Big Johnson Reservoir, Applicant's replacements may also be made by releasing water from Big Johnson Reservoir and returning it to Fountain Creek through the new augmentation station, in addition to the intraditch exchange. Applicant also requests the right to operate an exchange of the consumptive use of its FMIC shares from the McRae Reservoir augmentation station or any new augmentation stations down gradient from Big Johnson

Reservoir, upstream on Fountain Creek to the points of depletion for the Phase 3 Wetlands as necessary. The augmentation water available under Applicant's FMIC shares will be computed as the historical depletion percentage multiplied by actual in-priority diversions under Applicant's shares. 5.3.3 Direct Use of Chilcott Consumptive Use: Water available under Applicant's Chilcott Ditch Company shares that has not been put to use in Applicant's water supply system will be diverted at the Chilcott Ditch headgate, which is located in the SE 1/4 of Section 25, T. 15 S, R. 66 W of the 6th P.M., El Paso County, Colorado and released back to Fountain Creek at the Chilcott Augmentation Station, which is located in the NW 1/4 NW 1/4, Section 31, T. 15 S, R. 65 W of the 6th P.M. Applicant requests the right to operate an exchange of the consumptive use of its Chilcott Ditch Company shares from the Chilcott Augmentation Station upstream on Fountain Creek to the points of depletion for the Phase 3 Wetlands as necessary. The replacement credits available under Applicant's Chilcott Ditch Company shares will be computed as the historical depletion percentage multiplied by actual in-priority diversions under Applicant's shares. 5.3.4 Reusable Return Flow Exchanges: In addition to the exchanges requested in paragraphs 5.3.2 and 5.3.3, Applicant requests the right to operate exchanges of the reusable sewered return flows derived from the sources described in paragraphs 4.1-4.10 released from the Fort Carson Military Reservation Waste Water Treatment Facility Outfall identified in paragraph 5.3.1.4 upstream on Fountain Creek to the point of depletion for the Phase 3 Wetlands as necessary, from the Fountain Regional Wastewater Treatment Plant identified in paragraph 5.3.1.5 to the Phase 1, 2 and 3 Wetlands as necessary. Applicant also requests the right to operate exchanges of the reusable non-sewered return flows derived from the sources described in paragraphs 4.1-4.10 from the points of accrual provided in the relevant decrees identified in paragraph 4.11 upstream on Fountain Creek and its tributaries to the points of depletion for the Phase 3 Wetlands. 5.3.5 Exchange Amount Claimed: The proposed rates of the exchanges requested herein are based upon a 1.0 c.f.s. release of the reuseable return flows from the structures identified in paragraphs 5.3.1.4 and 5.3.1.5, the maximum rate of 1.0 c.f.s of non-sewered return flow accrual at the points identified in the relevant decrees, and a maximum of 1.0 c.f.s. of direct use water under its FMIC and Chilcott shares from the McRae Reservoir augmentation station identified in paragraph 5.3.2, or the Chilcott Augmentation Station identified in paragraph 5.3.3 (collectively the "Exchange From Points"). 5.3.5.1 Claimed Rate from Exchange from Points: FMIC McCrae Augmentation Station: 1.0 c.f.s. Chilcott Augmentation Station: 1.0 c.f.s. Fort Carson Military Reservation Waste Water Treatment Facility Outfall: 1.0 c.f.s. Fountain Regional Wastewater Treatment Plant: 1.0 c.f.s. Non-Sewered Return Flow Points of Accrual: 1.0 c.f.s. 5.3.6 Available Replacement Supplies: On average, Applicant's water system generates 31,400 acre-feet of reusable sewered and non-sewered return flows annually. Of that amount, 4,600 annual acre-feet are committed to replace depletions under Applicant's existing augmentation plans, substitute water supply plans or other administrative approvals on average, with 26,800 average annual acre-feet of reusable return flows available for use as a replacement source under the requested augmentation plan. The sewered and non-sewered return flows will be assessed a transit loss from those structures to the point of depletions as deemed necessary by the Division Engineer. Applicant's FMIC shares generate an average of 100.8 annual acre-feet per year of consumptive use water that is legally available to

Applicant for augmentation use. Chilcott shares generate an average of 221.49 acre-feet of average annual consumptive use credits under its 9 shares in the Chilcott Ditch Company. 5.3.7 Reduction in Augmentation Obligations: The mitigation wetlands described herein were constructed prior to most of the impacts to the naturally occurring wetlands for which mitigation is required. If any phase of the mitigation wetlands are reduced in size, the decrease will result in reduced impacts to the stream and Applicant reserves the right to reduce its augmentation obligations hereunder. Approximately 0.306 acres of existing wetlands were impacted during construction of the SDS Project to date and it is anticipated that additional wetlands will be impacted during subsequent phases of the SDS Project. Given that the purposes of the Augmented Structures is to mitigate against the impacts caused by destruction of the existing wetlands, Applicant is seeking to offset depletions from the Augmented Structures for the existing wetlands that were or are or will be impacted as a result of construction of the SDS Project. As the original wetland areas are reduced for construction of future SDS Project phases, the compensatory mitigation augmentation requirements will be correspondingly reduced based on the consumptive use of such wetland areas to result in net zero impacts to the stream. 5.3.8 Accounting: Applicant will account for out-of-priority depletions for each Augmented Structure as well as replacements made, taking into account appropriate transit losses, on a daily basis with monthly reporting or as otherwise required by the State or Division Engineers. **III. Name and Address of Owner of Land Upon Which Structures are Located**. 6. The Phase 1, Phase 2, and Phase 3 Wetlands are located on land owned by Applicant. Applicant owns the structures identified in subparagraphs 5.3.1.1 and 5.3.1.2. The Air Force Academy Waste Water Treatment Facility Outfall is located on land owned by the United States Air Force, c/o Air Force Academy; Attn: Real Estate Office, 8120 Edgerton Drive, Suite 40, USAF Academy, CO 80840. The Fort Carson Military Reservation Waste Water Treatment Facility Outfall is located on land owned by the United States Army, c/o Fort Carson Military Reservation, 1626 Evans St., Bldg. 1219, Fort Carson, CO 80913. The Fountain Regional Wastewater Treatment Plant is located on land or easements owned by the Lower Fountain Metropolitan Sewage Disposal District, 901 S. Santa Fe Ave., Fountain, CO 80817. The Fountain Mutual Ditch headgate and Spring Creek augmentation station, McRae Reservoir augmentation station, and Big Johnson Reservoir are located upon land owned by the Fountain Mutual Irrigation Company, c/o Gary Steen, 487 Anaconda Dr., Colorado Springs, CO, 80919. The Chilcott Ditch headgate and augmentation station are located upon land or easements owned by the Chilcott Ditch Company, c/o Jessie Shaffer 1845 Woodmoor Drive, Monument, CO 80132.

CASE NO. 2019CW3053; CITY OF COLORADO SPRINGS, COLORADO SPRINGS UTILITIES c/o Abby Ortega, Water Supply Resources Manager, P.O. Box 1103, MC 1825, Colorado Springs, CO 80947-1825, (Please address all pleadings and inquiries regarding this matter to Applicant's attorney: Michael J. Gustafson, Senior Attorney, City Attorney's Office – Utilities Division, 30 South Nevada Avenue, MC 510, Colorado Springs, CO 80903 (719) 385-5909).

Amended Application for Plan for Augmentation

EL PASO COUNTY

2. Summary of Application: The purpose of the requested augmentation plan is to replace the depletions resulting from out-of-priority storage in and evaporation from ponds and other storage structures and out-of-priority diversions from undecreed surface diversions located within Colorado Springs Utilities' ("Utilities") water service territory ("Service Area"). The Division of Water Resources has identified the need to augment the depletions from several storage structures currently located within the Service Area and Utilities has also identified the need to augment depletions from an undecreed surface diversion located within the Service Area. Utilities has the ability to augment the depletions from both the currently identified storage structures/surface diversion and those that may be identified in the future. Utilities also anticipates that it will be required to augment evaporation from and out-of-priority diversions into additional storage structures located within the Service Area. Utilities further anticipates that it will be required to augment out-of-priority diversions through additional surface diversions located within the Service Area. Utilities has the ability to augment the depletions from such structures that may be identified in the future. All structures that will be augmented under the requested plan are individually referred to as an "Augmented Structure" and collectively referred to as the "Augmented Structures" in the remainder of this application. The following ponds are located on land owned by the City of Colorado Springs ("City" or "Applicant"): Northgate Pond, Sinton Pond, Red Rock Canyon Upper Pond, Red Rock Canyon Lower Pond, and Quail Lake ("Parks Ponds"). The Parks Ponds are fed in whole or in part by surface flows, springs, Applicant's municipal water distribution system, and/or stormwater runoff. The surface diversion known as the El Pomar – Colorado Springs Youth Sports Complex Diversion ("El Pomar Diversion") is owned by and located on land owned by the Applicant. The El Pomar Diversion pumps water from Fountain Creek for irrigation. The requested augmentation plan will replace the depletions resulting from out-of-priority storage in and evaporation from the Parks Ponds and out-of-priority diversions through the El Pomar Diversion as well as any additional storage structures and/or surface diversion structures added to the requested augmentation plan in the future. **II. Application for Plan for Augmentation.** 3. Name and Relevant Information Regarding Augmented Structures: 3.1 Name of structure: Northgate Pond (WDID 1003371). 3.1.1 Date, case number and court of original and all relevant subsequent decrees: N/A. 3.1.2 Structure Location: UTM Coordinates: (GPS) - Easting: 515796 - Northing: 4320590 - Zone: 13. Legal Description: Northgate Pond is located on Smith Creek between Northgate Road and Gleneagle Drive, specifically in E 1/2 of Section 6, T. 12 S, R. 66 W of the 6th P.M. 3.1.3 Source: Smith Creek, tributary to Monument Creek, tributary to Fountain Creek, tributary to the Arkansas River. 3.1.4 Appropriation dates: N/A. 3.1.5 Decreed use or uses: N/A. 3.1.6 Amount: N/A. 3.1.7 Approximate Surface Area: 1.98 acres. 3.2 Name of structure: Sinton Pond, a/k/a Holland Reservoir No. 1 (WDID 1003689). 3.2.1 Date, case number and court of original and all relevant subsequent decrees: June 2, 1919, El Paso County District Court Case No. CA10146. 3.2.2 Structure Location: UTM Coordinates: (GPS) - Easting: 514559.8 - Northing: 4303858.4 - Zone: 13. Legal Description: Sinton Pond is located adjacent to the Douglas Creek Open Space between Sinton Road and Gossage Park, specifically in the SE 1/4 of the SE 1/4 of Section 25, T. 13 S, R. 67 W of the 6th P.M. 3.2.3 Source: Springs tributary to Douglas Creek, tributary to Monument Creek, tributary to Fountain Creek, tributary to the Arkansas River. 3.2.4 Appropriation dates: November 1, 1890. 3.2.5 Decreed use or uses: Storage

and Irrigation. 3.2.6 Amount: 8.27 acre-feet. 3.2.7 Approximate Surface Area: 2.74 acres. 3.3 Name of structure: Red Rock Canyon Upper Pond (WDID# 1003372) . 3.3.1 Date, case number and court of original and all relevant subsequent decrees: 3.3.2 Structure Location: UTM Coordinates: (GPS) - Easting: 510348 - Northing: 4299989 - Zone:13. Legal Description: Red Rock Canyon Upper Pond is located in Red Rock Canyon Open Space on a normally dry channel, specifically in the SE 1/4 of the NW 1/4 of Section 10, T. 14 S, R. 67 W of the 6th P.M. 3.3.3 Source: Precipitation draining the 440 acre sub-basin to the southeast of the pond, tributary to Fountain Creek, tributary to the Arkansas River. 3.3.4 Appropriation dates: N/A. 3.3.5 Decreed use or uses: N/A. 3.3.6 Amount: N/A. 3.3.7 Approximate Surface Area: 0.80 acres. 3.4 Name of structure: Red Rock Canyon Lower Pond (WDID# 1003372). 3.4.1 Date, case number and court of original and all relevant subsequent decrees: N/A. 3.4.2 Structure Location: UTM Coordinates: (GPS) - Easting: 510348 - Northing: 4299989 - Zone: 13. Legal Description: Red Rock Canyon Lower Pond is located in Red Rock Canyon Open Space on a normally dry channel, specifically in the SE 1/4 of the NW 1/4 of Section 10, T. 14 S, R. 67 W, of the 6th p.m. 3.4.3 Source: Precipitation draining an 85 acre sub-basin to the southeast of the pond as well as any water that flows over the Red Rock Canyon Upper Pond dam, tributary to Fountain Creek, tributary to the Arkansas River. 3.4.4 Appropriation dates: N/A. 3.4.5 Decreed use or uses: 3.4.6 Amount: N/A. 3.4.7 Approximate Surface Area: 4.16 acres. 3.5 Name of structure: Quail Lake (WDID 1003352). 3.5.1 Date, case number and court of original and all relevant subsequent decrees: August 24, 2014, District Court, Water Division 2, Case No. 07CW120. 3.5.2 Structure Location: UTM Coordinates: (GPS) - Easting: 516876.9 - Northing: 4292946.8 - Zone: 13. Legal Description: Quail Lake is located on a drainage tributary to Fountain Creek in the SW 1/4 Section 32, T. 14 S, R. 66 W, of the 6th P.M., 1405 feet from the south section line and 2070 feet from the west section line. 3.5.3 Source: Municipal water distribution system, stormwater and runoff from an unnamed tributary to Fountain Creek at or upstream of Quail Lake Dam. 3.5.4 Appropriation dates: February 2, 1971. 3.5.5 Decreed use or uses: Storage in the available unfilled capacity of Quail Lake, for recreation, fish and wildlife habitat, and aesthetic purposes. 3.5.6 Amount: Up to 72 acre-feet storage, with right to refill up to 72 acre-feet, for a total of 144 acre-feet annually. 3.5.7 Approximate Surface Area: 18.61 acres. 3.6 Name of structure: El Pomar – Colorado Springs Youth Sports Complex Diversion: 3.6.1 Date, case number and court of original and all relevant subsequent decrees: N/A. 3.6.2 Structure Location: UTM Coordinates: (GPS) - Easting: 518650 - Northing: 4294140 - Zone: 13. 3.6.3 Legal Description: The El Pomar – Colorado Springs Youth Sports Complex Diversion is located at west bank of Fountain Creek in NW1/4 of NE ¼ in Section 33 T.14 S R.66 W of the 6th P.M., 80eet from the north section line and 2,633 feet from the east section line. 3.6.4 Source: Fountain Creek, tributary to the Arkansas River. 3.6.5 Appropriation dates: N/A. 3.6.6 Decreed use or uses: N/A. 3.6.7 Amount: N/A. 3.7 Additional Augmented Structures: Applicant seeks the ability to add surface diversions and storage structures it becomes aware of within its Service Area to this augmentation plan upon application to the Division Engineer with notice to any party entering an appearance in this matter. 4. Water and Water Rights to be Used for Augmentation: Depletions from out-of-priority diversions through out-of-priority storage in and evaporation from the above-referenced structures will be replaced through the use of sewered and non-sewered return flows from the reusable waters described in

paragraphs 4.1 through 4.10, and/or through direct deliveries of fully consumable water available under the sources described in paragraphs 4.8 through 4.10. 4.1 The Blue River Project: The Blue River Project diverts water from the headwaters of the Blue River and its tributaries in Summit County. The 1929 water rights associated with this project were adjudicated by the decree in Civil Action No. 1710 (District Court, Summit County) dated October 26, 1937, and modified by the decree in Civil Action No. 1883 (District Court, Summit County) dated June 15, 1953. These water rights have an appropriation date of August 5, 1929. The 1948 water rights associated with this project were adjudicated by the decree in Civil Action No. 1806 (District Court, Summit County) dated May 10, 1952, the final decree in Consolidated Case Nos. 2782, 5016 and 5017 (U.S. District Court, District of Colorado) dated October 15, 1955, and were made absolute by the decree in Consolidated Case Nos. 2782, 5016 and 5017 (U.S. District Court, District of Colorado) dated February 26, 1968. These water rights have an appropriation date of May 13, 1948. An additional component of the Blue River Project is water diverted from the Middle Fork of the South Platte River in Park County. Water from the Middle Fork of the South Platte is stored in Montgomery Reservoir pursuant to Priority No. A-207 of an appropriation dated September 5, 1930, by absolute decree dated May 16, 1966, in Civil Action No. 3286, District Court of Park County. 4.2 The Homestake Project: The Homestake Project diverts water from the headwaters of tributaries of the Eagle River in Eagle County. The water rights were conditionally adjudicated by the decree in Civil Action No. 1193 (District Court, Eagle County) dated June 8, 1962. These water rights have an appropriation date of September 22, 1952. Applicant has the right to utilize one-half of the waters produced by the Homestake Project by virtue of the agreement dated June 18, 1962, between the City of Aurora and the City. 4.3 The Independence Pass Transmountain Diversion System (a/k/a Twin Lakes Project): The Twin Lakes Project diverts water from the headwaters of the Roaring Fork River and its tributaries in Pitkin County. The water rights were adjudicated by a decree in Civil Action No. 3082 (District Court, Garfield County) dated August 25, 1936, and modified by the decree in Case No. W-1901 (District Court, Water Division No. 5) dated May 12, 1976. These water rights have an appropriation date of August 23, 1930. Applicant has the right to take and use its *pro rata* share of the water diverted and stored by the Twin Lakes Reservoir and Canal Company under these water rights. 4.4 Colorado Canal Company: Applicant owns the water rights associated with 28,012.76 shares of the Colorado Canal Company, 21,084.75 shares in the Lake Meredith Reservoir Company, and 6,923.15 shares in the Lake Henry Reservoir Company ("Colorado Canal Waters") which were quantified and changed to include use and total consumption for municipal, commercial, industrial, and all other beneficial uses at any location in Case Nos. 84CW62, 84CW63 and 84CW64. Pursuant to those decrees, Applicant has the right to take its *pro rata* share of the water diverted and stored through the Colorado Canal in Lake Meredith Reservoir and Lake Henry Reservoir, by exchange or by pipeline for use and total consumption in Applicant's municipal water system or elsewhere. The Colorado Canal water right is described as follows: Arkansas River Priority No. 62 for 756.28 c.f.s. for irrigation, with an appropriation date of June 9, 1890, as described in the decree in Case No. CA-2535, District Court, Pueblo County, Colorado, former Water District 14 entered on March 23, 1896. Applicant's *pro rata* share of Priority No. 62 is as specified in the decree in Consolidated Case Nos. 84CW62, 84CW63, and 84CW64. The Lake Meredith Reservoir water storage right is described as follows:

Storage Priority No. 11 for 26,028.40 A.F. by diversions from the Arkansas River through the Colorado Canal at a rate of 756.28 c.f.s. for irrigation with an appropriation date of March 9, 1898, as described in the decree in Case No. CA-13693, District Court, Pueblo County, Colorado, former Water District 14, entered on November 25, 1916. Applicant's *pro rata* share of Storage Priority No. 11 is as specified in the decree in Consolidated Case Nos. 84CW62, 84CW63, and 84CW64. The Lake Henry Reservoir water storage rights are described as follows: (i) Storage Priority No. 10 for 6,355 A.F. by diversions from the Arkansas River through the Colorado Canal at a rate of 756 c.f.s. for irrigation with an appropriation date of December 31, 1891, as described in the decree in Case No. CA-13693, District Court, Pueblo County, Colorado, former Water District 14, entered on entered on November 25, 1916; and (ii) Storage Priority No. 17.5 for 3,561 A.F. by diversions from the Arkansas River through the Colorado Canal at a rate of 756 c.f.s. with an appropriation date of May 15, 1909, as described in the decree in Case No. CA-13693, District Court, Pueblo County, Colorado, former Water District 14, entered on April 14, 1927. Applicant's *pro rata* share of Storage Priority No. 10 and Storage Priority No. 17.5 is as specified in the decree in Consolidated Case Nos. 84CW62, 84CW63, and 84CW64. 4.5 Sugarloaf Water Storage Rights: These waters are diverted from Lake Fork Creek, a tributary of the Arkansas River, and were originally decreed for the use of CF&I Steel Corporation, are now owned by Applicant, and are described in the decree dated June 16, 1994, in Case No. 86CW117, District Court, Water Division No. 2, as the "Sugarloaf Reservoir Right" and the "Colorado Gulch Right" (collectively referred to herein as the "Sugarloaf Water Storage Rights"). By decree dated June 16, 1994, in Case No. 86CW117, District Court, Water Division No. 2, the use and place of use of the Sugarloaf Water Storage Rights were changed to include municipal use and all other beneficial uses, including use, reuse, and successive use to extinction. 4.6 Denver Basin Reusable Water: Reusable Denver Basin Ground Water derived from nontributary, or fully augmented not-nontributary, ground water from the Denver, Arapahoe, and Laramie-Fox Hills Aquifers controlled by Applicant. The sources of the Denver Basin Groundwater controlled by Applicant are described in paragraph 13 of the Findings of Fact, Conclusions of Law, Judgment and Decree entered on February 3, 2015, in Case No. 04CW132, District Court, Water Division No. 2. 4.7 Fryingpan-Arkansas Project: The Fryingpan-Arkansas Project diverts water from the headwaters of Hunter Creek and the Fryingpan River and its tributaries in Pitkin County. The water rights were adjudicated by the decrees in Civil Action No. 4613 (District Court, Garfield County) dated June 20, 1958, and August 3, 1959, and were modified by the decree in Case No. W-829-76 (District Court, Water Division No. 5) dated November 27, 1979. These water rights have an appropriation date of July 29, 1957. Return flows from the Fryingpan-Arkansas Project will be utilized in the augmentation plan and exchanges requested herein only after they are purchased from the Southeastern Colorado Water Conservancy District ("Southeastern"). The Applicant's purchase and use of Project water and return flows therefrom shall be consistent with the Allocation Principles of Southeastern (as they may be amended from time to time), and the lawful rules, regulations, policies, procedures, contracts, charges and terms as may be lawfully determined from time to time by Southeastern, in its sole discretion. This Decree does not create in Colorado Springs any rights of use of Fryingpan-Arkansas Project structures, or any rights of ownership or rights to purchase or receive allocation of Fryingpan-Arkansas Project water or return flows from

Fryingpan-Arkansas Project water, but does not alter any existing rights Colorado Springs may otherwise have of such waters and the right to purchase return flows therefrom by virtue of Colorado Springs' interests in the Fountain Valley Authority and by virtue of the Allocation Principles adopted by Southeastern on November 29, 1979, and approved in Civil Action No. 40487 (District Court, Pueblo County) on December 18, 1979. Return flows from the Fryingpan-Arkansas Project will be utilized in the requested augmentation plan and exchanges only after they are purchased from the District and in accordance with the Stipulation dated January 12, 1989, in Case No. 84CW56. 4.8 Fountain Mutual Irrigation Company Water: Applicant is the owner of 144 of the 5,793 currently issued outstanding shares of the Fountain Mutual Irrigation Company ("FMIC") which were quantified and changed in Case No. 15CW3002 from irrigation use to all municipal uses including augmentation, exchange, and storage for later use. The FMIC water rights are described as follows: 5.38 c.f.s. for irrigation under Fountain Creek Priority No. 4, 1.125 c.f.s. for irrigation under Fountain Creek Priority No. 7, 16.69 c.f.s. for irrigation under Fountain Creek Priority No. 11, 2.125 c.f.s. for irrigation under Fountain Creek Priority No. 17, 4.65 c.f.s. for irrigation under Fountain Creek Priority No. 21, 8.48 c.f.s. for irrigation under Fountain Creek Priority No. 28, 9.68 c.f.s. for irrigation under Fountain Creek Priority No. 29, 17.05 c.f.s. for irrigation under Fountain Creek Priority No. 41, and 343.2 c.f.s. for irrigation under Fountain Creek Priority No. 168. Applicant's *pro rata* share of the FMIC water rights is as specified in the decree in Case No. 15CW3002. 4.9 Chilcott Ditch Company Water. Applicant is the owner of nine of the 105 outstanding shares in the Chilcott Ditch Company which were quantified and changed in Case No. 15CW3001 from irrigation to all municipal uses including augmentation, exchange, and storage for later use. The Chilcott Ditch water rights are described as follows: 27.0 c.f.s. for irrigation under Fountain Creek Priority No. 27, 20.63 c.f.s. for irrigation under Fountain Creek Priority No. 39, and 30.95 c.f.s. for irrigation under Fountain Creek Priority No. 172. Applicant's *pro rata* share of the Priority No. 27 water right equals 2.314 c.f.s. Applicant's *pro rata* share of the Priority No. 39 water right equals 1.768 c.f.s. Applicant's *pro rata* share of the Priority 172 water right equals 2.653 c.f.s., which Applicant abandoned in Case No. 15CW3001. 4.10 Additional Sources: Applicant requests the right to use water from additional sources in the augmentation plan decreed herein, including, but not limited to, any such waters that are or will be available in Applicant's system pursuant to the *Findings of Fact, Conclusions of Law, Judgment and Decree*, in Case No. 05CW96, Water Court, Water Division 2, Colorado if such sources are decreed for augmentation use or are otherwise available for use as an augmentation source by Applicant. These sources include, but are not limited to, water acquired through short and long-term leases or subleases and/or available under decrees, substitute water supply plans pursuant to C.R.S. § 37-92-308, interruptible supply agreements pursuant to C.R.S. § 37-92-309, and the Lease-Fallow Project Statute pursuant to C.R.S. § 37-60-115(8) or waters acquired through participation in existing or future water banking programs, such as that created under C.R.S. § 37-80.5-101, *et seq*., and the sewered and non-sewered return flows derived therefrom that are legally available for use by Applicant. 4.11 Reusable Return Flow: Reusable Non-Sewered Return Flows derived from the sources described in paragraphs 4.1 through 4.7 and described in Appendix A to the amended decree entered January 8, 1998, in Consolidated Case Nos. 84CW202, 84CW203, 86CW118(B), and 89CW36, Water Division 2, which shall be quantified pursuant to the terms of that decree.

Reusable Sewered Return Flows derived from the sources described in paragraphs 4.1-4.7, shall be quantified pursuant to the terms of the decrees entered in Case Nos. W-4376 (Sewered), 84CW202 (Sewered), 84CW203 (Sewered), and 86CW118 (A) (Sewered), District Court, Water Division No. 2. Reusable Sewered and Non-Sewered Return Flows derived from the source described in paragraphs 4.8 and 4.9 above, shall be quantified pursuant to the terms of the final decree entered in Case No. 16CW3056, District Court, and Water Division 2. Reusable Sewered and Non-Sewered Return Flows derived from the sources described in paragraph 4.10 above, shall be quantified pursuant to the terms of the applicable decree or administrative approval. 5. Statement of Plan for Augmentation: 5.1 Description of Augmented Structures: The structures for which out-of-priority depletions will be replaced under the requested plan for augmentation are as follows: 5.1.1 Northgate Pond: Northgate Pond was formed by construction of an earth dam with clay core across the Smith Creek channel. The source water feeding Northgate Pond is from Smith Creek which flows year-round presumably from lawn irrigation return flows, septic returns, and possibly Dawson Aquifer outcroppings. Observations made by Applicant indicate that Smith Creek streamflows continuously spill out of Northgate Pond proceeding down Smith Creek. Therefore, the water surface area and volume of Northgate Pond are assumed not to change. As such, Applicant will replace out-of-priority depletions associated with evaporation from the pond, minus historic phreatophyte consumption of precipitation for the inundated area, unless otherwise determined by the Division Engineer. The maximum annual depletions from the Northgate Pond are estimated to be 4.66 acre-feet. 5.1.2 Sinton Pond: Sinton Pond was created by construction of an earthen berm that forms the southern and eastern edges of the pond. The source of water feeding the pond is springs that percolate up in an area to the northwest of the pond and flow directly into the pond. The springs are active throughout the year, and water continuously spills out of Sinton Pond through an outlet leading to Douglas Creek. As such, Applicant will replace out-of-priority depletions associated with evaporation from the pond. If the Sinton Pond storage right is in priority, Applicant reserves the right to claim that storage is occurring under the decree in El Paso County District Court Case No. CA-10146. The maximum annual depletions from the Sinton Pond are estimated to be 9.22 acre-feet. 5.1.3 Red Rock Canyon Upper Pond: The Red Rock Canyon Upper Pond was created by construction of a concrete dam between sandstone rock formations. The source water feeding Red Rock Canyon Upper Pond is from precipitation draining the 440 acre sub-basin to the southeast. Evaporation from the Rock Canyon Upper Pond is considered to result in instantaneous stream depletions when the pond is full and spilling. Otherwise, evaporation works to increase available storage at those locations. As such, Applicant must replace depletions associated with evaporation from the pond minus historic phreatophyte consumption of precipitation for the inundated area in addition to any out-of-priority storage in the pond. Applicant's accounting for the plan for augmentation will show that those pond elevations are decreasing at the assumed rate for evaporation. If storage levels are greater than what would be expected by calculating the reduction in stage for evaporation and comparing that to the actual stage, then the surplus storage is deemed to be out-of-priority and will be augmented accordingly. The maximum annual evaporative depletions from the Red Rock Canyon Upper Pond are estimated to be 1.82 acre-feet and the maximum annual depletions from out-of-priority storage are estimated to be 6.38 acre-feet per year. 5.1.4 Red Rock

Canyon Lower Pond: The Red Rock Canyon Lower Pond was created by placement of earth backfill between sandstone rock formations. The source water feeding Red Rock Canyon Lower Pond is from precipitation draining an 85 acre sub-basin to the southeast as well as any water that flows over the Red Rock Canyon Upper Pond dam. Evaporation from the Red Rock Canyon Lower Pond is considered to result in instantaneous stream depletions when the pond is full and spilling. Otherwise, evaporation works to increase available storage at those locations. As such, Applicant must replace depletions associated with evaporation from the pond minus historic phreatophyte consumption of precipitation for the inundated area in addition to any out-of-priority storage in the pond. Applicant's accounting for the plan for augmentation will show that those pond elevations are decreasing at the assumed rate for evaporation. If storage levels are greater than what would be expected by calculating the reduction in stage for evaporation and comparing that to the actual stage, then the surplus storage is deemed to be out-of-priority and will be augmented accordingly. The maximum annual evaporative depletions from the Red Rock Canyon Lower Pond are estimated to be 9.49 acre-feet and the maximum annual depletions from out-of-priority storage are estimated to be 55.12 acre-feet per year. 5.1.5 Quail Lake: Quail Lake was constructed by the Gates Land Company using a dam across an unnamed tributary to Fountain Creek. The sources of water feeding the lake are potable water provided by Applicant and precipitation that drains from the surrounding neighborhood with an area of about 173 acres. Evaporation from Quail Lake is considered to result in instantaneous stream depletions when the lake is full and spilling. Otherwise, evaporation works to increase available storage at those locations. As such, Applicant must ensure that the Quail Lake water elevation is reducing by an amount equal to the depletions associated with evaporation from the free water surface area minus historic phreatophyte consumption of precipitation for the inundated area in addition to releasing any out-of-priority storage in the pond. If storage levels are greater than what would be expected by calculating the reduction in stage for evaporation and comparing that to the actual stage, then the surplus storage is deemed to be out-of-priority and will be augmented accordingly. If the Quail Lake storage right is in priority, then storage will be made according to the decree in Case No. 07CW120. Quail Lake also has the capability of making releases for out-of-priority inflows though its outlet. The maximum annual evaporative depletions from Quail Lake are estimated to be 49.74 acre-feet and the maximum annual depletions from out-of-priority storage are estimated to be 72.00 acre-feet per year. 5.1.6 El Pomar – Colorado Springs Youth Sports Complex Diversion: The El Pomar Diversion diverts water from Fountain Creek for irrigation of approximately 35 acres located in the W ½ of NE ¼ and E ½ of the NW ¼ in Section 33 T.14 S R.66 W of the 6th P.M. Applicant reserves the right to claim credit for return flows resulting from the uses of water diverted through the El Pomar Diversion by subsequent amendment of the requested plan or separate decree. The diversion is equipped with a totalizing flow meter that will be used to determine out-of-priority diversions through the structure. The maximum annual out-of-priority diversions through the El Pomar Diversion are estimated to be 100 acre-feet. 5.1.7 Additional Augmented Structures: Applicant requests the ability to add surface water diversions and storage structures not specifically identified herein that are located within Applicant's Service Area, as exists now and in the future, to this augmentation plan upon application to the Division Engineer and/or State Engineer with notice to any party entering an appearance in this matter and after an

opportunity to object by those entities. The augmentation demand for any structure added to the requested plan for augmentation will be determined in the same manner as described in paragraph 5.2 below, subject to terms and conditions determined necessary by the Division Engineer. 5.2 Determination of Depletions: 5.2.1 Storage Structures: The computation of the net depletion from each augmented storage structure is based on the operation of the structure and whether the out-of-priority storage is used to replace evaporation losses or store native runoff and stormwater. Where evaporation loss represents the out-of-priority storage, it is adjusted by allowable precipitation and vegetation credits to account for historic consumptive uses prior to the construction of the structure. The augmentation requirement for each of the Parks Ponds is based on the operation of the pond and whether native flows to the ponds are channelized and spilled. The total maximum annual augmentation demand for the Parks Ponds is estimated to be 208.43 acre-feet per year. 5.2.1.1 Evaporative Depletions: The effective precipitation credit is estimated to be 70%. Parameters for evaporation from each of the ponds were obtained from the interpolation between the isopleths for a free water surface from NOAA Technical Report NWS 33. Average precipitation rates were evaluated based on the most recent 50 year record for measurements at NOAA's Colorado Springs Airport climate station. Ice cover may eliminate evaporative depletions as observed during the Winter months where the average monthly temperature is typically below 32 degrees Fahrenheit. If cold temperatures do not materialize and ice cover does not occur, Applicant shall be responsible for replacing all evaporative depletions from the Ponds. 5.2.1.2 Depletions from Out-Of-Priority Storage: Depletions from out-of-priority storage in the Augmented Structures will be determined utilizing telemetry, staff gauges or other measuring devices approved by the Division Engineer taking into account evaporative losses as described above. The augmentation requirement for surface water diverted into storage in each of the Parks Ponds and storage structures added to this plan in the future will be based on the operation of the structure and whether native flows to the structure are channelized and spilled. 5.2.2 Surface Diversions: The computation of the net out-of-priority diversions through augmented surface diversions will be based upon the volume of water diverted through the structure, minus any applicable credit for return flows accruing to the stream system after initial use. Applicant reserves the right to claim credit for return flows resulting from the uses of water diverted through identified surface diversions added to this plan in the future. 5.2.3 Depletions from Out-Of-Priority Diversions: Depletions from out-of-priority diversion through a surface diversion will be determined utilizing flow meters, weirs, flumes or other appropriate measuring devises. The augmentation requirement for each surface diversion will be based upon the operation of the structure and the volume of water diverted out-of-priority through the structure and any applicable credit for return flows. 5.3 Augmentation Sources: 5.3.1 Sewered Return Flows: The sewered return flows derived from the sources described in subparagraphs 4.1 - 4.10 will be measured and returned to the Fountain Creek basin at the following locations: 5.3.1.1 The Las Vegas Street Waste Water Treatment Plant Outfall: Located in El Paso County, Colorado in the SE 1/4 of the SW 1/4 of Section 20, T. 14 S, R. 66 W of the 6th P.M. Said outfall discharges to the Fountain Creek system. 5.3.1.2 The Northern Water Reclamation Facility Outfall (a/k/a the J.D. Phillips Water Reclamation Facility): Located in El Paso County, Colorado in the SE 1/4 of the NW 1/4 of Section 30, T. 13 S, R. 66 W of the 6th P.M. Said outfall discharges to Monument Creek. 5.3.1.3 The Air Force Academy Waste

Water Treatment Facility Outfall: Located in El Paso County, Colorado in the SW 1/4 of the SW 1/4 of Section 19, T. 12 S, R. 66 W of the 6th P.M. Said outfall discharges to Monument Creek. 5.3.1.4 Fort Carson Military Reservation Waste Water Treatment Facility Outfall: Located in El Paso County, Colorado in the SE 1/4 of Section 23, T. 15 S, R. 66 W of the 6th P.M. Said outfall discharges to the Clover Ditch, which discharges to Fountain Creek. 5.3.1.5 Fountain Regional Wastewater Treatment Plant: Located in the SW 1/4 of the NW 1/4 of Section 34, T. 16 S, R. 65 W of the 6th P.M. in El Paso County. Said outfall discharges to Fountain Creek. 5.3.1.6 Additional Replacement Locations: Any other supplemental or replacement wastewater treatment facility outfall located within the drainages of Fountain Creek or the Arkansas River above its confluence with Fountain Creek and hereafter utilized by Applicant, including any terminal storage facilities hereafter constructed and located to receive the City's wastewater facility discharges. 5.3.2 Direct Use of FMIC Consumptive Use: Water available under Applicant's FMIC shares will be diverted at the headgate of the Fountain Mutual Ditch and released back to Fountain Creek at the Spring Creek augmentation station or the McRae Reservoir augmentation station to replace depletions from the ponds. The Fountain Mutual Ditch Headgate is located in the SW 1/4 of Section 20, T. 14 S, R. 66 W of the 6th P.M., El Paso County, Colorado. The Spring Creek augmentation station is located along Spring Creek in the NE 1/4 of Section 29, T. 14 S, R 66 W of the 6th P.M., El Paso County, Colorado. The McRae Reservoir augmentation station is located along Crews Gulch at McRae Reservoir in the SW 1/4 SE 1/4 of Section 18, T. 15 S, R. 65 W of the 6th P.M. Applicant requests the right to operate an exchange of the consumptive use of its FMIC shares from the Spring Creek and McRae Reservoir augmentation stations upstream on Fountain Creek and its tributaries to the points of depletion for the ponds. Subject to entry into a written agreement with the owner or owners, Applicant may also use augmentation stations other than Spring Creek and McRae Reservoir, whether currently existing or to be built in the future. Applicant also requests exchanges from any additional augmentation stations upstream on Fountain Creek and its tributaries as necessary to the point of depletion of the ponds. Applicant's *pro rata* share of water attributable to its FMIC shares may be placed into storage in Big Johnson Reservoir (Fountain Valley Reservoir No. 2), together with any excess consumptive use credits from FMIC shares put through FMIC's augmentation stations. Applicant's *pro rata* share of water attributable to its FMIC shares stored in Big Johnson Reservoir maybe used as an augmentation source and may be delivered to the Spring Creek augmentation station by means of an intraditch exchange. The intraditch exchange from Big Johnson Reservoir to the Spring Creek augmentation station will operate at any time FMIC is diverting water, except when both (a) Big Johnson Reservoir is full and (b) the date is between November 15 and March 15. This intraditch exchange will operate from Big Johnson Reservoir, which is located in Sections 8, 17 and 18, T. 15 S, R. 65 W of the 6th P.M., up the Fountain Mutual Ditch to the location of the Spring Creek augmentation station in the NE 1/4 of Section 29, T. 14 S, R. 66 W of the 6th P.M. As an alternative to the delivery of water to the Spring Creek augmentation station, Applicant's replacements may also be made by releasing water from Big Johnson Reservoir and returning it to Fountain Creek through the McRae Reservoir augmentation station, in addition to the intraditch exchange. As another alternative to the delivery of water to the Spring Creek augmentation station, if FMIC constructs a new augmentation station on the Fountain Mutual Ditch down gradient

from Big Johnson Reservoir, Applicant's replacements may also be made by releasing water from Big Johnson Reservoir and returning it to Fountain Creek through the new augmentation station, in addition to the intraditch exchange. Applicant also requests the right to operate an exchange of the consumptive use of its FMIC shares from any new augmentation stations down gradient from Big Johnson Reservoir, upstream on Fountain Creek and its tributaries to the points of depletion for the ponds as necessary. The augmentation water available under Applicant's FMIC shares will be computed as the historical depletion percentage multiplied by actual in-priority diversions under Applicant's shares. 5.3.3 Direct Use of Chilcott Consumptive Use: Water available under Applicant's Chilcott Ditch Company shares that has not been put to use in Applicant's water supply system will be diverted at the Chilcott Ditch headgate, which is located in the SE 1/4 of Section 25, T. 15 S, R. 66 W of the 6th P.M., El Paso County, Colorado and released back to Fountain Creek at the Chilcott Augmentation Station, which is located in the NW 1/4 NW 1/4, Section 31, T. 15 S, R. 65 W of the 6th P.M. Applicant requests the right to operate an exchange of the consumptive use of its Chilcott Ditch Company shares from the Chilcott augmentation station upstream on Fountain Creek and its tributaries to the points of depletion for the ponds as necessary. The replacement credits available under Applicant's Chilcott Ditch Company shares will be computed as the historical depletion percentage multiplied by actual in-priority diversions under Applicant's shares. 5.3.4 Reusable Return Flow Exchanges: In addition to the exchanges requested in paragraphs 5.3.2 and 5.3.3, Applicant requests the right to operate exchanges of the reusable sewered return flows derived from the sources described in paragraphs 4.1-4.10 released from the structures identified in paragraphs 5.3.1.1 - 5.3.1.6 upstream on Fountain Creek and its tributaries to the points of depletion for the Augmented Structures, including Augmented Structures added to the plan in the future, as necessary. Applicant also requests the right to operate exchanges of the reusable non-sewered return flows derived from the sources described in paragraphs 4.1-4.10 from the points of accrual provided in the relevant decrees identified in paragraph 4.11 upstream on Fountain Creek and its tributaries to the points of depletion for the Augmented Structures as necessary. 5.3.5 Exchange Amount Claimed: The proposed rates of the exchanges requested herein are the lesser amount of the maximum rate of release of the reusable return flows from the structures identified in paragraphs 5.3.1.1 - 5.3.1.6, the maximum rate of non-sewered return flow accrual at the points identified in the relevant decrees, and the maximum rate of release of Applicant's direct use water under its FMIC and Chilcott shares from the Spring Creek augmentation station, the McRae Reservoir augmentation station, or the Chilcott augmentation station (collectively the "Exchange From Points"), or the maximum volume of depletions from the applicable Augmented Structure. 5.3.5.1 Maximum Release Rate from Exchange from Points: FMIC Spring Creek Augmentation Station: 7.5 c.f.s. - FMIC McCrae Augmentation Station: 7.5 c.f.s. - Chilcott Augmentation Station: 2.48 c.f.s. - The Las Vegas Street Waste Water Treatment Plant Outfall: 56 c.f.s. - The Northern Water Reclamation Facility Outfall (a/k/a the J.D. Phillips Water Reclamation Facility): 31 c.f.s. - The Air Force Academy Waste Water Treatment Facility Outfall:2 c.f.s. - Fort Carson Military Reservation Waste Water Treatment Facility Outfall: 6 c.f.s. - Fountain Regional Wastewater Treatment Plant: 9 c.f.s. - Non-Sewered Return Flow Points of Accrual: 17.04 c.f.s. 5.3.5.2 Maximum Annual Depletions from Augmented Structures: Northgate Pond: Approximately 4.66 acre-feet. Sinton Pond: Approximately

9.22 acre-feet. Red Rock Canyon Upper Pond: Approximately 8.2 acre-feet. Red Rock Canyon Lower Pond: Approximately 64.61 acre-feet per year. Quail Lake: Approximately 121.74 acre-feet. El Pomar – Colorado Springs Youth Sports Complex Diversion: Approximately 100 acre-feet. Future Augmented Structures: Determined at time of addition to the augmentation plan requested herein. 5.3.6 Available Replacement Supplies: On average, Applicant's water system generates 31,400 acre-feet of reusable sewered and non-sewered return flows annually. Of that amount, 4,600 annual acre-feet are committed to replace depletions under Applicant's existing augmentation plans, substitute water supply plans or other administrative approvals on average, with 26,800 average annual acre-feet of reusable return flows available for use as a replacement source under the requested augmentation plan. The sewered and non-sewered return flows will be assessed a transit loss from those structures to the point of depletions as deemed necessary by the Division Engineer. Applicant's FMIC shares generate an average of 100.8 annual acre-feet per year of consumptive use water that is legally available to Applicant for augmentation use. Applicant's Chilcott shares generate an average of 221.49 acre-feet of average annual consumptive use credits under its 9 shares in the Chilcott Ditch Company. 5.3.7 Accounting: Applicant will account for out-of-priority depletions for each Augmented Structure as well as replacements made, taking into account appropriate transit losses, on a daily basis with monthly reporting or as otherwise required by the State or Division Engineers. **III. Name and Address of Owner of Land Upon Which Structures are Located.** 6. Applicant owns the land upon which the Parks Ponds and the El Pomar Diversion, as well as the structures identified in subparagraphs 5.3.1.1 and 5.3.1.2, are located. The Air Force Academy Waste Water Treatment Facility Outfall is located on land owned by the United States Air Force, c/o Air Force Academy; Attn: Real Estate Office, 8120 Edgerton Drive, Suite 40, USAF Academy, CO 80840. The Fort Carson Military Reservation Waste Water Treatment Facility Outfall is located on land owned by the United States Army, c/o Fort Carson Military Reservation, 1626 Evans St., Bldg. 1219, Fort Carson, CO 80913. The Fountain Regional Wastewater Treatment Plant is located on land or easements owned by the Lower Fountain Metropolitan Sewage Disposal District, 901 S. Santa Fe Ave., Fountain, CO 80817. The Fountain Mutual Ditch headgate and Spring Creek augmentation station, McRae Reservoir augmentation station, and Big Johnson Reservoir are located upon land owned by the Fountain Mutual Irrigation Company, c/o Gary Steen, 487 Anaconda Dr., Colorado Springs, CO, 80919. The Chilcott Ditch headgate and augmentation station are located upon land or easements owned by the Chilcott Ditch Company, c/o Jessie Shaffer 1845 Woodmoor Drive, Monument, CO 80132.

CASE NO. 2020CW4; R. MATTHEW MILES JR., 1621 Ridgewood Avenue, Holly Hill, FL 32117, (386)451-1000: The Water Referee issued ordered to dismiss application without prejudice.

CASE NO 2020CW3014; Previous Case Nos. 90CW34 and 2013CW3049 – FERNANDO SALAZAR, P.O. Box 126, Gardner, CO 81040 (Please address all pleadings and inquiries regarding this matter to Applicant's attorney: Linda McMillan, BuxmanKwitek, P.C., 601 N. Main St., Ste. 200, Pueblo, CO 81003, (719) 544-5081)
Application for Finding of Reasonable Diligence

HUERFANO COUNTY

Applicant seeks a finding of reasonable diligence for the following conditional water right: **2. Name of Structure**: S&P Ditch **3. Description of Conditional Water Rights:** A. Date of Original Decree: October 10, 2007, Case No. 1990CW34, Court: Water Division 2 B. Subsequent decrees awarding findings and diligence: March 10, 2014, Case No. 2013CW3049, Court: Water Division 2. C. Legal Description: SW ¼ NE ¼ Section 28, Township 26 South, Range 70 West, 6th P.M., Huerfano County, Colorado, being 2500 feet west of the east line and 1870 feet south of the north line of Section 28. D. Source of water: Huerfano River. E. Appropriation Date: July 30, 1990. Amount: 2.0 cfs conditional. F. Use: Irrigation. **4. Provide a detailed outline of what has been done toward completion of the appropriation.** The previously installed headgate is still in place and operational; a weir has been installed. However, applicant has not been in priority and so no water has been run in the ditch. **5. Names and addresses of owners or reputed owners of the land upon which any structure exists:** None other than applicant.

CASE NO 2020CW3015; LOWER ARKANSAS WATER MANAGEMENT ASSOCIATION ("LAWMA"), c/o Donald F. Higbee, Manager, 310 South 6th Street, P.O. Box 1161, Lamar, Colorado, 81052 (Please address all pleadings and inquiries regarding this matter to Applicant's attorney's: Richard J. Mehren, Jennifer M. DiLalla, John E. Peckler, Moses, Wittemyer, Harrison and Woodruff, P.C., 2595 Canyon Blvd., Suite 300, Boulder, Colorado 80302, (303) 443-8782)

Application for Change of Water Rights

BENT AND PROWERS COUNTIES

2. Overview and background: LAWMA seeks to change its interest in the water rights decreed to the Highland Canal to include storage and in-reservoir use in the John Martin Reservoir Permanent Pool, which the State of Colorado uses for fish and wildlife and recreation purposes. Under the August 14, 1976 Resolution Concerning John Martin Reservoir Permanent Pool, water deliveries from other valid water rights owned or controlled by the State of Colorado may be added to the permanent pool water supply subject to the approval of the Arkansas River Compact Administration ("ARCA"). On February 14, 2019, ARCA adopted its Resolution No. 2019-01 Regarding John Martin Reservoir Permanent Pool ("ARCA Approval"), approving the use of LAWMA's Highland Canal water rights to supply the Permanent Pool "so long as the States of Colorado and Kansas maintain a written agreement between them which allows such use and sets forth any applicable terms and conditions of that use." The ARCA Approval is attached to application as **Exhibit A**. (All exhibits mentioned herein are incorporated by reference and may be inspected at the office of the clerk of this Court.). On February 21, 2019, Colorado and Kansas entered into a memorandum of agreement regarding terms and conditions for use of LAWMA's Highland Canal water rights to supply the Permanent Pool ("Colorado-Kansas Agreement"). The Colorado-Kansas Agreement is attached to application as **Exhibit B**. **3. Decreed water rights for which change is sought:** 3.1 Structure: Highland Canal (a/k/a Highland Irrigation District Canal) (WDID 1700615). 3.2 Original and all relevant subsequent decrees: 3.2.1 August 10, 1903, unnumbered adjudication titled "In the Matter of the Adjudication of Priorities of Right to the Use of Water in Water District No. 19," in the District Court for Las Animas County (Priority Nos. 27 and 97). 3.2.2 August 30, 1922, unnumbered adjudication titled "In the Matter of

the Adjudication of Water Rights and Priorities to the Use of Water in Water District No. 17, Colorado," in the District Court for Bent County (Priority No. 120). 3.2.3 November 11, 1910, unnumbered adjudication titled "In the Matter of the Priorities of Right to Use of Water in Water District No. 17, in the State of Colorado, and Particularly in the Matter of the Petition of the Highland Irrigation District for Change in Point of Diversion of Priorities," in the District Court for Bent County (transferred Priority Nos. 27 and 97 to the Highland Canal). 3.2.4 March 2, 2007, Case No. 02CW181, District Court, Water Division No. 2 (changed the use of 14.86 cfs of Priority No. 27; 6.62 cfs of Priority No. 97; and 34.47 cfs of Priority No. 120) ("02CW181 Highland Water Rights"). 3.2.5 January 27, 2014, Case No. 10CW085, District Court, Water Division No. 2 (changed the use of 0.73 cfs of Priority No. 27; 0.33 cfs of Priority No. 97; and 1.69 cfs of Priority No. 120) ("10CW85 Highland Water Rights"). 3.3 Legal description of structure as described in most recent decree that adjudicated the location: At a point in the County of Bent, State of Colorado, on the West bank of the Purgatoire or Las Animas River, whence the Southwest corner of Section 1, T25S, R53W of the 6th P.M., bears South 38°45' West 2,395 feet, as shown on the map attached to application as **Exhibit C**. 3.4 Source: Purgatoire or Las Animas River. 3.5 Appropriation dates: May 31, 1866 (Priority No. 27); April 1, 1884 (Priority No. 97); March 1, 1909 (Priority No. 120). 3.6 Total amounts decreed to structure (all absolute): 16.6 cfs (Priority No. 27); 7.4 cfs (Priority No. 97); 38.5 cfs (Priority No. 120). 3.7 Decreed uses: 3.7.1 02CW181 Highland Water Rights: Agricultural irrigation and augmentation or replacement of depletions in the Arkansas River or its tributaries caused by the structures included in LAWMA's plan for augmentation originally decreed in Case No. 02CW181 ("Augmentation Plan") and caused by the wells included in LAWMA's annual replacement plan approved by the Colorado State Engineer pursuant to the Arkansas River Use Rules. 3.7.2 10CW85 Highland Water Rights: All of the uses described in paragraph 3.7.1 above; and augmentation or replacement of depletions in the Arkansas River or its tributaries caused by any improvement to a surface water irrigation system included in any return flow maintenance plan approved by the Colorado State Engineer pursuant to the Compact Rules Governing Improvements to Surface Water Irrigation Systems in the Arkansas River Basin in Colorado, effective January 1, 2011. 3.7.3 Storage in John Martin Reservoir Offset Account: The 02CW181 Highland Water Rights and the 10CW85 Highland Water Rights may be stored in the John Martin Reservoir Offset Account, created by the Resolution Concerning an Offset Account in John Martin Reservoir for Colorado Pumping, as amended March 30, 1998. John Martin Reservoir (WDID 6703512) is located in all or portions of Sections 24, 25, 26, 27, 33, 34, 35, and 36, T22S, R51W; Sections 28, 29, 30, 31, 32, 33, 34, and 35, T22S, R50W; Sections 5, 6, 7, 8, 17, and 18, T23S, R49W; Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 20, 21, and 30, T23S, R50W; Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 17, and 18, T23S, R51W; and Sections 1, 12, and 13, T23S, R52W; all of the 6th P.M., in Bent County, Colorado, as shown on **Exhibit C**. 3.8 Amount to be changed: 15.59 cfs of Priority No. 27; 6.95 cfs of Priority No. 97; 36.16 cfs of Priority No. 120 (i.e., the 02CW181 Highland Water Rights and the 10CW85 Highland Water Rights). **4. Detailed description of proposed change:** LAWMA seeks a subsequent change of the 02CW181 Highland Water Rights and the 10CW85 Highland Water Rights, for both of which the Court previously quantified historical consumptive use, to include storage and in-reservoir use in the John Martin Reservoir Permanent Pool. 4.1 Approximate historical location of use

and proposed place of use: The map attached to application as **Exhibit C** shows the approximate historical location of use of the 02CW181 Highland Water Rights following entry of the decree in Case No. 02CW181; the approximate historical location of use of the 10CW85 Highland Water Rights following entry of the decree in Case No. 10CW85; and the proposed place of use in the Permanent Pool. 4.2 Records or summaries of records of actual diversions of each water right: Not applicable, because the court quantified the historical consumptive use of the 02CW181 Highland Water Rights and the 10CW85 Highland Water Rights in Case Nos. 02CW181 and 10CW85, respectively. C.R.S. § 37-92-305(3)(e). 4.3 New types of use: Fish and wildlife, recreation, and replacement of evaporative losses by virtue of storage in the Permanent Pool; all in addition to the existing uses decreed to the 02CW181 Highland Water Rights and the 10CW85 Highland Water Rights. 4.4 New manner of storage: Storage in the Permanent Pool, which is located within the high-water line of John Martin Reservoir as described in paragraph 3.7.3 above; in addition to the existing manner of storage decreed to the 02CW181 Highland Water Rights and the 10CW85 Highland Water Rights. 4.5 No other modification of prior change decrees: Except as expressly provided above, LAWMA seeks no other change to the terms and conditions included in the decrees entered in Case Nos. 02CW181 and 10CW085. **5. Names and addresses of owners or reputed owners of 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:** 5.1 U.S. Army Corps of Engineers, Reservoir Manager, 29955 County Road 25.75, Hasty, CO 81044. 5.2 Caddoa Sands LLC, 2010 Fox Mountain Point, Colorado Springs, CO 80906. WHEREFORE, LAWMA respectfully requests that this Court enter a decree approving this Application for Change of Water Rights and granting all such other and further relief, whether legal or equitable, as the Court may determine necessary or desirable.

CASE NO 2020CW3016; ROBERT AND KIMBERLY WETZEL, P.O. Box 429, Cascade, CO, 80809, (Please address all pleadings and inquiries regarding this matter to Applicant's attorney's: Steven T. Monson, #11329, Emilie B. Polley, #51296, MONSON, CUMMINS & SHOHET, LLC, 13511 Northgate Estates Dr., Ste. 250, Colorado Springs, Colorado 80921, (719) 471-1212)

Application for Finding of Reasonable Diligence and to Make Absolute

EL PASO COUNTY

II. SUMMARY OF APPLICATION: Applicant's predecessor Janet J. Pettit ("Original Applicant") filed for two groundwater rights on February 28, 2007 in Case No. 07CW24. In that application the Applicant requested an absolute water right for Pettit Well No. 1 and a conditional water right for Pettit Well No. 2. The Water Referee issued a Ruling on October 1, 2007 granting both the absolute water right and the conditional water right. A Decree by the Court confirming this Ruling was entered on October 29, 2007. Subsequently, Original Applicant was granted a finding of reasonable diligence for the conditional water right for Pettit Well No. 2 in Case No. 13CW3058 on April 9, 2014. The Applicants purchased from Original Applicant the land where Pettit Well No. 2 is located together with the groundwater right for the Pettit Well No. 2. In Case No. 07CW24 the Applicants have filed a Motion for Substitution of Parties for the Pettit Well No 2 water

right as the owner and real party in interest of Pettit Well No. 2. The Applicants are now seeking a finding of reasonable diligence and to make absolute the conditional water right associated with Pettit Well No. 2. **III. NAME OF CONDITIONAL WATER RIGHTS:** Pettit Well No. 2. **IV. DECREE INFORMATION OF CONDITIONAL WATER RIGHT:** A. Date of Original Decree: October 29, 2007. B. Court Case No.: 07CW24. C. Court: District Court, Water Division 2. D. Permit Number: Pettit Well No. 2 is permitted under Well Permit No. 99660, dated June 23, 1978. E. Diligence Granted: Diligence was previously granted in Case No. 13CW3058, April 9, 2014. **V. DESCRIPTION OF CONDITIONAL WATER RIGHT:** A. Legal Description of Water Rights: Pettit Well No. 2 is located in the NE1/4 of the NE1/4, Section 16, Township 13 South, Range 68 West of the 6th P.M., being 625 feet from the north section line of said Section 16 and 37 feet from the east section line of said Section 16. B. Source: The source of Pettit Well No. 2 is Sand Gulch, tributary to Fountain Creek, Tributary to the Arkansas River. The depth of this existing well is 75 feet. C. Appropriation: The appropriation date of this well is June 23, 1978 as decreed October 27, 2009 in District Court for Water Division 2, Case No. 07CW24. D. Amount: The amount of water decreed for this well is 15 gallons per minute, conditional. E. Uses: The decreed uses are for ordinary household purposes inside of one single family dwelling only and not to be used for irrigation, as allowed under the existing well permit. F. Ownership: The land on which all points of diversion and places of use are located is owned by the Applicants as set forth in Section I of this Application and as fully described as Lot 1 in Block 1 in Pettit's Peak, County of El Paso, Colorado, which is within the place of use specified in the Decree in Case No. 07CW24. G. Comments: Pettit Well No. 2 is as an exempt well pursuant to §37-92-602(1)(b), C.R.S., and was decreed as such in Case No. 07CW24 on October 27, 2007, for which diligence has previously been granted in Case No. 13CW3058. The uses set forth herein are therefore exempt from call under the priority system, but likewise no call shall be made for water by Pettit Well No. 2. Accordingly, the Pettit Well No. 2 shall be entitled to assert injury in any pending or future water rights applications. **VI. OUTLINE OF WORK DONE TOWARDS COMPLETION OF APPROPRIATION AND APPLICATION OF WATER TO BENEFICIAL USE:** During this diligence period, the Applicants purchased from Original Applicant the property where the Pettit Well No. 2 is located described as Lot 1 in Block 1 in Pettit's Peak, County of El Paso, Colorado, together with the groundwater rights for the Pettit Well No. 2, including the Pettit Well No. 2 itself, which was drilled on March 24, 1980 under Division of Water Resources Permit No. 99660, and Applicants have built their residence thereon. The Applicants moved onto the property and have used the Pettit Well No. 2 for the past three years for all in-house purposes, at 10 gpm, per the terms of the Decree in Case No. 07CW24 and Well Permit No. 99660. **VII. CLAIM TO MAKE ABSOLUTE:** In light of the pumping and application of water from Pettit Well No 2 to beneficial use per the decree as described in Section VI above, the Applicants seek to make absolute the conditional water right associated with the Pettit Well No. 2 decreed in Case No. 07CW24 for 10 gpm, for which diligence has been previously granted in Case No. 13CW3058. The additional 5 gpm of the 15 gpm conditional water right for Pettit Well No. 2 has not been diverted and will be relinquished. The conditional water right for the Pettit Well No. 2 to be made absolute is described herein and the Decree for Case No. 07CW24. **VIII. NAME AND ADDRESS OF THE OWNERS OF THE LAND ON WHICH**

STRUCTURE IS LOCATED: The Pettit Well No. 2 is located on land owned by the Applicant.

CASE NO. 2020CW3017; Previous Case Nos. 2013CW3064, and 2003CW3960 - GRANADA FEEDERS, LLC, P.O. Box 40, Granada, Colorado 81041 (Please address all pleadings and inquiries regarding this matter to Applicant's attorney: Steerman Law Offices, PLLC, Donald L. Steerman, PO Box 390, 200 West Elm Street, Lamar, CO 81052, (719) 336-4313)

Application for a Finding of Reasonable Diligence

PROWERS COUNTY

Applicant seeks a finding of reasonable diligence for the following conditional water well right: **Name of Structure**: Granada Feeders Dakota Well No. 1 **Original Decree:** Case No. 2003CW60, Water Division 2, dated December 27, 2007. Subsequent Decrees: Case No. 2013CW3064 Water Division 2, dated April 16,2014 **Legal Description:** The Northwest Quarter of the Northwest Quarter (NW1/4NW1/4) of Section Twenty-Two (22), Township Twenty-Three (23) South, Range Forty-Four (44) West of the 6th P.M., 705 feet from the North Section line and 880 feet from the West Section line. **Source of water:** Dakota Aquifer. **Appropriation Date:** July 1, 2003 Amount: 150 gpm not to exceed 240 a.f. in any one calendar year (conditional) awarded in 03CW60 **Uses:** Water supply for commercial livestock feed yard with a maximum capacity of 30,000 head of cattle.

Name of Structure: Granada Feeders Dakota Well No. 2 **Original Decree:** Case No. 2003CW60, Water Division 2, dated December 27, 2007. Subsequent Decrees: Case No. 2013CW3064 Water Division 2, dated April 16,2014 **Legal Description:** T The Northwest Quarter of the Southwest Quarter (NW1/4SW1/4) of Section Twenty-Two (22), Township Twenty-Three (23) South, Range Forty-Four (44) West of the 6th P.M., 1400 feet from the South Section line and 150 feet from the West Section line. See **Figure 1** attached to the application for a general location map. (All figures/exhibits mentioned herein are incorporated by reference and may be inspected at the office of the clerk of this Court.) **Source of water:** Dakota Aquifer. **Appropriation Date:** July 1, 2003 Amount: 150 gpm not to exceed 240 a.f. in any one calendar year (conditional) awarded in 03CW60 **Uses:** Water supply for commercial livestock feed yard with a maximum capacity of 30,000 head of cattle. **Detailed outline of what has been done toward completion of the appropriation.** Applicant has a feed lot located in Prowers County, Colorado that had a livestock capacity of 15,000 head of cattle as date of the decree entered on April 16, 2014. Applicant has the right to operate up to a maximum of a 30,000 head commercial cattle feed yard pursuant to special use permits dated April 19, 2000 issued by the Prowers County Planning Commission and Prowers County Board of Commissioners. At the maximum capacity of 30,000 head of cattle, Applicant will require a water supply of at least 500 a.f. of water per year. In order to meet that need Applicant has incorporated the wells that are the subject of this Application and it is the long term plan to continue to supply the water needed to supply the current needs as well as the planned expansion. Applicant has expanded the current livestock capacity of the feed yard from 15,000 head livestock capacity to 22,000 head in the last six years and is developing more water to supply his need. Applicant has seven total wells dedicated to servicing Applicant's feed lot. These two wells were adjudicated in Case No. 03CW60, District Court, Water Division No.2, State of Colorado on December 27, 2007. Granada Feeders Dakota Aquifer Well

No. 1 was awarded a conditional water right of 150 gpm, not to exceed 240 a.f. per year, and Granada Feeders Dakota Aquifer Well No. 2 was awarded a conditional water right of 150 gpm, not to exceed 240 a.f. per year. The Granada Feeders Dakota Aquifer Well No. 1 was completed as a well on or about April 29, 2004, was drilled to a depth of 440 feet, and casing was installed. Applicant intends to tie this well to its watering system. Applicant submitted a Water Well Permit Application on March 27, 2020 seeking a commercial permit from the State of Colorado which would allow Applicant to install a pump on said well in order to tie the well into its existing water system. Applicant intends on doing this immediately upon approval of the permit inasmuch as Applicant has a current need for the water the well will produce to meet the additional supply needed by the expansion of the feed lot. Applicant has also maintained said well. Applicant's wells are tied in where any or all of the drilled and operating wells can be used to supply water into the system. The Granada Feeders Dakota Aquifer Well No. 2 has not yet been drilled. Applicant does intend to complete this well and has also filed a Well Water Permit Application on March 27, 2020 seeking Commercial Water Permit with the State of Colorado for Commercial Purposes to be tied into Applicants existing water system. Applicant has also secured other water rights including five well rights in addition to the wells that are the subject of this Application as follows: the Granada Feeders Alluvial Well, Permit No. 55777-F, WDID 6705495; Cheyenne Aquifer Well No. 1, Permit No 64976-F WDID 6706407; Cheyenne Aquifer Well No. 2, Permit No. 65746-F, WDID 6706409; Cheyenne Aquifer Well No. 3, Permit No. 81675-F WDID 6706885, and a proposed well Cheyenne Aquifer Well No. 4 (Permit Pending). Applicant has maintained its membership in the Lower Arkansas Water Management Association, and 57 shares of the preferred stock of LAWMA owned by Applicant that are assigned to Applicants system for augmentation purposes. The annual assessment for the shares is approximately $7,217.50 and Applicant has spent $40,514.50 on assessments for its LAWMA shares since April of 2014. Applicant has also contracted with LAWMA to have the Cheyenne Aquifer Well No. 3 which is one of the other wells used to service the feed lot as an additional structure for the purpose of augmentation. Applicant has engaged the Engineering firm, Helton and Williamsen to assist in perfecting its water rights and has expended $9,570.00 on its services since 2014 in regards to these water rights. The foregoing activities and expenditures do not reflect each and every activity undertaken by Applicants to place the conditional water rights described herein to beneficial use, but are illustrative of Applicants' reasonable diligence in applying such water rights to a beneficial use in accordance with the standards set forth in C.R.S. § 37-92-301(4). Additional work may be performed, and additional expenses may be incurred between the date this Application is filed and the entry of any decree in this matter. **Names(s) and address(es) of owner(s) or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool:** Land is owned by Applicant, Granada Feeders, LLC, PO Box 40, Granada, CO 81041

CASE NO. 2020CW3018; PETE A. TRUJILLO and GRACE TRUJILLO, 8170 Mustang Pl, Colorado Springs, CO 80908, (Please address all pleadings and inquiries regarding this matter to Applicant's attorney's: Ryan W. Farr, #39394, Emilie B. Polley, #51296,

MONSON, CUMMINS & SHOHET, LLC, 13511, Northgate Estates Dr., Ste. 250, Colorado Springs, Colorado 80921, (719) 471-1212)
Application for Adjudication of Denver Basin Groundwater and for Approval of Plan for Augmentation
EL PASO COUNTY
II. Summary of Application: The Applicant seeks to construct a well to the not-nontributary Denver aquifer to provide water service to one five-acre lot. The 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. **III. Application for Underground Water Rights:** A. Legal Description of Wells. 1. Property Description. The well will be located on the Applicant's approximately 5.0 acre property ("Applicant's Property"). See **Exhibit A** attached to the application for a general location map. (All exhibits mentioned herein are incorporated by reference and may be inspected at the office of the clerk of this Court.), and is more particularly described as Lot 12, Pawnee Rancheros Filing No. 2, 8170 Mustang Pl, Colorado Springs, CO 80908. 2. Existing Wells. There is an existing well on the Property. Well with Permit No. 63262 is located 145 feet North and 1704 feet West from the Section Line and is constructed to the not-nontributary Dawson aquifer. The Applicant proposes that the well be plugged and abandoned upon construction of a well to the Denver aquifer and upon entry of a decree approving the plan for augmentation requested herein. 3. Proposed Wells. The Applicant proposes that one well will be located on the Applicant's Property to be constructed to the Denver aquifer and permitted for non-exempt uses upon entry of a decree and approval of plan for augmentation requested herein ("Trujillo Well No. 1"). B. Water Source. 1. 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 not-nontributary aquifers will require the replacement of actual stream depletions. 2. Nontributary. The groundwater that will be withdrawn from the Laramie-Fox Hills aquifer underlying the Applicant's Property is nontributary. C. Estimated Rates of Withdrawal and Ground Water Available. 1. Estimated Rates of Withdrawal. Pumping from the wells will not exceed 100 g.p.m. The actual pumping rates for each well will vary according to aquifer conditions and well production capabilities. The 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. 2. Estimated Average Annual Amounts of Ground Water Available. The 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 100-year life 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 the Applicant's Property:

AQUIFER	NET SAND (Feet)	Total Appropriation (Acre Feet)	Annual Avg. Withdrawal 100 Years (Acre Feet)
Dawson (NNT)	65.30	65.30	0.65
Denver	309.10	262.74	2.63

(NNT)			
Arapahoe (NNT)	238.10	202.39	2.02
Laramie Fox Hills (NT)	190.00	142.50	1.43

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. D. Requested Uses. The Applicant requests the right to use the ground water for beneficial uses upon the Applicant's Property consisting of domestic, irrigation, stock water, greenhouse, commercial, recreation, wildlife, fire protection, and also for storage and augmentation purposes 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. The Applicant may use such water by immediate application or by storage and subsequent application to the beneficial uses and purposes stated herein. Provided, however, that the Applicant shall only be entitled to construct a well or use water from the not-nontributary Denver aquifer pursuant to a decreed augmentation plan entered by this Court, covering the out-of-priority stream depletions caused by the use of such not-nontributary aquifers in accordance with C.R.S. §37-90-137(9)(c.5). E. Well Fields. The Applicant requests that he be permitted to produce the full legal entitlement from the Denver Basin aquifers underlying the Applicant's Property through any combination of wells. The Applicant requests that these wells be treated as a well field. F. Averaging of Withdrawals. The Applicant requests that they 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. G. Owner of Land Upon Which Wells are to Be Located. The land and underlying groundwater upon which the wells are and will be located is owned by the Applicant**. IV. APPLICATION FOR PLAN FOR AUGMENTATION:** A. Structure to be Augmented. The structure to be augmented is the Trujillo Well N. 1 to be constructed to the not-nontributary Denver aquifer, and as will be permitted pursuant to this plan for augmentation, along with any replacement or additional wells associated therewith, of the Denver Basin underlying the Applicants' Property as requested and described herein. B. Water Rights to be Used for Augmentation. The water rights to be used for augmentation during pumping are the return flows resulting from the pumping of the not-nontributary Denver aquifer from Trujillo Well No. 1, together with water rights from the nontributary Laramie-Fox Hills aquifer for any injurious post pumping depletions. C. Statement of Plan for Augmentation. The Applicant wishes to provide for the augmentation of stream depletions caused by pumping of the not-nontributary Denver aquifer by one well proposed herein for one lot. Potential water use criteria and their consumptive use component for replacement of actual depletions for the lots are estimated as follows: 1. Uses. The well

will pump a maximum of 1.0 acre feet of water per year from the Denver aquifer. Such use shall be a combination of household use, irrigation of lawn, garden, and greenhouse, and the watering of horses or equivalent livestock, commercial, recreation, wildlife, fire protection, and storage associated with such uses. Household use will be used within two single-family dwellings on one lot, with a maximum of ten percent consumptive use based on one nonevaporative septic leach field disposal system. The annual consumptive use for the lot will therefore be 0.30 acre feet, with return flows of 0.27 acre feet per lot. An example breakdown of the combination of uses, is household use of 0.30 acre feet of water per for two residences with the additional 0.70 acre feet per year per residence available for irrigation of lawn, garden, greenhouse, storage, commercial, and the watering of up to four horses or equivalent livestock on the lot. 2. Depletions. The Applicant's consultant has determined that maximum stream depletions over the 100 year pumping period for the Denver aquifer amounts to approximately 22.13% of pumping. Maximum annual depletions for total residential pumping from the Denver well is therefore 0.221 acre feet in year 100. Should Applicant's pumping be less than the 1.0 total from the Denver aquifer per year described herein, resulting depletions and required replacements will be correspondingly reduced. 3. Augmentation of Depletions During Pumping. Pursuant to C.R.S. §37-90-137(9)(c.5), the Applicant is required to replace actual stream depletions attributable to pumping of the well. The 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 a household use rate of 0.30 acre feet per year, 0.27 acre feet is replaced to the stream system per year, utilizing one non-evaporative septic system. Thus, during pumping, stream depletions will be more than adequately augmented. 4. Augmentation for Post Pumping Depletions. For the replacement of any injurious post-pumping depletions which may be associated with the use of the Trujillo Well No. 1, the 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, to replace any injurious post pumping depletions. The 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, the 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 Trujillo Well No. 1 for the uses in accordance with this Application and otherwise in compliance with C.R.S. §37-90-137.

CASE NO. 2020CW3019; DELLACROCE RANCH, LLC, c/o Robert Dellacroce, P.O. Box 60477, Colorado Springs, CO 80960 (719) 332-2618 (Please address all pleadings and inquiries regarding this matter to Applicant's attorney: Julianne M. Woldridge, MacDougall & Woldridge, P.C., P.O. Box 7273, Woodland Park, CO 80863, (719) 520-9288)

Application for Underground Water rights in the Denver Basin Aquifers

EL PASO COUNTY

2. Background: Applicant seeks to quantify and adjudicate all Denver Basin groundwater in the Denver and Laramie-Fox Hills aquifers, underlying approximately 2.81 acres of property described below ("Property"). In Case No. 14CW117 Applicant obtained an adjudication of water rights for the Dawson aquifer underlying a larger parcel of land that included the Property. The Denver, Arapahoe, and Laramie-Fox Hills aquifer water underlying the Property was excluded from that adjudication because of the adjudication in Case No. 83CW143. A portion of the property described in Case No. 83CW143, which is the Property described herein, however was owned by Applicant and not by the applicant in Case No. 83CW143. **A. Property description**: Approximately 2.81 acres in the N1/2 of Section 35, T.11S., R.67W., 6th P.M., El Paso County ("Property"), more particularly described on **Exhibit A** attached to the application. (All exhibits mentioned herein are incorporated by reference and may be inspected at the office of the clerk of this Court.), and generally shown on the map attached hereto as **Exhibit B. B. Property ownership**: Applicant's claim to the water underlying the Property is based on Applicant's ownership of the Property. **C.** Applicant seeks to adjudicate the Denver Basin ground water in the Denver and Laramie-Fox Hills aquifers underlying the Property. The water in the Denver aquifer is presumed to be not-nontributary. The water in the Laramie-Fox Hills aquifer is presumed to be nontributary. **D.** Applicant certifies that Applicant owns the Property free and clear of all liens and encumbrances and that no other person or entity has a financial interest in the Property. Accordingly, Applicant certifies compliance with the notice requirements of C.R.S. § 37-92-302(2). **E.** There are no existing wells in the Denver or Laramie-Fox Hills aquifers on the Property. Applicant anticipates additional wells may be constructed on the Property into some or all of the aquifers for which quantification is sought. **F.** Applicant requests a vested right to withdraw the groundwater determined to be available at rates of flow necessary to withdraw the entire amounts available. The actual pumping rates for each well will vary depending on aquifer characteristics and well capabilities. Allowed amounts may be withdrawn as set forth in C.R.S. § 37-90-137 (4). Decreed amounts may vary based upon the State's determination of facts. Applicant requests the ability to withdraw an amount in excess of the average annual amounts decreed so long as the sum of the total withdrawals from all wells 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 the decree, whichever is first, multiplied by the average annual volume of water Applicant is entitled to withdraw. Applicant estimates the amounts of water available for appropriation underlying the Property are: 1). Denver aquifer - approximately 215 acre-feet total with an annual allowable withdrawal of 2.15 acre-feet per year assuming an aquifer life of 100 years; and 2). Laramie-Fox Hills aquifer – approximately 80 acre-feet total with an annual allowable withdrawal of 0.8 acre-feet per year assuming an aquifer life of 100 years. **G. Proposed uses**: All beneficial uses both on and off the Property including without limitation domestic, commercial, irrigation, greenhouse, industrial, stock water, recreation, wildlife, fire protection, and storage and augmentation associated with such uses. Applicant seeks to use the water both by direct application and by storage and subsequent application to the beneficial uses stated. The nontributary water may be used, reused, and successively uses to extinction, on and off the Property, subject to the requirement of C.R.S. § 37-90-137 (9)(b) that no more than 2% of the amount withdrawn annually shall be relinquished. **3. Remarks**: **A.** The not nontributary water quantified herein is legally available for withdrawal conditioned only

upon the entry of a subsequent decree approving an augmentation plan pursuant to C.R.S. § 37-90-137 (9)(c.5), or through exempt structures pursuant to C.R.S. § 37-92-602. **B.** Applicant requests the right to produce the full legal entitlement through any combination of wells and that such be treated as a well field, including with wells adjudicated in Case No. 04CW117. Applicant requests that the larger parcel described in Case No. 04CW117 and on Exhibit C and described generally as the N1/2 and the SE1/4 of Sec. 34, portions of the SW1/4, Sec. 26 and the SE1/4, Sec. 27 and the NW1/4 and the SW1/4SE1/4 of Sec. 35, T.11S., R.67W, 6th P.M., of which the Property is part, be considered the "overlying land" as such is used in C.R.S. 37-90-137 (10) and the Statewide Nontributary Rules for purposes of the requirement that nontributary water be withdrawn from wells on the overlying land. **C.** Applicant requests a finding that vested water rights of others will not be injured by the withdrawals of groundwater subject to the conditions proposed. **D.** Pursuant to C.R.S. § 37-92-305 (11), Applicant requests that the Court retain jurisdiction to provide for the adjustment of the annual amounts of withdrawal to conform to actual local aquifer characteristics. **E.** Wells withdrawing the water will be constructed and metered as reasonably required by the State Engineer.

CASE NO. 2020CW3020; ANGELVIEW LLC, 5585 Hwy 82, Twin Lakes, CO 81251

The Water Referee reviewed the application and finds that it does not substantially meet the requirements for publication.

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 June 2020, (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 7th day of May 2020.

Michele Santistevan

Michele M. Santistevan, Clerk
District Court, Water Div. 2

Pueblo Judicial Building
501 N. Elizabeth Street, Suite 116
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