

DISTRICT COURT, WATER DIVISION NO. 2, COLORADO

RESUME OF CASES FILED AND/OR ORDERED PUBLISHED DURING AUGUST 2018

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 August 2018, 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. 2018CW8 - TIM HISER, P. O. Box 866, Salida, CO 81201; (719) 221-1922

Application for Correction for an Established but Erroneously Described Point of Diversion Pursuant to § 37-92-305(3.6), C.R.S.

CHAFFEE COUNTY

2. Decreed water right for which correction is sought: A. Name of structure: Rock Spring. B. Date of original and all relevant subsequent decrees: April 10, 1972; Case No.: W-482. C. Legal description of structure as described in the most recent decree that adjudicated the location: In the W ½ of Section 13, Twp. 51 North, Range 9 East of the N.M.P.M. and being approximately 1600 feet West of the East line of, and approximately 2400 feet North of the South line of the said Section 13. Provide a verbatim legal description from the most recent decree that adjudicated the location: In the West ½ of Section 13, Twp. 51 North, Range 9 East of the N.M.P.M., and being approximately 1100 feet East of the West line of, and approximately 2170 South of the North line of Section 13. D. Decreed source of water: A natural spring. E. Appropriation Date: December 21, 1910; F. Total amount decreed to structure in gallons per minute (gpm) or cubic feet per second (cfs): 0.022 cfs or 10 gpm Absolute. G. Decreed use or uses: Stock water; H. Amount of water decreed: 10 gpm Absolute.
3. Detailed description of proposed correction to an established but erroneously described point of diversion: See 2"C" above. UTM coordinates (NAD 83, Zone 13): Northing 4280695 Easting 418925. The legal description of the corrected point of diversion: UTM coordinates: Northing 4280695 Easting 418925. Source of UTM's: Water Commissioner/Earthmate PN-40; Accuracy of location displayed on GPS device: 7 ft.

CASE NO. 2018CW9 - T2 INTERESTS, LTD., 12128 Madeleine Circle, Dallas, TX 75230; (713) 201-6100

Application for Absolute Water Rights (Surface), Absolute Water Storage Right and Absolute Underground Water Rights for Two Exempt Wells Pursuant to § 37-92-602(4), C.R.S.

TELLER COUNTY

Name of structures: Aspen Creek Ranch Pond Spring; Aspen Creek Ranch Aspen Spring; Aspen Creek Ranch Pond; Aspen Creek Ranch House Well (SEO well permit no. 261881); Aspen Creek Ranch Barn Well (SEO well permit no. 265940). **Legal description of each point of diversion:**

Structure UTM Locations	Northing	Easting
Aspen Creek Ranch Pond Spring (center of pond)	4295026	472691
Aspen Creek Ranch Aspen Spring	4295238	472776
Aspen Creek Ranch Pond (dam center line)	4295012	472697
Aspen Creek Ranch House Well	4295048	472662
Aspen Creek Ranch Barn Well	4293884	472914
Notes: All coordinates, NAD 83 Zone 13S, source of UTM's from on-site hand held GPS, accuracy +/- 20 feet. Aspen Creek Ranch Pond Spring and Aspen Creek Ranch Pond are co-located.		

Well Structure Subdivision Location Information			
Well Structure	Subdivision	Lot Number	Street Address
Aspen Creek Ranch House Well	Ranches at Slater Creek	2	2014 County Road 111, Florissant, Colorado 80816
Aspen Creek Ranch Barn Well	Ranches at Slater Creek	8	1128 County Road 111, Florissant, Colorado 80816

Sources: Aspen Creek Ranch Pond Spring, Aspen Creek Ranch Aspen Spring and Aspen Creek Ranch Pond: springs, tributary to unnamed tributary of Slater Creek, tributary to Slater Creek, tributary to West Four Mile Creek, tributary to Four Mile Creek, tributary to the Arkansas River. Aspen Creek Ranch House and Barn Wells: ground water tributary to the Arkansas River. **Dates of appropriation and beneficial use.**

Structure	Date of Appropriation	How Appropriation was Initiated	Beneficial Use Date
Aspen Creek Ranch Pond Spring	1/31/2005	Leased property for grazing.	1/31/2005
Aspen Creek Ranch Aspen Spring	1/31/2005	Leased property for grazing.	1/31/2005
Aspen Creek Ranch Pond	8/15/2016	Pond enlarged to current size.	8/15/2016
Aspen Creek Ranch House Well	2/20/2005	Well permit application for exempt well permit no. 261881.	5/26/2006 – pump installation
Aspen Creek Ranch Barn Well	9/15/2005	Well permit application for exempt well permit no. 265940.	5/04/2018 – pump installation

Amounts claimed:

Structure	Amount Claimed	Absolute or Conditional
Aspen Creek Ranch Pond Spring	2.0 gpm	Absolute
Aspen Creek Ranch Aspen Spring	1.0 gpm	Absolute
Aspen Creek Ranch Pond	0.54 acre-feet	Absolute
Aspen Creek Ranch House Well	15 gpm	Absolute
Aspen Creek Ranch Barn Well	15 gpm	Absolute

Absolute water right claims for springs and pond based upon futile call administration to date relative to these structures. Absolute water right claims for wells based upon granting of exempt well permits, well construction, installation of pumps in the wells and use of the wells. **Uses or proposed uses:**

Structure	Uses Claimed
Aspen Creek Ranch Pond Spring	Livestock, wildlife, fire protection, aesthetics and for storage in Aspen Creek Ranch Pond.
Aspen Creek Ranch Aspen Spring	Livestock, wildlife, fire protection & aesthetics.
Aspen Creek Ranch Pond	Livestock, wildlife, fire protection & aesthetics.
Aspen Creek Ranch House Well	Domestic uses, livestock, lawn/garden irrigation (1 acre) & fire protection.
Aspen Creek Ranch Barn Well	Domestic uses, livestock, lawn/garden irrigation (1 acre) & fire protection.

Aspen Creek Ranch Pond and Dam: Surface area of high water line: 0.18 acres. Vertical height of dam in feet measured vertically from the elevation of the lowest point of the natural surface of the ground where that point occurs along the longitudinal centerline of the dam up to the crest of the emergency spillway of the dam: 9 feet. Length of dam in feet: 160 feet. Total capacity of reservoir in acre feet: 0.54 acre-feet, active capacity: 0 acre-feet, dead storage: 0.54 acre-feet. **Name(s) and address(es) of owner(s) or reputed owner(s) of the land upon which any new or existing 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:** Applicant.

CASE NO. 2018CW3044 - B LAZY M RANCH OWNERS ASSOCIATION, c/o Marilee Van Arsdale, President, P. O. Box 403, Florissant, CO 80816 (Please address all correspondence and inquiries regarding this matter to Applicant’s attorneys: Alperstein & Covell, P.C., c/o Gilbert Y. Marchand, Jr., #19870, 1600 Broadway, Suite 1070, Denver, CO 80202-4923, phone: 303-894-8191; fax: 303-861-0420; gym@alpersteincovell.com)

Application for Change of Water Right, Approval of Plan for Augmentation, and Appropriative Rights of Substitution and Exchange

TELLER COUNTY

2. Description of application: Applicant owns Jordan Reservoir on Hay Creek, tributary to Four Mile Creek, in Teller County, Colorado. A storage right was decreed for Jordan Reservoir by this Court in Case No. 11CW54. Applicant seeks to augment the injurious out-of-priority stream depletions caused by evaporation from the surface of the reservoir. In that regard, one of Applicant’s members is the contract purchaser of 0.15 cubic feet per second (“cfs”) of the Watson Ditch No. 1 water right (“0.15 CFS Portion”) that was decreed by the Fremont County District Court on February 3, 1894, in the amount of 1.6 cfs from Four Mile Creek, and that member will assign the contract to Applicant. The historical consumptive use associated with 1.46 cfs of the Watson Ditch No. 1 water right was determined and quantified by this Court in Case No. 85CW78, and that quantification was also used by this Court in Case Nos. 03CW99 and 14CW3005. Applicant proposes to rely on the 85CW78 quantification to determine the

consumptive use credits associated with the 0.15 CFS Portion. Applicant seeks to use those consumptive use credits as necessary to augment stream depletions caused by evaporation from Jordan Reservoir. Applicant also seeks the right to store excess credits in Jordan Reservoir from time to time. To the extent that an exchange is involved in this change of water right, plan for augmentation, and storage, Applicant also seeks appropriative rights of substitution and exchange. **CHANGE OF WATER RIGHT. 3. Decreed water right for which change is sought: 3.A. Name of structure:** Watson Ditch No. 1. **3.B. Date of original and all relevant subsequent decrees: 3.B.(1)** The Watson Ditch No. 1 water right was originally decreed in a decree dated February 3, 1894, by the District Court of the Eleventh Judicial District of the State of Colorado, in and for the County of Fremont, In the Matter of the Adjudication of Water Rights in Water District No. 12. **3.B.(2)** A portion of the water right (1.46 cfs of the originally decreed amount of 1.6 cfs) was changed in a decree entered by this Court on April 8, 1986, in Case No. 85CW78. **3.B.(3)** Another portion of the water right (0.14 cfs of the originally decreed amount of 1.6 cfs) was changed in a decree entered by this Court on December 22, 2009, in Case No. 03CW99. **3.B.(4)** In Case No. 13CW3048, on May 18, 2015, this Court entered a decree approving a “simple change in point of diversion” of the Watson Ditch No. 1 water right. **3.B.(5)** Finally, a 0.09 cfs portion of the water right changed in Case No. 85CW78 was further changed in a decree entered by this Court on May 20, 2016, in Case No. 14CW3005. **3.C. Legal description of structure as described in most recent decree that adjudicated the location:** Per the decree entered in Case No. 13CW3048, the location of the point of diversion of the Watson Ditch No. 1 water right is: UTM location: North: 4293386.77 East: 476055.86. The approximate location of the point of diversion is in the northwest quarter of the southwest quarter of Section 31, Township 14 South, Range 70 West, of the 6th P.M., and is depicted on the map in Exhibit A to the Application. All exhibits referenced herein are attached to the application filed with the Court and incorporated herein by reference. **3.D. Decreed source of water:** Four Mile Creek. **3.E. Appropriation date:** May 1, 1872. **3.F. Total amount decreed to structure:** 1.6 cfs, absolute. **3.G. Decreed uses:** Irrigation is the originally decreed use. With respect to 1.46 cfs of the water right changed in Case No. 85CW78, paragraph 9 of the decree in Case No. 85CW78 describes the uses as “[m]unicipal purposes including, without limitation, domestic, commercial, and fire protection;” and paragraph H of the decree allows beneficial use for “irrigation, domestic, commercial, recreational, stock watering, fish and wildlife propagation, storage, exchange, and augmentation purposes.” **3.H. Amount of water that applicant intends to change:** 0.15 cfs of the above-described 1.46 cfs, which is the aforementioned 0.15 CFS Portion. **4. Detailed description of proposed change:** Applicant proposes to change the 0.15 CFS Portion so that it may be used (1) for augmentation of out-of-priority stream depletions caused by evaporation of water from the surface of Jordan Reservoir, for which a water right was decreed by this Court in Case No. 11CW54 and (2) for storage in Jordan Reservoir. The proposed operation of these changes is described in sections 7 through 13, below. Historical use of the 1.46 cfs portion of the Watson Ditch No. 1 water right was determined and is described in the decree in Case No. 85CW78. That decree established that the Watson Ditch No. 1 water right historically diverted an average of 186.0 acre-feet per year; that the 1.46 cfs portion was historically used to

irrigate 32.5 acres of pasture and hay meadows located in: the southwest quarter of Section 31, Township 14 South, Range 70 West; the northwest quarter of Section 6, Township 15 South, Range 70 West; and the northeast quarter of Section 1, Township 15 South, Range 71 West; all of the 6th P.M.; and that the average annual historical consumptive use associated with said irrigation was 34.8 acre-feet or 1.07 acre-feet per acre. See 85CW78 decree, Findings of Fact, paragraph 10. Applicant proposes to rely on the historical use determined in Case No. 85CW78 to quantify the historical consumptive use credits it claims by this application. Thus, the 0.15 CFS Portion historically irrigated 3.34 acres, and yields an annual average of 3.57 acre-feet of historical consumptive use. Exhibit A to the Application is a USGS topographic map showing the approximate location of the above-described historical use of the 0.15 CFS Portion and Exhibit C to the Application is a USGS topographic map showing the proposed place of use. For a summary of historical diversions and historical use, Applicant relies on the decree in Case No. 85CW78.

PLAN FOR AUGMENTATION.

5. Name of, and decree information for, structure to be augmented: Jordan Reservoir, for which a storage water right was decreed by this Court in Case No. 11CW54 on February 7, 2012. No other decreed water rights are diverted from this structure.

5.A. Legal description of structure as described in most recent decree that adjudicated the location: As stated in the decree in Case No. 11CW54, the legal description of the location of the Jordan Reservoir dam is: in the southeast quarter of the southwest quarter of Section 5, Township 14 South, Range 70 West, of the 6th P.M., Teller County, Colorado, approximately 3,400 feet west of the east section line and 500 feet north of the south section line. Exhibit B to the Application depicts the location of the structure on a USGS topographic map.

5.B. Decreed appropriation date: March 8, 1963.

5.C. Decreed amount: 21.1 acre-feet, absolute.

5.D. Decreed source: Hay Creek, tributary to Four Mile Creek, tributary to the Arkansas River. Jordan Reservoir is an on-channel reservoir.

5.E. Decreed uses: recreation, aesthetics, maintenance and propagation of fish and wildlife, fire protection.

6. Water rights to be used for augmentation:

6.A. The 0.15 CFS Portion, described in section 3, above.

6.B. Such other water, including but not limited to consumptive use water provided by the City of Cripple Creek (“Cripple Creek”) and/or additional portions of the Watson Ditch No. 1 water right quantified in Case No. 85CW78, as may become available to Applicant from any other source legally available for augmentation or replacement and which can be provided in the amount, at the time and at the location required for augmentation or replacement. Applicant currently has the right to use up to six acre-feet of water pursuant to the “Reservoir Fill Water Supply Agreement” (“Agreement”) dated May 22, 2015 between Applicant and Cripple Creek. The Agreement makes available to Applicant water controlled by Cripple Creek pursuant to the decree entered in Case No. 96CW190 until October 3, 2018. Applicant seeks to extend the Agreement and to acquire additional portions of the Watson Ditch No. 1 water right quantified in Case No. 85CW78. Applicant claims the right to use such other water – without filing an amendment of this application - in one or more substitute water supply plans that may be approved for operations prior to entry of a final decree. Applicant will not use any such other water without acquiring a lawful right to do so.

7. Complete statement of plan for augmentation: The purpose of this plan for augmentation is to provide augmentation water to replace injurious out-of-priority stream

depletions caused by evaporation from the water surface of the on-channel Jordan Reservoir. A stage/area/capacity table dated approximately March of 2015 shows the maximum surface area of the reservoir at approximately 3.1 acres. Applicant intends to operate the reservoir with a maximum surface area of approximately 2.9 acres. The annual gross evaporation rate for the Jordan Reservoir location is approximately 37.9 inches (3.16 feet). The annual gross precipitation rate for this location is approximately 15.6 inches, and the effective precipitation is 10.9 inches (15.6 inches times 70 percent). Applicant claims a credit for effective precipitation and/or pre-existing vegetation depletions, which have been determined based on a site specific determination. Such credit against gross evaporation based on pre-existing vegetation in the reservoir area was calculated from an aerial photograph from July 1953, using the parameters developed in the study "ET and Agricultural Responses in Formerly Irrigated Mountain Meadows" by Denver Board of Water Commissioners on March 1, 1990. Sub-irrigated areas were determined by color density, resulting in an estimated 1.48 acres with an assumed depth to water of 1 foot (77 percent credit), 0.84 acres with an assumed depth to water of 1.5 feet (64 percent credit) and an upland area (effective precipitation only) of 0.98 acres. Applicant claims a reduction in its evaporation replacement obligations during times of ice cover on the reservoir surface. Applicant seeks a determination of the amount and timing of net depletions from evaporation at Jordan Reservoir that are required to be replaced. Because the reservoir is on-channel, stream impacts are expected to be instantaneous. Depletions occur on Hay Creek, which is tributary to Four Mile Creek and the Arkansas River. Applicant proposes to augment depletions that are required to be replaced with previously decreed historical consumptive use credits ("HCU Credits") associated with the 0.15 CFS Portion and with such other water as is described in section 6.B., above. When available at times that the depletions are required to be replaced, the HCU Credits will be left in or delivered to the stream (Four Mile Creek) and will augment such depletions by exchange via the appropriative right of exchange claimed and described in sections 8 through 13, below. To the extent that the amount of HCU Credits available at any time exceeds the amount of required depletions, the excess amount will be stored in Jordan Reservoir via the same exchange. To the extent that the HCU Credits are not available or are available in an amount that is not sufficient to augment the full amount of depletions that are required to be replaced, water will be passed through and/or released from Jordan Reservoir in an amount that is sufficient to prevent injury. **APPROPRIATIVE RIGHTS OF SUBSTITUTION AND EXCHANGE. 8. Upstream point of exchange ("exchange to" point):** Jordan Reservoir, whose legal description is described in section 5.A., above. **9. Downstream point of exchange ("exchange from" point):** Watson Ditch No. 1 point of diversion described in section 3.C., above, or an augmentation station at or near that location; confluence of West Four Mile and Four Mile Creeks. Exhibit D to the Application depicts the claimed exchange reach. **10.** The date of appropriation of the rights of substitution and exchange is December 16, 2008 both for the purpose of storing consumptive use credits in the reservoir and for the purpose of replacement of depletions from evaporation. The appropriations were initiated by Applicant's formation of the intent to appropriate followed by actions to further and give notice of the appropriations including, but not limited to, causing the filing of a request for approval of a substitute water supply plan, previous operation of exchanges from the confluence of

West Four Mile and Four Mile Creeks up Hay Creek to Jordan Reservoir beginning on July 4, 2009 (exchange for storage) and July 9, 2009 (exchange for replacement of evaporative depletions), obtaining substitute water supply plan approvals for such exchanges, authorizing a member of Applicant to enter into a contract that will be assigned to Applicant for the purchase of the 0.15 CFS Portion, and the filing of the application in this case. **11.** The maximum rate of exchange is estimated not to exceed 0.15 cfs, and the maximum volume of exchange is estimated not to exceed 3.57 acre-feet in an average year. Applicant seeks a decree for whatever absolute and/or conditional exchange rate and volumetric amount is determined in this proceeding, even if greater or otherwise different than the estimated rate and amount described herein. **12.** The source of substitute supply for the exchange is the 0.15 CFS Portion, plus any additional water as described in section 6.B., above. **13.** The proposed use is augmentation of out-of-priority stream depletions caused by evaporation of water from the surface of Jordan Reservoir. To the extent that the amount of augmentation via exchange at any time exceeds the amount of out-of-priority depletions that are required to be replaced, the excess amount will be stored in Jordan Reservoir and used for recreation, aesthetics, maintenance and propagation of fish and wildlife, fire protection, and/or later released from Jordan Reservoir for augmentation. **14. Name(s) and address(es) of owner(s) or reputed owner(s) 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:** Applicant owns Jordan Reservoir. John T. Hatton, Sr., owns the land upon which the Watson Ditch No. 1 augmentation station is located. A member of Applicant is under contract (to be assigned to Applicant) to acquire an interest in the easement and the cost-sharing agreement for that augmentation station, which easement agreement and cost-sharing agreements are recorded in the Teller County real property records, respectively, at reception numbers 679477 and 679478. **WHEREFORE,** Applicant requests the Court to enter a decree approving the claimed change of the 0.15 CFS Portion; approving the claimed plan for augmentation; granting the claimed appropriate rights of substitution and exchange; finding that the claimed change of water right, plan for augmentation, and appropriate rights of substitution and exchange will not cause injury to any owner of or person entitled to use water under a vested water right or decreed conditional water right if granted on the terms and conditions proposed and/or to be determined herein; and to grant such other relief as the Court deems proper under the circumstances.

CASE NO. 2018CW3045 - COLORADO WATER PROTECTIVE AND DEVELOPMENT ASSOCIATION ("CWPDA"), 1220 E. 3rd St., La Junta, CO 81050 (Please address all correspondence and inquiries regarding this matter to Applicant's attorneys: MacDougall & Woldridge, P.C., Julianne M. Woldridge, 1586 So. 21st St., Suite 200, Colorado Springs, CO 80904, (719) 520-9288)

Application for Approval of Plan for Augmentation

CROWLEY COUNTY

2. Purpose of Application: CWPDA is a non-profit corporation organized to, among other things, provide a means for its members to replace out-of-priority depletions from

their wells. The purpose of this application is to include an additional augmented structure in CWPDA’s plan for augmentation approved in Case No. 07CW128 on June 7, 2016 (“07CW128 Plan”), pursuant to section 13.20 of the Findings of Fact, Conclusions of Law, Judgment and Decree entered in Case No. 07CW128 (“07CW128 Decree”).

3. **Structure to be augmented:** CWPDA proposes to augment one well owned by Ordway Feedyard, LLC known as King Well No. 13, WDID 1705571A, located in the SE1/4NE1/4, Section 16, T.22S., R.58W, 6th P.M., Crowley County, CO. A water right for this well was adjudicated on September 28, 1973 in Case No. W-1777, District Court, Water Division No. 2 for irrigation and stock purposes, appropriation date of December 31, 1926. This well currently is permitted with Well Permit No. 1400-R. The source of water for the well is groundwater tributary to the Arkansas River. CWPDA shall augment out-of-priority depletions resulting from industrial and commercial uses of this well, including gravel washing and dust suppression in a gravel pit operation on the same property as the well. The approximate location of the well and the gravel pit operation are depicted on Exhibit 1 attached to the application and on file with the Court.

4. **Source of augmentation water:** CWPDA shall account for and replace all out-of-priority depletions resulting from the augmented uses of this well with fully-consumable water in accordance with the terms and conditions of the 07CW128 Decree and any decree in this case. CWPDA may use those water rights and sources of water identified in section 10 of the 07CW128 Decree, and such other water as may become available to CWPDA pursuant to the terms of the 07CW128 Decree. The existing augmentation water sources in the 07CW128 Decree will be sufficient to replace the depletions from the well and prevent injury to the owners of or persons entitled to use vested water rights.

5. **Statement of augmentation plan:** The well is located in and the anticipated use shall occur within the boundaries of the Southeastern Colorado Water Conservancy District (“Southeastern”). CWPDA is eligible to receive an annual allocation of Project Water and Project Return Flows from the Fryingpan-Arkansas Project, which it may purchase and use after the water is allocated to it by Southeastern. Any use of Project Water and Project Return Flows as an augmentation source is subject to Southeastern’s Allocation Principles, Allocation Policy, and Return Flow Policy, as they may be amended. Southeastern’s Allocation Policy only allows for use of Project Water and Project Return Flows to augment depletions from structures located and used within Southeastern’s boundaries. This Application does not seek to change any provisions of the 07CW128 Decree other than as stated in this Application. The amount, timing, and location of the depletions to be augmented will be determined according to the methodologies approved in the 07CW128 Plan. CWPDA estimates that depletions from the industrial/commercial uses of the well will be 100% of the amount pumped for those uses. CWPDA shall project and augment well pumping, depletions, and augmentation deliveries pursuant to the methodologies provided in and the terms and conditions of the 07CW128 Decree. For initial projection purposes, well pumping is projected to be 20 acre-feet per year and projected monthly pumping is:

Aug.	Sep.	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	June	July	Total
2	0.6	0.4	0.4	0.4	0.4	2	2.4	3	3	3	2.4	20

The projected depletion patterns and proposed unit response functions to be used are:

Month	URF	Month	URF
1	0.068	13	0.005
2	0.26	14	0.003
3	0.212	15	0.002
4	0.146	16	0.002
5	0.1	17	0.001
6	0.068	18	0.001
7	0.046	19	
8	0.032	20	
9	0.022	21	
10	0.015	22	
11	0.01	23	
12	0.007	24	
Total	0.0986		0.014
Cumulative total			1.0

The depletions shall accrue to H-I Model Reach 6 of the Arkansas River ranging from the confluence with the Apishpa River and the Catlin Canal Diversion Dam to the Fort Lyon Canal Diversion Dam. 6. **Name and address of owners or reputed owners of the land upon which the well is located:** Ordway Feedyard, LLC, 19424 Highway 96, Ordway, CO 81063. Applicant, therefore, requests approval of the addition of the structure described above to the 07CW128 Plan.

CASE NO. 2018CW3046 - MICHAEL ROMERO, 1923 South Road, Pueblo, CO 81006. (Please address all pleadings and correspondence to: David M. Shohet and/or Brian G. Sheldon of Monson, Cummins & Shohet, LLC, 13511 Northgate Estates Dr., Ste. 250, Colorado Springs, CO 80921 (719) 471-1212).

Application for Plan for Augmentation

PUEBLO COUNTY, COLORADO

Applicant is the owner of approximately 160 acres located in the NW ¼ of Section 14, Township 20 South, Range 64 West of the 6th P.M., Pueblo County, Colorado (“Property”). The Property is shown on the Exhibit A map attached to the Application. (All exhibits mentioned herein are incorporated by reference and may be inspected at the office of the clerk of this Court.) The Property’s address is 3900 West 27th Lane, Pueblo, Colorado 81006. The Applicant leases the Property for a commercial marijuana grow facility. The Applicant seeks a plan to augment an existing well located at 253 29th Lane, Pueblo, Colorado 81006, for the purposes of hauling water to the Property and other properties in Pueblo County for both indoor and outdoor cultivation and irrigation of crop including cannabis (hemp and marijuana), and the associated commercial, domestic, drinking and sanitary needs for the grow facility. **Structures to be Augmented.** The structure to be augmented consists of an existing well known as the “Harvey Well No. 1”, formally Permit No. 14093-R, now Permit No. 79890-F (WDID 1406047), located in the SE1/4 of the SW1/4 of Section 35, Township 20 South, Range 64 West of the 6th P.M., Pueblo, Colorado. The Harvey Well No. 1 was adjudicated in Case No. W-2341. The decree entered in Case No. W-2341 is attached to the Application as Exhibit B. Although a Plan for Augmentation for the existing well was decreed in Case No. 08CW12, this plan did not allow for the proposed uses applied for here. **Water Rights to be Used for Augmentation.** Water rights to be used for

augmentation consists of fully consumable water leased from the Board of Water Works of Pueblo, Colorado (“Pueblo Water”). Applicant may seek to transfer this plan for augmentation to a well user group in the future. Applicant may also seek a term and condition in any final decree requesting the Water Court to retain perpetual jurisdiction over the plan for augmentation for the sole purpose to add new or additional sources of augmentation water pursuant to Section 37-92-305(8), C.R.S. Lease with Pueblo Board of Water Works. Applicant has entered into a lease for 10 acre-feet of fully consumable water with Pueblo Water. Applicant’s lease with Pueblo Water is attached to the Application as Exhibit C (“Lease”). The water rights or sources of water that may be used for augmentation in this augmentation plan include the following: Fully consumable water owned or controlled by the Pueblo Water. All water to be used in this augmentation plan provided by Pueblo Water must be decreed or otherwise legally available for augmentation purposes. The source of such water may include Pueblo Water’s water stored in Clear Creek Reservoir, from direct flow transmountain water, or from any other reservoir or place from which Pueblo Water may deliver water, the sources of which are at the option of Pueblo Water, as long as they are legally available for augmentation purposes. Water deliveries may include, without limitation, Clear Creek Reservoir (located in Sec. 7 and 8, T.12S., R.79W, and Sec. 12, T.12S., R.80W., 6th P.M. in Chaffee County, and reusable return flows. **Uses.** Indoor and outdoor cultivation and irrigation of a crop, including cannabis (hemp and marijuana), and the associated commercial, processing, industrial, domestic, drinking and sanitary needs for a grow facility. **Diversions.** Diversions will occur year-round, with all uses generally increasing during the summer months. The anticipated maximum well diversions under this plan is up to 20 annual acre feet. **Depletions.** Water diverted for all uses will be considered to be one-hundred percent consumptive. **Return Flows.** As all uses are being considered one hundred percent consumptive Applicant is not claiming any return flows from diversions from the wells. However, Applicant reserves the right to claim such return flows in the future. **Location and Timing of Depletions.** Pumping of the Harvey Well No. 1 will be entitled to occur on a year-round basis, resulting in year-round lagged depletions to the Arkansas River. Depletions from Harvey Well No. 1 occur to the Arkansas River in the SW1/4 of the SE1/4 of Section 35, Township 20 South, Range 64 West of the 6th P.M. Applicant’s water resource engineer has generated a Unit Response Function (URF) for the wells using the Glover Method (Glover, 1954). The lagging analysis shows that over 95 percent of the depletions are expected to occur within 23 months of pumping. **Replacement Water.** Replacement water to augment the Applicant’s well depletions currently totals 10 are-feet from the Lease, less any transit losses, or any such augmentation water applicant may acquire in the future. Current replacement water provided by Pueblo Board of Water Works is fully consumable and is available to the Applicant at the point of depletion on the Arkansas River caused by the pumping of any well under this plan. **Name and Address of Owners of Land Upon Which Structures are Located.** The well to be augmented under this plan is located on land owned by B L H Colorado, LLC, whose address is 4909 N. Interstate 25, Pueblo, Colorado 81008-8608. The registered agent for B L H Colorado, LLC, is James E. Campbell, Jr., Inc., P.O. Box 5167, Woodland Park, CO 80866. Upon entry of a decree in this case, the Applicant shall be entitled to apply for and receive well permits and all subsequent replacement or additional wells for use in

accordance with any decree entered in this case. The Applicant requests a finding that vested water rights of others will not be materially injured by the withdrawals of groundwater and replacement of lagged depletions under the proposed augmentation plan. The Harvey Well No. 1 will be installed and metered as required by the State Engineer. The Harvey Well No. 1 will be equipped with a totalizing flow meter and Applicant will submit diversion records to the Division Engineer on a monthly basis or as otherwise requested by the Division Engineer. The Applicant will also provide Accountings to the Division Engineer and Water Commissioner to demonstrate compliance under this plan of augmentation.

CASE NO. 2018CW3047; Previous Case No. 2008CW61 – CITY OF MANITOU SPRINGS, 606 Manitou Avenue, Manitou Springs, CO 80929

(Please address all pleadings and correspondence to Applicant's attorney: John J. Cyran, Confluence Water Law, LLC, 3570 East 12th Avenue, Suite 311, Denver, CO 80206; (303) 746-3802.)

Application to Make Absolute and for Finding of Reasonable Diligence

PUEBLO AND EL PASO COUNTIES

First Claim: Application for Finding of Reasonable Diligence - Manitou Springs Fountain Creek Exchange: Water Right for which Applicant Seeks a Finding of Diligence: Name of Water Right: Manitou Springs Fountain Creek Exchange. **Original Decree for Water Right:** Case No. 08CW61, District Court, Water Division No. 2, January 26, 2010. **Location of Exchange Right:** From the confluence of Fountain Creek and the Arkansas River in the SE1/4 NE1/4 Section 6, T. 21 S., R. 64 W., 6th P.M., up Fountain Creek, French Creek and the North Fork of French Creek to Manitou Reservoir, the dam for which is located in the SE1/4 NE1/4 Section 33, T. 13 S., R. 68 W., 6th P.M. **Amount:** 4.55 cubic feet per second ("cfs") absolute; 0.45 cfs, conditional. The Manitou Springs Fountain Creek Exchange is further limited to a maximum of 750 acre-feet in any water year (November 1 - October 31). **Appropriation Date:** November 10, 2005. **Source of Exchange Supply:** Applicant Manitou Springs' municipal boundaries are located within the boundaries of the Southeastern Colorado Water Conservancy District ("Southeastern"). Applicant is therefore entitled to purchase, on an annual basis, water from the Fryingpan-Arkansas Project ("Project Water"), which is administered by Southeastern, subject and pursuant to Southeastern's Allocation Principles and Water Allocation Policy. Applicant is similarly entitled to apply for purchase of return flows of Fryingpan-Arkansas Project water, pursuant to the Southeastern Colorado Water Activity Enterprise Policy Concerning Sale of Return Flows from Fryingpan-Arkansas Project Water ("Project Return Flows"). **Description of Exchange:** Pursuant to the Manitou Springs Fountain Creek Exchange, Applicant diverts by exchange into Manitou Reservoir Project Water that has been allocated to and purchased by Manitou Springs from Southeastern, including both current year allocations and prior year amounts that remain in Project Water carryover storage space, and that has been released from Fryingpan-Arkansas Project Reservoirs, including Pueblo Reservoir, Turquoise Reservoir and Twin Lakes Reservoir. Applicant also diverts Project Return Flows by exchange into Manitou Reservoir, to the extent that Applicant has purchased such Project Return Flows from Southeastern and has subsequently stored such Project Return Flows in Project

Reservoirs. **Detailed Description of Steps Applicant Has Taken Toward Completion of Water Right:** Since Applicant obtained a finding of diligence on January 26, 2010 in Case No. 08CW61, Applicant diverted water pursuant to the appropriate rights of exchange for which diligence is sought herein but has been unable to divert sufficient amounts of water to make all of the exchanges absolute. Notwithstanding the foregoing, during the diligence period Applicant has satisfied all of the requirements imposed by the 08CW61 Decree as conditions precedent to the diversion of water under the appropriate rights of exchange decreed therein (the “08CW61 Exchange Rights”). Further, during the diligence period Applicant has taken numerous steps and expended considerable resources to further develop and better utilize the 08CW61 Exchange Rights. Applicant has through its Water Enterprise Fund budgeted \$1.943 million for operations, maintenance and capital expenditures for 2018 to support the integrated water system. The amounts actually spent for 2016 and 2017 were \$1.003 million and \$1.126 million respectively. **Applicant has taken the following specific steps:** **A.** Applicant in September 2017, with the assistance of IMEG Corp., formally TTG Engineers, completed a Water Distribution Master Plan (the “Water Master Plan”). The Water Master Plan summarized the City of Manitou Spring’s existing water rights, water structures and water facilities, including the 08CW61 exchange rights, and recommended additional projects, structures and facilities necessary for the City to meet its future water demands as the City approaches buildout. This project reviewed the City’s entire water system, including all raw water sources, treatment plants and associated processes for such sources, water storage tanks, and the associated water distribution system. The costs of developing the Water Master Plan was approximately \$56,000.00. **B.** As part of the Water Master Plan, Applicant completed an evaluation of Manitou Reservoir, the exchange-to point for the 08CW61 exchange rights, to determine whether and to what degree additional modifications to and maintenance of the Reservoir is necessary. Specific goals of the evaluation included determining if the capacity of the reservoir is sufficient to supply the City for current and future water demands, during normal and drought conditions, utilizing the existing surface water rights and the 08CW61 exchange rights; evaluating surface water quality and its ability to meet current and future drinking water regulations, and determining the best means of preventing ash accumulation in the reservoir, in the event of a forest fire. **C.** An additional goal of the Water Master Plan was to develop a GIS-based raw water model to better understand the best utilization of Manitou Reservoir, Applicant’s water supply structures, and Applicant’s water rights portfolio, including the 08CW61 exchange rights. To this end, Applicant contracted with Bai Engineering, a partner with IMEG, for the Water Master Plan project, to create two water models for the City, a raw water model and a distribution water model. These models were intended to aid the City with its future water development and assist in determining what effects such development will have on the City’s existing water systems, including the 08CW61 exchange rights. The raw water model will work as a tool for the City to look at several different scenarios at Manitou Reservoir such the Reservoir capacity curve and the hydraulic grade along the reservoir raw water line. **D.** Applicant during the diligence period completed an evaluation of its French Creek Intake and Raw Water Pipeline. As part of this evaluation, both of these critical components of Applicant’s water collection system, which are necessary for operation of the 08CW61 exchange rights, were evaluated and

recommendations made for improvements. **E.** Applicant during the diligence period completed an evaluation of its Raw Water Ballast Tank and Water Treatment Plant. As part of this evaluation both of these features of the raw water system were evaluated and recommendations made for improvements. **F.** Applicant during the diligence period completed an evaluation of its Water Distribution System, including the Mesa and Crystal Hills Water Storage Tanks. Specifically, Applicant completed an evaluation of the water storage tanks and distribution systems. Recommendations were made for repairs to both the Mesa and Crystal Hills water storage tanks. Based on this evaluation and the Water Master Plan, an additional 750,000-gallon water storage tank is projected to be needed for the Manitou Springs water distribution system and is tentatively planned to be located at the water treatment plant site. **G.** Applicant during the diligence period completed a Small Hydro Feasibility Study, using grant funding from the Water Resources and Power Development Authority, for purposes of evaluating the feasibility of incorporating small hydro generation into its water supply system. Vaults for such hydro facilities were included as part of the replacement of Applicant's Raw Water Pipeline. **H.** Applicant during the diligence period completed a project to replace Applicant's more than 120 year-old Raw Water Pipeline, a necessary component to deliver water obtained via exercise of the 08CW61 exchange rights. The Raw Water Pipeline is 3.2 miles in length and was totally replaced at a cost of \$3.37 million. **I.** Applicant also during the diligence period evaluated numerous maintenance and upgrade projects intended to provide for better utilization of Manitou Reservoir and better provide for exercise of the 08CW61 exchange rights. These projects are: the North French Creek sediment removal project, at a projected cost of \$250,000; the Manitou Reservoir sediment mitigation project, and survey of the bottom of Manitou Reservoir, at a projected cost of \$1,500,000; and installation of new diversion flumes on South French Creek, at a projected cost of \$250,000. **J.** Applicant during the diligence period obtained a decree in Case No. 2013CW3027, granting Applicant a "blanket" augmentation plan for eight City-owned mineral springs and four privately owned mineral springs. Pursuant to the 2018CW3027 augmentation plan, Applicant will augment water from its mineral springs in commercial consumptive applications within the City with release of Project Water and Project Return Flows exchanged into storage in Manitou Reservoir pursuant to the 08CW61 exchange rights. As a part of the 2018CW3027 augmentation decree, changes were made to the City's Reservoir accounting spreadsheet as required pursuant to the 08CW61 exchange decree.

Second Claim: Application for Finding of Reasonable Diligence - Manitou Springs Upper Fountain Creek Exchange: Water Right for which Applicant seeks a Finding of Diligence: Name of Water Right: Manitou Springs Upper Fountain Creek Exchange. **Original decree for Water Right:** Case No. 08CW61, District Court, Water Division No. 2, January 26, 2010. **Location of Exchange Right:** From the outlet of the existing Colorado Springs Utilities' Las Vegas Street Wastewater Treatment Plant, located in the S1/2 SW1/4 Section 20, T. 14 S., R. 66 W., 6th P.M., up Fountain Creek, French Creek and the North Fork of French Creek to Manitou Reservoir, the dam for which is located in the SE1/4 NE1/4 Section 33, T. 13 S., R. 68 W., 6th P.M. **Amount:** 3.5 cfs, conditional. The Manitou Springs Upper Fountain Creek Exchange is further limited to a maximum of 300 acre-feet in any water year (November 1 - October 31). **Appropriation Date:** November 10, 2005. **Source of Exchange Supply:** Project

Return Flows. **Description of Exchange:** Pursuant to the Manitou Springs Upper Fountain Creek Exchange, Applicant diverts Project Return Flows by exchange into Manitou Reservoir after such Project Return Flows are discharged into Fountain Creek at the Colorado Springs Utilities Las Vegas Street Wastewater Treatment Plant. More specifically, Project Water stored in Manitou Reservoir via the exchanges of such water sought herein, or delivered to Manitou Springs by Colorado Springs Utilities via the cross-over connection between Colorado Springs Utilities' Old North Slope Pipeline and Manitou Springs' Water Works Pipeline from its French Creek diversion structure, may be utilized in Manitou Springs' municipal water system and thereafter treated at the Colorado Springs Utilities Las Vegas Street Wastewater Treatment Plant. Treated return flows from such utilized Project Water are then discharged into Fountain Creek as Project Return Flows. Alternatively, Applicant may purchase from Colorado Springs Utilities excess Project Return Flows from Project Water used within Colorado Springs Utilities municipal systems and treated at the Las Vegas Street Wastewater Treatment Plant. Pursuant to the Manitou Springs Upper Fountain Creek Exchange, upon discharge of such Project Return Flows into Fountain Creek, and subject to applicable terms and conditions, Applicant may divert by exchange an equivalent amount of water into Manitou Reservoir. **Detailed Description of Steps Applicant Has Taken Toward Completion of Water Right:** As set forth above. **Third Claim: Application for Finding of Reasonable Diligence - Manitou Springs French Creek Exchange. Water Right for which Applicant seeks a Finding of Diligence:** **Name of Water Right:** Manitou Springs French Creek Exchange. **Original decree for Water Right:** Case No. 08CW61, District Court, Water Division No. 2, January 26, 2010. **Location of Exchange Right:** From Manitou Springs' diversion facilities on French Creek for its Manitou Springs Water Works Pipeline, located at a point whence the NE corner of Section 35, T.13 S., R. 68 W., 6th P.M. bears north 62 degrees 12 minutes east 3,030 feet, up French Creek and the North Fork of French Creek to Manitou Reservoir, the dam for which is located in the SE1/4 NE1/4 Section 33, T.13 S., R. 68 W., 6th P.M. **Amount:** 3.5 cfs, conditional. The Manitou Springs French Creek Exchange is further limited to a maximum of 250 acre-feet in any water year (November 1 - October 31). **Appropriation Date:** November 10, 2005. **Source of Exchange Supply:** Project Water treated at the Colorado Springs Utilities Las Vegas Street Wastewater Treatment Plant and then discharged into Fountain Creek as Project Return Flows. **Description of Exchange:** Pursuant to the Manitou Springs French Creek Exchange, Applicant diverts Project Water into Manitou Reservoir by exchange from Applicant's French Creek Diversion Structure. More specifically, Colorado Springs Utilities is able to deliver Project Water to Applicant via the cross-over connection between Colorado Springs' Old North Slope Pipeline and the Manitou Springs Water Works Pipeline. Pursuant to the Manitou Springs French Creek Exchange, at such times that Colorado Springs Utilities delivers Applicant's annual allocation of Project Water to Applicant at the location of the cross-over connection, Applicant may store water in Manitou Reservoir at the same rate as Colorado Springs Utilities' delivery of Project Water, and simultaneously reduce by the same rate Applicant's diversions of native water into the Manitou Springs Water Works Pipeline at its French Creek diversion structure. As an example, if Applicant is diverting 3.0 cfs of native water at its French Creek diversion structure through the Manitou Springs Water Works Pipeline, and Colorado Springs Utilities begins to deliver

1.0 cfs of Project Water through the cross-over connection, Applicant may begin to divert 1.0 cfs upstream into Manitou Reservoir by exchange, while simultaneously reducing its diversion of native water at its French Creek diversion structure by 1.0 cfs, with the result that Applicant's total diversions of native water from French Creek would remain at 3.0 cfs, with 2.0 cfs being diverted into the Water Works Pipeline and 1.0 cfs into Manitou Reservoir. **Detailed Description of Steps Applicant Has Taken Toward Completion of Water Right:** As set forth above. **Fourth Claim: Application to Make Absolute in Part - Manitou Springs Upper Fountain Creek Exchange. Water Right Applicant seeks to Make Absolute in Part:** Manitou Springs Upper Fountain Creek Exchange, described more fully above. **Amount of Water Made Absolute:** 0.64 cfs. **Detailed Description of Steps by which Applicant made the Water Right Absolute:** Applicant purchased Project Return Flows from its Project Water that had been delivered to the Manitou Springs water treatment plant via the cross connection with Colorado Springs Utilities Old North Slope Pipeline. Those Project Return Flows were treated at the Colorado Springs Utilities Las Vegas Street Wastewater Treatment Plant, and then discharged by Colorado Springs Utilities into Fountain Creek. Upon discharge of Applicant's purchased Project Return Flows into Fountain Creek, Applicant diverted water into Manitou Reservoir pursuant to the Manitou Springs Upper Fountain Creek Exchange on numerous dates in June 2018. The maximum rate for this exchange was 0.64 cfs, on June 2, 3, and 10, 2018. An excerpt from Manitou Springs' accounting sheet showing the operation of this exchange during that time period is attached to the 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.) **Names and Addresses of Owners of Land Upon Which Any New or Existing Diversion or Storage Structure, or Modification to Any Existing Diversion or Storage Structure is or will be Constructed:** Las Vegas Street Wastewater Treatment Plant, PO Box 1103, Colorado Springs, CO 80901; Pueblo, Turquoise Twin Lakes Reservoirs, 1156 West Cty Rd 18E, Loveland, CO 80537

CASE NO. 2018CW3048 - YOUNG LIFE, 18800 Trail West Dr., Buena Vista, CO 81211 and UPPER ARKANSAS WATER CONSERVANCY DISTRICT, Acting through the Upper Arkansas Water Activity Enterprise, P. O. Box 1090, Salida, CO 81201 (Please address all correspondence and inquiries regarding this matter to Applicants' attorneys: Attorneys for Young Life: Kevin J. Kinnear, Porzak Browning & Bushong, LLP, 2120 13th Street, Boulder, CO 80302; (303) 443-6800 and Attorneys for Upper Arkansas Water Conservancy District: Kendall Burgemeister, Law of the Rockies, LLC, 525 N. Main Street, Gunnison, CO 81230; (970) 641-1903)

Corrected Application for Change of Water Rights and Appropriative Rights of Exchange

CHAFFEE, CUSTER, FREMONT, LAKE AND PUEBLO COUNTIES

2. Background: Applicant Young Life owns and operates the Trail West Lodge camp in the Cottonwood Creek drainage west of Buena Vista in the SW ¼ of Section 10, T. 14 S., R. 79 W., 6th P.M., Chaffee County, Colorado. Young Life has been operating a waste water treatment plant in connection with the Trail West Lodge, and it has been augmenting its out of priority depletions pursuant to a plan for augmentation decreed in Case No. 80CW28. Due to issues associated with ongoing operations of the Young Life

waste water treatment plant, Young Life has decided to connect to the Buena Vista Sanitation District (“BVSD”) treatment facility located in Buena Vista, Colorado, and abandon its waste water treatment plant. In connection with this change in waste water treatment, Young Life’s water use depletions will be replaced by the Upper Arkansas Water Conservancy District’s augmentation plan decreed in Case No. 06CW32, pursuant to an agreement between Young Life and the Upper Arkansas Water Conservancy District, acting by and through the Upper Arkansas Water Activity Enterprise (together, “UAWCD”). These depletions are associated with Young Life’s two wells: Trail West Lodge Well No. 1, Well Permit No. 4700, decreed in Case No. W-4767, District Court in and for Water Division No. 2, in the amount of 25 gpm up to 11.6 acre feet per year for domestic and commercial uses, the source of which is groundwater tributary to Cottonwood Creek; and Trail West Lodge Well No. 2, Well Permit No. 25982-RF, decreed in Case No. 80CW28, District Court in and for Water Division No. 2, in the amount of 25 gpm up to 11.6 acre-feet per year for domestic and commercial uses, the source of which is groundwater tributary to Cottonwood Creek. The location of this well was changed in Case No. 85CW63. Total pumping from these wells equals a maximum of 11.6 acre-feet per year. Because the sanitary sewer service associated with indoor uses from the wells will now be treated downstream in Buena Vista by the BVSD, indoor water use will be a nearly 100% depletion to Cottonwood Creek. In this case, Young Life is changing a portion of its Silver Creek -Ronk Ditch water rights to dedicate to UAWCD in order to provide augmentation (or replacement) water to UAWCD for it to use in its plans for augmentation, including the plan decreed in Case No. 06CW32, including the depletions associated with Young Life’s Trail West Lodge camp property. Applicants will store the changed Silver Creek-Ronk Ditch water in the places decreed for use by UAWCD for subsequent augmentation use as described herein, and in the Trail West Recharge Pit(s) as new locations of storage of augmentation/replacement water. Such storage will be either by direct storage or by exchange as described in paragraph 4, below. The water so stored will be fully consumed when used as augmentation/replacement water. Water released from storage but not used as augmentation/replacement water may be recaptured and placed back into storage directly or by exchange. The historical non-irrigation season return flow portion of the Silver Creek-Ronk Ditch water rights also will be placed into the Trail West Recharge Pit(s) and will accrete to the stream during the non-irrigation season. A general location map associated with this Application is attached to the 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.)

3. Application for Change of Water Rights: Applicant Young Life is the owner of a total of 11.4 cfs of the Silver Creek-Ronk Ditch water rights, and in this case is changing a portion of said water rights that have been historically used to irrigate up to 18.02 acres of land, described below. The Silver Creek Ditch and the Ronk Ditch were awarded the following water rights for irrigation use, the source of which is North Cottonwood Creek:

a. Priority 40, Ronk Ditch, adjudicated in the Chaffee County District Court in Civil Action 1127 in the amount of 2.0 cfs with an appropriation date of December 31, 1872, and an adjudication date of June 19, 1890. Applicant Young Life owns 1.0 cfs of the total of 2.0 cfs decreed to this priority.

b. Priority 143, Silver Creek Ditch, adjudicated in the Chaffee County District Court in Civil Action 1127 in the amount of 6.4 cfs with an

appropriation date of July 25, 1885, and an adjudication date of June 19, 1890. By decree of the Chaffee County District Court dated July 15, 1902 in Civil Action 1768, the headgate for the water rights decreed as Priorities 40 and 143 is located in the NE ¼ of Section 10, T.14 S., R. 79 W., 6th P.M., at a point whence the NW corner of Section 14, T. 14 S., R. 79 W., bears South 27°49'36" East, 4184.3 feet, and since has been referred to as the Silver Creek-Ronk Ditch. c. Priority A-17, Silver Creek Ditch Enlargement, adjudicated in the Chaffee County District Court in Civil Action 5141 in the amount of 4.0 cfs with an appropriation date of December 31, 1885 and an adjudication date of July 9, 1969. The headgate for this water right is located at a point whence the SE corner of Section 10, T.14 S., R. 79 W., 6th P.M., bears South 28°48' East, 4268 feet. **Detailed description of proposed change:** Applicants seek to quantify the historical consumptive use associated with the portion of Applicant Young Life's interest in the Silver Creek-Ronk Ditch water rights (the "Changed Rights") used to irrigate up to 18.02 acres and change the use of the resulting consumptive use water to be used for augmentation (replacement) use, to replace out of priority depletions. Such out of priority depletions will be associated with: (a) the operation of the Trail West Lodge, including without limitation the use of water from Trail West Wells Nos. 1 and 2, which will be augmented through UAWCD's augmentation plan decreed in Case No. 94CW5 as amended by Case No. 06CW32; (b) other obligations of the UAWCD associated with the UAWCD Plans described below; and (c) other water users in the region. Applicants also seek the right to store the historical consumptive use amount of said Changed Rights in the Trail West Recharge Pit(s), for subsequent release for such augmentation/replacement use. An analysis of the historical consumptive use of Changed Rights has been completed. The water rights were historically used to irrigate land on Rancho Caballo, indicated on Exhibit B, attached to the Application, consisting of up to 18.02 acres out of an historical total average of 103.3 acres located within Section 14, T.14 S., R.79W., 6th P.M. The average annual net depletion (historical consumptive use) associated with the irrigation of 18.02 acres using Applicant's Silver Creek-Ronk Ditch water rights is equal to 30.5 acre-feet per year. The average monthly water budget amounts are set forth on Exhibit C attached to the Application. Non-irrigation season return flows will be replaced from lagged recharge accretions as described in paragraph 4 below. The 18.02 acres are the corners left in surface irrigation after Applicant Young Life converted the irrigation on Rancho Caballo to center-pivot irrigation. All or portions of these areas comprising the 18.02 acres will be dried up to generate the consumptive use credit by converting those acres into recharge pits to be used as described herein. The location of the Silver Creek-Ronk headgate and the approximate location of historical use of the rights and proposed place of use and location of recharge are shown in Exhibit A to the Application. Summaries of records of actual diversions of the Silver Creek-Ronk Ditch water rights are attached to the Application as Exhibit D. Any portion of the Changed Rights described herein not used to augment Young Life Trail West Lodge depletions and/or other UAWCD augmentation plan depletions may be leased and/or sold to others, or otherwise used and fully consumed. Applicants hereby appropriate the historical return flows associated with the use of the subject changed water rights to the extent necessary so it only need provide such historical return flows to the river to satisfy calls senior to the date of this application. UAWCD operates existing plans for augmentation that augment

out-of-priority depletions from structures located within portions of UAWCD's territory (See, e.g., 92CW84, 94CW5, 94CW41, 94CW42, 03CW55, 03CW104, and 06CW32). UAWCD also operates a Rule 14 replacement plan to replace depletions from wells located within UAWCD's boundaries. UAWCD may also obtain approval of additional plans for augmentation and/or substitute water supply plans (or similar administratively approved plans that may be authorized by statute in the future) to replace out-of-priority depletions from structures located within UAWCD's boundaries. In this case, Applicants seek to change the Changed Rights to allow their use as a source of augmentation or replacement water in all such plans (the "UAWCD Plans"). Applicants will store the Changed Rights in the Trail West Recharge Pit(s) and the other facilities in which UAWCD may store water either by virtue of its ownership interest in such facilities or its contract rights to store such water, which are described below. UAWCD's use of the Changed Rights in the UAWCD Plans may occur by applying stream depletion credits from the Changed Rights as they accrue to the stream, or through storage in and subsequent release from any structure where UAWCD has the right to store water, including Pueblo Reservoir, O'Haver Reservoir, North Fork Reservoir, Boss Lake Reservoir, Cottonwood Lake, Rainbow Lake, DeWeese Reservoir, Twin Lakes Reservoir, Conquistador Reservoir, and Trail West Recharge Pit(s), which structures are located as follows: i. Pueblo Reservoir (WDID: 1403526): The Pueblo Reservoir Dam axis and the center line of the Arkansas River intersect at a point in Section 36, Township 20 South, Range 66 West of the 6th P.M., from which the Northeast corner of said Section bears North 61° 21'20" East, a distance of 2,511.05 feet, in Pueblo County (Division Engineer's reported location: 524076E, 4235362N); ii. O'Haver Reservoir (WDID: 1103921): Near the center of Section 12, Township 48 North, Range 7 East, NMPM., in Chaffee County (Division Engineer's reported location: 399983E, 4253720N); iii. North Fork Reservoir (WDID: 1103300): In Section 5, Township 50 North, Range 6 East, NMPM, more particularly described as: The northeasterly point of contact of the dam axis with the existing ground is at a point whence the Northwest corner of Section 21, T.50N., R.7E, NMPM, in Chaffee, County, Colorado bears South 68°50' East a distance of 31,920 feet; said point being further described by bearing on the Peak of Granite Mountain of North 23°28' West and by bearing on the Peak of Calico Mountain of North 37°03' East, in Chaffee County (Division Engineer's reported location: 384999E, 4274370N); iv. Boss Lake Reservoir (WDID: 1103920): E½ of Sec. 25 and NE¼ Sec. 29, T. 50 N., R. 6 E. NMPM, in Chaffee County (Division Engineer's reported location: 385004E, 4268662N); v. Cottonwood Lake (WDID: 1104005): Section 36, Township 14 South, Range 80 West, 6th P.M., in Chaffee County (Division Engineer's reported location: 388969E, 4293209N); vi. Rainbow Lake (WDID: 1103535): S½ Section 19 and N½ Section 30, T.14S., R.79W., 6th P.M. in Chaffee County (Division Engineer's reported location: 390150E, 4296557N); vii. DeWeese Reservoir (WDID: 1303613): The southeasterly corner of the dam of said reservoir is North 41°37' East, and is distant 758.7 feet from the Northeast Corner of Section 20, T. 21 S., R. 72 W., 6th P.M., in Custer County (Division Engineer's reported location: 460703E, 4229165N); viii. Twin Lakes Reservoir (WDID: 1103503): The Twin Lakes dam axis and the centerline of Lake Creek intersect at a point whence the SE corner of Section 23, Township 11 South, Range 80 West of the 6th P.M. bears south 54 degrees, 13 minutes, 8 seconds East, a distance of 3,803.10 feet, in Lake County

(Division Engineer's reported location: 387247E, 4326098N); and x. Conquistador Reservoir (WDID: 1303535): SE ¼ of Section 21, Township 22 South, Range 73 West of the 6th P.M., in Custer County (Division Engineer's reported location: 452098E, 4219247N); and xi. Trail West Recharge Pit(s): In the following locations – i. SW ¼ of the SW ¼, Section 11 and NW ¼ of the NW ¼, Section 14, ii. NW ¼ of the NW ¼, Section 14, iii. NE ¼ of the SW ¼, Section 14, iv. SE ¼ of the SW ¼, Section 14, v. W ½ of the SW ¼, Section 14, all in Township 14 South, Range 79 West of the 6th P.M. A map indicating the locations of these facilities is attached to the Application as Figure 1. Many of the structures listed in this paragraph are owned by third parties. Any decree entered in this case will not establish any right, or alter any existing right, for UAWCD to store water in such structures. UAWCD may only use such structures to the extent that it has obtained the necessary legal right to do so. In particular, Pueblo Reservoir is owned and operated as part of the Fryingpan Arkansas Project by the United States Bureau of Reclamation ("Reclamation"). The Decree in this case does not give UAWCD 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 that UAWCD may otherwise have.

4. Application for Approval of Exchanges: By this application, Applicants seek approval to operate exchanges of water from the downstream and upstream termini described below. The rate of the exchange is 7.0 cfs, conditional, with an appropriation date of February 29, 2016. The source of water is the Changed Rights described. The downstream termini of the exchanges are located at: i. the confluence of Cottonwood Creek and the Arkansas River, located in the NW¼ NE¼ of Section 16, Township 14 South, Range 78 West, 6th P.M.; ii. the confluence of Cottonwood and North Cottonwood Creeks, located in the NE ¼ of the SW 1/4 , Section 13, Township 14 South, Range 79 West of the 6th P.M. at a point 2600 feet East of the West section line and 2200 feet North of the South section line. The upstream termini of the exchanges are located at: i. the headgate of the Silver Creek-Ronk Ditch, described in paragraph 3 above; ii. Cottonwood Lake, described in paragraph 3 above; and iii. Rainbow Lake, described in paragraph 3 above.

5. Name(s) and address(es) of owner(s) or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool. David J Oven Revocable Trust, John W Bowers, III, and Susan J Bowers, c/o David J Oven, PO Box 1466, Enid, OK 73702-1466 are the owners of the land upon which the Silver Creek-Ronk Ditch headgate augmentation station is located. Applicant Young Life is the owner of the land upon which the Trail West Recharge Pit(s) will be located. Other proposed places of storage are on land owned as follows: a) Pueblo Reservoir: U.S. Dep't of Interior, Bureau of Reclamation, 11056 West County Rd., 18-E, Loveland, CO, 80537-9711 ("Bureau of Reclamation"). b) O'Haver Reservoir, North Fork Reservoir: United States Department of Agricultural, Forest Service, 5575 Cleora Road, Salida, CO 81201 ("Forest Service"). c) Boss Lake Reservoir: SALCO ASSOCIATES, L.L.P., 225 G Street, Salida, CO 81201; and the Forest Service. d) Cottonwood Lake: Forest Service. e) Rainbow Lake: Rainbow Lake Resort, Inc., P.O. Box 17450, Oklahoma City, OK, 73136. f) DeWeese Reservoir: DeWeese-Dye Ditch and Reservoir Company, 1631 Chestnut Street, Canon

City, CO 81212. g) Twin Lakes Reservoir: Bureau of Reclamation. h) UAWCD holds the right to store water in the lower bay of Conquistador Reservoir, which is on land owned by C. Jean Zeller, PO Box 25, Westcliffe, CO 81252.

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 October 2018, (forms available at Clerk's office or at www.courts.state.co.us, after serving parties and attaching a certificate of mailing, filing fee \$158.00). 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 5th day of September, 2018.

Mardell R. DiDomenico



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

(Court seal)
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