

DISTRICT COURT, WATER DIVISION NO. 2, COLORADO

RESUME OF CASES FILED AND/OR ORDERED PUBLISHED DURING JANUARY 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 January 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. 2018CW1; Previous Case Nos. 2004CW97; 2008CW53; 2011CW52 - NORMAN WERBNER, P. O. Box 649, Long Key, FL 33001; (800) 324-6982

Application for Finding of Reasonable Diligence and to Make Absolute in Whole or in Part

LAKE COUNTY

Name of Structure: Echo Pond Enlargement. **Description of conditional water right:** **Date of Original Decree:** 08/26/2005; **Case No.** 2004CW97; **Court:** District Court Water Division 2. **Decrees awarding findings of diligence:** Case No. 2008CW53, Water Div. 2 on January 22, 2010 and Case No. 2011CW52, Water Division 2 on January 17, 2012. **Legal description:** The point of diversion for the intake of the pipe line leading to the pond is located on the easterly side of Echo Creek S. 35° 00' W a distance of 460 feet from Corner No. 4 of Mineral Survey No. 4078 in Section 20, Township 11 South, Range 81 West, 6th P.M., Lake County, Colorado. The outlet of the pond is located S. 29° 00' W a distance of 365 feet from Corner No. 4 of Mineral Survey No. 4078 in Section 20, Township 11 South, Range 81 West, 6th P.M., Lake County, Colorado. **Source of water:** Echo Creek, a tributary of Lake Creek, a tributary of the Arkansas River. **Appropriation Date:** November 18, 2004; **Amount:** .45 acre feet. **Use:** Recreation, aesthetic, and fish propagation purposes. **Detailed outline of what has been done toward completion or for completion of the appropriation and application of water to a beneficial use as conditionally decreed:** The Applicant has completed the necessary work to complete the enlargement. **If claim to make absolute:** **Date water applied to beneficial use:** August 15, 2007; **Amount:** .45 acre feet. **Use:** Recreation, aesthetic, and fish propagation purposes. **Description of place of use where water is applied to beneficial use:** Echo Pond Enlargement. **If actual location of the structure is different from the location above, provide actual description:** UTM coordinates (NAD 83, Zone 13, units in meters): Easting 373000 Northing 4325816. **Street Address:** 12681 Hwy. 82, Twin Lakes, CO 81251; **Subdivision:** Unit 3 of Twin Lakes Canon Estate; Lot 7. **Source of UTM's:** Handheld Garmin GPS. **Accuracy of location displayed on GPS device:** 27 meters. **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:** Applicant.

CASE NO. 2018CW3000. The filing made under this case number was rejected, and, therefore, this case does not exist in Water Division 2.

CASE NO. 2018CW3001 - GREGORY S. WOLFF AND TANYA R. WOLFF, 14160 Roller Coaster Road, Colorado Springs, CO 80921. (Please send all pleadings and correspondence to Chris D. Cummins and Brian G. Sheldon, of Monson, Cummins & Shohet, LLC, 13511 Northgate Estates Dr., Ste. 250, Colorado Springs, CO 80921, (719) 471-1212)

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

EL PASO COUNTY

Applicants seek to construct up to four (4) wells on an approximately 10-acre tract of land to provide water service to single family dwellings thereon, based on an anticipated subdivision of 'Applicants' property into up to four (4) lots. Applicants seek to quantify the Denver Basin groundwater underlying the 'Applicants' Property, and for approval of a plan for augmentation for the use thereof of up to four wells serving up to four residential dwellings. **Property Description.** All wells will be located on 'Applicants' property, located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 4, Township 12 South, Range 66 West of the 6th P.M., El Paso County, Colorado, which contains approximately 9.86 acres, more or less ("Applicants' Property") with the plan to subdivide into up to four lots. See Application attachments Exhibit A for a more particular legal description of the 'Applicants' Property, and Exhibit B 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.) **Existing Well.** There is currently a well constructed to the Dawson aquifer located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 4, Township 12 South, Range 66 West of the 6th P.M., El Paso County, Colorado, permitted under DWR Permit No. 30395 ("Wolff Well No. 1"). Upon entry of a decree in this matter, Wolff Well No. 1 will be re-permitted consistent with the terms and conditions of the plan for augmentation requested herein. **Proposed Additional Wells.** Applicants propose up to three additional wells to be located on the 'Applicants' Property at specific locations to be determined ("Wolff Well No. 2", "Wolff Well No. 3", and "Wolff Well No. 4"), also to be constructed to the Dawson aquifer. **Water Source. Not-Nontributary.** The ground water to be withdrawn from the Dawson, Denver and Arapahoe aquifers of the Denver Basin underlying 'Applicants' Property is not-nontributary. Pursuant to § 37-90-137(9)(c.5), C.R.S., the augmentation requirements for wells in the Dawson aquifer will require the replacement of actual stream depletions. The not-nontributary Denver and Arapahoe aquifers are located greater than one mile from contact with any stream system, and therefore pursuant to C.R.S. §37-90-137(9)(c) the augmentation requirements for wells in the Denver and Arapahoe aquifers will require 4% of pumping to prevent injurious effect. **Nontributary.** The groundwater that will be withdrawn from the Laramie-Fox Hills aquifer of the Denver Basin underlying the Applicant's Property is nontributary. **Estimated Rates of Withdrawal.** Pumping from the wells will not exceed 100 g.p.m. The actual pumping rates for each well will vary according to aquifer conditions and well production capabilities. The Applicant requests the right to withdraw ground water at rates of flow necessary to withdraw the entire decreed amounts. The actual depth of each well to be

constructed within the respective aquifers will be determined by topography and actual aquifer conditions. **Estimated Average Annual Amounts of Ground Water Available.** Applicant requests a vested right for the withdrawal of all legally available ground water in the Denver Basin aquifers underlying the Applicant's Property. Said amounts may be withdrawn over the 300-year life of the aquifers as required by El Paso County, Colorado Land Development Code § 8.4.7(C)(1) which is more stringent than the State of Colorado's 100-year life requirement pursuant to § 37-90-137(4), C.R.S. Applicant's estimate that the following values and average annual amounts are representative of the Denver Basin aquifers underlying Applicant's Property:

Aquifer	Net Sand Thickness (Feet)	Total Ground Water Storage (Acre Feet)	Annual Average Withdrawal (Acre Feet)
Dawson (NNT)	152.1	300	1.0 ¹
Denver (NNT)	475.3	797	7.97
Arapahoe (NNT)	232.5	390	3.90
Laramie Fox Hills (NT)	189.5	280	2.80

Decreed amounts may vary based upon the State's Determination of Facts. Pursuant to C.R.S. §37-92-305(11), the Applicants further request that the Court retain jurisdiction to finally determine the amount of water available for appropriation and withdrawal from each aquifer. **Requested Uses.** The Applicants request the right to use the ground water for beneficial uses upon the 'Applicants' Property consisting of domestic, commercial, irrigation, stock water, recreation, wildlife, wetlands, fire protection, and also for storage and augmentation purposes associated with such uses. The Applicants also request that the nontributary water may be used, reused, and successively used to extinction, both on and off the 'Applicants' 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. Applicants may use such water by immediate application or by storage and subsequent application to the beneficial uses and purposes stated herein. Provided, however, Applicants shall only be entitled to construct a well or use water from the not-nontributary Dawson, Denver and Arapahoe aquifers pursuant to a decreed augmentation plan entered by this Court, covering the out-of-priority stream depletions caused by the use of such not-nontributary aquifers in accordance with §37-90-137(9)(c.5), C.R.S. **Well Fields.** Applicants request that they be permitted to produce the full legal entitlement from the Denver Basin aquifers underlying 'Applicants' Property through any combination of wells. Applicants request that these wells be treated as a well field. **Averaging of Withdrawals.** Applicants request that they be entitled to withdraw an amount of ground water in excess of the average annual amount decreed to the aquifers beneath the 'Applicants' Property, so long as the sum of the total withdrawals from all the wells in the aquifers does not exceed the product of the

¹ The Dawson Annual Average Withdrawals in this table represent not the 100-year aquifer life discussed in C.R.S. 37-90-137(4), but rather a 300-year aquifer life for provision of a 300-year water supply in compliance with El Paso County Land Development Code for the subdivision of the Applicants' Property, consistent with the plan for augmentation requested herein.

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 Applicants are entitled to withdraw from the aquifers underlying the Applicants' Property. **Name and Address of Owner of Land Upon Which Wells are to Be Located.** The land upon which the wells are and will be located is owned by Applicants. **Application for Approval of Plan for Augmentation. Structures to be Augmented.** The structures to be augmented are Wolff Well No. 1 as is currently constructed to the not-nontributary Dawson aquifer, and as will be re-permitted pursuant to this plan for augmentation, and Wolff Well No. 2, Wolff Well No. 3, and Wolff Well No. 4, as likewise may be constructed to the Dawson aquifer of the Denver Basin underlying the Applicant's Property as requested and described herein along with any replacement or additional wells associated therewith. **Water Rights to be Used for Augmentation.** The water rights to be used for augmentation during pumping are the return flows resulting from the pumping of the not-nontributary Dawson aquifer from Wolff Well Nos. 1, 2, 3, and 4, together with water rights from the nontributary Laramie-Fox Hills aquifer for any injurious post pumping depletions. **Statement of Plan for Augmentation.** Applicants wish to provide for the augmentation of stream depletions caused by pumping of the not-nontributary Dawson aquifer by up to four wells proposed herein for up to four residential lots. Water use criteria and their consumptive use component for replacement of actual depletions for the lots are estimated as follows: **Use.** Each well will pump a maximum of 0.25 acre feet of water per year per residence for a maximum total of 1.0 acre feet being withdrawn from the Dawson aquifer per year. Such use shall be a combination of household use, irrigation of lawn and garden, and the watering of horses or equivalent livestock. An example breakdown of this combination of use is household use at 0.2 acre feet per single-family home, plus outdoor use including the irrigation of up to 1,200 square feet of lawns and gardens, and the watering of up to five horses or equivalent livestock on each of the four residential lots. **Depletions.** It is estimated that maximum stream depletions over the 300 year pumping period for the Dawson aquifer amounts to approximately 24.41% percent of pumping, per the previous decree in Case No. 12CW007 for another of Applicants' properties located quite near Applicants' Property. Maximum annual depletions for total residential pumping from all wells is therefore 0.244 acre feet, in year 300. Should Applicants' pumping be less than the 0.25 acre feet per lot described herein, or should fewer than 4 lots be developed, resulting depletions will be correspondingly reduced. **Augmentation of Depletions During Pumping.** Pursuant to C.R.S. §37-90-137(9)(c.5), Applicants are required to replace actual stream depletions attributable to pumping of augmented wells to the Dawson aquifer. 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 0.2 acre feet per residence per year, total of 0.80 acre feet, 0.72 acre feet is replaced to the stream system per year, assuming each house utilizes non-evaporative septic systems. Thus, during pumping, stream depletions will be adequately augmented. **Augmentation for Post Pumping Depletions.** For the replacement of any injurious post-pumping depletions which may be associated with the use of the Wolff Well Nos. 1, 2, 3, and 4, Applicants will reserve up to 274.4 acre feet of water from the nontributary Laramie Fox

Hills aquifer, representing the entirety of the Laramie-Fox Hills aquifer less 2% not to be consumed by statute, less the amount of actual stream depletions replaced during the plan pumping period. Applicants also reserve 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, Applicants reserve 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 Applicants will be entitled to apply for and receive a new well permit for the Wolff Well Nos. 1, 2, 3, and 4 for the uses in accordance with this Application and otherwise in compliance with C.R.S. §37-90-137.

CASE NO.: 2018CW3002 - ARROYA INVESTMENTS, LLC, c/o Paul Howard, Land Development Corporation, 1283 Kelly Johnson Blvd., Colorado Springs, CO 80920.

(Please send all pleadings and correspondence to counsel: Chris D. Cummins and/or Brian G. Sheldon, or Monson, Cummins & Shoheit, LLC, 13511 Northgate Estates Dr., Ste. 250, Colorado Springs, CO 80921 (719) 471-1212)

Application for Plan for Augmentation

EL PASO COUNTY

The Applicant in this case is Arroya Investments, LLC ("Arroya" or "Applicant"). Applicant seeks approval of a plan for augmentation utilizing a portion of the Denver Basin groundwater supplies previously quantified in Case No. 17CW3002, underlying an approximately 72.5 acre portion of the larger Arroya Parcel as described in Case No. 17CW3002, a 225.97 acre parcel of land located in El Paso County, Colorado (a portion of the SE ¼ Sec. 21, and a portion of the SW ¼ of Sec. 22, along with the NW ¼ NW ¼ Sec. 27, SW ¼ NW ¼ Sec. 27, the NW ¼ SW ¼ Sec. 27, a portion of the SE ¼ NE ¼ Sec. 28 and a portion of the NE ¼ NE ¼ Sec 28, all in Township 12 South, Range 65 West). Such parcel is described on Exhibit A to the Application ("Applicant's Property"), and depicted on Exhibit B to the Application. (All exhibits mentioned herein are incorporated by reference and may be inspected at the office of the clerk of this Court.) Applicant seeks to utilize the previously quantified Denver Basin groundwater, as augmented herein, for development of up to twenty-nine (29) 2.5-acre residential lots on said portion of the Applicant's Property utilizing individual wells and septic systems on said lots. All previously quantified Denver Basin groundwater not utilized in the plan for augmentation described herein is reserved by Applicant for other uses. **APPLICATION FOR PLAN FOR AUGMENTATION.** Applicant is the owner of a 100% of the Applicant's Property and the underlying Denver Basin groundwater subject of the decree issued by the Division 2 Water Court in Case No. 17CW3002, as described in the following table:

Arroya Parcel (225.97 acres):

Aquifer	Sand Thickness (Feet)	Total Ground Water Storage (Acre Feet)	Annual Average Withdrawal – 100 Years (Acre Feet)
Dawson (NNT)	270	12,202	40.67 ¹
Denver (NNT)	310	11,909	119.1
Arapahoe (NT)	255	9,796	98
Laramie-Fox Hills (NT)	190	6,440	64.4

Structures to be Augmented. The structures to be augmented are Timber Ridge Well Nos. 1 through 29, as proposed or as currently constructed to the not-nontributary Dawson aquifer, including any future replacement or substitute wells as may be constructed to the not-nontributary Dawson aquifer formation underlying the subject portion of Applicant’s Property. There are to be no other water rights diverted from these structures. **Water Rights to be Used for Augmentation.** The water rights to be used for augmentation during pumping are the septic return flows resulting from pumping of the not-nontributary Dawson aquifer by the Timber Ridge Well Nos. 1 through 29, including from any replacement/substitute wells, as set forth in this plan for augmentation, together with water rights from the nontributary Laramie-Fox Hills aquifer for any injurious post pumping depletions. **Statement of Plan for Augmentation.** Applicant wishes to provide for the augmentation of stream depletions caused by pumping the not-nontributary Dawson aquifer wells proposed herein. Water use criteria and their consumptive use component for replacement of actual depletions is estimated as follows: **Household Use Only:** 0.26 acre feet annually within single family dwellings on up to 29 lots, with a maximum of ten percent consumptive use based on a nonevaporative septic leach field disposal systems. The annual consumptive use for each lot would therefore be 0.026 acre feet per well, with return flows of 0.234 acre feet per lot. For purposes of conservatism, however, as discussed below Applicant will presume septic return flows from each residential lot to be only 0.18 acre feet per year, for total septic return flows of 5.22 acre feet per year. Any other type of waste water disposal shall require an amendment to this plan of augmentation. **Landscape Irrigation:** 0.05 acre feet annually per 1,000 square feet (2.18 acre feet per acre) per year, with an 85% assumed consumptive use rate. The annual consumptive use for each 1,000 square feet of lawn and garden irrigated is therefore 0.042 acre feet. **Horses (or equivalent livestock):** 0.011 acre feet annually (10 gallons per day) per head with a one hundred percent consumptive use component. **Hot Tub Use:** 0.006 acre feet (2100 gallons) annually, based upon six fillings per year, with a 50% consumptive use rate. The annual consumptive use for each hot tub is therefore 0.003

¹ The Dawson Annual Average Withdrawals in this table represent not the 100-year aquifer life discussed in C.R.S. 37-90-137(4), but rather a 300-year aquifer life for provision of a 300-year water supply in compliance with El Paso County Land Development Code for the subdivision of a portion of the Applicant’s Property, consistent with the plan for augmentation requested herein.

acre feet (1050 gallons). Applicant will replace depletions resulting from the pumping of Timber Ridge Well Nos. 1 through 29 during the pumping life of such wells utilizing septic return flows from in house uses from lots served by Timber Ridge Well Nos. 1 through 29. The return flows set forth above will accrue to the Arkansas River system where the depletions occur. Applicant requests a finding that these replacements are sufficient. Maximum pumping from Timber Ridge Well Nos. 1 through 29 will be 15.35 annual acre feet. Of the Denver Basin groundwater described in the above table, therefore, 15.35 annual acre feet of Dawson aquifer supplies and 3,100 total acre feet of nontributary Laramie-Fox Hills groundwater, for replacement of any injurious post pumping depletions, are dedicated to this plan for augmentation. All other previously quantified Denver Basin groundwater supplies are reserved by Applicant.

Augmentation of Depletions During Pumping. Pursuant to C.R.S. §37-90-137(9)(c.5) replacement of actual stream depletions attributable to pumping of the Timber Ridge wells will be required to the extent necessary to prevent injurious effect. Maximum depletions during the 300 year pumping life of subject wells are estimated to be 34% of pumping. Maximum combined annual pumping from Timber Ridge Well Nos. 1 through 29 shall be 15.35 acre feet, which represents a maximum of 0.53 acre feet per well/lot. Should Applicant pump the maximum 15.35 acre feet per year in combination from Timber Ridge Well Nos. 1 through 29, Applicant would therefore be required to replace a maximum of 5.22 acre feet annually (*i.e.* 34% of pumping). Septic return flows from the combined use of Timber Ridge Well Nos. 1 through 29 in the single family residences to be constructed on each lot would equate to at least a combined 5.22 annual acre feet, fully augmenting any out of priority depletions, and allowing Applicant to make any mix of uses on the residential lots. Applicant will provide accounting to the satisfaction of the State and Division Engineers evidencing that return flows from such uses of pumping from Timber Ridge Well Nos. 1 through 29 are sufficient for the replacement of a minimum of 34% of pumping, regardless of uses made therefrom. As such, all depletions associated with Applicant's use of water and the operation of Timber Ridge Well Nos. 1 through 29 will be replaced in time, place and amount, during the pumping life of the wells, thereby preventing injury to other vested water rights.

Augmentation for Post Pumping Depletions. For the replacement of any injurious post-pumping depletions, Applicant reserves a 3,100 acre foot of the previously quantified underlying groundwater adjudicated in the nontributary Laramie-Fox Hills aquifer. A portion of the depletions resulting from pumping will be replaced during the pumping life of the wells through septic return flows, estimated at 5.22 acre feet per year, for a total of replacements during pumping of 1,566 acre feet, assuming the maximum 15.35 acre feet is pumped for the anticipated 300-year aquifer life. Applicant therefore reserves 3,100 acre feet of the nontributary Laramie-Fox Hills aquifer for replacement of any injurious post-pumping depletions. The 3,100 acre feet of nontributary groundwater so reserved represents maximum post pumping depletions, less 2% not to be consumed per statute (total maximum actual depletions are estimated as 3,039 acre feet). 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, Applicant claims that post pumping depletions will be noninjurious and do not need to be replaced. Under the Court's retained jurisdiction, Applicant reserves the right in the

future to prove that post pumping depletions will be noninjurious. The reserved nontributary water will be used to replace any injurious post-pumping depletions. By this reservation, it is Applicant's intent that the nontributary Arapahoe aquifer and the remaining portion of the nontributary Laramie-Fox Hills aquifer not so dedicated remain available to Applicant's use without reservation or restriction. Upon entry of a decree in this case, the Applicant will be entitled to file for and receive new permits for Timber Ridge Well Nos. 1 through 29, for the uses in accordance with this Application and the plan for augmentation herein.

CASE NO. 2018CW3003, Water Division 2 and CASE NO. 2018CW3002, Water Division 1 - MICHAEL S. LUDWIG, 4255 Arrowhead Drive, Colorado Springs, CO 80908 (Please contact Chris D. Cummins of Monson, Cummins & Shohet, LLC, 13511 Northgate Estates Dr., Ste. 250, Colorado Springs, CO 80921 (719) 471-1212 with all pleadings and/or documents related to this case.)

Application for Underground Water Rights and for Amendment of Plan for Augmentation
EL PASO COUNTY

Applicant seeks quantification of Denver Basin groundwater supplies underlying an approximately 29.77 acre parcel of land located in El Paso County, Colorado (the "East Parcel"). Such parcel is a portion of Applicant's approximately 67.86 acre property described on Exhibit A to the Application ("Applicant's Property"), and depicted on Exhibit B to the Application. Applicant's property is located in the NW ¼ SE ¼ and the NE ¼ SE ¼ Sec. 9, Township 12 South, Range 65 West. The groundwater underlying the balance of Applicant's Property (the "West Parcel") was previously quantified in consolidated Case Nos. 07CW49 (Div. 2) and 07CW104 (Div. 1) (consolidated in Division 2 Case No. 07CW79). Applicant further seeks to utilize the combined quantified Denver Basin groundwater resources for development of up to 12 residential lots on the entirety of Applicant's Property, and an augmentation plan to allow for 12 individual wells on said lots. A plan for augmentation for the West Parcel was previously adjudicated in Case Nos. 07CW79, which plan was previously amended by decree in consolidated Case Nos. 11CW37 (Div. 2) and 11CW82 (Div. 1) (consolidated in Division 2 Case No. 11CW37). Applicant seeks to vacate the prior 11CW37 decree, and to amend the Case Nos. 07CW79 decree for the augmentation of up to 12 individual wells on the Applicant's Property, utilizing both groundwater quantified herein, and previously quantified in Case No. 07CW79. **Property Description.** Applicant is the owner of the approximately 67.86 acre property described on Exhibit A to the Application and depicted on Exhibit B. All wells sought herein, and replacements thereof, may be completed to a combination of the Dawson or Denver aquifers, however no single well shall be completed to more than one aquifer¹. Applicant seeks to quantify the previously-unquantified Denver Basin groundwater supplies under the approximately 29.77 acre East Parcel (being a portion of Applicant's Property), and utilize such newly quantified groundwater supplies in conjunction with those supplies underlying the West Parcel previously quantified in Case Nos. 07CW79. **Existing Wells on East Parcel.** Redtail Ranches Well No. 7. State Engineer Well Permit No. 1122 is a well located on the East Parcel of the Applicant's Property, currently permitted

¹ Redtail Ranches Well Nos. 1, 3, 5, 7 and 8 have been constructed to the Dawson aquifer, as described below. Of these wells, Nos. 7 and 8 are located on the East Parcel, as described herein.

pursuant to C.R.S. §37-92-602(5) as an exempt domestic well, in the NE¼ SE¼ of Section 9, Township 12 South, Range 65 West of the 6th P.M., approximately 1,525 feet from the south section line and 350 feet from the east section line of said Section 9. Redtail Ranches Well No. 7 is currently permitted and constructed to the Dawson aquifer, however, upon information and belief, Redtail Ranches Well No. 7 actually constructed approximately 980 feet to the southeast of the permitted location. This error will be corrected after a decree is entered in this matter when re-permitting Redtail Well No. 7 as an augmented structure. Redtail Ranches Well No. 8. State Engineer Well Permit No. 227353-A is a well located on the East Parcel of the Applicant's Property, currently permitted pursuant to C.R.S. §37-92-602(3)(c) as an exempt domestic well, in the NE¼ SE¼ of Section 9, Township 12 South, Range 65 West of the 6th P.M., approximately 2,590 feet from the south section line and 150 feet from the east section line of said Section 9. However, the permitted location of Redtail Ranches Well No. 8 is on a property to the north of Applicant's Property, though the well is actually constructed and was historically utilized, upon information and belief, upon Applicant's Property at a point approximately 435 feet to the southwest of the permitted location. This error will be corrected after a decree is entered in this matter when re-permitting Redtail Well No. 8 as an augmented structure. **Proposed Additional Wells on East Parcel:** Applicant will construct up to three additional wells on the East Parcel, Redtail Ranches Well Nos. 6, 9 and 10, one on each lot of the proposed subdivision upon which there is no existing well, and replacement wells as necessary for the existing wells. All such additional and/or replacement wells shall be constructed to the Dawson or Denver aquifers, but not both. **Water Source.** The ground water to be withdrawn from the Dawson and/or Denver aquifers of the Denver Basin underlying the East Parcel of Applicant's Property, as quantified herein, is not-nontributary. Pursuant to C.R.S. §37-90-137(9)(c), the augmentation requirements for wells in the Dawson aquifer will require the replacement of actual stream depletions to the extent necessary to prevent any injurious effect. The Denver aquifer in this location is greater than one mile from contact with any stream system, and therefore pursuant to C.R.S. §37-90-137(9)(c) the augmentation requirements for wells in the Denver aquifer will require 4% of pumping to prevent injurious effect. The groundwater to be withdrawn from the Arapahoe and Laramie-Fox Hills aquifers of the Denver Basin underlying the East Parcel of Applicant's Property is nontributary. **Rates of Withdrawal and Ground Water Available.** Rates of Withdrawal. Pumping from all wells on the East Parcel of Applicant's Property (and the Applicant's Property as a whole) shall not exceed 100 gpm. 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. Average Annual Amounts of Ground Water Available. The Denver Basin ground water underlying the West Parcel of Applicant's Property was previously adjudicated and quantified in consolidated Case No. 07CW49. Applicant requests a vested right for the withdrawal of all legally available ground water in the Denver Basin aquifers underlying the East Parcel of Applicant's Property, to be used in conjunction with the groundwater previously quantified in Case No. 07CW49 on the West Parcel. Said amounts may be withdrawn over the 300-year life of the aquifers as required by El

Paso County, Colorado Land Development Code § 8.4.7(C)(1) which is more stringent than the State of Colorado's 100-year life requirement pursuant to C.R.S. §37-90-137(4). For purposes of clarity as concerns the plan for augmentation, Applicant sets forth below the quantities of water in both the East and West Parcels, and as available in combination. Applicant estimates that the following values and average annual amounts are representative of the Denver Basin aquifers underlying the East Parcel of Applicant's Property:

<u>Aquifer</u>	<u>Saturated Thickness (Feet)</u>	<u>Specific Yield (%)</u>	<u>Total Water Adjudicated (Acre Feet)</u>	<u>Annual Average Withdrawal (Acre Feet)</u>
Dawson	410.7	.20	2,445	8.2 ²
Denver	359.6	.17	1,820	6.1 ²
Arapahoe	254.7	.17	1,289	12.9
Laramie Fox Hills	191.4	.15	855	8.6

Applicant is the owner of all of the Denver Basin groundwater underlying the West Parcel of Applicant's Property which likewise may be withdrawn over a 300-year life of the aquifers as set forth in C.R.S. §37-90-137(4) and the decree in Case No. 07CW49, and as described as follows:

<u>Aquifer</u>	<u>Saturated Thickness (Feet)</u>	<u>Specific Yield (%)</u>	<u>Total Water Adjudicated (Acre Feet)</u>	<u>Annual Average Withdrawal (Acre Feet)</u>
Dawson	410.7	.20	3,285	10.9 ²
Denver	366.6	.17	2,492	8.3 ²
Arapahoe	254.9	.17	1,733	17.3
Laramie Fox Hills	191.1	.15	1,147	11.5

As such, the total combined amounts of Denver Basin groundwater underlying the entirety of Applicant's Property, being the sum of the two tables above, as available for use in the amended plan for augmentation sought herein, is estimated as follows:

<u>Aquifer</u>	<u>Saturated Thickness (Feet)</u>	<u>Specific Yield (%)</u>	<u>Total Water Adjudicated (Acre Feet)</u>	<u>Annual Average Withdrawal (Acre Feet)</u>
Dawson	410.7	.20	5,730	19.1 ²
Denver	366.6	.17	4,312	14.4 ²
Arapahoe	254.9	.17	3,022	30.2
Laramie Fox Hills	191.1	.15	2,002	20.0

Decreed Uses of Groundwater. Applicant seeks the same decreed beneficial uses for the Denver Basin groundwater underlying the East Parcel of Applicant's Property as is previously decreed in Case No. 07CW49 to the groundwater underlying the West Parcel of Applicant's Property: domestic, commercial, irrigation, stock water, recreation, wildlife, wetlands, fire protection, piscatorial and also for storage, exchange, and augmentation purposes associated with such uses. The Applicant also requests a finding that the nontributary water may be used, reused, and successively used to

² The Dawson and Denver Annual Average Withdrawals represent not the 100-year aquifer life discussed in C.R.S. 37-90-137(4), but rather a 300-year aquifer life for provision of a 300-year water supply in compliance with El Paso County Land Development Code for the subdivision of the Applicant's Property.

extinction, both on and off the Applicant's Property subject, however, to the requirement of C.R.S. §37-90-137(9)(b), that no more than 98% of the amount withdrawn annually shall be consumed. Applicant may use such water by immediate application or by storage and subsequent application to the beneficial uses and purposes stated herein. Provided, however, Applicant shall only be entitled to construct a well or use water from the not-nontributary Dawson or Denver aquifers pursuant to a decreed augmentation plan entered by this Court, covering the out-of-priority stream depletions caused by the use of such not-nontributary aquifers in accordance with C.R.S. §37-90-137(9)(c.5).

Well Fields. Applicant requests that he be permitted to produce the full legal entitlement from the Denver Basin aquifers underlying the East Parcel of Applicant's Property, and Applicant's Property as a whole, through any combination of wells. Applicant requests that these wells be treated as a well field. **Averaging of Withdrawals.** Applicant requests that he be entitled to withdraw an amount of ground water in excess of the average annual amount decreed to the aquifers beneath the East Parcel of Applicant's Property, and Applicant's Property as a whole, 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. **Appropriation:** Applicant claims an appropriation date of January 16, 2018 for all water rights associated with the East Parcel of Applicant's Property, coincident with the filing of this Application, representing Applicant's demonstration of intent to appropriate ground water and apply the same to beneficial use, and notice to third parties of such appropriation. Water rights associated with the decree in 07CW49 are entitled to the appropriation dates described therein. **Amounts:** As to the five total wells on the East Parcel, and all twelve of the Redtail Ranches Wells on the entirety of Applicant's Property as described herein, the amounts appropriated are limited to the underlying Denver Basin ground water, as described above, which shall be withdrawn at a rate of no greater than 15 gallons per minute, per well, as concerns the not-nontributary supplies. Combined withdrawals from all not-nontributary wells shall not exceed 12.79 annual acre feet, combined, the maximum amount augmented under the plan for augmentation adjudicated herein. **Name and Address of Owner of Land Upon Which Wells are to Be Located.** The land upon which the wells are and will be located is owned by Applicants. **APPLICATION TO AMEND DECREED PLAN FOR AUGMENTATION.** Applicant is the owner of 100% of the land (West Parcel of Applicant's Property) and water subject of the plan for augmentation approved and decreed by the Division 2 Water Court in Case No. 07CW49. Applicant is further the owner of 100% of the land (East Parcel of Applicant's Property) and water subject to the quantification and adjudication in this decree, as described above. Applicant seeks to amend the plan for augmentation in previously decreed in Case No. 07CW49 to include groundwater underlying the East Parcel as quantified herein, and to augment the twelve well structures described herein to be located on the entirety of Applicant's Property. It is Applicant's intent that the decreed plan for augmentation in Case No. 07CW49 be amended, and effectively replaced, with the terms herein. While the original decree in Case No. 07CW49 addressed augmentation only of withdrawals from the Dawson aquifer, Applicant seeks amendment herein to also allow for

withdrawals from the Denver aquifer, as described herein, as an alternative physical source. Applicant further seeks to vacate the prior reservation of nontributary groundwater in the Arapahoe aquifer, and replace it with a reservation of nontributary groundwater in both the Arapahoe and the Laramie-Fox Hills aquifers, as more specifically described below, for use in replacement of post-pumping depletions which may occur as a result of the use and operation of augmented wells. **Structures to be Augmented.** The structures to be augmented are the Redtail Ranches Well Nos. 1 through 12, as proposed or as currently constructed to the not-nontributary Dawson aquifer, including any future replacement or substitute wells as may be constructed to either the not-nontributary Denver or Dawson aquifer formations underlying the Applicant's Property. There are to be no other water rights diverted from or into these structures. Existing Redtail Ranches Well Nos. 1, 3, 5, 7 and 8 have been constructed to the Dawson aquifer³, and additional/replacement wells, including for Redtail Ranches Well Nos. 2, 4, 6, and 9-12 will be constructed to the Dawson or Denver aquifer, with no single well completed to more than one of these not-nontributary aquifers. **Water Rights to be Used for Augmentation.** The water rights to be used for augmentation during pumping are the septic return flows resulting from pumping of the not-nontributary Dawson and/or Denver aquifers by the Redtail Ranches Well Nos. 1 through 12, as well as return flows from any replacement/substitute wells, as set forth in this plan for augmentation, together with water rights from the nontributary Arapahoe and Laramie-Fox Hills aquifers for any injurious post pumping depletions. **Statement of Plan for Augmentation.** Applicant wishes to provide for the augmentation of stream depletions caused by pumping the not-nontributary Dawson and Denver aquifer wells proposed herein. Water use criteria and their consumptive use component for replacement of actual depletions, as previously utilized in decreed Case No. 07CW49 is as follows: **Household Use Only:** 0.26 acre feet annually within single family dwellings on up to 12 lots, with a maximum of ten percent consumptive use based on a nonevaporative septic leach field disposal systems. The annual consumptive use for each lot is therefore 0.026 acre feet (maximum total of 0.312 consumed), with anticipated combined return flows of approximately 2.808 annual acre feet. Any other type of waste water disposal shall require an amendment to this plan of augmentation. **Landscape Irrigation:** 0.05 acre feet annually per 1,000 square feet (2.18 acre feet per acre) per year, with a 85% assumed consumptive use rate. The annual consumptive use for each 1,000 square feet of lawn and garden irrigated is therefore 0.042 acre feet. **Horses (or equivalent livestock):** 0.011 acre feet annually (10 gallons per day) per head with a one hundred percent consumptive use component. **Hot Tub Use:** 0.006 acre feet (2100 gallons) annually, based upon six fillings per year, with a 50% consumptive use rate. The annual consumptive use for each hot tub is therefore 0.003 acre feet (1050 gallons). **Swimming Pool Use:** 0.153 acre feet (50,000 gallons) annually, based upon two fillings per year, with a 50% consumptive use rate. The annual consumptive use for each swimming pool is therefore 0.076 acre feet. Applicant will replace depletions resulting from the pumping of Redtail Ranches Well Nos. 1 through 12 during the pumping life of such wells utilizing septic return flows from in house uses from lots

³ Exempt Permit Nos. 68030, 74767-F, 74768-F, 1122, and 227353-A, all of which shall be repermited as augmented structures upon entry of a decree herein.

served by Redtail Ranches Well Nos. 1 through 12. Applicant seeks to vacate the prior reservation of the Arapahoe aquifer for replacement of any injurious post-pumping depletions, and substitute only a portion of the Arapahoe aquifer and all of the underlying Laramie-Fox Hills aquifer in its stead. This Application is being filed in Water Divisions 1 and 2 because depletions may occur to both divisions. The return flows set forth above will accrue to the Arkansas River system where the majority of depletions occur. Applicant requests that the total amount of depletions to both the South Platte River and the Arkansas River systems be replaced to the Arkansas River as set forth herein, and as previously decreed in Case No. 07CW49, and for a finding that those replacements are sufficient. Applicant notes that no amendment of the decreed plan for augmentation is requested to the decreed use of the Dawson aquifer from Case No. 07CW49, but rather only amendment to augment uses from the Denver aquifer as well, and to add augmented structures to the plan for augmentation from both such aquifers.

Augmentation of Depletions During Pumping. Pursuant to C.R.S. §37-90-137(9)(c.5) replacement of actual stream depletions attributable to pumping of the Redtail Ranches wells will be required to the extent necessary to prevent injurious effect, to the extent such wells are constructed to the Dawson aquifer, consistent with the prior decree in Case No. 07CW49. The Denver aquifer in this location, as previously adjudicated in Case No. 07CW49, is greater than 1 mile from any natural surface stream, and therefore Applicant must replace four percent of water withdrawn from the Denver aquifer on an annual basis, pursuant to C.R.S. §37-90-137(9)(c). As further decreed in Case No. 07CW49, maximum depletions during the 300 year pumping life of subject wells will be 21.97% of pumping in year 300. Applicant seeks no amendment of the 07CW49 decree in this regard. Maximum combined annual pumping from Redtail Ranches Well Nos. 1 through 12 shall be 12.79 acre feet, which represents a maximum of 1.06 acre feet per well/lot. Should Applicant pump the maximum 12.79 acre feet per year in combination from Redtail Ranches Well Nos. 1 through 12, and should all those wells be completed to the Dawson aquifer, Applicant would therefore be required to replace a maximum of 2.81 acre feet annually as a result of pumping from Redtail Ranches Well Nos. 1 through 12 (i.e. 21.97% of pumping). Such depletions would be reduced were any of such wells constructed to the Denver aquifer, where only 4% replacement is required, and therefore such estimates are conservative. Septic return flows from the combined use of Redtail Ranches Well Nos. 1 through 12 in the single family residences to be constructed on each lot would equate to a combined 2.81 annual acre feet, fully augmenting the maximum of any out of priority depletions, and allowing Applicant to make any mix of the uses described herein. Applicant will provide accounting to the satisfaction of the State and Division Engineers evidencing that return flows from such uses of pumping from Redtail Ranches Well Nos. 1 through 12 are sufficient for the replacement of a minimum of 21.97% of pumping, again assuming only Dawson wells, regardless of uses made therefrom. As such, all depletions associated with Applicant's use of water and the operation of Redtail Ranches Well Nos. 1 through 12 will be replaced in time, place and amount, during the pumping life of the wells, thereby preventing injury to other vested water rights.

Augmentation for Post Pumping Depletions. For the replacement of post-pumping depletions, reserves a 3,553 acre foot of the underlying groundwater adjudicated in the nontributary Laramie-Fox Hills aquifer (its 2,000 acre foot entirety), and a 1,553 acre foot portion of the

nontributary Arapahoe aquifer. As decreed in Case No. 07CW49, a portion of the depletions resulting from pumping will be replaced during the pumping life of the wells through septic return flows, estimated at 2.81 acre feet per year, for a total of replacements during pumping of 384 acre feet, assuming the maximum 12.79 acre feet is pumped for the anticipated 300-year aquifer life. Applicant therefore reserves 3,553 acre feet of the nontributary Arapahoe and Laramie-Fox Hills aquifer for replacement of any injurious post-pumping depletions. The 3,553 acre feet of nontributary groundwater so reserved represents maximum post pumping depletions, less 2% not to be consumed per statute (total maximum actual depletions are estimated as 3,454 acre feet). 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, Applicant claims that post pumping depletions will be noninjurious and do not need to be replaced. Under the Court's retained jurisdiction, Applicant reserves the right in the future to prove that post pumping depletions will be noninjurious. The reserved nontributary water will be used to replace any injurious post-pumping depletions. By this reservation, it is Applicant's intent that the portion of the Arapahoe aquifer not so dedicated remains available to Applicant's use without reservation or restriction. Upon entry of a decree in this case, the Applicant will be entitled to file for and receive amended well permits for the Redtail Ranches Well Nos. 1, 3, 5, 7 and 8, and new permits for Redtail Ranches Well Nos. 2, 4, 6, and 9-12, for the uses in accordance with this Application and the plan for augmentation herein. **Remarks.** Additional remarks are as follows: This Application is associated with a companion application filed in Water Division 1. These Applications were filed in both Water Divisions 1 and 2 because depletions from the pumping of the Dawson and Denver aquifers may occur in both the South Platte and the Arkansas River systems. The return flows set forth herein will accrue to tributaries of the Arkansas River system where the majority of such depletions will occur, and it is Applicant's intent to consolidate the instant matter with pending Division 1 application in Water Division 2 upon completion of publication in Division 2. Applicant requests that the total amount of depletions to both the South Platte River and the Arkansas River systems be replaced to the Arkansas River as set forth herein, and for a finding that those replacements are sufficient. Applicant requests a finding that he has complied with C.R.S. §37-90-137(4), and that the ground water requested herein is legally available for withdrawal by the requested wells upon the entry of a decree approving an augmentation plan pursuant to C.R.S. §37-90-137(9)(c). The term of this augmentation plan is for 300 years, however the length of the plan for a particular well may be extended beyond such time provided the total plan pumping allocated thereto is not exceeded. Post pumping stream depletions accrue to a particular well or wells only to the extent related to that well's actual pumping. The Court will retain jurisdiction over this matter to provide for the adjustment of the annual amount of ground water withdrawals to be allowed in order to conform to actual local aquifer characteristics from adequate information obtained from well drilling or test holes. Pursuant to C.R.S. §37-90-137, upon approval of the plan for augmentation requested herein, Applicant will file an application with the State Engineer's office to re-permit the existing well(s) on Applicant's approximately 67.86 acre property for operation under the plan for augmentation. The Applicant requests a finding that vested water rights of others will

not be materially injured by the withdrawals of ground water and the proposed plan for augmentation. The wells shall be installed and metered as reasonably required by the State Engineer. Each well must be equipped with a totalizing flow meter and Applicant shall submit diversion records to the Division Engineer on an annual basis or as otherwise requested by the Division Engineer. The Applicant shall also provide accountings to the Division Engineer and Water Commissioner as required by them to demonstrate compliance under this plan of augmentation. The Applicant intends to waive the 600 feet well spacing requirement for any wells to be located upon the Applicant's Property. Applicant will comply with any lienholder notice provisions set forth in C.R.S. §37-92-302(2)(b) and §37-90-137(4)(b.5)(l), and such notice will be sent within 10 days of the filing of this Application.

CASE NO. 2018CW3004; Previous Case No. 2009CW65 - DEAN RUSK, 379 Chalice Drive, Westcliffe, CO 81252 (Please direct all correspondence and inquiries to Applicant's attorney: Paul G. Anderson, Esq., P. O. Box 50631, Colorado Springs, CO 80949-0631; (719) 510-9420

Application, as amended, for Finding of Reasonable Diligence

CUSTER COUNTY, COLORADO

2. Name of ditch or structure: Spring #4. **3. Legal description:** NE ¼ NE ¼ Section 12, Township 45 North, Range 12 East NMPM, Northing 4224685, Easting 0447390. **4. Source:** Developed spring. **5. Appropriation:** June 22, 2008. **6. Original adjudication:** January 18, 2012, Case No. 09CW65, Water Division 2. **7. Amount:** 7 gallons per minute (gpm). **8. Historic use:** Domestic for three (3) single-family dwellings, pond storage for livestock, aesthetic and recreation. **9. Detailed description of what has been done toward completion or for completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures:** Per the final decree entered in Case No. 09CW65, Spring # 4 was developed by the Applicant in the course of constructing a platted road for the Pines Village subdivision. Water from the spring flows into an underground cistern for use by three (3) residential lots in the subdivision (Lot Nos. 1A, 5A and 22A). An underground pipe that drains overflow water from the cistern connects to a pond that was granted absolute water rights in the prior decree, with overflow from the pond continuing into a small drainage and flowing approximately 20 feet before reaching Willow Creek. The prior decree notes that representatives from the Division Engineer's office for Water Division 2 and the Water District 12 Commissioner, and representatives of the Upper Arkansas Water Conservancy District ("District") conducted separate field inspections of the spring and pond facilities and their proximities to Willow Creek. Based on those inspections, the Court held that the water flow from Spring # 4 in its previously undeveloped condition moved generally in a northerly direction and away from Willow Creek and Texas Creek. The water from this spring historically dissipated and was consumed by vegetation or surface evaporation on the Pines Village subdivision property without reaching any surface stream. The Court further held that but for the Applicant developing the spring, the water flowing from Spring # 4 would not reach Willow Creek or Texas Creek. The Court concluded that the Applicant's development of Spring # 4 supplies new and additional water to Willow Creek that otherwise would not have been available to water rights located on Willow Creek. The

prior decree also acknowledged that, while there would be few times that diversions from Spring #4 would be considered in priority, the Division Engineer was authorized to administer Spring # 4 and the pond as a “futile call” pursuant to C.R.S. § 37-92-502(2)(a) as to all water rights located on Willow Creek and on Texas Creek. However, the Division Engineer retains discretion under the prior decree to determine that ordering discontinuance of diversions under the prior decree will make water available to senior priorities at a time and place of their need and to order such discontinuance accordingly. Any water not diverted in accordance with C.R.S. § 37-92-502(2)(a) is to be released to the stream, with the amount of water released to be determined by the Division Engineer in his discretion. Since entry of the prior decree, the Applicant has installed 500 feet of ½” water line to connect the cistern to the three (3) lots described above; these lots are listed for sale as of the date of this Application. The water line construction work included installing ball valves and conducting the necessary excavation and related soil work to complete construction. The total cost incurred for installing the water line and associated facilities was \$2357.50. A post-construction water line test was conducted which confirmed water from the cistern was successfully delivered to each lot. The line test indicated water can be delivered to each lot at a rate of at least 1 gpm. On at least an annual basis the Applicant conducts water line tests and checks, and performs maintenance as needed to ensure the line remains capable of delivering water to the lots. The Applicant continues to actively market the above lots so as to complete the appropriation and make the previously decreed conditional rights absolute. In light of the prior decree terms and the above circumstances, the Applicant submits a finding of reasonable diligence is appropriate.

CASE NO. 2018CW3005 - JAKE DECOTO, 10620 Vollmer Road, Colorado Springs, CO 80908 (Please send all pleadings and correspondence to Chris D. Cummins and Brian G. Sheldon of Monson, Cummins & Shohet, LLC, 13511 Northgate Road, Ste. 250, Colorado Springs, CO 80921 (719) 471-1212).

Application for Approval of Plan for Augmentation

EL PASO COUNTY

The Applicant in this case is Jake Decoto (“Applicant”). Applicant seeks approval of a plan for augmentation utilizing a portion of the Denver Basin groundwater supplies previously quantified in Case No. 17CW3002, underlying an approximately 36.01 acre property as described in Case No. 17CW3002 as “West Parcel 1”, located in El Paso County, Colorado (a portion of the SE ¼ of Sec. 21 and a portion of the NE ¼ of Sec. 28, Township 12 South, Range 65 West). Such parcel is described on Exhibit A to the Application (“Applicant’s Property”), and depicted on Exhibit B to the Application. (All exhibits mentioned herein are incorporated by reference and may be inspected at the office of the clerk of this Court.) Applicant seeks to utilize the previously quantified Denver Basin groundwater, as augmented herein, for development of three (3) parcels, two of approximately 3.5 acres in size (Tracts R-11 and R-12) and one of approximately 29 acres (Tract A) as depicted on Exhibit B to the Application, on Applicant’s Property, utilizing individual wells and septic systems on all said lots. All previously quantified Denver Basin groundwater not utilized in the plan for augmentation described herein is reserved by Applicant for other uses. **APPLICATION FOR PLAN FOR AUGMENTATION.** Applicant is the owner of a 100% of the Applicant’s Property and

the underlying Denver Basin groundwater subject of the decree issued by the Division 2 Water Court in Case No. 17CW3002, as described in the following table:

Applicant's Property (West Parcel No. 1) – 36.01 acres:

Aquifer	Sand Thickness (Feet)	Total Ground Water Storage (Acre Feet)	Annual Average Withdrawal – 100 Years (Acre Feet)
Dawson (NNT)	270	1,944.4	5.48 ^{1,2}
Denver (NNT)	310	1,897.7	18.98
Arapahoe (NT)	255	1,561	15.61
Laramie-Fox Hills (NT)	190	1,026.2	10.26

Structures to be Augmented. The structures to be augmented are Decoto Well Nos. 1, 2 and 3, as proposed or as currently constructed to the not-nontributary Dawson aquifer, including any future replacement or substitute wells as may be constructed to the not-nontributary Dawson aquifer formation underlying the subject portion of Applicant's Property. Decoto Well No. 1 is currently permitted and constructed under exempt Permit No. 304551 on Tract A, which will be repermited upon entry of a decree herein as an augmented structure. There are to be no other water rights diverted from these structures. Water Rights to be Used for Augmentation. The water rights to be used for augmentation during pumping are the septic return flows resulting from pumping of the not-nontributary Dawson aquifer by the Decoto Well Nos. 1, 2 and 3, including from any replacement/substitute wells, as set forth in this plan for augmentation, together with water rights from the nontributary Laramie-Fox Hills aquifer for any injurious post pumping depletions. **Statement of Plan for Augmentation.** Applicant wishes to provide for the augmentation of stream depletions caused by pumping the not-nontributary Dawson aquifer wells proposed herein. Water use criteria and their consumptive use component for replacement of actual depletions are estimated as follows: Household Use Only: 0.26 acre feet annually within single family dwellings on up to 3 lots, with a maximum of ten percent consumptive use based on a nonevaporative septic leach field disposal systems. The annual consumptive use for each lot would therefore be 0.026 acre feet per well, with return flows of 0.234 acre feet per lot, for total septic return flows on all three lots combined of 0.70 acre feet per year. Any other type of waste water disposal shall require an amendment to this plan of augmentation. Landscape Irrigation: 0.05 acre feet annually per 1,000 square feet (2.18 acre feet per acre) per year, with an 85% assumed consumptive use rate. The annual consumptive use for each 1,000 square feet of lawn and garden irrigated is therefore 0.042 acre feet. Horses (or equivalent livestock): 0.011 acre feet annually (10

¹ Three (3) annual acre feet of Dawson groundwater was reserved from quantification in the 17CW3002 matter for permitting of an exempt well on this parcel pursuant to C.R.S. §37-92-602, *et seq.* It is Applicant's intent to utilize this water for an exempt stockwatering well, or similar, to be permitted at a later date.

² The Dawson aquifer annual withdrawal figure represents not the 100-year aquifer life discussed at C.R.S. §37-90-137(4), but rather a 300-year aquifer life consistent with provision of a 300-year water supply in compliance with El Paso County, Colorado land development code as applicable to the subdivision of Applicant's Property.

gallons per day) per head with a one hundred percent consumptive use component. Hot Tub Use: 0.006 acre feet (2,100 gallons) annually, based upon six fillings per year, with a 50% consumptive use rate. The annual consumptive use for each hot tub is therefore 0.003 acre feet (1,050 gallons). Applicant will replace depletions resulting from the pumping of Decoto Well Nos. 1, 2 and 3 during the pumping life of such wells utilizing septic return flows from in house uses from lots served by Decoto Well Nos. 1, 2 and 3. The return flows set forth above will accrue to the Arkansas River system where the depletions occur. Applicant requests a finding that these replacements are sufficient. Maximum anticipated pumping from Decoto Well Nos. 1, 2 and 3 will be 2.0 annual acre feet, with 0.4 annual acre feet of pumping allocated to each of Decoto Well Nos. 2 and 3, and 1.2 annual acre feet of pumping allocated to Decoto Well No. 1, unless a maximum depletion percentage of less than 34% during the pumping life of the wells is adequately evidenced. Of the Denver Basin groundwater described in the above table, therefore, 2.0 annual acre feet of Dawson aquifer supplies and at least 403 total acre feet of nontributary Laramie-Fox Hills groundwater, for replacement of any injurious post pumping depletions, are dedicated to this plan for augmentation. All other previously quantified Denver Basin groundwater supplies are reserved by Applicant, and should Applicant in the future wish to further subdivide the approximately 29-acre Tract A parcel, Applicant may utilize such reserved Denver Basin groundwater supplies for such purposes under a new plan for augmentation, without the need to amend the plan for augmentation sought herein. **Augmentation of Depletions During Pumping.** Pursuant to C.R.S. §37-90-137(9)(c.5) replacement of actual stream depletions attributable to pumping of the Decoto wells will be required to the extent necessary to prevent injurious effect. Maximum depletions during the 300 year pumping life of subject wells are estimated to be 34% of pumping. Maximum combined annual pumping from Decoto Well Nos. 1, 2 and 3 shall be 2.0 acre feet. Should Applicant pump 2.0 acre feet per year in combination from Decoto Well Nos. 1, 2 and 3, Applicant would therefore be required to replace a maximum of 0.68 acre feet annually (*i.e.* 34% of pumping). Septic return flows from the combined use of Decoto Well Nos. 1, 2 and 3 in the single family residences to be constructed on each lot would equate to at least a combined 0.7 annual acre feet, fully augmenting any out of priority depletions, and allowing Applicant to make any mix of uses on the residential lots. Applicant will provide accounting to the satisfaction of the State and Division Engineers evidencing that return flows from such uses of pumping from the Decoto Well Nos. 1, 2 and 3 are sufficient for the replacement of the estimated maximum depletion of 34% of pumping, regardless of uses made therefrom. As such, all depletions associated with Applicant's use of water and the operation of Decoto Well Nos. 1, 2 and 3 will be replaced in time, place and amount, during the pumping life of the wells, thereby preventing injury to other vested water rights. **Augmentation for Post Pumping Depletions.** For the replacement of any injurious post-pumping depletions, Applicant reserves a 403 acre foot portion of the previously quantified underlying groundwater adjudicated in the nontributary Laramie-Fox Hills aquifer. A portion of the depletions resulting from pumping will be replaced during the pumping life of the wells through septic return flows, estimated at 0.7 acre feet per year, for a total of replacements during pumping of 210 acre feet, assuming the maximum 2.0 acre feet is pumped for the anticipated 300-year aquifer life. Applicant therefore reserves 403 acre feet of the nontributary Laramie-Fox Hills aquifer for

replacement of any injurious post-pumping depletions. The 403 acre feet of nontributary groundwater so reserved represents maximum post pumping depletions, less 2% not to be consumed per statute (total maximum actual depletions are estimated as 600 acre feet). 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, and to reserve greater or lesser amounts consistent with the Determination of Facts and/or Summary of Consultation as entered in this case. Even though this reservation is made, Applicant claims that post pumping depletions will be noninjurious and do not need to be replaced. Under the Court's retained jurisdiction, Applicant reserves the right in the future to prove that post pumping depletions will be noninjurious. The reserved nontributary water will be used to replace any injurious post-pumping depletions. By this reservation, it is Applicant's intent that the nontributary Arapahoe aquifer and the remaining portion of the nontributary Laramie-Fox Hills aquifer not so dedicated remain available to Applicant's use without reservation or restriction. Upon entry of a decree in this case, the Applicant will be entitled to file for and receive new permits for Decoto Well Nos. 1, 2 and 3, for the uses in accordance with this Application and the plan for augmentation herein. **Remarks.** Additional remarks are as follows: Applicant requests a finding that it has complied with C.R.S. §37-90-137(4), and that the ground water requested herein is legally available for withdrawal by the requested wells upon the entry of a decree approving an augmentation plan pursuant to C.R.S. §37-90-137(9)(c). The term of this augmentation plan is for 300 years, however the length of the plan for a particular well may be extended beyond such time provided the total plan pumping allocated thereto is not exceeded. Post pumping stream depletions accrue to a particular well or wells only to the extent related to that well's actual pumping. The Court will retain jurisdiction over this matter to provide for the adjustment of the annual amount of ground water withdrawals to be allowed in order to conform to actual local aquifer characteristics from adequate information obtained from well drilling or test holes. Pursuant to C.R.S. §37-90-137, upon approval of the plan for augmentation requested herein, Applicant will file an application with the State Engineer's office to re-permit any existing well(s) on the Applicant's Property for operation under the plan for augmentation, as depicted on Exhibit B to the Application, excepting any exempt wells to operate utilizing the water reserved in 17CW3002 for such purposes. The Applicant requests a finding that vested water rights of others will not be materially injured by the withdrawals of ground water and the proposed plan for augmentation. The wells shall be installed and metered as reasonably required by the State Engineer. Each well must be equipped with a totalizing flow meter and Applicant shall submit diversion records to the Division Engineer on an annual basis or as otherwise requested by the Division Engineer. The Applicant shall also provide accountings to the Division Engineer and Water Commissioner as required by them to demonstrate compliance under this plan of augmentation. The Applicant intends to waive the 600 feet well spacing requirement for any wells to be located upon the Applicant's Property. Applicant will comply with any lienholder notice provisions set forth in C.R.S. §37-92-302(2)(b) and §37-90-137(4)(b.5)(I), and such notice will be sent within 10 days of the filing of this Application.

CASE NO. 2018CW3006, Water Division 2 and CASE NO. 2018CW3017, Water Division 1 - SAVAGE DEVELOPMENT, INC., C/O Jordan Savage, 835 Diamond Rim Drive, Colorado Springs, CO 80921 (Please forward all pleadings and

correspondence to Applicant's attorneys: Chris D. Cummins and Brian G. Sheldon of Monson, Cummins & Shohet, LLC, 13511 Northgate Estates Dr., Ste. 250, Colorado Springs, CO 80921 (719) 471-1212)

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

EL PASO COUNTY

Summary of Application. Applicant seeks to construct up to seven (7) non-exempt wells to the not-nontributary Dawson aquifer to provide water service to an equivalent number of single family dwellings thereon, based on an anticipated subdivision of Applicant's 39.4-acre parcel into seven lots. Applicant therefore seeks to quantify the Denver Basin groundwater underlying the Applicant's Property, and for approval of a plan for augmentation for the use thereof. **Legal Description of Wells.** **Property Description.** All wells will be located on Applicant's Property, which contains approximately 39.4 acres, more or less ("Applicant's Property") particularly described as follows, and depicted in 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.) Applicant's Property is located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 19, Township 11 South, Range 65 West of the 6th P.M., El Paso County, Colorado.

Proposed Wells. Applicant proposes that up to seven wells (one well per lot) will be located on the Applicant's Property at specific locations not yet determined ("Savage Wells Nos. 1 through 7"), to be constructed to the Dawson aquifer. **Water Source.**

Not-Nontributary. The ground water to be withdrawn from the Dawson aquifer of the Denver Basin underlying the Applicant's Property is not-nontributary. Pursuant to § 37-90-137(9)(c.5), C.R.S., the augmentation requirements for wells in the Dawson aquifer will require the replacement of actual stream depletions. **Nontributary.** The groundwater that will be withdrawn from the Denver, Arapahoe and Laramie-Fox Hills aquifers of the Denver Basin underlying the Applicant's Property is nontributary.

Estimated Rates of Withdrawal and Ground Water Available. **Estimated Rates of Withdrawal.** Pumping from the wells will not exceed 100 g.p.m. The actual pumping rates for each well will vary according to aquifer conditions and well production capabilities. The Applicant requests the right to withdraw ground water at rates of flow necessary to withdraw the entire decreed amounts. The actual depth of each well to be constructed within the respective aquifers will be determined by topography and actual aquifer conditions. **Estimated Average Annual Amounts of Ground Water Available.**

Applicant requests a vested right for the withdrawal of all legally available ground water in the Denver Basin aquifers underlying the Applicant's Property. Said amounts may be withdrawn over the 300-year life of the aquifers as required by El Paso County, Colorado Land Development Code §8.4.7(C)(1) which is more stringent than the State of Colorado's 100-year life requirement pursuant to C.R.S. §37-90-137(4). Applicant estimates that the following values and average annual amounts are representative of the Denver Basin aquifers underlying Applicant's Property:

AQUIFER	ELEVATION		NET SAND (ft)	DEPTH (ft)		Annual Average Withdrawal – 100 Years (Acre Feet)
	Bottom	Top		Bottom	Top	
Dawson (NNT)	6446	7439	575	994	10	15.1 ¹
Denver (NT)	5563	6429	506	1877	1011	33.90
Arapahoe (NT)	5022	5526	242	2418	1914	16.20
Laramie Fox Hills (NT)	4394	4683	197	3046	2757	11.64

Decreed amounts may vary based upon the State’s Determination of Facts. Pursuant to C.R.S. §37-92-305(11), the Applicant further requests that the Court retain jurisdiction to finally determine the amount of water available for appropriation and withdrawal from each aquifer. **Requested Uses.** The Applicant requests the right to use the ground water for beneficial uses upon the Applicant’s Property consisting of domestic, commercial, irrigation, stock water, recreation, wildlife, wetlands, 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. Applicant may use such water by immediate application or by storage and subsequent application to the beneficial uses and purposes stated herein. Provided, however, Applicant shall only be entitled to construct a well or use water from the not-nontributary Dawson aquifer pursuant to a decreed augmentation plan entered by this Court, covering the out-of-priority stream depletions caused by the use of such not-nontributary aquifers in accordance with § 37-90-137(9)(c.5), C.R.S. **Well Fields.** Applicant requests that it be permitted to produce the full legal entitlement from the Denver Basin aquifers underlying Applicant’s Property through any combination of wells. Applicant requests that these wells be treated as a well field. **Averaging of Withdrawals.** 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. **Owner of Land Upon Which Wells are to Be Located.** The land upon which the wells are and will be located is owned by the Applicant. **Structures to be Augmented.** The structures to be augmented are Savage Wells Nos. 1 through 7, along with any replacement or additional wells associated therewith, as likewise may be

¹ The Dawson aquifer annual withdrawal figure represents not the 100-year aquifer life discussed at C.R.S. §37-90-137(4), but rather a 300-year aquifer life consistent with provision of a 300-year water supply in compliance with El Paso County, Colorado land development code as applicable to the subdivision of Applicant’s Property.

constructed to the Dawson aquifer of the Denver Basin underlying the Applicant's Property as requested and described herein. **Water Rights to be Used for Augmentation.** The water rights to be used for augmentation during pumping are the return flows resulting from the pumping of the not-nontributary Dawson aquifer from Savage Wells Nos. 1 through 7, together with water rights from the nontributary Laramie-Fox Hills aquifer for any injurious post pumping depletions. **Statement of Plan for Augmentation.** Applicant wishes to provide for the augmentation of stream depletions caused by pumping of the not-nontributary Dawson aquifer by seven wells proposed herein for seven residential lots. Potential water use criteria and their consumptive use component for replacement of actual depletions for the lots are estimated as follows: **Uses. Household Use Only:** 0.26 acre feet annually within single family dwellings on up to 7 lots, with a maximum of ten percent consumptive use based on nonevaporative septic leach field disposal systems. The annual consumptive use for each lot would therefore be 0.026 acre feet per well, with return flows of 0.234 acre feet per lot. For purposes of conservatism, however, as discussed below Applicant will presume septic return flows from each residential lot to be only 0.18 acre feet per year, for total septic return flows of 5.22 acre feet per year. Any other type of waste water disposal shall require an amendment to this plan of augmentation. **Landscape Irrigation:** 0.05 acre feet annually per 1,000 square feet (2.18 acre feet per acre) per year, with an 85% assumed consumptive use rate. The annual consumptive use for each 1,000 square feet of lawn and garden irrigated is therefore 0.042 acre feet. **Horses (or equivalent livestock):** 0.011 acre feet annually (10 gallons per day) per head with a one hundred percent consumptive use component. **Hot Tub Use:** 0.006 acre feet (2100 gallons) annually, based upon six fillings per year, with a 50% consumptive use rate. The annual consumptive use for each hot tub is therefore 0.003 acre feet (1050 gallons). Each well will pump a maximum of 0.54 acre feet of water per year per residence for a maximum total of 3.78 acre feet being withdrawn from the Dawson aquifer per year. Such use shall be a combination of household use, irrigation of lawn and garden, and the watering of horses or equivalent livestock. An example breakdown of this combination of use, utilizing the factors described above, is household use of 0.26 acre feet of water per year per residence with the additional 0.28 acre feet per year per residence available for irrigation of approximately 4,920 square feet of lawn and garden and the watering of up to four horses or equivalent livestock on each residential lot. **Depletions.** Applicant's consultant has determined that maximum stream depletions over the 300 year pumping period for the Dawson aquifer amounts to approximately 22% percent of pumping. Maximum annual depletions for total residential pumping from all wells is therefore 0.83 acre feet in year 300. Should Applicant's pumping be less than the 0.54 acre feet per lot described herein, resulting depletions and required replacements will be correspondingly reduced. **Augmentation of Depletions During Pumping.** Pursuant to C.R.S. §37-90-137(9)(c.5), Applicant is required to replace actual stream depletions attributable to pumping of the seven residential wells. 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 0.26 acre feet per residence per year, total of 1.82 acre feet, 1.64 acre feet is replaced to the stream system per year, utilizing

non-evaporative septic systems. Thus, during pumping, stream depletions will be adequately augmented. **Augmentation for Post Pumping Depletions.** For the replacement of any injurious post-pumping depletions which may be associated with the use of the Savage Wells Nos. 1 through 7, Applicant will reserve up to 673 acre feet of water from the nontributary Laramie Fox Hills aquifer, accounting for actual stream depletions replaced during the plan pumping period, calculated at 474 acre feet, or such greater amounts as necessary to replace any injurious post pumping depletions. Applicant also reserves the right to substitute other legally available augmentation sources for such post pumping depletions upon further approval of the Court under its retained jurisdiction. Even though this reservation is made, under the Court's retained jurisdiction, Applicant reserves the right in the future to prove that post pumping depletions will be noninjurious. The reserved nontributary Laramie-Fox Hills groundwater will be used to replace any injurious post-pumping depletions. Upon entry of a decree in this case, the Applicant will be entitled to apply for and receive a new well permit for the Savage Wells Nos. 1 through 7 for the uses in accordance with this Application and otherwise in compliance with C.R.S. §37-90-137. **Remarks.** This Application was filed in both Water Divisions 1 and 2 because depletions from the pumping of the Dawson aquifer may occur in both the South Platte and the Arkansas River systems. The return flows set forth herein will accrue to tributaries of the South Platte River system where the majority of such depletions will occur, and it is Applicant's intent to consolidate the instant matter with pending Division 2 application in Water Division 1 upon completion of publication. Applicant requests that the total amount of depletions to both the South Platte River and the Arkansas River systems be replaced to the South Platte River as set forth herein, and for a finding that those replacements are sufficient. Applicant requests a finding that they have complied with C.R.S. §37-90-137(4), and that the ground water requested herein is legally available for withdrawal by the requested not-nontributary wells upon the entry of a decree approving an augmentation plan pursuant to C.R.S. §37-90-137(9)(c.5). The term of this augmentation plan is for 300 years, however the length of the plan for a particular well may be extended beyond such time provided the total plan pumping allocated thereto is not exceeded. Post pumping stream depletions accrue to a particular well or wells only to the extent related to that well's actual pumping. The Court will retain jurisdiction over this matter to provide for the adjustment of the annual amount of ground water withdrawals to be allowed in order to conform to actual local aquifer characteristics from adequate information obtained from well drilling or test holes. The Applicant requests a finding that vested water rights of others will not be materially injured by the withdrawals of ground water and the proposed plan for augmentation. The wells shall be installed and metered as reasonably required by the State Engineer. Each well must be equipped with a totalizing flow meter and Applicant shall submit diversion records to the Division Engineer on an annual basis or as otherwise requested by the Division Engineer. The Applicant shall also provide accountings to the Division Engineer and Water Commissioner as required by them to demonstrate compliance under this plan of augmentation. The Applicant intends to waive the 600 feet well spacing requirement for any wells to be located upon the Applicant's Property. Applicant will comply with any lienholder notice provisions set forth in C.R.S. §37-92-302(2)(b) and §37-90-137(4)(b.5)(I), and such notice will be sent within 14 days of the filing of this application.

CASE NO. 2018CW3007 - LAURI K. CROSS and MICHAEL S. TRIMBOLI, 11235 S. Holmes Road, Colorado Springs, CO 80908-3905 (Please send correspondence to

Applicants' attorney: Henry D. Worley, Worley Law Office LLC, 3209 Springridge Drive, Colorado Springs, CO 80906; 719-634-8330)

Application for Change of Water Rights

EL PASO COUNTY

2. The original decree in this case, Consolidated Case Nos. 10CW13 and 10CW111, was entered by the Hon. Dennis Maes, Water Judge for Water Division 2, on December 21, 2010 ("the Decree"). 3. The Applicants' property, which was the subject of the Decree, consists of 5.35 acres of land, the street address of which is 5975 Burgess Road, Colorado Springs, CO 80908-3905. Its legal description is "a tract of land in the E2NW4NW4 Section 19, T. 12 S., R. 65 W., 6th P.M., except the north 30.00 feet thereof, described as follows: commencing at the NW corner of said Section 19; thence 89°52'00" east 1030.38 feet; south 00°39'12" west 30.00 feet to a point on the south line of Burgess Road and the point of beginning: thence along the south side of said Burgess Road south 89°52'00" west 30.00 feet; south 00°39'12" west 30.00 feet west of and parallel to the west section line 506.44 feet; south 89°38'59" west 251.70 feet; south 00°07'40" west 783.17 feet; north 89°39'69" east 274.52 feet; thence north 00°39'12"E 1289.59 feet to the point of beginning" (the "Property"). 4. The Decree adjudicated water rights in the Dawson, Denver, Arapahoe, and Laramie-Fox Hills underlying the Property. Applicants do not seek to change any part of the adjudication of water rights in those aquifers. 5. The Decree also approved a plan for augmentation. The plan for augmentation allows Applicants to pump up to 1.58 acre feet annually from permit no. 203607, which was thought to be located on the Property. Approved uses are drinking and sanitary uses in a primary house and a guest house/detached home office, commercial use including but not limited to an animal shelter, stock water, hot tub/spa and/or swimming pool, lawn and garden irrigation, other landscaping features, and augmentation through septic system return flows. 6. It was subsequently discovered that well permit no. 203607 is not located on the Property; well permit no. 11013-A is instead located on Applicants' property, and it was permit no. 11013-A which was intended to be augmented pursuant to the Decree. The location of permit no. 11013-A is NW1/4 NW1/4 Section 19, T. 12 S., R. 65 W., 6th P.M., 340 feet from the north section line and 940 feet from the west section line; Northing (UTM y): 4316517.0, Easting (UTM x): 524568.9. 7. This mistake was not called to the attention of Applicants' attorney until after the four year period allowed by C.R.S. 37-92-306(10) to file a petition to correct an error in a decree, necessitating this change of water rights application to correct the error. 8. Applicants request a change of water rights in the Decree which changes only the well to be augmented, currently permitted as permit no. 11013-A, instead of permit no. 203607, pursuant to the current Decree. The amount which may be pumped annually, the approved uses, and the method for replacing depletions both during and after the cessation of pumping will not change. After entry of an amended decree, Applicants will re-permit well no. 11013-A to be consistent with the provisions of the plan for augmentation and applicable laws and regulations.

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 March 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 6th day of February, 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)
Published: February _____, 2018