

DISTRICT COURT, WATER DIVISION NO. 2, COLORADO

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

TO: ALL INTERESTED PARTIES

Pursuant to C.R.S. 37-92-302, you are hereby notified that the following is a resume of applications and certain amendments filed and/or ordered published during June 2020, in Water Division No. 2. The names and addresses of applicants, description of water rights or conditional water rights involved, and description of ruling sought as reflected by said applications, or amendments, are as follows:

CASE NO. 2020CW3026; Previous Case Nos. 13CW3059, 06CW76 and 90CW47 – THE FORT LYON CANAL COMPANY, 750 Bent Ave., Las Animas, CO 81054, (Please address all pleadings and inquiries regarding this matter to Applicants' attorneys: BALCOMB & GREEN, P.C., P.O. Drawer 790, Glenwood Springs, CO 81602, (970) 945-6546).

Application for Finding of Reasonable Diligence

BENT, OTERO, PROWERS, CROWLEY AND KIOWA COUNTIES

Summary of Application: Applicant requests a finding of reasonable diligence in the development of the remaining conditional portions of its John Martin Reservoir Article III Exchange. **Structure:** John Martin Reservoir Article III Exchange. **Orig. Decree:** Case No. 90CW47, Dist. Court, Water Division No. 2 entered on 9/5/2000, as amended by Order dated 10/18/2000. **Subsequent Diligence:** 12/27/2007, Case No. 06CW76; 6/3/2014, Case No. 13CW3059, all in Dist. Court, Water Division No. 2. **Location:** The downstream terminus of the exchange is John Martin Reservoir. The Reservoir is located on the Arkansas River approx. 45 miles downstream from the headgate of the Fort Lyon Canal, and the present place of storage is in Secs. 5, 6, 7, 8, 17, and 18, T. 23 S., R. 49 W., 6th P.M.; Secs. 29, 31, 32, 33, 34, and 35, T. 22 S., R. 50 W., 6th P.M.; Secs. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 20, and 21, T. 23 S., R. 50 W., 6th P.M.; Secs. 25, 33, 34, 35, and 36, T. 22 S., R. 51 W., 6th P.M., and Secs. 1, 2, 3, 4, 9, and 10, T. 23 S., R. 51 W., 6th P.M., Bent County, Colorado. The upstream terminus of the exchange is the headgate of the Fort Lyon Canal. The headgate of the Fort Lyon Canal is located on the N. bank of the Arkansas River in the NE 1/4 of Sec. 32, T. 23 S., R. 55 W., 6th P.M., Otero County, Colorado. **Source:** Arkansas River. **Approp. Date:** 4/24/1980. **Amount:** The John Martin Reservoir Article III Exchange was decreed for a max. flow rate of 1,150 c.f.s. and annual max. quantity of storage of 20,000 AF per year. Of the max. decreed rate, 606 c.f.s. remains conditional. **Use:** Agricultural purposes. **Remarks:** The Fort Lyon Canal Company has water rights decreed for direct flow diversion out of the Arkansas River are 164.64 c.f.s. as of 4/15/1884, 597.16 c.f.s. as of 3/1/1887 and 171.20 c.f.s. as of 8/31/1893, which said priorities were decreed in the Bent County Dist. Court on 4/8/1905. Said direct flow diversions are applied to approx. 94,000 acres of land under Applicant's system located in Otero, Bent, and Prowers Counties. Fort Lyon was awarded an absolute exchange water right with a priority date of 4/24/1980 to exchange water from John Martin Reservoir upstream to the headgate of the Fort Lyon Canal at a max. rate of flow of 544 c.f.s. and an annual max. exchange in any one year of 15, 228.95 AF. In the diligence period preceding the filing of this Application, beginning

in 2014, Fort Lyon diverted by exchange under its Article III Account. An Operation Summary of the Fort Lyon Article III Account in John Martin Reservoir for water years 2014 through 2019 is attached to the application on file with the Court as **Table 1**. (All exhibits/tables mentioned herein are incorporated by reference and may be inspected at the office of the clerk of this Court.). Additional diligence activities, diversions and expenditures are also described in the application on file with the court. Applicant continues to rely upon the subject water right and has no intention to abandon any portion of the conditional water right. **Name and address of owner of the land upon which the storage structure or point of diversion is located:** John Martin Reservoir, U.S. Army Corps of Engineers, 4101 Jefferson Plaza, NE, Albuquerque, NM 87109 and 29955 County Road 25.75, Hasty, CO 81044 and Applicant.

****Per Order, Resume to be published by Water Division 1****

CASE NO. 2020CW3027 Water Division 2 and CASE NO. 2020CW3077 Water Division 1; Previous Case No. 99CW119 – PAULA B DONOHOO, MARDELLE L FRAZIER, and BRIAN D FRAZIER, 8855 Walker Rd., Colorado Springs, CO 80908,
(Please address all pleadings and inquiries regarding this matter to Applicants' attorneys: Chris D. Cummins, #35154, Emilie B. Polley, #51296, MONSON, CUMMINS & SHOHET, LLC, 13511 Northgate Estates Dr., Ste. 250, Colorado Springs, Colorado 80921, (719) 471-1212).

Application for Revision of Plan for Augmentation

EL PASO COUNTY

II. Background and Summary of Application. **A.** Applicants seek to revise a portion of an existing augmentation plan concerning groundwater supplies underlying an approximately 13.81 acre parcel of land located in El Paso County, Colorado. Applicants own a lot within the Willow Springs Estates, see **Exhibit A** attached to the application for a general location map. (All exhibits mentioned herein are incorporated by reference and may be inspected at the office of the clerk of this Court.) and is specifically described as Lot 1, Block 7, Willow Springs Estates, also known as 8855 Walker Rd, Colorado Springs, CO 80908 ("Applicants' Property"). **B.** Underground water rights within the Dawson, Denver, Arapahoe, and Laramie-Fox Hills aquifers, along with a plan for augmentation, were decreed in Case No. 99CW119 (consolidated with Water Court Division 1 Case No. 99CW143), District Court, Water Division 2 ("99CW119 Decree"). The 99CW119 Decree established an augmentation plan for approximately 27 acres of land located in part of the SW¼ SW¼ of Section 10, Township 11 South, Range 65 West of the 6th P.M., known as Lot 1, Block 7 (13.89 acres – the Applicants' Property), and Lot 2, Block 7 (13.39 acres), within the Willow Springs Estates. The augmentation plan decreed that up to a combined 2.0 acre-feet of water per year may be withdrawn from the not-nontributary Dawson aquifer from existing individual wells on each of the lots at a rate of 15 gpm, or 1.0 acre-feet per lot. The 99CW119 Decree set forth the water use as in-house use (0.3 acre-feet), irrigation (0.65 acre-feet/limited to irrigation of 11,000 square feet), and stockwatering of four large domestic animals (0.05 acre-feet). These uses were to be augmented by return flows from the individual non-evaporative septic systems on each lot during the pumping life of the wells. Post-pumping augmentation obligations are met by the reservation of 1 acre-foot per year and 100 acre-feet total, per lot, of water in the Laramie-Fox Hills aquifer (a 100-year aquifer life/plan for augmentation). **C.** Applicants

are the current owners of Lot 1, the Applicants' Property, with existing Well Permit No. 79072-F ("Donohoo Well No. 1"), attached as **Exhibit B**. Applicants own the following water in the Denver Basin aquifers underlying Lot 1, as depicted on the attached **Exhibit C** Deed:

Aquifer	Annual Amount – 100 years (Acre-Feet)	Annual Amount – 300 years (Acre-Feet)	Total (Acre-Feet)
Dawson (NNT)	12.3	4.1	1,230
Denver (NT)	9.1	3.0	910
Arapahoe (NT)	6.3	2.1	630
Laramie-Fox Hills (NT)	3.8	1.26	380

III. Proposed Revision. Applicants are the owners of Lot 1/Applicants' Property, and water subject to the plan for augmentation approved and decreed by the Division 2 Water Court in the 99CW119 Decree underlying Lot 1. Applicants do not seek any change or revision as to the 99CW119 Decree as would affect Lot 2 of the Willow Springs Estates Subdivision. By this application, Applicants request the following revisions to the plan for augmentation set forth in the 99CW119 Decree only as to Lot 1, as follows: **A. Structures to be Augmented:** The structures to be augmented are the Donohoo Wells Nos. 1 through 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 Applicants' Property. 1. Existing Well. The Donohoo Well No. 1, with existing Division of Water Resources Well Permit No. 79072-F, is located approximately 330 feet south and 550 feet west from the section line in the SW¹/₄ SW¹/₄ of Section 10, Township 11 South, Range 65 West of the 6th P.M. and is completed to the Dawson aquifer. 2. Proposed Additional Wells: Applicants will construct up to two additional wells on Applicants' Property, one on each lot based on the anticipated subdivision into three lots containing 4.6 acres +/- . All such additional and/or replacement wells shall be constructed to the Dawson aquifer. **B. 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 Donohoo Wells Nos. 1 through 3, 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. **C. Statement of Plan for Augmentation.** Applicants wish to provide for the augmentation of stream depletions caused by pumping the not-nontributary Dawson aquifer wells proposed for three residential lots on Applicants' Property. Potential water use criteria and their consumptive use component for replacement of actual depletions for the lots are estimated as follows: 1. Uses. i. Household Use Only: 0.25 acre feet annually within single family dwellings on up to 3 lots, with a maximum of ten percent consumptive use based on a non-evaporative septic leach field disposal systems. The annual consumptive use for each lot will therefore be 0.025 acre feet per well, with return flows of 0.225 acre feet per lot, or 0.675 acre-feet per year. ii. 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. iii. Horses (or equivalent livestock): 0.011 acre feet annually (10 gallons per day) per head with a one hundred

percent consumptive use component. 2. Donohoo Wells Nos. 1 and 2 will each pump a maximum of 1.3 acre feet of water per year per residence, and Donohoo Well No. 3 will pump a maximum of 0.6 acre feet per year, for a maximum total of 3.2 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, for two of the residential lots, is household use of 0.25 acre feet of water per year, per residence, with the additional 1.05 acre feet per year available for irrigation of lawn and garden and the watering of up to eight horses or equivalent livestock. An example breakdown of this combination of use, utilizing the factors described above for the third lot, is household use of 0.25 acre feet of water per year, with the additional 0.35 acre feet per available for irrigation of lawn and garden and the watering of up to four horses or equivalent livestock.

D. Depletions. Pursuant to C.R.S. §37-90-137(9)(c.5), replacement of actual stream depletions attributable to pumping of the Donohoo wells will be required to the extent necessary to prevent injurious effect, to the extent such wells are constructed to the Dawson aquifer. Applicants' consultant has determined that maximum stream depletions over the 300-year pumping period required by El Paso County Land Use Code for the Dawson aquifer amounts to approximately 19.25% of pumping. Maximum annual depletions for total residential pumping from all wells are therefore 0.385 acre feet in year 300, and Applicants are required to replace a maximum of 0.616 acre feet annually as a result of pumping the Donohoo Well Nos. 1 through 3 (i.e. 19.25% of pumping). Should Applicants' pumping be less than the 3.2 total, which represents a maximum of 1.3 acre feet for two wells/lots, and 0.6 acre feet for the third well/lot, per year, as described herein, resulting depletions and required replacements will be correspondingly reduced.

E. Augmentation of Depletions During Pumping. Applicants will replace depletions resulting from the pumping of Donohoo Well Nos. 1 through 3 during the pumping life of such wells utilizing residential return flows from non-evaporative septic systems from in house uses of the lots served by the Donohoo Well Nos. 1 through 3. The annual consumptive use for non-evaporative septic systems is 10% per year per residence. At a household use rate of 0.25 acre feet per residence per year, total of 0.75 acre feet, 0.675 acre feet is replaced to the stream system per year, utilizing the non-evaporative septic systems. Thus, during pumping, stream depletions will be more than adequately augmented thereby preventing injury to other vested water rights.

F. Augmentation for Post Pumping Depletions. Applicants seek to vacate the prior reservation in the 99CW119 Decree of the 1 acre-foot per year/100 acre-feet total of the nontributary Laramie-Fox Hills aquifer for replacement of any injurious post-pumping depletions as to Lot 1, and revise with a reservation of the entirety of the underlying Laramie-Fox Hills aquifer and up to 610 acre-feet of the underlying Arapahoe aquifer in its stead. 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 Arapahoe and 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 existing Donohoo Well No. 1 and new permits for

the Donohoo Wells Nos. 2 and 3 for the uses in accordance with this Application and otherwise in compliance with C.R.S. §37-90-137. **G. Other Remarks.** 1. 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 South Platte River system where the majority of depletions occur, and it is Applicants' intent to consolidate the instant matter in Water Division 1 upon completion of publication. Applicants request that the total amount of depletions to both the South Platte River and the Arkansas River systems be replaced to the South Platte River as set forth herein, and for a finding that those replacements are sufficient. 2. Applicants note that no revision of the decreed plan for augmentation is requested as affects Lot 2 in Case No. 99CW119, but rather only replacement as to uses and amounts for Lot 1, and to add augmented structures to the plan for augmentation. 3. Applicants request 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 wells upon the entry of a decree approving an augmentation plan pursuant to C.R.S. §37-90-137(9)(c). 4. 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. 5. 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. **IV. Remarks.** A. The Applicants request a finding that vested water rights of others will not be materially injured by the additional use requested herein. B. Upon entry of a decree in this case, the Applicants shall be entitled to apply for and receive a new well permit in accordance with the provisions of any decree entered in this case. C. The Water Court has jurisdiction over the subject matter of this application pursuant to §§ 37-90-137(6) and 37-92-302, C.R.S. D. The Applicants intend to waive the 600 feet well spacing requirement for any wells to be located upon the Applicants' Property. E. The wells shall be installed and metered as reasonably required by the State Engineer. Each well will be equipped with a totalizing flow meter and Applicants shall submit diversion records to the Division Engineer on an annual basis or as otherwise requested by the Division Engineer. The Applicants shall also provide accountings to the Division Engineer and Water Commissioner as required by them to demonstrate compliance under this plan of augmentation. F. HomeBridge Financial Services, Inc. has a lienholder interest in the Applicants' Property. Pursuant to § 37-92-302(2)(b), C.R.S., Applicants will notify HomeBridge Financial Services, Inc. of the filing of this application by certified or registered mail, return receipt requested, no later than 14 days after the filing of this application. Thereafter, the Applicants will complete and file with the Court a Certificate of Notice as evidence that the required notice was given.

CASE NO. 2020CW3028; Previous Case No. 01CW151 – SOUTHEASTERN COLORADO WATER CONSERVANCY DISTRICT (SOUTHEASTERN); c/o Lee E. Miller, General Counsel; 31717 United Avenue, Pueblo, CO 81001, (Please address all pleadings and inquiries regarding this matter to Applicants' attorneys: Stephen H. Leonhardt and April D. Hendricks; Burns, Figa & Will, P.C.; 6400 S. Fiddlers Green Circle, Suite 1000, Greenwood Village, CO 80111; (303) 796-2626).

Application for Finding of Reasonable Diligence

PUEBLO, CROWLEY, OTERO, AND BENT COUNTIES

2. Summary of Application: Southeastern seeks a finding of reasonable diligence for the conditional appropriative right of exchange decreed in Case No. 01CW151 (“Return Flow Exchange”). The purpose of Southeastern’s Return Flow Exchange is to store surplus return flows from the Fryingpan-Arkansas Project (“Fry-Ark Return Flows”) in Pueblo Reservoir (including the Pueblo Reservoir Enlargement) for sale to and subsequent use by entities within the Southeastern District whose water uses in the drainage basin of the Arkansas River may be met by diversion or releases of such water from Pueblo Reservoir. The Fry-Ark Return Flows used in this exchange accrue to the Arkansas River above its confluence with the Purgatoire River and below Pueblo Reservoir. The Fry-Ark Return Flows enter the surface and alluvial flows of the Arkansas River within the exchange reach by (1) measured discharge from wastewater treatment plants; (2) unmeasured municipal return flows, including those from septic systems and percolation and runoff from the municipal irrigation of lawns, parks, and other irrigated areas; and (3) percolation and runoff from agricultural irrigation. Southeastern holds the decree for Pueblo Reservoir (Case No. B-42135, Pueblo County District Court), which permits the exchange of such return flows from below Pueblo Reservoir under the February 10, 1939 priority decreed in that case; the extent of that senior exchange is limited by Southeastern’s 1989 stipulation with the City of Colorado Springs, the Board of Water Works of Pueblo, and the Arkansas Valley Ditch Association in Consolidated Case Nos. 88CW43 and 84CW56 (“the 1989 Stipulation”). The Return Flow Exchange decreed in Case No. 01CW151 includes Southeastern’s exchange of municipal Fry-Ark Return Flows under its February 10, 1939 priority, as limited by the 1989 Stipulation, as well as Southeastern’s exchange of other Fry-Ark Return Flows that accrue to the Arkansas River within the exchange reach. **3. Description of Conditional Appropriative Right of Exchange.** **A. Previous/Original Decree:** Case No. 01CW151, Water Division 2 (June 16, 2014). **B. Exchange Reach:** The upstream terminus of the exchange is Pueblo Reservoir, described in Paragraph 3.D below. The downstream terminus is the confluence of the Purgatoire River with the Arkansas River, located in Section 7, Township 23 South, Range 51 West, in Bent County, Colorado. The entire exchange reach is located upstream from John Martin Reservoir. Fry-Ark Return Flows are exchanged from the locations at which such return flows accrue to the Arkansas River throughout this exchange reach. **C. Source of Substitute Supply:** Fry-Ark Return Flows, generated following the first use of Fryingpan-Arkansas Project Water by Southeastern’s constituent entities pursuant to Southeastern’s Allocation Policy and other applicable rules, regulations and policies, as they may be amended from time to time. **i. Fry-Ark Return Flows.** Pursuant to its contract with the United States, Southeastern retains all rights to the use, reuse, sale and disposition of Fry-Ark Return Flows. A substantial part of the Fry-Ark Return Flows are sold by Southeastern for various uses, some to municipal users as explained below, and some for augmentation and replacement of depletions from wells within Southeastern’s District boundaries pursuant to the 1996 Amended Rules and Regulations Governing the Diversion and Use of Tributary Ground Water in the Arkansas River Basin, as they may be amended from time to time (“1996 Well Rules”), and augmentation plan decrees. However, at times there is a surplus of Fry-Ark Return Flows accruing to the Arkansas River beyond the amount that is sold or repurchased for

augmentation or other immediate uses. Southeastern may exchange these surplus Fry-Ark Return Flows into storage for subsequent use pursuant to Southeastern's Allocation Principles and policies. Three types of Fry-Ark Return Flows will be used as a substitute supply in this exchange: a. Measured Municipal Fry-Ark Return Flows. Each municipal user of Project Water has a first right of refusal, under Southeastern's Allocation Principles, to repurchase from Southeastern the return flows generated by its use of Project Water. Measured Municipal Fry-Ark Return Flows are those Fry-Ark Return Flows that are delivered to a particular point on the Arkansas River and measured through a wastewater treatment plant. Most Measured Municipal Fry-Ark Return Flows are repurchased by the generating municipality and may be exchanged pursuant to Southeastern's previously decreed 1939 exchange priority, consistent with the 1989 Stipulation. b. Unmeasured Municipal Fry-Ark Return Flows. Unmeasured Municipal Fry-Ark Return Flows are those Fry-Ark Return Flows generated by use of Project Water for municipal irrigation or other municipal uses that are not delivered to the Arkansas River at a discrete point through a wastewater treatment plant. c. Fry-Ark Irrigation Return Flows. Fry-Ark Irrigation Return Flows are those Fry-Ark Return Flows generated by use of Project Water for agricultural irrigation purposes. Like Unmeasured Municipal Fry-Ark Return Flows, these return flows accrue to the exchange reach as a natural result of their use. They are not delivered to a defined point on the river by means of a structure or facility. ii. Fryingpan-Arkansas Project Water Rights. Project Water derives from the following water rights that are held by Southeastern: a. West Slope Decrees: The Fryingpan-Arkansas Project diverts surface water from the headwaters of Hunter Creek and the Fryingpan River and their tributaries in Pitkin County. The principal water rights were adjudicated by the decrees in Civil Action No. 4613 (District Court, Garfield County) dated June 20, 1958, and August 3, 1959; and were modified by the Decree in Case No. W-829-76 (Water Division No. 5) dated November 27, 1979; and were supplemented by the Decree in Case No. 83CW352 (Water Division No. 5) dated May 31, 1985. These water rights have an appropriation date of July 29, 1957. Water diverted under these decrees travels under the Continental Divide through the Boustead Tunnel, which empties into Turquoise Reservoir. This water may be stored in Turquoise Reservoir, Twin Lakes Reservoir and elsewhere, and applied to beneficial use within Southeastern's District boundaries. Because the water is imported from another river basin, it is fully consumable in Water Division 2. b. East Slope Decrees: The Fryingpan-Arkansas Project also diverts and stores surface water from the Arkansas River and its tributaries in Lake, Chaffee, Fremont, and Pueblo Counties. The principal water rights were adjudicated by the decrees in Civil Action No. 5141 (District Court, Chaffee County) dated July 9, 1969; and Civil Action No. B-42135 (District Court, Pueblo County) dated June 25, 1962; and were modified and supplemented by the Decree in Case No. 80CW6 (District Court, Water Division No. 2), dated October 23, 1980; and the Decree in Case No. 16CW3076 (Water Division No. 2), dated November 11, 2018. These water rights include storage in Turquoise Reservoir, Twin Lakes Reservoir, Pueblo Reservoir, and elsewhere, with an appropriation date of February 10, 1939, and are expressly decreed for exchange, reuse and successive use to extinction, for beneficial use within Southeastern's District boundaries. Under these decrees, Turquoise Reservoir and Twin Lakes Reservoir may store native water or imported water, directly or by exchange with each other or with Pueblo Reservoir. c. Project Water Allocations and Limitations: Municipal, quasi-

municipal, and irrigation entities within the Southeastern District are eligible to receive annual allocations of Project Water, which they may purchase and use as a supplemental water supply after it is allocated to them by Southeastern. Southeastern allocates Project Water annually, based on its decrees, principles, policies, rules and regulations, as they may be amended. Purchase and use of Project Water and purchase and use of Project Water Return Flows will be made consistent with Southeastern's decrees and Allocation Principles (as they may from time to time be amended), and such policies, procedures, contracts, charges, and terms as may be lawfully determined from time to time by Southeastern in its discretion. This Application and any decree entered in this case do not give any entities any rights of ownership or rights to purchase or receive allocation of Project Water or Project Water Return Flows, but do not alter any existing right those entities may otherwise have. This Application does not in any way seek to modify Southeastern's decrees for the Fryingpan-Arkansas Project Water rights. The description of or reference to structures and water rights herein, other than the exchanges described in this Application, does not in any way seek to amend or limit the decrees for those structures and water rights, and omissions in such descriptions and references shall in no way prejudice the owners of those structures and water rights. **D. Structure at which water will be stored by exchange:** i. **Name of structure:** Pueblo Reservoir, including the Pueblo Reservoir Enlargement ("Pueblo Reservoir"). ii. **Legal Description of Structure:** Pueblo Reservoir is located in all or portions of Sections 7, 18, 19, 20, 21, 22, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35 and 36 of Township 20 South, Range 66 West of the 6th P.M. and Sections 1, 2, 3, 4, 5, 9, 10 and 11 of Township 21 South, Range 66 West of the 6th P.M. and Sections 5, 8, 9, 13, 14, 15, 16, 22, 23, 24, and 25 of Township 20 South, Range 67 West of the 6th P.M. all in Pueblo County, Colorado. The Pueblo Reservoir Dam axis and the center line of the Arkansas River intersect at a point in Section 36, Township 20 South, Range 66 West of the 6th P.M., from which the Northeast corner of said Section 36 bears North 61° 21' 20" East, a distance of 2,511.05 feet, all more particularly described in the decree in Case No. B-42135, District Court, Pueblo County, Colorado, as corrected in Case No. 02CW37. iii. **Decrees associated with Pueblo Reservoir:** The storage right for Pueblo Reservoir was decreed in Case No. B-42135, Pueblo County District Court, on June 25, 1962, with an appropriation date of February 10, 1939 (Priority No. A-22C). The decree was modified in Case No. 80CW6 (Water Division 2) on October 23, 1980 (amended to correct a clerical error on April 29, 1981), to conform to the reservoir as built. The conditional portion of the water right for Pueblo Reservoir has been maintained through a series of diligence proceedings, most recently in Case No. 16CW3079 (Water Division 2). iv. **Storage Volume:** Pueblo Reservoir has a decreed capacity of 357,678 acre-feet. Of the decreed amount, rights to 62,972 acre-feet, together with the right to refill, remain conditional. Southeastern's engineers have estimated that up to 7,738 acre-feet of this capacity may have been lost due to silting. The proposed Pueblo Reservoir Enlargement is for an additional volume of 75,000 acre-feet, conditional. **E. Location of Delivery of Substitute Water Supply:** i. **Municipal Fry-Ark Return Flows.** Municipal Fry-Ark Return Flows accrue to the Arkansas River in the exchange reach through municipal use of Project water by: Avondale Water & Sanitation District; Beehive Water Association; Bents Fort Water Co.; Town of Boone; Town of Cheraw; Town of Crowley; Crowley County Water Association; East End Water Association; Eureka Water Co.; Fayette Water Association; Town of Fowler; Hancock

Water Inc.; Hilltop Water Co.; Holbrook Center Soft Water Association; Homestead Improvement Association; Joseph Corporation; City of La Junta; City of Las Animas; Town of Manzanola; Newdale-Grand Valley Water Co.; North Holbrook Water Co.; Town of Olney Springs; O'Neal Water Works; Town of Ordway; Parkdale Water Association; Patterson Valley Water Association; Board of Water Works of Pueblo, Colorado; Pueblo West Metropolitan District; Riverside Water Association; City of Rocky Ford; Southside Water Association; St. Charles Mesa Water District; South Swink Water Co.; Town of Sugar City; Town of Swink; Valley Water Association; Vroman Water Co; West Grand Valley Water, Inc.; West Holbrook Pipeline Association; and 96 Pipeline Co. a. Measured Municipal Fry-Ark Return Flows accrue to the exchange reach of the Arkansas River from the wastewater treatment facilities of some of these entities. Unmeasured Municipal Fry-Ark Return Flows accrue to the Arkansas River in the exchange reach at various points, depending on location of use. b. Exchanges of Municipal Fry-Ark Return Flows are permitted only for municipal or quasi-municipal entities that used 300 acre-feet or less of Project Water annually, during the previous water year from November 1 to October 31; and only to the extent such entities either: (i) do not purchase and use return flows they have generated; or (ii) purchase such return flows from Southeastern and request that Southeastern exchange those return flows pursuant to its Return Flow Exchange. ii. Fry-Ark Irrigation Return Flows. Fry-Ark Irrigation Return Flows accrue to the Arkansas River in the exchange reach through irrigation use of Project water by: Bessemer Ditch; Catlin Canal; Colorado Canal; Excelsior Ditch; High Line Canal; Holbrook Mutual Irrigating Co.; Otero Ditch; Oxford Farmers Ditch; Riverside Dairy; Collier Ditch; Baldwin Stubbs Ditch; Rocky Ford Ditch; and the Potter Ditch. Fry-Ark Return Flows accrue to the exchange reach of the Arkansas River from irrigation use on eligible lands under each entity's irrigation system. iii. Fountain Creek Return Flows. Fry-Ark Return Flows also accrue to the Arkansas River in the exchange reach from Fountain Creek, at the confluence of Fountain Creek with the Arkansas River. Municipal Entities on Fountain Creek that generate Municipal Fry-Ark Return Flows include the City of Colorado Springs, City of Fountain, City of Manitou Springs, Security Water District, Widefield Water & Sanitation District, and Stratmoor Hills Water District. Exchange of these Fry-Ark Return Flows is subject to the annual limits set forth in paragraph 3.E.i.b on Municipal Fry-Ark Return Flows available for this exchange. **F. Source:** Arkansas River. The source of substitute supply for this exchange is Fry-Ark Return Flows that accrue to the Arkansas River, as described in Paragraph 3.C, above. **G. Appropriation Dates.** i. The appropriation date for exchange of Unmeasured Municipal Fry-Ark Return Flows decreed in Case No. 01CW151 is January 12, 1989. ii. The appropriation date for exchange of all other Fry-Ark Return Flows decreed in Case No. 01CW151 is June 4, 1996. iii. Nothing in this Application or in any decree entered in this matter shall alter or affect the previously decreed February 10, 1939 priority for the exchange of municipal Fry-Ark Return Flows from below Pueblo Reservoir to the extent allowed by the 1989 Stipulation, upon which Southeastern continues to rely. **H. Amount:** The exchange may be operated at a rate up to the rate at which inflows into Pueblo Reservoir would have passed through Pueblo Reservoir had no exchange been made, but not to exceed a maximum exchange rate of 50 c.f.s., and not to exceed 5,000 acre-feet annually for all sources of substitute supply, combined. **I. Uses:** The water will be used beneficially for augmentation and replacement use, and for other Fryingpan-Arkansas Project purposes within the Southeastern District

boundaries downstream from Pueblo Reservoir. Fryingpan-Arkansas Project uses include: irrigation; manufacturing; domestic; municipal; power purposes; recreation; wildlife conservation; all municipal purposes, including human consumption, fire protection, sewage treatment, street sprinkling, watering of parks, lawns, and grounds; all farming purposes, including the growing of crops of all kinds, stock water, domestic purposes, and the watering of lawns, trees and shrubs; all industrial purposes; the generation of electric power; and augmentation and exchange; for a succession of such uses and to fill and refill the Fryingpan-Arkansas Project reservoirs; and use, reuse and successive use to extinction of all the Project Water herein described. **4. Detailed outline of work done toward operation of exchanges, completion of project, and application of water to beneficial use:** **A.** During the diligence period, lasting from June 2014 through June 2020, Southeastern's staff has communicated with the United States Bureau of Reclamation and the Division Engineer for Water Division 2 to develop accounting for the Return Flow Exchange decreed in Case No. 01CW151 and to monitor its operation. Southeastern also retained Wilson Water Group to revise and refine the accounting for the Return Flow Exchange, and to conduct an updated evaluation of the amount of water legally and physically available for exchange under the water rights at issue in this Application. Southeastern's staff has also coordinated with Wilson Water Group and the Division Engineer's Office to develop guidelines for the quantification and exchange of Fry-Ark Irrigation Return Flows, as well as a simplified accounting spreadsheet for this exchange, and related analysis for this diligence application. Southeastern has expended approximately \$11,800 for this engineering work. **B.** In 2015, Southeastern cooperated with the Division Engineer's Office for Water Division 2 in an attempt to operate an exchange of Fry-Ark Irrigation Return Flows. The Fry-Ark Irrigation Return Flows that were generated by delivery of Southeastern's second allocation of 2015 Project Water for irrigation use by the Catlin Canal were not sold for augmentation purposes. From October 1 through November 14, 2015, Southeastern's staff worked with the Division Engineer's Office in efforts to exchange these return flows to Pueblo Reservoir under the 01CW151 Decree. Analyses prepared by Wilson Water Group and the Division Engineer's Office staff indicated that Fry-Ark Irrigation Return Flows were exchanged during October 2015, but the Division Engineer's official accounting records did not confirm the amount exchanged. Southeastern's attempts to operate an exchange of Fry-Ark Irrigation Return Flows in coordination with the Division Engineer demonstrates that Southeastern is diligently working to develop and perfect the Return Flow Exchange. **C.** During the diligence period, Southeastern, along with four other parties to a May 2004 intergovernmental agreement, filed and diligently pursued the adjudication of the "Recovery of Yield" exchange rights in Case No. 06CW120, Water Division No. 2, in which a final decree was entered on August 17, 2016. The Fry-Ark Return Flows at issue in this Application are listed as one of Southeastern's sources of substitute supply for the exchanges decreed in Case No. 06CW120. The Recovery of Yield exchange permits Southeastern to recapture water for beneficial use to meet flow management program targets when it foregoes exchanges and, thus, helps to secure the greatest benefit from the use and reuse of imported project waters within project boundaries in the State of Colorado, as provided in the Project's Operating Principles and contemplated in the decrees for Southeastern's water rights. Southeastern and its co-applicants continue to pursue the acquisition and/or development of storage facilities to implement these

exchanges. Southeastern's efforts in Case No. 06CW120 show diligence specifically toward protecting and developing the Return Flow Exchange. **D.** As this Court has previously found, the construction, operation and maintenance of parts of the Fryingpan-Arkansas Project demonstrate reasonable diligence for other parts of the Project. See, e.g., Decree in Case No. 16CW3079, Water Division No. 2, at p. 11, ¶ 14. The collection, transportation, storage, and power systems of the Fryingpan-Arkansas Project comprise one overall, integrated water supply project. *Id.* at p. 14, ¶ 14.11. The Fryingpan-Arkansas Project is the source of water for the Return Flow Exchange. Reasonable diligence on the Fryingpan-Arkansas Project, therefore, constitutes reasonable diligence on the Return Flow Exchange. See *id.* at 13, ¶ 14.6; C.R.S. § 37-92-301(4)(b). **E.** Fryingpan-Arkansas Project activities include operation, maintenance and improvement of the collection system and storage facilities, including Pueblo Reservoir. Operation is subject to the terms of Water Division No. 5 and Division No. 2 Decrees, the Operating Principles, and the Congressional authorizing legislation. Current diversions and recordkeeping are integral to future development of the system's conditional rights. **F.** Throughout the diligence period, the existing facilities of the Project, including Pueblo Dam and Reservoir, were in operation and maintenance status. From June 2014 through June 2020, Southeastern expended more than \$18 million on East Slope and West Slope Project operation and maintenance costs. **G.** During the diligence period, Southeastern has also worked extensively towards the completion of the Arkansas Valley Conduit (AVC). The AVC is a Project feature that was originally contemplated in the Project's authorizing legislation to provide water to municipalities and water providers in the Arkansas River Valley. It will facilitate the generation of return flows by most of the municipal water providers listed in Paragraph 3.E.i above. Reclamation has spent more than \$25 million and has programmed for expenditure in excess of \$28 million for the AVC, and Southeastern spent in excess of \$1.4 million in operating expenses on the AVC, from June 2014 through June 2020. The Record of Decision for the AVC was completed in 2014, after the Final Environmental Impact Statement was completed in 2013. To facilitate the AVC, Southeastern entered into a Contract with the United States for the Use of Excess Capacity in the Facilities of the Project on December 23, 2016. Planning for the AVC has continued throughout the diligence period. **H.** During the diligence period, Southeastern has expended approximately \$350,000 for engineering and more than \$1,500,000 for legal fees and costs, primarily to protect Southeastern's West and East Slope water decrees and for further Project development. Southeastern has appeared as a party in various water rights proceedings involving water rights along the Arkansas River and its tributaries in order to protect Southeastern's various decreed rights in the Fryingpan-Arkansas Project. Southeastern also has expended substantial executive time and legal and engineering expense toward protecting and administering the Winter Water Storage Program in Pueblo Reservoir pursuant to the Decree in Case No. 84CW179, which program contributes to repayment of the Fryingpan-Arkansas Project costs. Moreover, Southeastern has taken part in various legislative, administrative and judicial proceedings to protect Southeastern's rights in the Fryingpan-Arkansas Project, including its absolute and conditional East Slope water storage and exchange rights. **I.** Southeastern has been diligent in the development of the remaining conditional water rights for the Project, and has been awarded findings of reasonable diligence for both its West Slope and East Slope conditional rights, in Case Nos. 18CW3063 (Water Division

No. 5) and 16CW3079 (Water Division No. 2), respectively. Moreover, in Case No. 16CW3076, Water Division 2, Southeastern adjudicated changes in points of diversion and changes of use for several of the Project's conditional water rights decreed in Civil Action No. 5141. These changes, decreed on November 11, 2018, will better maintain the feasibility of future development and use of those conditional rights as the Fryingpan-Arkansas Project is developed and operated. Southeastern also completed the adjudication of exchange rights in Case No. 06CW08, Water Division No. 2, in which a final decree was entered on February 14, 2017. This exchange permits the diversion of non-Project water by exchange upstream on the Arkansas River at Pueblo Reservoir (including the proposed Pueblo Reservoir Enlargement), and to deliver to the downstream calling water right an equivalent amount of substitute supply water from ditch diversions and storage in facilities below Pueblo Reservoir. **J.** Southeastern continues to need the additional water supplies generated by the Return Flow Exchange. Southeastern has analyzed population growth and water demand within its boundaries through 2040-2070 as part of several studies, including, most recently, a Supplement to the Regional Water Conservation Plan that was prepared for Southeastern in September 2015, in support of the AVC. These studies have indicated that population growth within the Arkansas River Basin and in the Lower Arkansas River Valley will continue through at least 2070 and, accordingly, will result in an increase in municipal water demand during that period. In most years, Southeastern's annual allocations of Project Water and Return Flows for agricultural irrigation use are substantially less than the demonstrated demands for supplemental irrigation water. These demonstrated demands for municipal and agricultural water use within Southeastern's boundaries support Southeastern's need and ability to maximize its use and reuse of Project Water through the development of the Return Flow Exchange. **K.** The work performed and actions taken by Southeastern during the diligence period demonstrate Southeastern's continuing need for and intent to develop the conditional exchange right that is the subject of this Application. Moreover, these actions further establish that Fry-Ark Return Flows can and will be diverted and stored in Pueblo Reservoir by exchange; that the exchanged water can and will be beneficially used; and that Southeastern can and will complete the development of the Return Flow Exchange with diligence and within a reasonable time. **5. Owners of Land and Facilities:** Pueblo Reservoir and the surrounding land are owned by the U.S. Department of Interior, Bureau of Reclamation. Southeastern holds the water rights and decrees for Pueblo Reservoir, by contract with the United States, as part of the Congressionally-authorized Fryingpan-Arkansas Project. WHEREFORE, the Southeastern Colorado Water Conservancy District respectfully requests that this Court enter a decree (1) finding that Southeastern has exercised reasonable diligence in the development of the conditional right of exchange that is the subject of this Application, and (2) continuing the conditional water right in full force and effect for another six years, until the date set for a subsequent application for a finding of reasonable diligence. Southeastern also seeks such other and further relief as this Court deems just and proper.

CASE NO. 2020CW3029; THE BAR NI CORPORATION, c/o Joel Dunlap 6614 Highway 12, Stonewall Gap, Westin, CO 81091, (Please address all pleadings and inquiries regarding this matter to Applicants' attorney: Thomas W. Korver, Petros & White, LLC, 1999 Broadway, Suite 3200, Denver, CO 80202, (303) 825-1980).

Application for Change of Water Rights and to Amend Plan for Augmentation

LAS ANIMAS COUNTY

2. Background: Applicant is the owner of a ranch ("Bar NI Ranch" or "Ranch") near Stonewall, Colorado in western Las Animas County, which includes four off-channel ponds. In Case No. 2013CW3070, Applicant obtained a decree which adjudicated absolute water rights for the four ponds on the Bar NI Ranch (the "Bar NI Ponds") and an additional conditional water right for the Solitario Pond located on a separate nearby property owned by Applicant, approved a plan for augmentation to replace out-of-priority evaporative depletions from the Bar NI Ponds with water stored in Trinidad Reservoir, and adjudicated an appropriate right of exchange in connection with the augmentation plan. This application seeks (a) a change of water rights allowing Applicant to store an existing water right in the Solitario Pond to augment evaporative depletions from the Bar NI Ponds; and (b) to amend the existing plan for augmentation decreed in Case No. 2013CW3070 to add water stored in the Solitario Pond as an augmentation source for the Bar NI Ponds. **I. APPLICATION FOR CHANGE OF WATER RIGHTS.** 3. Description of Water Rights to be Changed: A. Name of structure: The Santistevan Ditch. B. Date of original and all relevant subsequent decrees: The Santistevan Ditch was decreed by the District Court of Las Animas County in the general adjudication for District No. 19 August 10, 1903 as District Priority No. 52, Las Animas River Priority No. 32. There were no subsequent decrees. C. Legal description of structure: Located in the NE1/4 SW1/4, Section 19, T. 33S., R. 67W., 6th P.M. (UTM coordinates, NAD83, Easting, 506030.0, Northing 4112391.0). D. Decreed source of water: Purgatoire River. E. Appropriation Date: April 2, 1870. F. Total amount decreed to structure: 3.2 cfs absolute. G. Decreed uses: irrigation. 4. Description of Proposed Changes: The Applicant seeks (a) to change its one-third interest in the Santistevan Ditch to include piscatorial, irrigation, recreation, stock watering, wildlife habitat, fire suppression, augmentation, exchange and incidental aesthetic uses; and (b) to divert its one-third interest in the Santistevan Ditch during the months of April through September in the Dolores Duran Ditch described in paragraph 7.B below, and store all or some portion of Applicant's one-third interest in the Santistevan Ditch in the Solitario Pond described in paragraph 7.A below. To prevent an enlargement of use from these changes, Applicant will implement the plan for augmentation described in paragraph 8 below. A map depicting Applicant's point of diversion of the Santistevan Ditch and the Dolores Duran Ditch, the location of historic use of the Santistevan Ditch on Applicant's property, and the location of the Solitario Pond, see **Exhibit A** attached to the application for a general location map. (All exhibits mentioned herein are incorporated by reference and may be inspected at the office of the clerk of this Court.) A summary of diversion records is attached to the Application as **Exhibit B**. 5. Historical Use: Applicant's one-third interest in the Santistevan Ditch as described in paragraph 3 above has been historically used during the months of April through September to irrigate an average of 11.9 acres of land in the SE1/4 of Section 19, T. 33 S., R. 67 W., 6th P.M., with an irrigation water requirement of 1.91 acre-feet per irrigated acre. The historic consumptive use of water delivered from Applicant's one-third interest in the Santistevan Ditch averaged 12.10 acre-feet per year. **II. APPLICATION TO AMEND PLAN FOR AUGMENTATION.** 6. Name of Structures to be Augmented: Lawton Pond, Rainbow Pond, Whispering Pines Pond, and Entrance Pond (collectively the "Bar NI Ponds"), as described in the decree in Case No. 2013CW3070, attached to the application as Exhibit C*. 7. Water Rights to be

Used for Augmentation: A. Water rights stored in the Solitario Pond in priority pursuant to the decree entered in Case No. 2013CW3070, as follows: i. Location: The pond will be located in the NE1/4 SW1/4 Section 19, T. 33S., R. 67W., 6th P.M., the centerline of the dam of which will be at a point approximately 3210 feet from the north section line and 2695 feet from the east section line of said Section 19. This location is 870 feet from the location of the Solitario Pond as decreed in Case No. 2013CW3070. ii. Source: Purgatoire River. iii. Diversion: Direct diversions through the Dolores Duran Ditch, precipitation runoff, and irrigation runoff, including runoff from the Reys Montoya Ditch as transferred for diversion in the Dolores Duran Ditch on April 17, 1943, in Case No. 11637. The Reys Montoya Ditch diverts from the Purgatoire River in the NE1/4 SW1/4, Section 32, T. 33S., R. 65W., 6th P.M. (UTM coordinates, NAD83, Easting, 526829.8, Northing 4108859). The Reys Montoya Ditch was originally decreed in the amount of 3.2 cfs on August 10, 1903 as District Priority No. 10, Las Animas River Priority No. 10, with an appropriation date of February 1, 1863. iv. Appropriation Date: December 31, 2013. v. Amount: 7.0 acre-feet, all active capacity, conditional, together with the right of multiple refills in this amount when water is available in priority, to be filled at a rate of diversion of 7.0 cfs. vi. Approximate Surface Area: 2.0 acres. (1.1 actual). vii. Use: Piscatorial, irrigation, recreation, stock watering, wildlife habitat, fire suppression, augmentation, exchange and incidental aesthetic uses. B. Applicant's one-third interest in the Santistevan Ditch as described in paragraph 3 above, and as changed as described in paragraphs 4-5 above. Applicant's one-third interest in the Santistevan Ditch has been historically used during the months of April through September to irrigate an average of 11.9 acres of land in the SE1/4 of Section 19, T. 33 S., R. 67 W., 6th P.M., with an irrigation water requirement of 1.91 acre-feet per irrigated acre. The historic consumptive use of water delivered from Applicant's one-third interest in the Santistevan Ditch averaged 12.10 acre-feet per year. Applicant's interest in the Santistevan Ditch will be diverted in the Dolores Duran Ditch which diverts from the Middle Fork of the Purgatoire River in the SE1/4 NE1/4, Section 24, T. 33S., R. 68W., 6th P.M. (UTM coordinates, NAD83, Easting, 505190.0, Northing 4112320.0), and conveyed to the Solitario Pond described in paragraph 7.A above. C. Water leased from the City of Trinidad including water released from, or credited against, the City's account in Trinidad Reservoir as described in the decree in Case No. 2013CW3070. Applicant will discontinue use of water leases from the Town of Trinidad following the expiration of Applicant's lease. D. Applicant may also replace yearly evaporation lost with an equivalent volume of water released from the water rights described in paragraph 6 above. The ponds described in paragraph 6 may only be used for augmentation of out-of-priority depletions caused by the four Bar NI Ponds described in said paragraph 6. 8. Statement of Plan for Augmentation: The Applicant will augment actual out-of-priority evaporative depletions and storage from the Bar NI Ponds with releases from one of the sources included in paragraph 7 above. The capacity of the Bar NI Ponds is 7.992 acre-feet. The total surface area of the Bar NI Ponds is 1.751 surface acres. Based on NOAA Technical Report 33, and assuming the Bar NI Ponds do not freeze in the winter months (November through March), maximum evaporative depletions for the Bar NI Ponds is estimated to be 5.95 acre-feet annually. Applicant will account for evaporative loss in the same month that the losses occur by providing replacement water in accordance with the monthly schedule of evaporative loss provided in Exhibit D*. If the Applicant is unable to replace evaporative losses from the

Bar NI Ponds with sufficient water from one of the sources included in paragraph 7 above, Applicant will obtain and use other approved fully consumable sources or release water from the Bar NI Ponds pursuant to the monthly schedule in **Exhibit D**, release water already stored in the Bar NI Ponds for the benefit of other Bar NI Ponds or to replace out-of-priority depletions in one or more Bar NI Ponds, or will curtail diversions into the Bar NI Ponds. So as to assure the operation of the subject augmentation plan, Applicant will install and maintain such water measuring devices and implement such accounting procedures as may be required to verify that the amount of augmentation water replaces the amount of consumptive use resulting from the out of priority depletions augmented herein. 9. Ownership: The land upon which the Bar NI Ponds, the Solitario Pond and the Santistevan Ditch headgate are located is owned by Applicant and shown on **Exhibit E**. The Bureau of Reclamation owns the land upon which the Trinidad Reservoir diversion and storage structures are located. Its address is: United States Bureau of Reclamation, Eastern Colorado Area Office, 11056 West County Road 18E, Loveland, Colorado 80537-9711. WHEREFORE, Applicant respectfully requests that the Court enter a decree approving the change of water right described in paragraphs 3-5, approving the augmentation plan amendment described in paragraphs 6-8, and granting other such relief as the Court deems just and proper.

CASE NO. 2020CW3030; Previous Case No. 06CW115 – ROUND MOUNTAIN WATER AND SANITATION DISTRICT, P.O. Box 86 Westcliffe, CO 81252, (Please address all pleadings and inquiries regarding this matter to Applicants' attorney: Robert F.T. Krassa, Krassa & Miller, LLC 2300 Canyon Blvd., Suite 2 Boulder, CO 80302, 303-442-2156).

Application for Finding of Reasonable Diligence

CUSTER, FREMONT AND PUEBLO COUNTIES

Names of Structures: Pueblo Reservoir and DeWeese Reservoir Exchange. 3. **Describe conditional water right giving the following from the Referee's Ruling and Judgment and Decree**: **a. Date of original decree**: June 20, 2014, District Court Water Division No. 2 Case 06CW115. The present application is the first diligence proceeding for the subject water rights. **b. Termini of Exchanges**. See **Exhibit A** attached to the application for a general location map. (All exhibits mentioned herein are incorporated by reference and may be inspected at the office of the clerk of this Court.) (1) Dam of Pueblo Reservoir. Pueblo Reservoir is located in all or portions of Sections 7, 18, 19, 20, 21, 22, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35 and 36 in Township 20 South, Range 66 West, and Sections 1, 2, 3, 4, 5, 9, 10 and 11, in Township 21 South, Range 66 West, and Sections 5, 8, 9, 13, 14, 15, 16, 22, 23 and 25, in Township 20 South, Range 67 West, all from the 6th P.M. in Pueblo County, Colorado. The Pueblo Reservoir Dam axis and the center line of the Arkansas River intersect at a point in Section 36, Township 20 South, Range 66 West of the 6th P.M., from which the Northeast corner of said Section bears North 61E 21' 20" East, a distance of 2,511.05', all more particularly described in the decree in Case No. B-42135, District Court, Pueblo County, Colorado. (2) Grape Creek Confluence: the confluence of Grape Creek with the Arkansas River, which confluence is located in the NW/4NW/4 Section 6, Township 19 South, Range 70 West of the 6th P.M. in Fremont County, Colorado. (3) DeWeese Reservoir, which Reservoir is located within Sections 20, 29 and 30, Township 21 South, Range 72 West of the 6th P.M., the axis of

the dam of which intersects the thread of Grape Creek at a point in the NE 1/4 SE 1/4 Section 20, Township 21 South, Range 72 West of the 6th P.M. in Custer County, at a point whence the SE corner of said Section 20 bears South 12 degrees East 2350 feet.

c. Exchange reaches are further described as follows: (1) For exchanges of water from Pueblo Reservoir: commencing at said Pueblo Reservoir, thence upstream along the Arkansas River to the said confluence with Grape Creek, thence upstream to the dam of the said DeWeese Reservoir. (2) For exchanges of water which is available to Round Mountain at the Grape Creek confluence: commencing at the said confluence of Grape Creek described above, thence upstream along Grape Creek to the dam of said DeWeese Reservoir. **d. Appropriation Dates, Effective Administration Dates and Amounts:**

(1) 12.6 cfs absolute plus 22.4 cfs conditional for the exchange reach from the Grape Creek confluence to DeWeese Reservoir, with appropriation date October 13, 1998 to be administered as if the application had been filed in this Court during calendar year 2000; and (2) 10 cfs absolute plus 25 cfs conditional for the exchange reach from Pueblo Reservoir to the Grape Creek confluence, with appropriation date October 13, 1998 to be administered under the actual filing of the original application in this Court during calendar year 2006. **e. Description of exchange operation:** Round Mountain may exchange water from storage in Pueblo Reservoir upstream to DeWeese Reservoir, and from any source of water available to Round Mountain at the confluence with Grape Creek upstream to DeWeese Reservoir. The exchange shall not reduce the amount of water which the senior rights in the exchange reach would otherwise be able to divert according to their respective priorities, at times when they actually need water for their decreed beneficial purposes, but there shall be no additional requirements for live stream conditions. Round Mountain shall not operate such exchanges so as to reduce the flow in the Arkansas River at the discharge of the Fremont County Wastewater Treatment Plant, which treatment plant is located in the NE/4, Section 23, Township 19 South, Range 69 West of the 6th P.M., to less than 190 c.f.s. Applicant shall provide the Water Commissioner with 24 hours notice prior to commencing any exchange. **f. Source**

of water for exchange: The water to be exchanged will be (a) any water lawfully stored by Round Mountain in Pueblo Reservoir, including by way of example and not by way of limitation, any water purchased from the Upper Arkansas Water Conservancy District or from any other person or entity, water released from storage in Round Mountain's Benoni Jarvis Reservoir which Round Mountain may prefer to store temporarily in Pueblo Reservoir, any other water originating in Round Mountain's water rights in the Grape Creek stream system which Round Mountain is unable for any reason to directly store in DeWeese Reservoir, water which Round Mountain has previously stored in DeWeese Reservoir and (b) any other water available to Round Mountain on the mainstem of the Arkansas River at its confluence with Grape Creek. **g. Use.** Municipal. 4. **Provide a detailed outline of what has been done toward completion or for completion of appropriation and application of water to a beneficial use as conditionally decreed, including expenditures:**

The decree in said case 06CW115 provides that, "Round Mountain's water rights and each of the water rights and structures which now and in the future will provide augmentation, substitution replacement and exchange supplies under this decree and under the decree entered in Case 02CW186 in this Court collectively comprise an integrated system of water rights and structures under Sec. 37-92-301(4)(b), C.R.S. Work performed and effort or costs expended by Round Mountain on any water

rights or structures which are part of its integrated water system shall, for the purposes of demonstrating reasonable diligence in future proceedings involving all water rights described herein, be considered to be diligence on all features of Round Mountain's entire integrated water supply system." During the period from June 20, 2014 through June 30, 2020 (the "Diligence Period"), Round Mountain has conducted the following activities. **a.** Round Mountain completed preliminary investigation and filed an application under Case 19CW3090 in this court for an alternate site for the water storage rights of Benoni-Jarvis Reservoir and for necessary changes in other water rights to allow use of that alternate site. **b.** Round Mountain completed diligence case 19CW3023 regarding a further exchange upstream from DeWeese Reservoir which will utilize the water which is the subject of the present case. **c.** In order to protect other water rights which are part of its integrated water system, Round Mountain participated as an Opposer in Upper Arkansas Water Conservancy District Case 18CW3076 and entered into a mutually beneficial stipulation in that case on 18 June 2020. **d.** During the diligence period, Round Mountain extended its water main system and completed the design and engineering of a wastewater treatment system which will allow a significant increase in the efficiency of its water use. **e.** The total amount spent by Round Mountain on activities related to the conditional appropriative right of exchange decreed in Case 06CW115 during the Diligence Period exceeds \$600,000. The work performed and actions taken by Round Mountain during the Diligence Period demonstrate Round Mountain's continuing intent to develop the conditional appropriative rights of exchange described in this application. Round Mountain has shown that it can and will divert, store or otherwise capture, possess or control and beneficially use the subject rights and that the rights can and will be completed with diligence and within a reasonable time. 5. Names and addresses of owners or reputed owners of the land upon which any new diversion or storage structure or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool: **a.** Round Mountain owns storage space in DeWeese Reservoir. The land on which DeWeese Reservoir is located is owned by the DeWeese-Dye Ditch and Reservoir Company. Two addresses were found: DeWeese-Dye Ditch and Reservoir Company, P.O. Box 759, Canon City, CO 81215-0759 and DeWeese-Dye Ditch and Reservoir Company, 1411 Walnut Street, Canon City, CO 81212. **b.** Pueblo Reservoir is owned by the United States Department of the Interior, Bureau of Reclamation. The address is: Bureau of Reclamation Eastern Colorado Area Office, 11056 W. County Road 18-E, Loveland, CO 80537. Round Mountain has a lease with the U.S. Bureau of Reclamation for storage of water in Pueblo Reservoir. Round Mountain acknowledges that any decree in this matter in and of itself does not create any right, title or interest in the use of Pueblo Reservoir or any other facilities of the Fryngpan-Arkansas Project. Any use of Project facilities must be pursuant to contracts with the United States and/or the Southeastern Colorado Water Conservancy District. WHEREFORE, Round Mountain asks that the Court enter a Decree finding that Round Mountain has shown reasonable diligence in development of the subject conditional water rights, and continuing said conditional water rights in full force and effect.

****Per Order, Resume to be published by Water Division 1****

CASE NO. 2020CW3031, Water Division 2 and CASE NO. 2020CW3086, Water

Division 1; KAREN E. WORKMAN LIVING TRUST, 499 W. Triboulet Ln., Queen Creek, AZ 85143, (Please address all pleadings and inquiries regarding this matter to Applicants’ attorneys: David M. Shoheit, #36675, Emilie B. Polley, #51296, MONSON, CUMMINS & SHOHEIT, LLC, 13511 Northgate Estates Dr., Ste. 250, Colorado Springs, Colorado 80921, (719) 471-1212).

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

DOUGLAS COUNTY

II. Summary of Application: (“Applicant”) seeks to quantify the Denver Basin groundwater underlying its approximately 10.6-acre property in Douglas County, Colorado. **III. Application for Underground Water Rights:** A. Legal Description of Wells. 1. Property Description. The Applicant’s approximately 10.6-acre property (“Applicant’s Property”) is located in Section 34, Township 10 South, Range 66 West of the 6th P.M. in Douglas County, Colorado, more specifically described as Lot 32 (previously Tract A) El Dorado Acres, see **Exhibit A** attached to the application for a general location map. (All exhibits mentioned herein are incorporated by reference and may be inspected at the office of the clerk of this Court.) 2. Proposed Well. Applicant proposes that one well will be located on the Applicant’s Property approximately located at UTM Easting 521007.1662 and Northing 4331876.149, 272.4 feet from the East section line, and 2,204.5 feet from the South section line, to be constructed to the Dawson aquifer. B. Water Source. 1. Not-Nontributary. The ground water to be withdrawn from the Dawson, aquifer underlying the Applicant’s Property is not-nontributary. Pursuant to C.R.S. §37-90-137(9)(c.5), the augmentation requirements for wells in the Dawson aquifer will require the replacement of actual stream depletions. 2. Nontributary. The groundwater that will be withdrawn from the Denver, Arapahoe, and Laramie-Fox Hills aquifers underlying the Applicant’s Property is nontributary. C. Estimated Rates of Withdrawal and Ground Water Available. 1. Estimated Rates of Withdrawal. Pumping from the well will not exceed 100 g.p.m. The actual pumping rates for each well will vary according to aquifer conditions and well production capabilities. The Applicant requests the right to withdraw ground water at rates of flow necessary to withdraw the entire decreed amounts. The actual depth of any well to be constructed within the respective aquifers will be determined by topography and actual aquifer conditions. 2. 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 100-year aquifer life pursuant to C.R.S. §37-90-137(4). Applicant estimates that the following values and average annual amounts are representative of the Denver Basin aquifers underlying Applicant’s Property:

Groundwater Quantification			
NE¼ SE ¼ Sec 34 T10S R66W 6th P.M.			
Denver Basin Aquifer	Net Sand (ft)	Total (AF)	100 Year (AF)
Upper Dawson (NNT)	389.5	779.0	7.79
Denver (NNT)	511.9	870.23	8.7
Upper Arapahoe (NTN)	278.7	473.79	4.74
Laramie Fox Hills (NT)	218.0	327.0	3.27

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. D. Requested Uses. The Applicant requests the right to use the ground water for beneficial uses upon the Applicant's Property consisting of domestic, irrigation, stock water, recreation, wildlife, fire protection, and also for storage and augmentation purposes associated with such uses. The Applicant also requests that the nontributary water may be used, reused, and successively used to extinction, both on and off the Applicant's Property subject, however, to the requirement of C.R.S. §37-90-137(9)(b), that no more than 98% of the amount withdrawn annually shall be consumed. Applicant may use such water by immediate application or by storage and subsequent application to the beneficial uses and purposes stated herein. Provided, however, Applicant shall only be entitled to use water from the not-nontributary Dawson aquifer pursuant to a decreed augmentation plan entered by this Court, covering the out-of-priority stream depletions caused by the use of such not-nontributary aquifer in accordance with C.R.S. §37-90-137(9)(c.5). E. Well Fields. Applicant requests that they be permitted to produce the full legal entitlement from the Denver Basin aquifers underlying Applicant's Property through any combination of wells. Applicant requests that these wells be treated as a well field. F. 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. G. Owner of Land Upon Which Wells are to Be Located. The land and underlying groundwater upon which the wells are located is owned by the Applicant. IV. Application for Approval of Plan for Augmentation. A. Structures to be Augmented. The structure to be augmented is the Workman Well No. 1 to be constructed to the not-nontributary Dawson aquifer underlying the Applicant's Property, along with any replacement or additional wells associated therewith. B. Water Rights to be Used for Augmentation. The water rights to be used for augmentation during pumping are the return flows resulting from the pumping of the not-nontributary Dawson aquifer from Workman Well No. 1, together with water rights from the nontributary Laramie-Fox Hills aquifer for any injurious post pumping depletions. C. Statement of Plan for Augmentation. Applicant wishes to provide for the augmentation of stream depletions caused by pumping of the not-nontributary Dawson aquifer by one well herein. Water use criteria and their consumptive use component for replacement of actual depletions for the lots are estimated as follows: 1. Use. Workman Well No. 1, will pump a maximum total of 2.0 acre feet of water from the Dawson aquifer annually. 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 0.25 acre feet, plus outdoor use including the watering of up to 7 horses or equivalent livestock with a water use of 0.25 acre feet per year; and irrigation of lawn and garden of 1.50 acre feet per year. 2. Depletions. It is estimated that maximum stream depletions over the 100 year pumping period for the Dawson aquifer amounts to approximately 10.67% percent of

pumping. Maximum annual depletions for total residential pumping from all wells are therefore 0.213 acre feet, in year 100. Should Applicant's pumping be less than the 2.0 acre feet described herein, resulting depletions will be correspondingly reduced.

3. 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 augmented wells to the Dawson aquifer. Depletions during pumping will be effectively replaced by residential return flows from non-evaporative septic systems, and depletions from irrigation will be adequately replaced by irrigation return flows. The annual consumptive use for non-evaporative septic systems is 10% per year per residence. At a household use rate of 0.25 acre feet per residence per year, 0.225 acre-feet is replaced to the stream system per year, assuming the use of a non-evaporative septic systems. Thus, during pumping, stream depletions will be adequately augmented.

4. Augmentation for Post Pumping Depletions. For the replacement of any injurious post-pumping depletions which may be associated with the use of the Workman Well No. 1, Applicant will reserve water from the nontributary Laramie-Fox Hills aquifer, 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 Workman Well No. 1, for the uses in accordance with this Application and otherwise in compliance with C.R.S. §37-90-137.

V. Remarks. A. 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 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.

B. 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).

C. The term of this augmentation plan is for 100 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 only to the extent related to that well's actual pumping.

D. 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.

E. 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.

F. 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. G. The Applicant intends to waive the 600 feet well spacing requirement for any wells to be located upon the Applicant's Property. H. 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. 2020CW3032 Water Division 2 and CASE NO. 2020CW3088 Water Division 1 – ABIGAIL R. URISH, 216 Hillcrest Ave., Rangley, CO 81648, (Please address all pleadings and inquiries regarding this matter to Applicants' attorneys: Chris D. Cummins, #35154, Emilie B. Polley, #51296, MONSON, CUMMINS & SHOHET, LLC, 13511 Northgate Estates Dr., Ste. 250, Colorado Springs, Colorado 80921, (719) 471-1212).

Application for Adjudication of Denver Basin Groundwater and Plan for Augmentation
EL PASO COUNTY

II. Summary of Application: Abigail R. Urish ("Applicant") seeks to quantify the Denver Basin groundwater underlying her approximately 5.48-acre property in El Paso County, Colorado. **III. Application for Underground Water Rights:** A. Legal Description of Well. 1. Property Description. 2. Existing Well. There is an existing well on the Property. Well with Permit No. 71839-A ("Urish Well No. 1"), see **Exhibit B** 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.) is located approximately 1,139.89 feet from the east section line, and 2,072 feet from the south section line of said section 5 and constructed to the not-nontributary Dawson aquifer. Applicant intends for the well to be re-permitted for non-exempt uses upon entry of a decree approving the plan for augmentation requested herein. B. Water Source. 1. Not-Nontributary. The ground water to be withdrawn from the Dawson, Denver, and Arapahoe aquifers underlying the Applicant's Property is not-nontributary. Pursuant to C.R.S. §37-90-137(9)(c.5), the augmentation requirements for wells in the Dawson aquifer will require the replacement of actual stream depletions. 2. Nontributary. The groundwater that will be withdrawn from the Laramie-Fox Hills aquifer underlying the Applicant's Property is nontributary. C. Estimated Rates of Withdrawal and Ground Water Available. 1. Estimated Rates of Withdrawal. Pumping from the well will not exceed 100 g.p.m. The actual pumping rates for each well will vary according to aquifer conditions and well production capabilities. The Applicant requests the right to withdraw ground water at rates of flow necessary to withdraw the entire decreed amounts. The actual depth of any well to be constructed within the respective aquifers will be determined by topography and actual aquifer conditions. 2. 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 100-year aquifer life pursuant to C.R.S. §37-90-137(4). Applicant estimates that the following values and average annual amounts are representative of the Denver Basin aquifers underlying Applicant's Property:

Groundwater Quantification			
Acres: 5.48		NE¼ SE ¼ Sec 5 T12S R66W 6th P.M.	
Denver Basin Aquifer	Net Sand (ft)	Total (AF)	100 Year (AF)
Upper Dawson (NNT)	107.7	118.04	1.18
Denver (NNT)	439.6	409.53	4.10
Upper Arapahoe (NTN)	236.8	220.60	2.21
Laramie Fox Hills (NT)	188.2	154.70	1.55

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, irrigation, stock water, recreation, wildlife, fire protection, and also for storage and augmentation purposes associated with such uses. The Applicant also requests that the nontributary water may be used, reused, and successively used to extinction, both on and off the Applicant’s Property subject, however, to the requirement of C.R.S. §37-90-137(9)(b), that no more than 98% of the amount withdrawn annually shall be consumed. Applicant may use such water by immediate application or by storage and subsequent application to the beneficial uses and purposes stated herein. Provided, however, Applicant shall only be entitled to use water from the not-nontributary Dawson aquifer pursuant to a decreed augmentation plan entered by this Court, covering the out-of-priority stream depletions caused by the use of such not-nontributary aquifer in accordance with C.R.S. §37-90-137(9)(c.5). E. Well Field. The Applicant requests that she be permitted to produce the full legal entitlement from the Denver Basin aquifers underlying Applicant’s Property through any combination of wells. The Applicant requests that these wells be treated as a well field. F. Averaging of Withdrawals. The Applicant requests that she be entitled to withdraw an amount of ground water in excess of the average annual amount decreed to the aquifers beneath the Applicant’s Property, so long as the sum of the total withdrawals from the well does not exceed the product of the number of years since the date of issuance of the original well permit or the date of entry of a decree herein, whichever comes first, multiplied by the average annual volume of water which the Applicant is entitled to withdraw from the aquifers underlying the Applicant’s Property. G. Owner of Land Upon Which Wells are to Be Located. The land and underlying groundwater upon which the wells are located is owned by the Applicant. **IV. Application for Approval of Plan for Augmentation:** A. Structure to be Augmented. The structure to be augmented is the Urish Well No. 1 as is currently constructed to the not-nontributary Dawson aquifer underlying the Applicant’s Property, and as will be re-permitted pursuant to this plan for augmentation, as requested and described herein along with any replacement or additional wells associated therewith. B. Water Rights to be Used for Augmentation. The water rights to be used for augmentation during pumping are the return flows resulting from the pumping of the not-nontributary Dawson aquifer from Urish Well No. 1, together with water rights from the nontributary Laramie-Fox Hills aquifer for any injurious post pumping depletions. C. Statement of Plan for Augmentation. Applicant wishes to provide for the augmentation of stream depletions caused by pumping of the not-nontributary

Dawson aquifer by one well herein. Water use criteria and their consumptive use component for replacement of actual depletions for the lots are estimated as follows: 1. Use. Urish Well No. 1, will pump a maximum total of 1.0 acre feet of water from the Dawson aquifer annually. 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 0.25 acre feet, plus outdoor use including the watering of up to 2 horses or equivalent livestock with a water use of 0.25 acre feet per year (10 gallons/day/head or 0.011 annual acre feet per head); and irrigation of lawn and garden of 0.50 acre feet per year (0.05 annual acre feet per 1000 sq. ft.). 2. Depletions. It is estimated that maximum stream depletions over the 100 year pumping period for the Dawson aquifer amounts to approximately 9.88% percent of pumping. Maximum annual depletions for total residential pumping from all wells are therefore 0.099 acre feet, in year 100. Should Applicant's pumping be less than the 1.0 acre feet described herein, resulting depletions will be correspondingly reduced. 3. 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 augmented wells to the Dawson aquifer. Depletions during pumping will be effectively replaced by residential return flows from non-evaporative septic systems, and depletions from irrigation will be adequately replaced by irrigation return flows. The annual consumptive use for non-evaporative septic systems is 10% per year per residence. At a household use rate of 0.25 acre feet per residence per year, 0.225 acre-feet is replaced to the stream system per year, assuming the use of a non-evaporative septic systems. Thus, during pumping, stream depletions will be adequately augmented. 4. Augmentation for Post Pumping Depletions. For the replacement of any injurious post-pumping depletions which may be associated with the use of the Urish Well No. 1, Applicant will reserve water from the nontributary Laramie-Fox Hills aquifer, less the amount of actual stream depletions replaced during the plan pumping period. The Applicant also reserves the right to substitute other legally available augmentation sources for such post pumping depletions upon further approval of the Court under its retained jurisdiction. Even though this reservation is made, under the Court's retained jurisdiction, the Applicant reserves the right in the future to prove that post pumping depletions will be noninjurious. The reserved nontributary Laramie-Fox Hills groundwater will be used to replace any injurious post-pumping depletions. Upon entry of a decree in this case, the Applicant will be entitled to apply for and receive a new well permit for the Urish Well No. 1, for the uses in accordance with this Application and otherwise in compliance with C.R.S. §37-90-137. **V. Remarks:** A. This Application was filed in both Water Divisions 1 and 2 because depletions from the pumping of the Dawson aquifer may occur in both the South Platte and the Arkansas River systems. The return flows set forth herein will accrue to tributaries of the Arkansas River system where the majority of such depletions will occur, and it is Applicant's intent to consolidate the instant matter in Water Division 2 upon completion of publication. The 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. B. The Applicant requests a finding that she 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 non-tributary wells upon the entry of a decree approving an augmentation plan pursuant

to C.R.S. §37-90-137(9)(c.5). C., The term of this augmentation plan is for 100 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 only to the extent related to that well's actual pumping. D. 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. E. 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. F. The well shall be installed and metered as reasonably required by the State Engineer. The well will be equipped with a totalizing flow meter and the 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. G. The Applicant intends to waive the 600 feet well spacing requirement for any wells to be located upon the Applicant's Property. H. The 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 14 days of the filing of this application.

CASE NO. 2020CW3033; Previous Case Nos. 13CW20, 02CW71, 93CW35, 84CW202 – CITY OF COLORADO SPRINGS, COLORADO SPRINGS UTILITIES, c/o Abigail Ortega, 1521 Hancock Expressway, Mail Code 1825, Colorado Springs, CO 80903,

(Please address all pleadings and inquiries regarding this matter to Applicants' attorney: Michael J. Gustafson, Senior Attorney, City Attorney's Office-Utilities Division, 30 South Nevada Ave., MC 510, Colorado Springs, CO 80947-0940, (719) 385-5909).

Application for Sexennial Finding of Reasonable Diligence and to Make Partially Absolute Conditional Water Rights

TELLER AND EL PASO COUNTIES

2. Conditional Water Right and Structures involved: Colorado Springs' Local Exchange Plan, involving the structures described in Paragraph 3.F below. **3. Describe conditional water right including the following information from the Referee's**

Ruling and Judgment and Decree: A. General: This Application involves the Applicant's appropriative rights of exchange and reuse originally decreed on June 16, 1987, in Case No. 84CW202 (the "Local Exchange Plan"). The water for the Local Exchange Plan is derived from transmountain sources flowing into Fountain Creek from the Applicant's wastewater treatment facilities. The decree for the Local Exchange Plan entered by the Court on June 16, 1987, in Case No. 84CW202 excluded all issues and claims of use, reuse and successive use by exchange of water derived from Applicant's transmountain sources from the irrigation of lawns, gardens, parks, landscaping and all other similar uses within the areas served by the Applicant, accruing to Fountain Creek and its tributaries ("Non-Sewered Return Flows"). The Non-Sewered Return Flows were the subject of a separate decree entered by this Court on July 17, 1991, in Consolidated Cases No. 84CW202, 84CW203, 86CW1 18(B) and 89CW36. B. Date of Original Decree: June 16, 1987, Case No. 84CW202, District Court, Water Division No. 2. C. Subsequent Decree awarding findings of diligence: Case No. 13CW20 District Court, Water Division

No. 2, entered June 15, 2014, Case No. 02CW71 District Court, Water Division No. 2, entered March 6, 2007; and Case No. 93CW35 District Court, Water Division No. 2, entered May 15, 1996. D. Appropriation Date: April 30, 1975. E. Decreed Use: All beneficial uses for which the water to be exchanged and reused are decreed, including those set forth in the Decree in Case No. 84CW202. F. Decreed Legal Description and PLSS Description (structures involved in exchange): i. Structures Used for the Delivery of Reusable Sewered Return Flows: a. Las Vegas Street Wastewater Treatment Facility Outfall (WDID: 1000870). Located on Fountain Creek in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 20, Township 14 South, Range 66 West of the 6th Principal Meridian in El Paso County. PLSS: In the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 20, T. 14 S., R. 66 W. of the 6th P. M. at a point 583 feet from the South Section line and 2176 feet from the West Section line. UTM (NAD83)(GPS): Easting: 517116.8, Northing: 4295427.4. b. Air Force Academy Wastewater Treatment Facility Outfall (WDID: 1000919). Located on Monument Creek in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 19, Township 12 South, Range 66 West of the 6th Principal Meridian in El Paso County. PLSS: In the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 19, T. 12S., R. 66W. of the 6th P. M. at a point 10 feet from the South Section line and 775 feet from the West Section line. UTM (NAD83)(GPS): Easting: 514717.0, Northing: 4314897.0. c. Northern Water Reclamation Facility Outfall (a/k/a the J.D. Phillips Water Reclamation Facility) (WDID: 1000920). Located on Monument Creek in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 30, Township 13 South, Range 66 West of the 6th Principal Meridian in El Paso County. PLSS: In the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 30, T. 13 S., R. 66 W. of the 6th P. M. at a point 1488 feet from the North Section line and 2026 feet from the West Section line. UTM (NAD83)(GPS): Easting: 515242.1, Northing: 4304859.9. d. Any other supplemental or replacement wastewater treatment facility outfall located within the drainages of Fountain Creek or the Arkansas River above its confluence with Fountain Creek and hereafter utilized by Applicant, including any terminal storage facilities hereafter constructed and located to receive Applicant's wastewater facility discharges. ii. Structures Used to Divert, Store, and/or Subsequently Release Exchanged Reusable Sewered Return Flows: a. Ruxton Creek System. i. Sheep Creek Intake (WDID: 1000581). A point on the South bank of Sheep Creek whence the Southwest corner of Section 11, Township 14 South, Range 68 West of the 6th Principal Meridian bears South 21° West a distance of 600 feet. PLSS: In the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 11, T. 14S., R. 68W. of the 6th P. M. at a point 205 feet from the West Section line and 573 feet from the South Section line. UTM (NAD83)(GPS): Easting: 502118, Northing: 4299236. ii. South Ruxton Creek Intake No. 1 (WDID: 1000581). A point on the West bank of South Ruxton Creek whence the Northwest corner of Section 14, Township 14 South, Range 68 West of the 6th Principal Meridian bears North 49° West a distance of 2,555 feet. PLSS: In the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 14, T. 14S., R. 68W. of the 6th P. M. at a point 1938 feet from the West Section line and 1557 feet from the North Section line. UTM (NAD83)(GPS): Easting: 502643.0, Northing: 4298565.0. iii. South Ruxton Creek Intake No. 2 (WDID: 1000581). A point on the West bank of South Ruxton Creek whence the Northwest corner of Section 14, Township 14 South, Range 68 West of the 6th Principal Meridian bears North 51° 40' West a distance of 2,385 feet. PLSS: In the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 14, T. 14S., R. 68W. of the 6th P. M. at a point 1880 feet from the West Section line and 1363 feet from the North Section line. UTM (NAD83)(GPS): Easting: 502626.0, Northing: 4298565.0. iv. Cabin Creek Intake (WDID: 1000581). A point on the

North bank of Cabin Creek whence the Southwest corner of Section 11, Township 14 South, Range 68 West of the 6th Principal Meridian bears South 7° 55' West a distance of 3,020 feet. PLSS: In the SW¼ of the NW¼ of Section 11, T. 14S., R. 68W. of the 6th P. M. at a point 421 feet from the West Section line and 1919 feet from the North Section line. UTM (NAD83)(GPS): Easting: 502181.0, Northing: 4299984.0. v. Ruxton Creek Intake at Lake Moraine (WDID: 1000581). A point on the East bank of Ruxton Creek at Lake Moraine Reservoir whence the Southwest corner of Section 22, Township 14 South, Range 68 West of the 6th Principal Meridian bears South 27° 10' West a distance of 1,070 feet. PLSS: In the SW¼ of the SW¼ of Section 22, T. 14S., R. 68W. of the 6th P. M. at a point 954 feet from the South Section line and 495 feet from the West Section line. UTM (NAD83)(GPS): Easting: 500590.0, Northing: 4296320.0. vi. Dark Canyon Intake (WDID: 1000655). A point on South Ruxton Creek whence the Northwest corner of Section 14, Township 14 South, Range 68 West of the 6th Principal Meridian bears North 23° 50' West a distance of 4,330 feet. PLSS: In the SE¼ of the SW¼ of Section 14, T. 14S., R. 68W. of the 6th P. M. at a point 1776 feet from the West Section line and 1214 feet from the South Section line. UTM (NAD83)(GPS): Easting: 502589.3, Northing: 4297870.4. vii. Lion Creek Intake (WDID: 1000627). A point at the junction of Ruxton and Lion Creeks whence the Northeast corner of Section 15, Township 14 South, Range 68 West of the 6th Principal Meridian bears North 9° 50' East a distance of 1,600 feet. PLSS: In the SE¼ of the NE¼ of Section 15, T. 14S., R. 68W. of the 6th P. M. at a point 264 feet from the East Section line and 1595 feet from the North Section line. UTM (NAD83)(GPS): Easting: 501970.0, Northing: 4298594.0. viii. Lake Moraine Reservoir (WDID: 1003654). Located in the Southeast quarter of Section 21 and the Southwest quarter of Section 22, the Northwest quarter of Section 27, and the Northeast quarter of Section 28, Township 14 South, Range 68 West of the 6th Principal Meridian. UTM (NAD83)(GPS): Easting: 500620.0, Northing: 4296314.0. ix. Big Tooth Reservoir (WDID: 1003668). Located in the Southwest quarter of Section 14 and the Northwest quarter of Section 23, Township 14 South, Range 68 West of the 6th Principal Meridian. UTM (NAD83)(GPS): Easting: 502500.0, Northing: 4297864.0. b. North Slope System (Fountain Creek). i. French Creek Intake (WDID: 1000574). Located at a point on French Creek whence the Southeast corner of Section 26, Township 13 South, Range 68 West of the 6th Principal Meridian bears South 80° 43' East a distance of 1,953 feet. PLSS: In the SE¼ of the SE¼ of Section 26, T. 13S. R. 68W. of the 6th P. M. at a point 140 feet from the South Section line and 1948 feet from the East Section line. UTM (NAD83)(GPS): Easting: 503251.0, Northing: 4303840.0. ii. Cascade Creek Intake (WDID: 1000572). Located at a point on Cascade Creek whence the Northwest corner of Section 27, Township 13 South, Range 68 West of the 6th Principal Meridian bears North 70° 11' West a distance of 1,322 feet. PLSS: In the NE¼ of the NW¼ of Section 27, T. 13S., R. 68W. of the 6th P. M. at a point 412 feet from the North Section line and 1279 feet from the West Section line. UTM (NAD83)(GPS): Easting: 501178.0, Northing: 4305332.0. iii. Crystal Creek Intake (WDID: 1000573). Located at a point on Crystal Creek whence the Northwest corner of Section 17, Township 13 South, Range 68 West of the 6th Principal Meridian bears North 23° 12' West a distance of 2,735 feet. PLSS: In the SW¼ of the NW¼ of Section 17, T. 13S., R. 68W. of the 6th P. M. at a point 2549 feet from the North Section line and 1148 feet from the West Section line. UTM (NAD83)(GPS): Easting: 497959.0, Northing: 4307967.0. iv. South Catamount Creek

Intake (WDID: 1000576). Located at a point on South Catamount Creek whence the Southeast corner of Section 12, Township 13 South, Range 69 West of the 6th Principal Meridian bears South 37° East a distance of 645 feet. PLSS: In the SE¼ of the SE¼ of Section 12, T. 13S., R. 68W. of the 6th P. M. at a point 387 feet from the East Section line and 480 feet from the South Section line. UTM (NAD83)(GPS): Easting:495920.0, Northing:4308685.0. v. North Catamount Creek Intake (WDID: 1000575). Located at a point on North Catamount Creek whence the South quarter corner of Section 12, Township 13 South, Range 69 West of the 6th Principal Meridian bears South 47° 45' West a distance of 1,535 feet. PLSS: In the SW¼ of the SE¼ of Section 12, T. 13S., R. 68W. of the 6th P. M. at a point 1524 feet from the East Section line and 1135 feet from the South Section line. UTM (NAD83)(GPS): Easting: 495506.0, Northing: 4309054.0. vi. Crystal Creek Reservoir (WDID: 1003667). Located in the Southwest quarter of Section 17, the Southeast quarter of Section 18 and the Northwest quarter of Section 19, Township 13 South, Range 68 West of the 6th Principal Meridian. UTM (NAD83)(GPS): Easting: 497913.0, Northing: 4307929.0. vii. South Catamount Reservoir (WDID: 1003644). Located in the Northwest quarter of Section 18, Township 13 South, Range 68 West of the 6th Principal Meridian and the Southeast quarter of Section 12 and the Northern half of Section 13, Township 13 South, Range 69 West of the 6th Principal Meridian. UTM (NAD83)(GPS): Easting: 495917.0, Northing: 4308626.0. viii. North Catamount Reservoir (WDID: 1003673). Located in Sections 11, 12, 13, and 14, Township 13 South, Range 69 West of the 6th Principal Meridian. UTM (NAD83)(GPS): Easting: 495419.0, Northing: 4309045.0. c. Northfield Collection System (West Monument Creek). i. Intake No. 1 (WDID: 1000659). Located at point on West Monument Creek whence the South quarter corner of Section 28, Township 12 South, Range 67 West of the 6th Principal Meridian bears South 80° 23' East a distance of 2,060 feet. PLSS: In the SW¼ of the SW¼ of Section 28, T. 12., R. 67W. of the 6th P. M. at a point 234 feet from the West Section line and 418 feet from the South Section line. UTM (NAD83)(DIGITIZED):Easting:509163.0,Northing:4314673.0. ii. Intake No. 2 (WDID: 1000659). A point on West Monument Creek whence the South quarter corner of Section 28, Township 12 South, Range 67 West of the 6th Principal Meridian bears South 49° 50' East a distance of 1,255 feet. PLSS: In the SE¼ of the SW¼ of Section 28, T. 12S., R. 68W. of the 6th P. M. at a point 1351 feet from the West Section line and 844 feet from the South Section line. UTM (NAD83)(GPS): Easting:508824.0, Northing:4313654.0. iii. Intake No. 3 (WDID: 1000659). Located at a point on the North Fork of West Monument Creek whence the South quarter corner of Section 28, Township 12 South, Range 67 West of the 6th Principal Meridian bears South 9° 10' West a distance of 4,288 feet. PLSS: In the NW¼ of the NE¼ of Section 28, T. 12S., R. 68W. of the 6th P. M. at a point 1036 feet from the North Section line and 1914 feet from the East Section line. UTM (NAD83)(DIGITIZED): Easting: 508543.0, Northing: 4313698.0. iv. Northfield Reservoir (WDID: 1003671). Located in the Southeast quarter of Section 25, Township 12 South, Range 68 West of the 6th Principal Meridian. UTM (NAD83)(GPS): Easting: 505085.0, Northing: 4313832.0. v. Stanley Canyon Reservoir (WDID: 1003910). Located in Section 19, Township 12 South, Range 67 West of the 6th Principal Meridian. UTM (NAD83)(DIGITIZED): Easting: 506157.0, Northing: 4315682.0. vi. Nichols Reservoir (WDID: 1003674). Located in the Southwest quarter of Section 25 and the Southeast quarter of Section 26 and the Northwest quarter of Section 36, Township 12 South, Range

68 West of the 6th Principal Meridian. UTM (NAD83)(GPS): Easting: 504484.0, Northing: 4313413.0. vii. Rampart Reservoir (WDID: 1003670). Located in Sections 22, 23, 26 and 27, Township 12 South, Range 68 West of the 6th Principal Meridian. UTM (NAD83)(GPS): Easting: 503395.0, Northing: 4313994.0. d. Pikeview System (Monument Creek). i. Pikeview Intake (also known as Monument Creek Pipeline) (WDID: 1000506). Located at a point on Monument Creek just upstream from the point where the Garden of the Gods Road crosses Monument Creek, in north Colorado Springs, whence the North quarter corner of Section 19, Township 13 South, Range 66 West of the 6th Principal Meridian bears North 8° 15' East a distance of 3,189.8 feet. This intake delivers water to Pikeview Reservoir. PLSS: In the NE¼ of the SW¼ of Section 19, T. 13S., R. 66W. of the 6th P. M. at a point 2208 feet from the West Section line and 2124 feet from the South Section line. UTM (NAD83)(GPS): Easting: 515313.0, Northing: 4305978.0. ii. Pikeview Reservoir (WDID: 1003615). An off-channel reservoir located adjacent to and on the west side of Monument Creek, at a point just downstream from the point where the Garden of the Gods Road crosses Monument Creek, in north Colorado Springs, in the Northeast quarter of the Northwest quarter and in the Northwest quarter of the Northeast quarter of Section 30, Township 13 South, Range 66 West of the 6th Principal Meridian. UTM (NAD83)(GPS): Easting: 515324.0, Northing: 4305083.0. e. 33rd Street Diversion Intake (Fountain Creek). i. The 33rd Street Intake (WDID: 1000883). Located on Fountain Creek at 33rd Street in west Colorado Springs, whence the South quarter corner of Section 3, Township 14 South, Range 67 West of the 6th Principal Meridian bears South 12° East a distance of 535 feet. PLSS: In the SW¼ of the SE¼ of Section 3, T. 14 S., R. 67 W. of the 6th P. M. at a point 523 feet from the South Section line and 2535 feet from the East Section line. UTM (NAD83)(GPS): Easting: 510617.0, Northing: 4300647.0. ii. An alternate point of diversion for the 33rd Street Intake is located at a point on the North bank of Fountain Creek in the Southwest quarter of Section 3, Township 14 South, Range 67 West of the 6th Principal Meridian, approximately 153 feet upstream of the original point of diversion. The alternate point of diversion was adjudicated on February 21, 1991, in Case No. 90CW29, Water Division No. 2. PLSS: In the SE¼ of the SW¼ of Section 3, T. 14 S., R. 67 W. of the 6th P. M. at a point 570 feet from the South Section line and 2612 feet from the West Section line. f. Bear Creek System (Bear Creek). i. Bear Creek Intake (WDID: 1000535). The Bear Creek Intake was originally located on Bear Creek just south of the intersection of Gold Camp Road and Bear Creek Canyon Road. In Case No. 15CW3008, District Court, Water Division 2, the point of diversion for the Bear Creek System was changed to a point just east of the intersection of South 21st Street and West Rio Grande Street, in El Paso County. PLSS: In the NE¼ of the NE¼ of Section 23, T. 14S., R. 67W. of the 6th P. M. at a point 1,019 feet from the North Section line and 694 feet from the East Section line. UTM (NAD83)(DIGITIZED): Easting: 512832.0, Northing: 4297009.0. g. South Suburban System (Cheyenne Creek). i. South Cheyenne Creek Intake (WDID: 1000537). Located on South Cheyenne Creek at a point just west of the intersection of Mesa Avenue and South Cheyenne Canyon Road, in southwest Colorado Springs, whence the quarter corner common to Sections 34 and 35, Township 14 South, Range 67 West of the 6th Principal Meridian bears North -35° 16' East a distance of 1,329.7 feet. This intake delivers water to South Suburban Reservoir and Gold Camp Reservoir. PLSS: In the NE¼ of the SE¼ of Section 34, T. 14S., R. 67W. of the 6th P. M. at a point 795 feet from the East Section line and 1537 feet from the South Section

line. UTM's (NAD83)(GPS): Easting: 511204.0, Northing: 4292997.0. ii. North Cheyenne Creek Intake (WDID: 1000608). Located on North Cheyenne Creek at a point approximately one mile west of the intersection of North and South Cheyenne Canyon Roads, in southwest Colorado Springs, whence the Northeast corner of Section 34, Township 14 South, Range 67 West of the 6th Principal Meridian bears North 70° 29' East a distance of 4,419.2 feet. This intake delivers water to South Suburban Reservoir and Gold Camp Reservoir. PLSS: In the SW¼ of the NW¼ of Section 34, T. 14S., R. 67W. of the 6th P. M. at a point 910 feet from the West Section line and 1460 feet from the North Section line. UTM's (NAD83)(GPS): Easting: 510161.0, Northing: 4293693.0. iii. South Suburban Reservoir (WDID: 1003645). An off-channel reservoir located just north of the intersection of North and South Cheyenne Canyon Roads, in southwest Colorado Springs, in Sections 26 and 35, Township 14 South, Range 67 West of the 6th Principal Meridian. UTM's (NAD83)(GPS): Easting: 511776.0, Northing: 4294040.0. iv. Gold Camp Reservoir (WDID: 1003646). An off-channel reservoir located just north of the intersection of North and South Cheyenne Canyon Roads, in southwest Colorado Springs, in Sections 27 and 34, Township 14 South, Range 67 West of the 6th Principal Meridian. UTM's (NAD83)(GPS): Easting: 511273.0, Northing: 4293888.0. G. Source of Water: The sources of water which are the subject of the Local Exchange Plan are sewer return flows and the reuse and successive use of those return flows derived from sources of supply that are not native or tributary the Arkansas River. Those sources of supply are Colorado Springs' ownership interest in the following: i. The Blue River Project which diverts water from the headwaters of the Blue River and its tributaries in Summit County. The 1929 water rights associated with this project were adjudicated by the decree in Civil Action No. 1710 (District Court, Summit County) dated October 26, 1937, and were modified by the decree in Civil Action No. 1883 (District Court, Summit County) dated June 15, 1953. These water rights have an appropriation date of August 5, 1929. The 1948 water rights associated with this project were adjudicated by the decree in Civil Action No. 1806 (District Court, Summit County) dated May 10, 1952, the Final Decree in Consolidated Cases No. 2782, 5016, and 5017 (U.S. District Court, District of Colorado) dated October 15, 1955, and were made absolute by the decree in Consolidated Cases No. 2782, 5016, and 5017 (U.S. District Court, District of Colorado) dated February 26, 1968. These water rights have an appropriation date of May 13, 1948. An additional component of the Blue River Project is water diverted from the Middle Fork of the South Platte River in Park County. Water from the Middle Fork of the South Platte is stored in Montgomery Reservoir pursuant to Priority No. A-207 of appropriation dated September 5, 1930, by absolute decree dated May 16, 1966, in Civil Action No. 3286, District Court of Park County. ii. The Homestake Project which diverts water from the headwaters of tributaries of the Eagle River in Eagle County. The water rights were conditionally adjudicated by the decree in Civil Action No. 1193 (District Court, Eagle County) dated June 8, 1962. These water rights have an appropriation date of September 22, 1952. Applicant has the right to utilize one-half of the waters produced by the Homestake Project by virtue of the agreement dated June 18, 1962, between the City of Aurora and the City of Colorado Springs. iii. The Fryingpan-Arkansas Project which diverts water from the headwaters of Hunter Creek and the Fryingpan River and its tributaries in Pitkin County. The water rights were adjudicated by the decrees in Civil Action No. 4613 (District Court, Garfield County) dated June 20, 1958, and August 3,

1959, and were modified by the decree in Case No. W-829-76 (District Court, Water Division No. 5) dated November 27, 1979. These water rights have an appropriation date of July 29, 1957. a. The application in this case do not give the Applicant 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 the Applicant may otherwise have. The amount of Project water available to the Applicant is determined by Southeastern Colorado Water Conservancy District's ("Southeastern") annual allocations made pursuant to its Allocation Principles, policies, and agreements. Return flows from Project water will be utilized in exchanges only after they are purchased from Southeastern. The Applicant's purchase and use of Project water and return flows therefrom shall be consistent with the Allocation Principles of Southeastern (as they may be amended from time to time), and the lawful rules, regulations, policies, procedures, contracts, charges and terms as may be lawfully determined from time to time by Southeastern, in its sole discretion. The exchange and use of Project water under application shall be subject to and consistent with the terms of any agreement between the Applicant and Southeastern for storage of the Applicant's allocated and purchased Project water and return flows therefrom in non-project facilities. iv. The Independence Pass Transmountain Diversion System (a/k/a Twin Lakes Project) which diverts water from the headwaters of the Roaring Fork River and its tributaries in Pitkin County. The water rights were adjudicated by a decree in Civil Action No. 3082 (District Court, Garfield County) dated August 25, 1936, and were modified by a decree in Case No. W-1901 (District Court, Water Division No. 5), dated May 12, 1976. These water rights have an appropriation date of August 23, 1930. The Applicant has the right to take and use its pro rata share of the water diverted and stored by the Twin Lakes Reservoir and Canal Company under these water rights. H. Description of Exchanges: i. Exchange and Reuse Program to the Ruxton Creek System. a. Stream Reaches of Exchanges: The reaches of Fountain Creek and its tributaries between the following points: 1. Points From Which Water is Exchanged and Reused: A. The Las Vegas Street Wastewater Treatment Facility Outfalls on Fountain Creek; B. The Air Force Academy Wastewater Treatment Facility Outfall on Monument Creek; C. Northern Water Reclamation Facility Outfall (a/k/a the J.D. Phillips Water Reclamation Facility); and D. Any other supplemental or replacement wastewater treatment facility outfall, including terminal storage facilities, located within the drainage of Fountain Creek or the Arkansas River above its confluence with Fountain Creek. 2. Points To Which Water is Exchanged and Reused: Sheep Creek Intake, South Ruxton Creek Intake No. 1, South Ruxton Creek Intake No.2, Cabin Creek Intake, Ruxton Creek Intake at Lake Moraine, Dark Canyon Intake, Lion Creek Intake, Lake Moraine Reservoir and Big Tooth Reservoir. 3. Amount: 34.70 cfs total for each point from which water is exchanged to each direct flow diversion facility to which water is exchanged, of which 18.50 cfs has been decreed absolute, and 16.20 cfs remains conditional; and 1,590.00 af total from the points which water is exchanged to the storage reservoirs, of which 503.98 af has been decreed absolute, and 1,086.02 af remains conditional. ii. Exchange and Reuse Program to the North Slope System. a. Stream Reaches of Exchanges: The reaches of Fountain Creek and its tributaries between the following points: 1. Points From Which Water is Exchanged and Reused: A. The Las Vegas Street Wastewater Treatment Facility Outfalls on Fountain Creek; B. The Air Force

Academy Wastewater Treatment Facility Outfall on Monument Creek; C. Northern Water Reclamation Facility Outfall (a/k/a the J.D. Phillips Water Reclamation Facility); and D. Any other supplemental or replacement wastewater treatment facility outfall, including terminal storage facilities, located within the drainage of Fountain Creek or the Arkansas River above its confluence with Fountain Creek. 2. Points To Which Water is Exchanged and Reused: French Creek Intake, Cascade Creek Intake, Crystal Creek Intake, South Catamount Creek Intake, North Catamount Creek Intake, Crystal Creek Reservoir, South Catamount Reservoir and North Catamount Reservoir. 3. Amount: 56.80 cfs total from each point from which water is exchanged to each direct flow diversion facility to which water is exchanged, of which 23.10 cfs has been decreed absolute, and 33.70 cfs remains conditional; and 17,430.00 af total from the points from which water is exchanged to the storage reservoirs, of which 1,645.57 af has been decreed absolute and 15,784.43 af remains conditional. iii. Exchange and Reuse Program to the Northfield Collection System. a. Stream Reaches of Exchanges: The reaches of Fountain Creek and its tributaries between the following points: 1. Points From Which Water is Exchanged and Reused: A. The Las Vegas Street Wastewater Treatment Facility Outfalls on Fountain Creek; B. The Air Force Academy Wastewater Treatment Facility Outfall on Monument Creek; C. Northern Water Reclamation Facility Outfall (a/k/a the J.D. Phillips Water Reclamation Facility); and D. Any other supplemental or replacement wastewater treatment facility outfall, including terminal storage facilities, located within the drainage of Fountain Creek or the Arkansas River above its confluence with Fountain Creek. 2. Points To Which Water is Exchanged and Reused: West Monument Creek Intake No. 1, West Monument Creek Intake No. 2, North Fork of West Monument Creek Intake No. 3, Northfield Reservoir, Stanley Canyon Reservoir, Nichols Reservoir and Rampart Reservoir. 3. Amount: 8.90 cfs total from each point from which water is exchanged to each direct flow diversion facility to which water is exchanged, of which 0.28 cfs has been decreed absolute, and 8.62 cfs remains conditional and 41,770.00 af total from the points from which water is exchanged to the storage reservoirs, of which 2,574.17 af has been decreed absolute, and 39,195.83 af remains conditional. iv. Exchange and Reuse Program to the Pikeview System. a. Stream Reaches of Exchange: The reaches of Fountain Creek and its tributaries between the following points: 1. Points From Which Water is Exchanged and Reused: A. The Las Vegas Street Wastewater Treatment Facility Outfalls on Fountain Creek; B. The Air Force Academy Wastewater Treatment Facility Outfall on Monument Creek; C. Northern Water Reclamation Facility Outfall (a/k/a the J.D. Phillips Water Reclamation Facility); and D. Any other supplemental or replacement wastewater treatment facility outfall, including terminal storage facilities, located within the drainage of Fountain Creek or the Arkansas River above its confluence with Fountain Creek. 2. Points To Which Water is Exchanged and Reused: Pikeview Intake (a.k.a. Monument Creek Pipeline), and Pikeview Reservoir. 3. Amount: 11.00 cfs total from each point from which water is exchanged to the Pikeview Intake, of which 2.71 cfs has been decreed absolute, and 8.29 cfs remains conditional; and 204.50 af total from each point from which water is exchanged to Pikeview Reservoir, all of which has been decreed absolute. v. Exchange and Reuse Program to the 33rd Street Diversion Intake. a. Stream Reaches of Exchanges: The reaches of Fountain Creek and its tributaries between the following points: 1. Points From Which Water is Exchanged and Reused: A. The Las Vegas Street Wastewater Treatment Facility Outfalls on Fountain Creek; B. The

Air Force Academy Wastewater Treatment Facility Outfall on Monument Creek; C. Northern Water Reclamation Facility Outfall (a/k/a the J.D. Phillips Water Reclamation Facility); and D. Any other supplemental or replacement wastewater treatment facility outfall, including terminal storage facilities, located within the drainage of Fountain Creek or the Arkansas River above its confluence with Fountain Creek. 2. Point To Which Water is Exchanged and Reused: 33rd Street Diversion Intake. 3. Amount: 13.90 cfs total from each point from which water is exchanged to the 33rd Street Diversion Intake, all of which remains conditional. vi. Exchange and Reuse Program to the Bear Creek Intake. a. Stream Reaches of Exchanges: The reaches of Fountain Creek and its tributaries between the following points: 1. Points From Which Water is Exchanged and Reused: A. The Las Vegas Street Wastewater Treatment Facility Outfalls on Fountain Creek; B. The Air Force Academy Wastewater Treatment Facility Outfall on Monument Creek; C. Northern Water Reclamation Facility Outfall (a/k/a the J.D. Phillips Water Reclamation Facility); and D. Any other supplemental or replacement wastewater treatment facility outfall, including terminal storage facilities, located within the drainage of Fountain Creek or the Arkansas River above its confluence with Fountain Creek. 2. Point To Which Water is Exchanged and Reused: Bear Creek Intake. 3. Amount: 3.10 cfs total from each point from which water is exchanged to the Bear Creek Intake, all of which remains conditional. vii. Exchange and Reuse Program to the South Suburban System. a. Stream Reaches of Exchange: The reaches of Fountain Creek and its tributaries between the following points: 1. Points From Which Water is Exchanged and Reused: A. The Las Vegas Street Wastewater Treatment Facility Outfalls on Fountain Creek; B. The Air Force Academy Wastewater Treatment Facility Outfall on Monument Creek; C. Northern Water Reclamation Facility Outfall (a/k/a the J.D. Phillips Water Reclamation Facility); and D. Any other supplemental or replacement wastewater treatment facility outfall, including terminal storage facilities, located within the drainage of Fountain Creek or the Arkansas River above its confluence with Fountain Creek. 2. Points To Which Water is Exchanged and Reused: South Cheyenne Creek Intake, North Cheyenne Creek Intake, South Suburban Reservoir and Gold Camp Reservoir. 3. Amount: 25.50 cfs total from each point from which water is exchanged to the South Cheyenne Creek Intake and the North Cheyenne Creek Intake, of which 15.17 cfs has been decreed absolute, and 10.33 cfs remains conditional; and 600.00 af total from the points from which water is exchanged to South Suburban Reservoir and Gold Camp Reservoir, of which 576.33 af has been decreed absolute and 23.67 af remains conditional. 4. **Diligence**: A. Integrated System. The Applicant owns and operates an integrated system for water diversions, transmission, storage, treatment, and distribution, as well as collection and treatment of the resultant wastewater for release, exchange, and reuse. The conditional water rights described herein are a part of this integrated water system comprising all water rights decreed and used for development and operation of the City of Colorado Springs' municipal water supply system which also comprises and includes other absolute and conditional water rights, and collection, storage, and diversion and delivery systems including, but not limited to, the structures (and/or interests therein) described in Paragraphs 3.F above. Reasonable diligence in the development of one component of the system comprises reasonable diligence in the development of all components. B. Diligence Activities. Provide a 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, including expenditures. i. During the Diligence Period, Applicant has maintained the structures identified in this Application in order to operate the conditional portions of the exchanges requested when they are in priority and available for exchange. In addition, the Applicant has also undertaken numerous projects and activities for the improvement and enlargement of its water supply and distribution systems in order to facilitate the completion of the appropriation of the conditionally decreed water rights that are the subject of this application including, but not limited to: completion of the Southern Delivery System project; improvements to the raw water pipeline between Pikeview Reservoir and the Tollefson (Mesa) water treatment plant, improvements to the Northfield Reservoir dam and spillway; design of upgrades to 33rd Street Pump Station; improvements to Gold Camp Reservoir; investigations into seepage from Rampart Reservoir dam; replacement of the South Catamount transfer pipeline, design for refacing of the Crystal Creek Reservoir dam; improvements to the Nichols Reservoir dam and spillway; design for refacing of the South Catamount Reservoir dam; reconstruction of dam face and outlet works for rehabilitation/maintenance of Homestake Reservoir (Homestake Project); extensive participation in the Arkansas River Exchange Program; continued development of the Colorado Canal Reuse Program; development and completions of Integrated Water Resources Plan (“IWRP”), which identified a portfolio of water supply projects, policies, and processes that will be necessary to provide a reliable and sustainable supply of water for its customers for the next 50 years; continued pursuit of development of a joint project(s) as contemplated by the 1998 MOU between the cities of Aurora and Colorado Springs, Vail Associates, Upper Eagle River Regional Water Authority, Eagle River Water and Sanitation District, Cypress Climax Mining Company, and the Colorado River Water Conservation District; and pursuit of a project to maximize the yield of the Blue River System. Applicant also purchased shares in the Fountain Mutual Irrigation Company, the Chilcote Ditch Company, and the Lower Arkansas Water Management Association. ii. During the Diligence Period, Applicant also filed applications for, prosecuted and completed a number of adjudications of, water rights that comprise portions of Applicant’s integrated municipal water supply system. These activities include filing of applications in Water Division 2 (Arkansas River Basin), and Water Division 5 (Colorado River Basin) including, but not limited to, pursuit of adjudication of decrees in: Case No. 16CW3054 (Water Division No. 2) involving claims for diligence for Roby Ditch and Reservoir (application withdrawn and water rights ultimately abandoned); Case No. 13CW20 (Water Division No. 2) for Applicant’s Local System Exchange originally decreed in Case No. 84CW202; Case No. 13CW9 (Water Division No. 2) involving claims for diligence for Applicant’s Arkansas River Exchange originally decreed in Case No. 84CW203; Case No. 16CW3053 (Water Division No. 2) involving claims for diligence for Chancellor Well No. 1 and Chancellor Well No. 2 (application withdrawn and water rights ultimately abandoned); Case No. 18CW3041 (Water Division No. 5) regarding a Colorado River-Blue River Exchange; Case No. 18CW3053 (Water Division No. 2) regarding Applicant’s conditional storage Rights for Upper Sugar Loaf Reservoir and Sugar Loaf Reservoir Enlargement and Amendment; Case No. 03CW320 (Water Division No. 5) for so-called “substitution operations” pursuant to the Blue River Decree (Consolidated Cases Nos. 2782, 5016 and 5017); Case No. 04CW132 (Water Division No. 2) regarding exchange of Denver Basin groundwater return flows; Case No. 05CW96 (Water Division No. 2) regarding the

exchange of Temporary Use Waters (a.k.a. ATM or leased water) in the Upper Arkansas River Basin; Case No. 06CW120 (Water Division No. 2) for exchange regarding Restoration of Yield; Case No. 15CW3019 (Water Division No. 5) involving claims for diligence for Lower Blue Reservoir; Spruce Lake Reservoir, and Mayflower Reservoir; Case No. 16CW3072 (Water Division No. 2) involving claims for diligence related to Applicant's appropriative rights of exchange originally decreed in Consolidated Case Nos. 84CW202, 84CW203, 86CW118(B) and 89CW36; Case No. 07CW120 (Water Division No. 2) for Quail Lake conditional storage right; Case No. 07CW121 (Water Division No. 2) regarding exchange of Fountain Creek Recovery Project waters; Case No. 07CW122 (Water Division No. 2) involving rights of exchange to the Local System from Pueblo Reservoir and Williams Creek Reservoir; Case No. 13CW3077 (Water Division No. 5) regarding the proposed administration of Green Mountain Reservoir pursuant to the Blue River Decree; Case No. 12CW31 (Water Division No. 2) for a conditional storage right for Upper Williams Creek Reservoir and associated appropriative rights of exchange for Upper Williams Creek Reservoir and Williams Creek Reservoir; Case No. 15CW3001 (Water Division No. 2) involving a change of water rights in the Chilcott Ditch Company ("Chilcott"); Case No. 15CW3002 (Water Division No. 2) involving a change of water rights in the Fountain Mutual Irrigation Company ("FMIC"); Case No. 16CW3050 (Water Division No. 2) involving a change of water right for Chancellor Well No. 1 (application withdrawn and water rights ultimately abandoned); Case No. 16CW3056 (Water Division No. 2) involving an augmentation plan, replacement plan, and appropriative right of exchange involving Applicant's FMIC and Chilcott water rights; Case No. 19CW3026 (Water Division No. 2) involving claims for diligence related to Applicant's appropriative rights of exchange originally decreed in Case No. 86CW118A; 19CW3052 (Water Division No. 2) involving an augmentation plan, replacement plan, and appropriative right of exchange on Fountain Creek; Case No. 19CW3053 (Water Division No. 2) involving an augmentation plan, and appropriative rights of exchange; and Case No. 20CW3024 (Water Division No. 5) involving claims for diligence related to Applicant's rights originally decreed in CA1193. iii. Applicant has also acted to preserve and protect all of its water rights by filing statements of opposition to, and participating in, many judicial and administrative proceedings. For example, Applicant has consistently opposed water court applications that seek approval of plans for augmentation that operate on Fountain Creek. Applicant has participated in these cases to ensure that the out-of-priority depletions are replaced in time, amount, and location, and that the Division Engineer assesses transit losses on the replacement water supply. Applicant has undertaken endeavors to improve the accuracy of the Fountain Creek Transit Loss Model, which directly affects the exchanges at issue in this Application. C. Expenditures. Applicant's total capital expenditures in connection with the activities described above on its integrated system during the Due Diligence Period have exceeded \$745,793,969. In addition to that amount, over \$6,492,790 was expended on the operation of the Local Exchange Program. Applicant reserves the right to identify additional relevant efforts that may be later discovered or to make upward adjustments to amounts expended on certain projects. Applicant made diligent efforts with regard to this Application to determine and quantify all efforts made toward completion of the appropriations and application of the water rights decreed in Case No. 84CW202 to beneficial use. However, it is reasonably possible that relevant efforts or expenditures may have been overlooked or need further

upward adjustment. **5. If claim to make absolute:** The Applicant has operated the decreed exchanges that are the subject of this application to divert and beneficially use additional amounts of water beyond the amounts previously made absolute so as to make absolute additional incremental amounts of the decreed exchanges, as follows: A. Date water applied to beneficial use: Between March 1, 2013 and June 1, 2020 as documented in Exhibit A attached to the application on file with the Court. (All exhibits/tables mentioned herein are incorporated by reference and may be inspected at the office of the clerk of this Court.) i. Amounts: As set forth in the Table below (2013-2020 Exchanges):

Structure Name (Exchange to)	Remaining Conditional Amount	Total Amount Previously Made Absolute	Additional Amount Claimed Absolute	New Total Amount Claimed Absolute
<u>Ruxton Creek System</u>				
Intake Structures	16.20 cfs	18.50 cfs	0.00 cfs	18.50 cfs
Storage Reservoirs	1,049.20 af	503.98 af	36.82 af	540.80 af
<u>North Slope System</u>				
Intake Structures	33.70 cfs	23.10 cfs	0.00 cfs	23.10 cfs
Storage Reservoirs	15,784.43 af	1,645.57 af	0.00 af	1,645.57 af
<u>Northfield System</u>				
Intake Structures	5.80 cfs	0.28 cfs	2.82 cfs	3.10 cfs
Storage Reservoirs	38,933.69 af	2,574.17 af	262.14 af	2,836.31 af
<u>Pikeview System</u>				
Intake Structures	8.29 cfs	2.71 cfs	0.00 cfs	2.71 cfs
Storage Reservoirs	0.00 af	204.50 af	0.00 af	204.50 af
<u>33rd Street System</u>				
Intake Structures	13.90 cfs	0.00 cfs	0.00 cfs	0.00 cfs
<u>Bear Creek System</u>				
Intake Structures	3.10 cfs	0.00 cfs	0.00 cfs	0.00 cfs
<u>South Suburban System</u>				
Intake Structures	10.33 cfs	15.17 cfs	0.00 cfs	15.17 cfs
Storage Reservoirs	23.67 af	576.33 af	0.00 af	576.33 af

B. Uses: Municipal purposes within the Colorado Springs municipal water supply service area, including replacement/augmentation of evaporation from Colorado Springs Utilities

Reservoirs. C. Description of place of use where water is applied to beneficial use: The Colorado Springs municipal water supply service area. **6. Names and addresses of owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool):** A. City of Colorado Springs, Colorado Springs Utilities, c/o Abigail Ortega, P.E., 1521 Hancock Expressway, Mail Code 1825, Colorado Springs, CO 80903 (Las Vegas Street Wastewater Treatment Facility Outfall; Northern Water Reclamation Facility Outfall; Ruxton Creek System; North Slope System; Intake No. 1, Intake No. 2, Northfield Reservoir, Stanley Canyon Reservoir, Nichols Reservoir, and Rampart Reservoir, of the Northfield Collection System; Pikeview Reservoir of the Pikeview System; 33rd Street Diversion Intake and Alternate Point of Diversion; North Cheyenne Creek Intake, South Suburban Reservoir, and Gold Camp Reservoir of the South Suburban System; Pikes Peak Collection System; and Rosemont Collection System). B. Air Force Academy, Attn: Real Estate Office, 8120 Edgerton Drive, Suite 40, USAF Academy, CO 80840 (Air Force Academy Wastewater Treatment Facility Outfall; Intake No. 3 of the Northfield Collection System). C. Pike National Forest, 2840 Kachina Drive, Pueblo, CO 81008 (Crystal Creek Reservoir, South Catamount Reservoir, and North Catamount Reservoir of the North Slope System (with Applicant); Nichols Reservoir, Rampart Reservoir of the Northfield Collection System (with Applicant)). D. Crestline MHC, LLC, c/o Continental Communities, P.O. Box 2899, Farmington, MI 48333-2899 (Pikeview Intake (also known as Monument Creek Pipeline)). E. PF LLC, c/o Broadmoor Hotel Inc., One Lake Circle, Colorado Springs CO, 80906-4269 (South Cheyenne Creek Intake). F. El Paso County, CO, 200 S. Cascade Ave, Suite 150, Colorado Springs, CO 80903 (Bear Creek System Intake). **7. Remarks or other pertinent information:** A. PLSS Descriptions. PLSS descriptions are included herein in compliance with Water Court forms. In the event of a discrepancy between the decreed location and the PLSS descriptions herein, the decreed location is controlling. Any person reading this application should rely on the terms of the decree in Case No. 84CW202 adjudicating the conditional water rights herein. B. WDIDs and UTM Coordinates. The WDIDs and UTM coordinates for the structures described in Paragraph 3.F were not included in the previous decrees related to the appropriative rights of exchange that are the subject of this application. They were agreed upon and added at the request of the Division 2 Engineer to the decree entered in Case No. 19CW3026 (Water Division 2) involving a claim for a finding of reasonable diligence for appropriative rights of exchange related to a different water source utilizing the structures identified in Paragraph 3.F, in addition to other structures.

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

YOU ARE HEREBY NOTIFIED that any party who wishes to oppose an application, or application as amended, may file with the Water Clerk a verified statement of opposition setting forth facts as to why the application should not be granted, or why it should be

granted only in part or on certain conditions, such statement of opposition must be filed by the last day of August 2020, (forms available at Clerk's office or at www.courts.state.co.us, after serving parties and attaching a certificate of mailing, filing fee \$192.00). The foregoing are resumes and the entire application, amendments, exhibits, maps and any other attachments filed in each case may be examined in the office of the Clerk for Water Division No. 2, at the address shown below.

Witness my hand and the seal of this Court this 6th day of July 2020.



Michele Santistevan

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

(Court seal)
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