

DISTRICT COURT, WATER DIVISION NO. 2, COLORADO

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RESUME OF CASES FILED AND/OR ORDERED PUBLISHED DURING FEBRUARY 2025. (This publication can be viewed in its entirety on the state court website at: [www.coloradojudicial.gov](http://www.coloradojudicial.gov))  
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TO: ALL INTERESTED PARTIES

Pursuant to C.R.S. 37-92-302, you are hereby notified that the following is a resume of applications and certain amendments filed and/or ordered published during February 2025, 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:

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**CASE NO. 2025CW3002; Previous Case Nos. 18CW3051, 11CW85, 05CW58, 98CW95, 90CW28 – SECURITY WATER DISTRICT, C/O Roy E. Heald, Manager, 231 Security Blvd., Colorado Springs, CO 80911** (Please address all pleadings and inquiries regarding this matter to Applicant's attorneys: David M. Shohet and Sedona E. Chavez of Monson, Cummins, Shohet & Farr, LLC, 13511 Northgate Estates Drive, Suite 250, Colorado Springs, CO 80921 (719-471-1212)  
Application for Finding of Reasonable Diligence

**EL PASO COUNTY**

Exchange of Applicant's sewerated return flows from its allocation of Fryingpan-Arkansas Project Water, delivered via the Fountain Valley Conduit or Southern Delivery System. Date of Original Decree: July 6, 1992. Case No.: 90CW28. Court: District Court, Water Division 2. Subsequent decrees awarding findings of diligence: Case No. 98CW95, decreed on August 9, 1999; Case No. 05CW58, decreed on December 15, 2005; Case No. 11CW85, decreed on September 6, 2012; Case No. 18CW3051, decreed on February 25, 2019; all decreed by the District Court, Water Division 2. Legal Description of Exchange to and From Points: The exchange is from Security's wastewater treatment outfall at its treatment facility discharging into Fountain Creek located in the NW 1/4 of Section 24, Township 15 S, Range 66 W, 6th P.M., WDID 1002812 UTM 522835.5 E, 4287426.8 N (NAD 83). The exchange is operated to the headgate of the Fountain Mutual Ditch located in the SW 1/4 of Section 20, Township 14 S, Range 66 W, 6th P.M., WDID 1000736, UTM 516466.0 E, 4296006.0 N (NAD 83). Sources: The source of the exchange water is the Applicant's sewerated return flows from Fryingpan-Arkansas Project Water, which the Applicant is entitled to purchase and to deliver via the Fountain Valley Conduit or Southern Delivery System ("Project Water Sewerated Return Flows"). Applicant's Project Water Sewerated Return Flows can be used, in part, to augment the Applicant's wells under decreed plans of augmentation, including, without limitation, those plans decreed in Case Nos. 90CW28, 01CW149, 07CW51, 09CW92, 12CW99, and 23CW3039 (pending). The Project Water Sewerated Return Flows not utilized by the Applicant under any decreed plan for augmentation can be available under this exchange. Subject to any existing rights Applicant may have, any decree entered in this case will not give 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. Return flows from the

Fryingpan-Arkansas Project will be utilized in Applicant's exchanges only after they are purchased from Southeastern Colorado Water Conservancy District ("Southeastern"). Applicant's purchase and use of Fryingpan-Arkansas Project Water and return flows therefrom shall be consistent with the Allocation Principles of Southeastern (as they may from time to time be amended), and the policies, procedures, contracts, charges, and terms as may be lawfully determined from time to time by Southeastern in its discretion. Appropriation Date: June 29, 1990. Amount claimed: The exchange amount is for a diversion of up to 6.0 c.f.s. at the headgate of the Fountain Mutual Ditch. Uses: The water under the plan of exchange is to be used, reused, and successively used to extinction by recharge for the following beneficial uses: municipal, domestic, fire protection, sewage disposal, irrigation, manufacturing, industrial, commercial, augmentation, recharge, and exchange. Applicant is entitled to recharge and augment the Widefield Aquifer by exchanging the Project Water wastewater return flows to a recharge facility to provide "effective recharge" to the Widefield Aquifer as required under the terms of the Widefield Aquifer Stipulation in Case No. W-116, and under the terms and conditions as decreed in Case No. 01CW149. 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: In Case No. 90CW28, the Applicant was awarded a 6 c.f.s., conditional water right for the exchange of its Project Water Sewered Return Flows from the point of its wastewater treatment plant discharging into Fountain Creek up to the headgate of the Fountain Mutual Ditch. The Applicant is entitled to a right of first refusal to the use of these return flows. The exchange of Project Water Sewered Return Flows is for the use, reuse and successive use to extinction for such water by direct use or recharge to the Widefield Aquifer for municipal, domestic, fire protection, irrigation, manufacturing, industrial, commercial, augmentation, recharge, and exchange uses. Recharge will occur by infiltration of the Project Water Sewered Return Flows to the Widefield Aquifer, as delivered by the Fountain Mutual Ditch and other means, constituting effective recharge under the terms of the Widefield Aquifer Stipulation. The conditional exchange is a component of the Applicant's integrated water system, which consists of storage water rights, plans for augmentation, appropriative rights of exchange, surface water rights, and groundwater rights, as well as both a physical and administrative infrastructure to operate the system. Pursuant to C.R.S. § 37-92-301(4)(b), work on one component of the integrated system shall be considered in finding that reasonable diligence has been shown for all components of the integrated system. During this diligence period, Applicant has completed the following work and outlaid the following expenditures related to the integrated water system: Applicant has expended over \$73,691.00 in plant repairs and maintenance of their integrated water system, in addition to \$11,850,122 total capital expenditures for the water system. Applicant has continuously operated its integrated water system to provide water services to the district's residents, which has cost \$34,101,425 in general operations and maintenance expenses. During this diligence period, Applicant temporarily discontinued using all of its wells in 2016 due to the discovery of perfluorinated compounds (PFCs) in the Widefield and Windmill Gulch aquifers. Applicant has designed, constructed, and operated a new water treatment system to remove Perfluoroalkyl substances ("PFAS") from Applicant's base water supply. This PFAS water treatment system was completed in 2021 and became fully operational in 2022. In total, \$26,176,741 was spent on designing,

constructing, and operating this PFAS water treatment system. Costs incurred by Applicant for the PFAS water treatment system are included in the total operation costs described in paragraph 4.B. Applicant has also participated as a member of the Widefield Aquifer Recharge Association (“WARA”), an unincorporated nonprofit association, under C.R.S. § 7-30-101, et. seq., consisting of Widefield Water and Sanitation District, the City of Fountain and Security. WARA was formed to plan, evaluate, design, and study the financial feasibility of a public water treatment and supply project to recharge the Widefield Aquifer. During this diligence period, Security paid significant sums to WARA for engineering, legal, accounting, and association management, and payments were made to FMIC for future use of FMIC’s facilities. Applicant also included several parcels in its service area. All inclusions have been approved by orders entered by the District Court of El Paso County, and Security has commenced work to provide water service to these inclusions. Applicant has pursued the adjudication of an additional plan for augmentation and change of water right in Case No. 23CW3039, District Court, Water Division 2. Name and address of the owners of land on which structure is located, upon which water is or will be stored, or upon which water is or will be placed to beneficial use: Fountain Mutual Irrigation Company, whose address is P.O. Box 75292, Colorado Springs, CO 80970-5292, owns the headgate and canal of the Fountain Mutual Ditch.

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

**CASE NO. 2025CW3003, Water Division 2 and CASE NO. 2025CW3015, Water Division 1 – SEARLE DEVELOPMENT, INC.; c/o Stan Searle, 18811 Cherry Springs Ranch Drive, Monument, CO 80142** (Please address all pleadings and inquiries regarding this matter to Applicant’s attorneys: Ryan W. Farr and Sedona E. Chavez of Monson, Cummins, Shohet & Farr, LLC, 13511 Northgate Estates Drive, Ste. 250, Colorado Springs, CO 80921, 719-471-1212)

Application for Supplemental Plan for Augmentation

**EL PASO COUNTY**

The decree in Case No. 85CW230, District Court, Water Division 1, quantified the Denver Basin groundwater underlying 2,041 acres (“85CW230 Decree”). Applicant acquired a portion of the land subject of the 85CW230 Decree along with a proportional interest in the underlying Denver Basin groundwater. Applicant then adjudicated a plan for augmentation in Case No. 04CW299, District Court, Water Division 1 (“04CW299 Case”) utilizing water quantified in the 85CW230 Decree. The decree in the 04CW299 Case (“04CW299 Decree”) awarded a plan for augmentation for the development of a subdivision with 46 residential lots utilizing individual Dawson aquifer wells for the water supply. Applicant subsequently amended the plan for augmentation subject of the 04CW299 Decree in Case No. 08CW188, District Court, Water Division 1 (“08CW188 Decree”) to decrease the amount of residential lots subject of the plan for augmentation to 42 lots. Applicant now seeks a supplemental plan for augmentation to allow for an additional 24 residential lots to be constructed in the planned subdivision which will also utilize individual Dawson aquifer wells. Property Description. Applicants own three contiguous parcels containing approximately 111.41 acres located in portions of the S1/2 of the NE1/4, the N1/2 of the SE1/4, and the SE1/4 of the SE1/4 of Section 9, Township 11 South, Range 66 West of the 6<sup>th</sup> P.M., El Paso County, Colorado, specifically

described on **Exhibit A** and shown on **Exhibit B** attached to the application (“Applicant’s Property”). (All exhibits mentioned herein are incorporated by reference and may be inspected at the office of the clerk of this Court.) Applicant’s Property is contiguous to the 16-lot subdivision filing that has already been completed that is being served water pursuant to the 08CW188 Decree. Proposed Wells. Applicants propose to construct an additional 24 wells to the Dawson aquifer to supply water to 24 residential lots that are in addition to the 42 residential lots subject of the 08CW188 Decree. Not-Nontributary. The groundwater 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. Nontributary. The groundwater that will be withdrawn from the Denver and Arapahoe aquifers is nontributary. Estimated Rates of Withdrawal. Pumping from the wells will not exceed 100 g.p.m. The actual pumping rates for each well will vary according to aquifer conditions and well production capabilities. The actual depth of each well to be constructed within the respective aquifers will be determined by topography and actual aquifer conditions. Estimated Average Annual Amounts of Groundwater Available. Applicant is the owner of Applicant’s Property as well as the owner of the following water in the Denver Basin aquifers as a proportional interest as quantified in the 85CW230 Decree:

AQUIFER	Total Decreed Water (Acre-Feet)	Water Dedicated to the 08CW188 Decree Aug Plan (Acre-Feet)	Water Available for Other Uses
Dawson (NNT Actual)	19,826	12,600	7,226
Denver (NT)	21,569	0	21,569
Arapahoe (NT)	10,797	5,928	4,869
Laramie Fox Hills (NT)	1,260	6,930	0

Structures to be Augmented. The structures to be augmented are 24 additional wells constructed to the Dawson aquifer to supply water to 24 additional residential lots being part of the total 66-lot residential subdivision, along with any replacement or additional wells associated therewith, as likewise may be constructed to the Dawson aquifer (“Additional Dawson Aquifer Wells”). 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 the Additional Dawson Aquifer Wells, together with water rights from the nontributary Denver and Arapahoe aquifers for any injurious post pumping depletions. Statement of Plan for Augmentation. Applicant seeks to augment stream depletions attributable to the pumping of the not-nontributary Dawson aquifer. Uses. Pumping from the Dawson aquifer will set at 1 acre-foot per year per lot for a maximum of 24 acre-feet per year combined for the Additional Dawson Aquifer Wells. Such uses shall be for domestic, commercial, irrigation, stock watering, fire protection and augmentation purposes, including storage. Depletions. Maximum stream depletions over the 300-year pumping period for the Dawson aquifer amounts to approximately 24.38% of pumping. Therefore, maximum annual depletions from the Additional Dawson Aquifer Wells amounts to 5.851 acre-feet in year 300. Should Applicant’s pumping be less than the 24 acre-feet total per year described herein, resulting depletions and required replacements will be correspondingly reduced. Augmentation of Depletions During Pumping. Pursuant to C.R.S. § 37-90-137(9)(c.5),

Applicant is required to replace actual stream depletions attributable to pumping of the Additional Dawson Aquifer Wells. Depletions during pumping will be effectively replaced by indoor return flows from non-evaporative septic systems. The annual consumptive use for non-evaporative septic systems is 10% per year. At a combined indoor use rate of 7.2 acre-feet per year (0.3 acre-feet per lot), 6.48 acre-feet is replaced to the stream system annually, utilizing non-evaporative septic systems. Thus, during pumping, stream depletions will be more than adequately augmented. Augmentation for Post Pumping Depletions. For the replacement of any injurious post-pumping depletions which may be associated with the use of the Additional Dawson Aquifer Wells, Applicant will reserve 2,478 acre-feet of the nontributary Denver aquifer and 4,869 acre-feet of the Arapahoe aquifer, allowing for the decrease of such reservations based on stream depletions replaced during the plan pumping period. Applicant also reserves the right to substitute other legally available augmentation sources for such post pumping depletions upon further approval of the Court under its retained jurisdiction. Even though this reservation is made, under the Court's retained jurisdiction, Applicant reserves the right in the future to prove that post pumping depletions will be noninjurious. The reserved nontributary Denver and Arapahoe aquifer groundwater will be used to replace any injurious post-pumping depletions which shall be reduced by that amount replaced during pumping. Upon entry of a decree in this case, the Applicant will be entitled to apply for and receive well permits for the Additional Dawson Aquifer Wells for the uses in accordance with this Application and otherwise in compliance with C.R.S. § 37-90-137. 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 and it is Applicant's intent to consolidate the instant matter with the pending Division 2 application in Water Division 1 upon completion of publication. Applicant requests that the total amount of depletions to both the South Platte River and the Arkansas River systems be replaced to the South Platte River as set forth herein, and for a finding that those replacements are sufficient. Applicant requests a finding that it has complied with C.R.S. § 37-90-137(4), and that the groundwater requested herein is legally available for withdrawal by the requested not-nontributary wells upon the entry of a decree approving a plan for augmentation pursuant to C.R.S. § 37-90-137(9)(c.5). The term of this plan for augmentation is for 300 years, however the length of the plan for a particular well may be extended beyond such time provided the total plan pumping allocated thereto is not exceeded. Post pumping stream depletions accrue to a particular well or wells only to the extent related to that well's actual pumping. The Court will retain jurisdiction over this matter to provide for the adjustment of the annual amount of groundwater withdrawals to be allowed in order to conform to actual local aquifer characteristics from adequate information obtained from well drilling or test holes. The Applicant requests a finding that vested water rights of others will not be injured by the withdrawals of groundwater and the proposed plan for augmentation. The wells shall be installed and metered as reasonably required by the State Engineer. Each well must be equipped with a totalizing flow meter and Applicant shall submit diversion records to the Division Engineer on an annual basis or as otherwise requested by the Division Engineer. The Applicant shall also provide accountings to the Division Engineer and Water Commissioner as required to demonstrate compliance under this plan of augmentation. The Applicant intends to

waive the 600 feet well spacing requirement for any wells to be located upon the Applicant's Property. There are no lienholders on the Property, and therefore the lienholder notice provisions set forth in C.R.S. § 37-92-302(2)(b) are inapplicable.

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**CASE NO. 2025CW3004; Previous Case No. 10CW4 – LOWER ARKANSAS VALLEY WATER CONSERVANCY DISTRICT, Attn: Jack Goble, General Manager, 801 Swink Avenue, Rocky Ford, Colorado 81067 and LOWER ARKANSAS VALLEY SUPER DITCH COMPANY, INC., Attn: Dale Mauch, President, c/o Lower Arkansas Valley Water Conservancy District, 801 Swink Avenue, Rocky Ford, Colorado 81067**

(Please address all pleadings and inquiries regarding this matter to Applicant's attorneys: Peter D. Nichols, Patrick M. Haines, Katherine Carter, Berg Hill Greenleaf Ruscitti LLP, 1712 Pearl Street, Boulder, Colorado 80302, Tel: (303) 402-1600, pdn@bhgrlaw.com; pmh@bhgrlaw.com; katherine.carter@bhgrlaw.com)

Application for Findings of Reasonable Diligence

**IN THE ARKANSAS RIVER BASIN IN CROWLEY, OTERO, BENT AND PUEBLO COUNTIES, COLORADO**

**2. Definitions:** The following words and phrases when used in this Application have the meaning as stated below: 2.A. *Lower Ark District* means the Lower Arkansas Valley Water Conservancy District. 2.B. *Super Ditch* means the Lower Arkansas Valley Super Ditch Company, Inc. , 2.C. *Alternative Transfer Mechanism ("ATM")* means any legally authorized practice by which an irrigation water rights holder intentionally reduces irrigation to reduce the consumptive use of the water and temporarily makes the unconsumed amount of the historical consumptive use of the water available to another water user for an alternative type or place of beneficial use for up to three out of every ten years. 2.D. *Augmentation Station* means a structure that measures and delivers substitute supplies to either a natural stream or other means of surface water conveyance (e.g., a drainage ditch), that in turn carries the substitute supplies to an exchange-from location on the Arkansas River. This term refers to a type of structure only and neither the Decree in Case No. 10CW4 ("10CW4") or this Application includes a plan for augmentation. 2.E. *Catlin Pilot Project* means the Lease-Fallow Program pilot project operated by Co-Applicants with shareholders of the Catlin Canal Company pursuant to C.R.S. § 37-60-115(8) approved on January 26-27, 2015. 2.F. *Colorado Springs Pilot Project* means the HB 13-1248 CS-U/Super Ditch Lease-Fallow Program pilot project operated by Co-Applicants to deliver up to 1,000 acre-feet of water per year in certain years to the City of Colorado Springs pursuant to C.R.S. § 37-60-115(8) approved on January 17, 2020. 2.G. *Compact Compliance Plan* means a plan approved for the replacement of water pursuant to the State Engineer's Compact Rules Governing Improvements to Surface Water Irrigation Systems in the Arkansas River Basin in Colorado, approved in Case No. 09CW110, Water Div. No. 2, Oct. 28, 2010. 2.H. *Fountain IWSA* means the Interruptible Water Supply Agreement ("IWSA") operated by Co-Applicants with shareholders of the Catlin Canal Company to deliver water from 192 Catlin Canal shares in certain years to the City of Fountain pursuant to CRS § 37-92-309 approved on June 28, 2019. 2.I. *Lease Water* means the consumptive use portion of each Lessor's pro-rata share of the water right(s) adjudicated to their respective ditch and included in a Lease-Fallow Program. 2.J. *Lease-Fallow Program* means an ATM in which Lessors temporarily forgo using up to 35 percent of their shares in a Lower Valley Ditch

for irrigation and lease the unconsumed amount of the historical consumptive use to another water user. Under the terms of the decree entered in 10CW4, this 35 percent limitation did not apply to Lessors participating in the Catlin Pilot Project. 2.K. *Lessees* means municipal and/or other water users located within the Lower Valley, who enter into leases with Lessors pursuant to a Lease-Fallow Program; and means Fountain, Security Water District (“Security”), and Colorado Springs. Shareholders in Lower Valley Ditches may be both Lessees and Lessors. 2.L. *Lessors* means shareholders of a Lower Valley Ditch who voluntarily enter into a lease of Lease Water for use by Lessees pursuant to a Lease-Fallow Program. 2.M. *Lower Valley* means the service area of the Lower Ark District. A map of the Lower Ark District Service Area is attached to the application as **Exhibit 1**. (All exhibits mentioned herein are incorporated by reference and may be inspected at the office of the clerk of this Court or obtained by contacting counsel of record.) 2.N. *Lower Valley Ditch* means a ditch in the Lower Valley that diverts in the reach from Pueblo Reservoir to John Martin Reservoir, including the Catlin Canal, the Colorado Canal, the Excelsior Ditch, the Fort Lyon Canal, the Fort Lyon Storage Canal, the Holbrook Canal, the Otero Canal, the Oxford Farmers Ditch, and the Rocky Ford High Line Canal. 2.O. *Rule 14 Plan* means a plan approved for the replacement of ground water depletions pursuant to the State Engineer’s Amended Rules and Regulations Governing the Diversion and Use of Tributary Ground Water in the Arkansas River Basin, Colorado approved in Case No. 95CW211, Water Div. No. 2, April 30, 1996. **3. Summary of Application.** This is an Application for a Sexennial Finding of Reasonable Diligence for the conditional appropriative rights of substitution and exchange in the Arkansas River decreed on February 25, 2019, in 10CW4 (“Decree”). Voters in the Lower Valley approved the formation of the Lower Ark District in 2002 to conserve, protect and enhance the water resources of the Lower Valley for their greatest beneficial use and prevent the ongoing municipal “buy & dry” of irrigated agricultural lands. The purpose of the Lower Ark District is to sustain the agriculture and benefit the economy of the Lower Arkansas Valley, and to keep water in its streams for fish and wildlife habitat. To achieve these goals, Lower Ark District participates in water-related projects that embody thoughtful conservation and beneficial water use within the Lower Arkansas Valley. In 2008, shareholders of Lower Valley Ditches incorporated the Super Ditch to negotiate voluntary water leases on their behalf with municipal and other water users. The exchanges decreed in 10CW4 were approved for the purpose of operating lease-fallowing programs to help ensure the continued availability of water resources in the Lower Valley. These lease-fallow programs are designed to provide a sustainable alternative to the permanent transfers of agricultural water rights to meet municipal water needs, while protecting the agricultural economy and communities of the Lower Valley. Lessors want to lease water to and from other irrigators in the Lower Valley through these lease-fallow programs because the programs result in the maximum utilization of water for irrigation and agricultural productivity. Lower Ark District also sought the substitution and exchange rights decreed in 10CW4 for use in its Compact Compliance Plans, Rule 14 Plans, and other decreed augmentation plans within the Lower Valley. **4. General Description of Conditional Rights of Exchange.** The conditional appropriative rights of exchange decreed in 10CW4 will be used primarily to store Lease Water in Pueblo Reservoir, Lake Henry Reservoir, Lake Meredith Reservoir, Holbrook Reservoir, Holbrook Dye Reservoir, Horse Creek Reservoir, and Excelsior Ditch storage (Stonewall Springs Reservoir(s)) to

facilitate the delivery of such Lease Water to municipal and other Lessees of the Super Ditch, including irrigators in the Lower Valley and Compact Compliance Plans for return flow maintenance associated with improvements to surface irrigation systems, and to replace historical return flows from the water rights from which the Lease Water will be derived and operators of Rule 14 Plans for replacement of groundwater pumping. The exchanges operate by delivery of substitute supplies to the Arkansas River by measured releases through reservoir outlets and ditch Augmentation Stations. The appropriative rights of exchange may be operated simultaneously or in stepped fashion to move water up the Arkansas River to Pueblo Reservoir. Stepped exchanges may be operated so as to position water in upstream reservoirs for later release and subsequent exchange to further upstream points. There are four categories of priorities and appropriation dates that the subject exchanges carry, based on the four categories of end users of the water that the Co-Applicants deliver under these exchanges: Fountain, Security, Colorado Springs, and Lessees that are located and will use the Lease Water within the Lower Valley ("Lower Valley Lessees"). To avoid repetition, each exchange right is named and described in paragraph 5 as if it were a single water right, even though each consists of four distinct appropriative rights of exchange: one to supply water to Fountain; a second to supply water to Security; a third to supply water to Colorado Springs; and a fourth to supply water to Lower Valley Lessees. Each of these appropriative rights of exchange must be operated and made absolute as a separate water right in accordance with its priority.

**5. Names of Conditional Rights of Exchange.** Each appropriative right of exchange named below consists of a set of exchanges between exchange-from points, which are Augmentation Stations or reservoir outlets downstream of the named structure; and exchange-to points, which are river headgates of irrigation ditches, river headgates of reservoir-inflow ditches, or Pueblo Reservoir, upstream of the named structure. The exchange-from and exchange-to points are summarized in the exchange matrix in paragraph 9.

5.A. Super Ditch Horse Creek Reservoir Exchange. 5.B. Super Ditch Fort Lyon Canal Exchange. 5.C. Super Ditch Holbrook Reservoir Exchange. 5.D. Super Ditch Holbrook Dye Reservoir Exchange. 5.E. Super Ditch Lake Meredith/Henry Outlet Exchange. 5.F. Super Ditch Fort Lyon Storage Canal Exchange. 5.G. Super Ditch Holbrook Canal Exchange. 5.H. Super Ditch Catlin Canal Exchange. 5.I. Super Ditch Otero Canal Exchange. 5.J. Super Ditch Oxford Farmers Ditch Exchange. 5.K. Super Ditch Rocky Ford High Line Canal Exchange. 5.L. Super Ditch Stonewall Springs Exchange.

**6. Descriptions of Exchanges.** Each conditional exchange described below consists of four distinct appropriative rights of exchange: one to supply water to Fountain, a second to supply water to Security, a third to supply water to Colorado Springs, and a fourth to supply water to Lower Valley Lessees.

6.A. Super Ditch Horse Creek Reservoir Exchange. The exchange reaches are from the confluence of Horse Creek and the Arkansas River ("Horse Creek Confluence"), up the Arkansas River to Pueblo Reservoir, and from the Horse Creek Confluence to intermediate exchange-to points at the headgates of specified intervening canals and ditches.

6.A.1. Exchange-From Point (Point of Introduction of Substitute Supplies): 6.A.1.a. The Horse Creek confluence located in the NW ¼ of Section 11, Township 23 South, Range 53 West, of the 6th P.M.

6.A.2. Exchange-To Points and Maximum Instantaneous Exchange Rates: 6.A.2.a. Fort Lyon Canal, maximum instantaneous exchange rate: 150 cfs. The headgate of the Fort Lyon Canal is located on the north bank of the Arkansas River in the SE ¼ of Section 29,



Township 23 South, Range 55 West of the 6th P.M., Otero County, Colorado. The location is approximately 130 feet from the South Section line and 1,775 feet from the East Section line. The decreed location of the headgate “is located on the north bank of the Arkansas River in the Northeast quarter of Section 32 Township 23 South of Range 55 West of the Sixth P.M. in Otero County, Colorado” as decreed in Decree dated April 8, 1905, Bent County District Court. 6.A.2.b. Fort Lyon Storage Canal, maximum instantaneous exchange rate: 150 cfs. The headgate is located in SE ¼ of Section 20, Township 22 South, Range 57 West of the 6th P.M., in Crowley County, Colorado. The location is approximately 1,940 feet from the South Section line and 1,800 feet from the East Section line. The decreed headgate location “is located at a point in the County of Crowley, State of Colorado, on the North bank of the Arkansas River, in the Northwest Quarter of the Southeast Quarter of Section 20, Township 22 South, Range 57 West of the Sixth P.M., whence the Northeast corner of said Section 20 bears North 34°10' East 3,770 feet” as decreed in Decretal Order dated August 30, 1922, Bent County District Court. 6.A.2.c. Holbrook Canal (a.k.a. Lake Canal), maximum instantaneous exchange rate: 150 cfs. The point of diversion is on the north bank of the Arkansas River in the Northeast ¼ of Section 24, Township 22 South, Range 58 West of the 6th P.M., in Crowley County, Colorado. The location is approximately 1,260 feet from the North Section line and 1,940 feet from the East Section line. The decreed headgate location is “located on the north bank of the Arkansas River in the Northeast Quarter of Section 24 Township 22 South, of Range 58 West of the 6th P.M. in Otero County, Colorado” as decreed in Decree dated April 8, 1905, Bent County District Court. 6.A.2.d. Catlin Canal, maximum instantaneous exchange rate: 150 cfs. The point of diversion is located at a point on the South bank of the Arkansas River, in the North ½ of the NW ¼ of Section 19, Township 22 South, Range 58 West of the 6th P.M. in Water District No. 17 in Otero County, Colorado, which point is about 1300 feet East of, or down, the Arkansas River from the original point of diversion fixed by decree of the Court on the South bank of the Arkansas River at the confluence of said river and the Apishapa River as decreed in Case No. 689, November 28, 1955, Water District 17. 6.A.2.e. Otero Canal, maximum instantaneous exchange rate: 150 cfs. The headgate of the Otero Canal is located on the South bank of the Arkansas River in the NE ¼ of Section 18, Township 22 South, Range 59 West of the 6th P.M., in Otero County, Colorado. The location is approximately 50 feet from the North Section line and 1,090 feet from the East Section Line. The decreed location of the headgate is “located on the South bank of the Arkansas River in the Northeast Quarter of Section 17 Township 22 South of Range 59 West of the 6th P.M. in Otero County, Colorado” as decreed in Decree dated April 8, 1905, Bent County District Court. 6.A.2.f. Oxford Farmers Ditch, maximum instantaneous exchange rate: 150 cfs. The point of diversion is located on the south bank of the Arkansas River in the NW ¼ of Section 31, Township 21 South, Range 60 West of the 6th P.M., in Pueblo County, Colorado. This location is approximately 345 feet from the West Section line and 5 feet from the North Section line. The decreed location is “on the South bank of the Arkansas River in the N.E. ¼ of the N.W. ¼ of Sec. 31, T. 21 S., R. 60 W. at a point N. 14° 50' E. 4544.1 feet from the S.W. section corner of Section 31, same T. and R., in Pueblo County, Colorado” as decreed in Case No. 2535, dated March 23, 1896, Bent County District Court. 6.A.2.g. Rocky Ford High Line Canal, maximum instantaneous exchange rate: 150 cfs. The headgate is located in the NE ¼ of Section 17, Township 21 South, Range 61 West of the 6th P.M., Pueblo County,

Colorado. The location is approximately 370 feet from the North Section line and 400 feet from the East Section line. The decreed location is "located on the South bank of the Arkansas River in Pueblo County, Colorado in the northeast ¼ of the northeast ¼ of Section 17 Township 21 South, Range 61 West of the 6th P.M., bearing south 48° 28' West, 459.36 feet from the corners of Sections 8, 9, 16, and 17 in Township 21 South, Range 61 West of the 6th P.M." as decreed in Case No. W-65, dated October 15, 1971, in Water Division No. 2. 6.A.2.h. Colorado Canal, maximum instantaneous exchange rate: 200 cfs. The present location of the Colorado Canal is located in the NE ¼ of the NE ¼ Section 10, Township 21 South, Range 62 West of the 6th P.M., Pueblo County, Colorado. The decreed location of the headgate "is located on the North bank of the Arkansas River in the N.E. ¼ of the N.E. ¼ Sec. 10, T. 21 S., R. 62 W., bearing 6.0° 58' W. 426 feet from the S.W. corner of Sec. 2, T. 21 S., R. 62 W., in Pueblo County, Colorado" as decreed in Case No. 2535, dated March 23, 1896, in Pueblo County District Court. 6.A.2.i. Excelsior Ditch, maximum instantaneous exchange rate: 77 cfs. The headgate is located on the north bank of the Arkansas River in the SE ¼ SE ¼ of Section 36, Township 20 South, Range 64 West of the 6th P.M., Pueblo County, Colorado. 6.A.2.j. Pueblo Reservoir, maximum instantaneous exchange rate: 150 cfs. A point at the intersection of Pueblo Dam axis and the Arkansas River whence the NE corner of Section 36, Township 20 South, Range 66 West of the 6th P.M., bears North 61°21'20" East a distance of 2,511.05 feet. 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., 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. 6.B. Super Ditch Fort Lyon Canal Exchange. The exchange reaches are from the point of delivery to the Arkansas River from Fort Lyon Augmentation Station 1, described below, and any future Augmentation Stations, upstream to Pueblo Reservoir, including intermediate exchange-to points at the headgates of specified intervening canals and ditches. 6.B.1. Exchange-From Points (Point of Introduction of Substitute Supplies): 6.B.1.a. Fort Lyon Canal Augmentation Station 1. The measurement station is located in the SW ¼ of Section 35, Township 23 South, Range 55 West, of the 6th P.M. The augmentation station delivers water via a channel commonly referred to as the Fort Lyon Canal Wasteway No. 2 to the Arkansas River in the NW ¼ of Section 2, Township 24 South, Range 55 West, of the 6th P.M. 6.B.2. Exchange-To Points and Maximum Instantaneous Exchange Rates (legal descriptions set for in paragraph 6.A. above): 6.B.2.a. Fort Lyon Storage Canal, maximum instantaneous exchange rate: 933 cfs. 6.B.2.b. Holbrook Canal (a.k.a. Lake Canal), maximum instantaneous exchange rate: 933 cfs. 6.B.2.c. Catlin Canal, maximum instantaneous exchange rate: 385 cfs. 6.B.2.d. Otero Canal, maximum instantaneous exchange rate: 175 cfs. 6.B.2.e. Oxford Farmers Ditch, maximum instantaneous exchange rate: 195 cfs. 6.B.2.f. Rocky Ford High Line Canal, maximum instantaneous exchange rate: 725 cfs. 6.B.2.g. Colorado Canal, maximum

instantaneous exchange rate: 756 cfs. 6.B.2.h. Excelsior Ditch, maximum instantaneous exchange rate: 77 cfs. 6.B.2.i. Pueblo Reservoir, maximum instantaneous exchange rate: 933 cfs. 6.C. Super Ditch Holbrook Reservoir Exchange. The exchange reach is from the outlet of Holbrook Reservoir, up the Arkansas River to Pueblo Reservoir; including intermediate exchange-to points of specified intervening canals and ditches. 6.C.1. Exchange-From Points (Point of Introduction of Substitute Supplies): 6.C.1.a. Holbrook Reservoir Outlet. Water is measured at the Holbrook Reservoir Outlet and delivered through its outlet ditch, which is about three miles in length, into the Arkansas River at the exchange-from point located in the SE ¼ of Section 24, Township 23 South, Range 56 West, in Otero County, Colorado. 6.C.2. Exchange-To Points and Maximum Instantaneous Exchange Rates (legal descriptions set forth in paragraph 6.A above): 6.C.2.a. Fort Lyon Storage Canal, maximum instantaneous exchange rate: 448 cfs. 6.C.2.b. Holbrook Canal, maximum instantaneous exchange rate: 448 cfs. 6.C.2.c. Catlin Canal, maximum instantaneous exchange rate: 385 cfs. 6.C.2.d. Otero Canal, maximum instantaneous exchange rate: 175 cfs. 6.C.2.e. Oxford Farmers Ditch, maximum instantaneous exchange rate: 195 cfs. 6.C.2.f. Rocky Ford High Line Canal, maximum instantaneous exchange rate: 448 cfs. 6.C.2.g. Colorado Canal, maximum instantaneous exchange rate: 448 cfs. 6.C.2.h. Excelsior Ditch, maximum instantaneous exchange rate: 77 cfs. 6.C.2.i. Pueblo Reservoir, maximum instantaneous exchange rate: 448 cfs. 6.D. Super Ditch Holbrook Dye Reservoir Exchange. The exchange reach is from the outlet of Holbrook Dye Reservoir up the Arkansas River to Pueblo Reservoir; including intermediate exchange-to points at the headgates of specified intervening canals and ditches. 6.D.1. Exchange-From Points (Point of Introduction of Substitute Supplies): 6.D.1.a. Holbrook Dye Reservoir (a.k.a. Dye Reservoir). Water is measured at the Holbrook Dye Reservoir outlet and delivered through its outlet ditch, into the Arkansas River, at the exchange-from point located in the NW ¼ of the SE ¼ of Section 5, Township 23 South, Range 56 West of the 6th P.M., Otero County, Colorado. 6.D.2. Exchange-To Points and Maximum Instantaneous Exchange Rates (legal descriptions set forth in paragraph 6.A above): 6.D.2.a. Fort Lyon Storage Canal, maximum instantaneous exchange rate: 132 cfs. 6.D.2.b. Holbrook Canal, maximum instantaneous exchange rate: 132 cfs. 6.D.2.c. Catlin Canal, maximum instantaneous exchange rate: 132 cfs. 6.D.2.d. Otero Canal, maximum instantaneous exchange rate: 132 cfs. 6.D.2.e. Oxford Farmers Ditch, maximum instantaneous exchange rate: 132 cfs. 6.D.2.f. Rocky Ford High Line Canal, maximum instantaneous exchange rate: 132 cfs. 6.D.2.g. Colorado Canal, maximum instantaneous exchange rate: 132 cfs. 6.D.2.h. Excelsior Ditch, maximum instantaneous exchange rate: 77 cfs. 6.D.2.i. Pueblo Reservoir, maximum instantaneous exchange rate: 132 cfs. 6.E. Super Ditch Lake Meredith/Henry Outlet Exchange. The exchange reach is from the outlets of Lake Meredith and Lake Henry up the Arkansas River to Pueblo Reservoir; including intermediate exchange-to points at the headgates of specified intervening canals and ditches. 6.E.1. Exchange-From Points (Point of Introduction of Substitute Supplies): 6.E.1.a. Lake Meredith/Henry Outlet. Waters released from Lake Meredith and Henry Reservoirs are measured at the Lake Meredith reservoir outlet and carried through the Outlet Canal to a point in the South ½ of Section 21, Township 22 South, Range 57 West of the 6th P.M., Crowley County, Colorado; where they are discharged into the Fort Lyon Storage Canal whence they are carried southeasterly approximately one-half mile in the

Fort Lyon Storage Canal to a point at which they are discharged through a headgate on its Southerly bank in the SW ¼ of Section 22, Township 22 South, Range 57 west of the 6th P.M., Crowley County, Colorado; to discharge into the Arkansas River at an exchange-from point in the NW ¼ of the SE ¼ of Section 27, Township 22 South, Range 57 West of the 6th P.M., Otero County, Colorado. 6.E.2. Exchange-To Points and Maximum Instantaneous Exchange Rates (legal descriptions set forth in paragraph 6.A above): 6.E.2.a. Fort Lyon Storage Canal, maximum instantaneous exchange rate: 500 cfs. 6.E.2.b. Holbrook Canal, maximum instantaneous exchange rate: 500 cfs. 6.E.2.c. Catlin Canal, maximum instantaneous exchange rate: 385 cfs. 6.E.2.d. Otero Canal, maximum instantaneous exchange rate: 175 cfs. 6.E.2.e. Oxford Farmers Ditch, maximum instantaneous exchange rate: 195 cfs. 6.E.2.f. Rocky Ford High Line Canal, maximum instantaneous exchange rate: 500 cfs. 6.E.2.g. Colorado Canal, maximum instantaneous exchange rate: 500 cfs. 6.E.2.h. Excelsior Ditch, maximum instantaneous exchange rate: 77 cfs. 6.E.2.i. Pueblo Reservoir, maximum instantaneous exchange rate: 500 cfs. 6.F. Super Ditch Fort Lyon Storage Canal Exchange. The exchange reach is from the points of delivery to the Arkansas River of any future Augmentation Stations under the Fort Lyon Storage Canal up the Arkansas River to Pueblo Reservoir, including intermediate exchange-to points at the headgates of specified intervening canals and ditches. 6.F.1. Exchange-From Point (Point of Introduction of Substitute Supplies): 6.F.1.a. Fort Lyon Storage Canal. Legal description is set forth in paragraph 6.A above. 6.F.2. Exchange-To Points and Maximum Instantaneous Exchange Rates (legal descriptions set forth in paragraph 6.A above): 6.F.2.a. Holbrook Canal, maximum instantaneous exchange rate: 1,001 cfs. 6.F.2.b. Catlin Canal, maximum instantaneous exchange rate: 385 cfs. 6.F.2.c. Otero Canal, maximum instantaneous exchange rate: 175 cfs. 6.F.2.d. Oxford Farmers Ditch, maximum instantaneous exchange rate: 195 cfs. 6.F.2.e. Rocky Ford High Line Canal, maximum instantaneous exchange rate: 725 cfs. 6.F.2.f. Colorado Canal, maximum instantaneous exchange rate: 756 cfs. 6.F.2.g. Excelsior Ditch, maximum instantaneous exchange rate: 77 cfs. 6.F.2.h. Pueblo Reservoir, maximum instantaneous exchange rate: 1,466 cfs. 6.F.2.i. Prior to delivering water from any future Augmentation Station, Co-Applicants shall provide written notice to the Division Engineer and all parties who filed Statements of Opposition in Case. No. 10CW4, identifying the new structure releasing substitute supply water, the location of the structure, the device used to measure the water released to the Arkansas River, the mechanism used to convey water from the measuring device to the Arkansas River, any proposed new exchange-from points, and the supplies to be delivered through the new structure. 6.G. Super Ditch Holbrook Canal (a.k.a. Lake Canal) Exchange. The exchange reaches are from the points of delivery to the Arkansas River of the Holbrook Canal Augmentation Stations described below, and any future Augmentation Stations, up the Arkansas River to Pueblo Reservoir, including intermediate exchange-to points at the headgates of specified intervening canals and ditches. 6.G.1. Exchange-From Points (Point of Introduction of Substitute Supplies): 6.G.1.a. Holbrook Canal Augmentation Station 1. Substitute supplies are delivered through the Augmentation Station located in the SW ¼ of Section 8, Township 23 South, Range 55 West, of the 6th P.M. into the Arkansas River in the SE ¼ of Section 24, Township 23 South, Range 56 West, of the 6th P.M. 6.G.1.b. Holbrook Canal Augmentation Station 2. Substitute supplies are delivered through the Augmentation Station located in the SW ¼ of Section 1, Township

22 South, Range 55 West, of the 6th P.M. into Horse Creek. Horse Creek delivers water to the Arkansas River at the exchange-from location in the NW ¼ of Section 11, Township 23 South, Range 53 West, of the 6th P.M. 6.G.1.c. Holbrook Canal Augmentation Station 3. Substitute supplies are delivered through the Augmentation Station located in the NE ¼ of Section 22, Township 22 South, Range 54 West, of the 6th P.M. into Horse Creek. Horse Creek delivers water to the Arkansas River in the NW ¼ of Section 11, Township 23 South, Range 53 West, of the 6th P.M. 6.G.1.d. Holbrook Canal Augmentation Station 4. Substitute supplies are delivered through the Augmentation Station located in the NW ¼ of Section 31, Township 22 South, Range 53 West, of the 6th P.M. into Horse Creek in Section 30 of the same township. Horse Creek delivers water to the Arkansas River in the NW ¼ of Section 11, Township 23 South, Range 53 West, of the 6th P.M. 6.G.1.e. Any future augmentation station added to this exchange must comply with the same notice requirements set forth above in paragraph 6.F.2.i. 6.G.2. Exchange-To Points and Maximum Instantaneous Exchange Rates (legal descriptions set forth in paragraph 6.A. above): 6.G.2.a. Catlin Canal, maximum instantaneous exchange rate: 385 cfs. 6.G.2.b. Otero Canal, maximum instantaneous exchange rate: 175 cfs. 6.G.2.c. Oxford Farmers Ditch, maximum instantaneous exchange rate: 195 cfs. 6.G.2.d. Rocky Ford High Line Canal, maximum instantaneous exchange rate: 600 cfs. 6.G.2.e. Colorado Canal, maximum instantaneous exchange rate: 600 cfs. 6.G.2.f. Excelsior Ditch, maximum instantaneous exchange rate: 77 cfs. 6.G.2.g. Pueblo Reservoir, maximum instantaneous exchange rate: 600 cfs. 6.H. Super Ditch Catlin Canal Exchange. The exchange reach is from the points of delivery of the Catlin Canal Augmentation Stations described below, and any future Augmentation Stations, up the Arkansas River to Pueblo Reservoir, including intermediate exchange-to points at the headgates of specified intervening canals and ditches. 6.H.1. Exchange-From Points (Point of Introduction of Substitute Supplies): 6.H.1.a. Catlin Canal Augmentation Station 1. Substitute supplies are delivered through the Augmentation Station located in the SE ¼ of Section 22, Township 22 South, Range 58 West, of the 6th P.M. and flow down Smith Hollow to be delivered to the exchange-from point on the Arkansas River in the NW ¼ of Section 22, Township 22 South, Range 58 West, of the 6th P.M. 6.H.1.b. Catlin Canal Augmentation Station 2. Substitute supplies are delivered through the Augmentation Station located in the SW ¼ of Section 18, Township 24 South, Range 56 West, of the 6th P.M. and flow down Timpas Creek to be delivered to the exchange-from point on the Arkansas River in the NW ¼ of Section 25, Township 23 South, Range 56 West, of the 6th P.M. 6.H.1.c. Catlin Canal Augmentation Station 3. Substitute supplies are delivered through the Augmentation Station located in the NW ¼ of Section 24, Township 24 South, Range 56 West, of the 6th P.M. and flow down Crooked Arroyo to be delivered to the exchange-from point on the Arkansas River in the SW ¼ of Section 33, Township 23 South, Range 55 West, of the 6th P.M. 6.H.1.d. Any future Augmentation Station added to this exchange must comply with the same notice requirements set forth above in paragraph 6.F.2.i. 6.H.2. Exchange-To Points and Maximum Instantaneous Exchange Rates (legal descriptions set forth in paragraph 6.A. above): 6.H.2.a. Otero Canal, maximum instantaneous exchange rate: 175 cfs. 6.H.2.b. Oxford Farmers Ditch, maximum instantaneous exchange rate: 195 cfs. 6.H.2.c. Rocky Ford High Line Canal, maximum instantaneous exchange rate: 266 cfs. 6.H.2.d. Colorado Canal, maximum instantaneous exchange rate: 266 cfs. 6.H.2.e. Excelsior

Ditch, maximum instantaneous exchange rate: 77 cfs. 6.H.2.f. Pueblo Reservoir, maximum instantaneous exchange rate: 266 cfs. 6.I. Super Ditch Otero Canal Exchange. The exchange reach is from the points of delivery of the Otero Canal Augmentation Stations, described below, and any future Augmentation Stations, up the Arkansas River to Pueblo Reservoir, including intermediate exchange-to points at the headgates of specified intervening canals and ditches. 6.I.1. Exchange-From Points (Point of Introduction of Substitute Supplies): 6.I.1.a. Otero Canal Augmentation Station 1. Substitute supplies are delivered through the Augmentation Station located in the SW  $\frac{1}{4}$  of Section 22, Township 22 South, Range 58 West, of the 6th P.M. and flow down Smith Hollow to be delivered to the exchange-from point on the Arkansas River in the NW  $\frac{1}{4}$  of Section 22, Township 22 South, Range 58 West, of the 6th P.M. 6.I.1.b. Otero Canal Augmentation Station 2. Substitute supplies are delivered through the Augmentation Station located in the SE  $\frac{1}{4}$  of Section 23, Township 24 South, Range 57 West, of the 6th P.M. and flow down Timpas Creek to be delivered to the exchange-from point on the Arkansas River in the NW  $\frac{1}{4}$  of Section 25, Township 23 South, Range 56 West, of the 6th P.M. 6.I.1.c. Otero Canal Augmentation Station 3. Substitute supplies are delivered through the Augmentation Station located in the NE  $\frac{1}{4}$  of Section 23, Township 24 South, Range 55 West, of the 6th P.M. and flow down King Arroyo to be delivered to the exchange-from point on the Arkansas River in the SE  $\frac{1}{4}$  of Section 2, Township 24 South, Range 55 West, of the 6th P.M. 6.I.1.d. Any future Augmentation Station added to this exchange must comply with the same notice requirements set forth above in paragraph 6.F.2.i. 6.I.2. Exchange-To and Maximum Instantaneous Exchange Rates (legal descriptions set forth in paragraph 6.A above): 6.I.2.a. Oxford Farmers Ditch, maximum instantaneous exchange rate: 195 cfs. 6.I.2.b. Rocky Ford High Line Canal, maximum instantaneous exchange rate: 339 cfs. 6.I.2.c. Colorado Canal, maximum instantaneous exchange rate: 339 cfs. 6.I.2.d. Excelsior Ditch, maximum instantaneous exchange rate: 77 cfs. 6.I.2.e. Pueblo Reservoir, maximum instantaneous exchange rate: 339 cfs. 6.J. Super Ditch Oxford Farmers Ditch Exchange. The exchange reach is from the points of delivery of the Oxford Farmers Ditch Augmentation Stations, described below, and any future Augmentation Stations, up the Arkansas River to Pueblo Reservoir including intermediate exchange-to points at the headgates of specified intervening canals and ditches. 6.J.1. Exchange-From Points (Point of Introduction of Substitute Supplies): 6.J.1.a. Oxford Farmers Ditch Augmentation Station 1. Substitute supplies are delivered through the Augmentation Station located in the SW  $\frac{1}{4}$  of Section 11, Township 22 South, Range 60 West, of the 6th P.M. and flow down Chicosa Creek to the exchange-from point on the Arkansas River in the NW  $\frac{1}{4}$  of Section 12, Township 22 South, Range 60 West, of the 6th P.M. 6.J.1.b. Oxford Farmers Ditch Augmentation Station 2. Substitute supplies are delivered through the Augmentation Station located in the SE  $\frac{1}{4}$  of Section 34, Township 22 South, Range 59 West, of the 6th P.M. and flow down the Apishapa River to be delivered to the exchange-from point on the Arkansas River in the NW  $\frac{1}{4}$  of Section 19, Township 22 South, Range 58 West, of the 6th P.M. 6.J.1.c. Any future Augmentation Station added to this exchange must comply with the same notice requirements set forth above in paragraph 6.F.2.i. 6.J.2. Exchange-To Points and Maximum Instantaneous Rates (legal descriptions set forth in paragraph 6.A above): 6.J.2.a. Rocky Ford High Line Canal, maximum instantaneous exchange rate: 34 cfs. 6.J.2.b. Colorado Canal, maximum instantaneous exchange rate: 34 cfs. 6.J.2.c.

Excelsior Ditch, maximum instantaneous exchange rate: 34 cfs. 6.J.2.d. Pueblo Reservoir, maximum instantaneous exchange rate: 34 cfs. 6.K. Super Ditch Rocky Ford High Line Canal Exchange. The exchange reach is from the point of delivery of the Rocky Ford High Line Canal Augmentation Station, described below, and any future Augmentation Stations, up the Arkansas River to Pueblo Reservoir including intermediate exchange-to points at the headgates of specified intervening canals and ditches. 6.K.1. Exchange-From Points (Point of Introduction of Substitute Supplies): 6.K.1.a. Rocky Ford High Line Canal Augmentation Station 1. Substitute supplies are delivered through the Augmentation Station located in the NE  $\frac{1}{4}$  of Section 26, Township 21 South, Range 61 West, of the 6th P.M., and delivered to the Arkansas River in approximately the same location. 6.K.1.b. Any future Augmentation Station added to this exchange must comply with the same notice requirements set forth above in paragraph 6.F.2.i. 6.K.2. Exchange-To Points and Maximum Instantaneous Exchange Rates (legal descriptions set forth in paragraph 6.A above): 6.K.2.a. Colorado Canal, maximum instantaneous exchange rate: 206 cfs. 6.K.2.b. Excelsior Ditch, maximum instantaneous exchange rate: 77 cfs. 6.K.2.c. Pueblo Reservoir, maximum instantaneous exchange rate: 206 cfs. 6.L. Super Ditch Stonewall Springs Exchange. The exchange reaches are from the point(s) where the outlet of any storage structure(s) filled via the Excelsior Ditch deliver(s) water to the Arkansas River, up the Arkansas River to Pueblo Reservoir, including intermediate exchange-to points at the headgates of specified intervening canals and ditches. 6.L.1. Exchange-From Points (Point of Introduction of Substitute Supplies): 6.L.1.a. Stonewall Springs Reservoir Outlet. The outlet to the River is proposed to be to the Arkansas River in the SW  $\frac{1}{4}$  of Section 6, Township 21 South, Range 62 West of the 6th P.M., Pueblo County, Colorado. 6.L.1.b. The outlet(s) of any other storage structure(s) to be filled by the Excelsior Ditch are proposed to be located in the reach of the Arkansas River from and including the SW  $\frac{1}{4}$  of Section 1, Township 21 South, Range 63 West of the 6th P.M., Pueblo County, Colorado to and including the confluence of Chico Creek and the Arkansas River located in the NW  $\frac{1}{4}$  of Section 8, Township 21 South, Range 62 West of the 6th P.M., Pueblo County, Colorado. 6.L.2. Exchange-to Point and Maximum Instantaneous Exchange Rate: 6.L.2.a. Pueblo Reservoir, maximum instantaneous exchange rate: 500 cfs (legal description set forth in paragraph 6.A). **7. Map.** A map showing the approximate locations of the exchange-from and exchange-to points is attached hereto as **Exhibit 2.** **8. Sources of Substitute Supply.** For all of the exchanges decreed in 10CW4, the sources of substitute supply are limited to Lease Water from water rights listed in this paragraph with a decreed point of diversion above the initial exchange-from point. Under the Decree, the amount of each source of substitute supply that may be used for exchange is limited to 35 percent annually of each of the respective shareholders participating. 10CW4 requires Co-Applicants to submit annual accounting of the total number of shares and the percentage of total ditch system shares used in the Lease Fallow Program for each source of substitute supply. The Lease Water is not currently decreed for or otherwise lawfully available for use as a source of substitute supply in the exchanges confirmed by this Decree, except for the water rights shares that were included in the Catlin Pilot Project, the Colorado Springs Pilot Project, and the Fountain IWSA. Except for the water rights shares included in the Catlin Pilot Project, Colorado Springs Pilot Project, and the Fountain IWSA, the Lease Water will be available for use as substitute supplies in the exchanges confirmed by this decree only after future

water court approval or Administrative Approval of changes of water rights. 8.A. Water rights represented by shares of stock in the Fort Lyon Canal Company, which owns and operates the Fort Lyon Storage Canal and the Adobe and Horse Creek Reservoirs: 8.A.1. Adobe Creek Reservoir water rights decreed in Bent County District Court on November 8, 1928: 8.A.1.a. Adobe Creek Reservoir, Original Construction, with a storage capacity of 61,575 acre-feet: (i) reservoir priority no. 27.5 with a filling rate of 8,631 cfs from Adobe Creek and 840 cfs from the Arkansas River and an appropriation date of January 25, 1906; (ii) reservoir priority no. 50 with a filling rate of 1,466 cfs from the Arkansas River and an appropriation date of March 1, 1910. 8.A.1.b. Adobe Creek Reservoir, First Enlargement, with a storage capacity of 25,425 acre-feet: (i) reservoir priority no. 41 with a filling rate of 8,631 cfs from Adobe Creek and 840 cfs from the Arkansas River and an appropriation date of December 29, 1908; (ii) reservoir priority no. 50 with a filling rate of 1,466 cfs from the Arkansas River and an appropriation date of March 1, 1910. 8.A.2. Horse Creek Reservoir water rights decreed in Bent County District Court on November 8, 1928: 8.A.2.a. Horse Creek Reservoir, Original Construction, with a storage capacity of 11,400 acre-feet: (i) reservoir priority no. 10 with a filling rate of 2000 cfs, from Horse Creek and an appropriation date of August 15, 1900; (ii) reservoir priority no. 27.5 with a filling rate of 840 cfs from the Arkansas River and an appropriation date of January 25, 1906; (iii) reservoir priority no. 50 with a filling rate of 1,466 cfs from the Arkansas River and an appropriation date of March 1, 1910. 8.A.2.b. Horse Creek Reservoir, First Enlargement, with a storage capacity of 15,487 acre-feet: (i) reservoir priority no. 27.5 with a filling rate of 840 cfs from the Arkansas River and an appropriation date of January 25, 1906; (ii) reservoir priority no. 30.5 with a filling rate of 5,000 cfs from Horse Creek and an appropriation date of December 20, 1907; (iii) reservoir priority no. 50 with a filling rate of 1,466 cfs from the Arkansas River and an appropriation date of March 1, 1910. 8.A.2.c. Horse Creek Reservoir, Second Enlargement, with a storage capacity of 1,113 acre-feet: (i) reservoir priority no. 37 with a filling rate of 5,000 cfs from Horse Creek and 840 cfs from the Arkansas River and an appropriation date of June 12, 1908; (ii) reservoir priority no. 50 with a filling rate of 1,466 cfs from the Arkansas River and an appropriation date of March 1, 1910. 8.B. Water rights represented by shares of stock in the Fort Lyon Canal Company, which owns and operates the Fort Lyon Canal and Thurston Reservoir: 8.B.1. Water rights decreed for diversion at the Fort Lyon Canal by decree of April 8, 1905, Bent County District Court, in the amount of: 164.64 cfs, with an appropriation date of April 15, 1884 (priority no. 4); 597.16 cfs, with an appropriation date of March 1, 1887 (priority no. 6); 171.20 cfs, with an appropriation date of August 31, 1893 (priority no. 25). 8.B.2. Water rights decreed for storage in Thurston Reservoir (formerly decreed to Prince Reservoir) by decree of April 8, 1905, Bent County District Court, in the amount of 66,000,000 cubic feet (1,515 acre-feet), with a filling rate of 355.2 cfs and an appropriation date of August 12, 1889 (reservoir priority no. 1); transferred to Thurston Reservoir in Case No. W-27 (74) and made absolute in Case No. 79CW85. 8.C. Water storage rights represented by shares of stock in the Holbrook Mutual Irrigating Company, which owns and operates Holbrook Reservoir: 8.C.1. Holbrook Reservoir, 4,247 acre-feet, with a filling rate of 600 cfs (reservoir priority no. 2), with an appropriation date of March 2, 1892 decreed in the Bent County District Court on April 8, 1905. 8.C.2. Holbrook Reservoir Enlargement, 1,196 acre-feet, with a filling rate of 600 cfs (reservoir priority no. 49), with an appropriation date of September 15, 1909, decreed in Bent County District Court on



February 3, 1927 (originally decreed for capacity of 3,196 acre-feet; 2,000 acre-feet transferred to Dye Reservoir by decree in Case No. W-3905, August 7, 1974). 8.C.3. Dye Reservoir, 2,000 acre-feet with a filling rate of 600 cfs (reservoir priority no. 20), with an appropriation date of October 10, 1903, decreed in Bent County District Court on February 3, 1927 (transferred to Holbrook Reservoir by decree in Case No. W-3905, August 7, 1974). 8.D. Water rights represented by shares of stock in the Holbrook Mutual Irrigating Company, which owns and operates the Holbrook Canal and the Holbrook and Dye Reservoirs: 8.D.1. Water rights decreed to the Holbrook Canal in Bent County District Court on April 8, 1905: 8.D.1.a. 155.00 cfs from the Arkansas River with a priority date of September 25, 1889 (priority no. 10). 8.D.1.b. 445.00 cfs from the Arkansas River with a priority date of August 30, 1893 (priority no. 24). 8.D.2. Water rights decreed to Holbrook and Dye Reservoirs for diversion by exchange at the Holbrook Canal headgate, as decreed in Bent County District Court on February 3, 1927. The Holbrook Canal is decreed to divert 595 cfs by exchange from the outlet of the Dye Reservoir as of October 10, 1903 and 230 cfs by exchange from the outlet of the Holbrook Reservoir as of September 15, 1909. 8.E. Water rights represented by shares of stock in the Catlin Canal Company, which owns and operates the Catlin Canal: 8.E.1. Water rights decreed for diversion at the Catlin Canal. 8.E.1.a. 22 cfs in the water right assigned priority no. 2 by the Decree of April 8, 1905, with an appropriation date of April 10, 1875. Pursuant to Reorganized Catlin Consolidated Canal Co. v. Hinderlider, 80 Colo. 522, 253 P. 389 (1927), this 22 cfs interest is required to be administered as junior to Fort Lyon Canal Company's priority no. 4 water right, as described in the decree of August 21, 1905. 8.E.1.b. 226 cfs in the water right assigned priority no. 5 by the Decree of April 8, 1905, with an appropriation date of December 3, 1884. 8.E.1.c. 97 cfs with an appropriation date of November 14, 1887 (priority no. 7). 8.F. Water rights represented by shares of stock in the Otero Ditch Company, which owns and operates the Otero Canal: 8.F.1. Water rights decreed to the Otero Canal for 123 cfs with an appropriation date of March 3, 1890, Bent County District Court, April 08, 1905 (priority no. 13); and 334.92 cfs with an appropriation date of February 2, 1903, Bent County District Court, August 30, 1922 (priority no. 62). 8.G. Water rights represented by shares of stock in the Oxford Farmers Ditch Company, which owns and operates the Oxford Farmers Ditch. 8.G.1. Water rights decreed to the Oxford Farmers Ditch in Bent County District Court on March 23, 1896. 8.G.1.a. 116 cfs, with a priority date of February 26, 1887, (priority no. 53). 8.G.1.b. 13.4 cfs, with a priority date of September 21, 1867 (priority no. 20), transferred from Enterprise Ditch. 8.H. Water rights represented by shares of stock in the High Line Canal Company, which owns and operates the High Line Canal: 8.H.1. Water rights decreed to the Rocky Ford High Line Canal on March 23, 1896, in Water Dist. 14, Pueblo County District Court. 8.H.1.a. 0.6 cfs, with an appropriation date of September 21, 1867 (priority no. 20) transferred from Enterprise Ditch. 8.H.1.b. 2 cfs, with an appropriation date of March 11, 1886 (priority no. 50), transferred from Allen Ditch. 8.H.1.c. 378 cfs with an appropriation date of January 6, 1890 (priority no. 60) (originally decreed for 418 cfs; 40 cfs transferred to Excelsior Ditch Company in CA9532 on September 15, 1905). 8.H.1.d. 2.5 cfs with an appropriation date of January 6, 1890 (priority no. 61), transferred from Allen Ditch. 8.H.2. Water rights decreed to the Rocky Ford High Line Canal on April 27, 1900, in Water Dist. 14, Pueblo County District Court. 8.H.2.a. 16 cfs, with an appropriation date of July 1, 1869 (priority no. 25), transferred from Ballow Hill Ditch. 8.H.2.b. 30 cfs, with

an appropriation date of June 30, 1885 (priority no. 48), transferred from Ballow Hill Ditch (Enlargement). 8.H.3. Water rights decreed to the Rocky Ford High Line Canal in CA9530 on September 15, 1905 in Water Dist. 14, Pueblo County District Court. 8.H.3.a. 40 cfs, with an appropriation date of December 31, 1861 (priority no. 4), transferred from Excelsior Ditch. 8.H.4. Water rights decreed in Bent County District Court, April 8, 1905, for 32.5 cfs with a priority date of March 7, 1884 (priority no. 3), transferred from Las Animas Consolidated Canal in Case No. W0065 on October 15, 1971. 8.I. Water stored and released pursuant to the decree entered in Case No. 84CW179 District Court, Water Div. No. 2, November 10, 1987 (“Winter Water Storage Decree”) that is attributable to the companies listed in this paragraph. **9. Maximum Instantaneous Decreed Exchange Rates.** The decreed maximum simultaneous rate of diversion by exchange for all conditional rights that are the subject of this Application is 2,187 cfs. The maximum exchange rates for the individual exchanges are listed in the table below.

All values in cfs		Exchange From Max Rate	Exchange To <sup>1</sup>									
			Pueblo Reservoir <sup>2</sup>	Excelsior Ditch	Colorado Canal	Rocky Ford Highline Canal	Oxford Farmers Ditch	Otero Canal	Catlin Canal	Holbrook Canal	Fort Lyon Storage Canal	Fort Lyon Canal
<u>Exchange to Max Rate</u>			2187	77	756	701	195	175	385	1001	1125	150
Exchange From <sup>3</sup>	Horse Creek Reservoir	150	150	77	150	150	150	150	150	150	150	150
	Fort Lyon Canal	113	113	77	113	113	113	113	113	113	113	113
	Holbrook Reservoir <sup>4</sup>	230	230	77	230	230	195	175	230	230	230	230
	Holbrook Dye Reservoir <sup>5</sup>	132	132	77	132	132	132	132	132	132	132	132
	Lake Meredith/Henry Outlet	500	500	77	500	500	195	175	385	500	500	500
	Fort Lyon Storage Canal	314	314	77	314	314	195	175	314	314	314	314
	Holbrook Canal	95	95	77	95	95	95	95	95	95	95	95
	Catlin Canal	53	53	53	53	53	53	53	53	53	53	53
	Otero Canal	61	61	61	61	61	61	61	61	61	61	61
	Oxford Farmers Ditch	7	7	7	7	7	7	7	7	7	7	7
	Rocky Ford High Line Canal	32	32	32	32	32	32	32	32	32	32	32
Stonewall Springs <sup>6</sup>	500	500	500	500	500	500	500	500	500	500	500	

- (1) "Exchange to" rates are based on maximum diversion rates at the exchange to points from 1976 through 2017.
- (2) Pueblo Reservoir's maximum "exchange-to" rate is 2,187 cfs, the sum of the maximum exchange-from rates for all exchange-from structures.
- (3) "Exchange from" rates for ditches are based upon decreed water rights, limited to 35% of potential shareholder participation, reduced by HI Model ditch and lateral losses, and average tailwater returns. The Fort Lyon Storage Canal rights were also reduced to 65% of the decreed amounts to align with the delivery analysis described in the Division of Water Resources June 7, 2018, Expert Witness Report for Case No. 2010CW004. Exchange rates for reservoir releases are based on outlet capacities (except for Stonewall Springs). All "exchange-from" rates apply to the combined rate of delivery from all augmentation stations and reservoir outlets within each ditch or canal system.
- (4) The Holbrook Reservoir "exchange from" rate is based on the outlet capacity of 230 cfs as provided in the Decree of 2-3-1927.

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| (5) | The Holbrook Dye Reservoir Outlet "exchange from" rate is based on release information from HydroBase diversion comments for June 1-5, 1960. The Decree of 2-3-1927 provides an outlet capacity of 595 cfs. |
| (6) | The proposed Stonewall Springs "exchange from" rate is estimated at 500 cfs.  |

**10. Priorities and Appropriation Dates for Exchanges.** 10.A. Lower Ark Valley Priority. Exchanges used to deliver Lease Water for use by Lower Ark Valley Lessees: November 18, 2009. 10.B. Fountain First Priority. Exchanges to supply Lease Water to Fountain for the first 2,000 acre-feet annually: March 13, 2012. 10.B.1. The maximum total annual volume for the exchanges that are used to supply Lease Water for use by Fountain and subject to the Fountain 1st Priority is 2,000 acre-feet (1,823.35 acre-feet conditional; 176.65 acre-feet absolute). 10.C. Fountain Second Priority. Exchanges used to supply Lease Water to Fountain for up to an additional 1,800 acre-feet annually: October 17, 2018. 10.C.1. As decreed in 10CW4, Co-Applicants must deliver Lease Water to Fountain under the more senior Fountain 1st Priority to its full extent before delivering water to Fountain under the Fountain 2nd Priority. 10.C.2. The maximum total annual volume for exchanges that are used to supply water for use by Fountain and subject to the Fountain 2nd Priority is 1,800 acre-feet conditional. 10.D. Security Priority. Exchanges to supply Lease Water to Security: May 7, 2012. 10.D.1. The maximum total annual volume for the exchanges that are used to supply water for use by Security and subject to the Security Priority is 500 acre-feet (323.35 acre-feet conditional, 176.65 acre-feet absolute). 10.E. Colorado Springs Priority. Exchanges to supply Lease Water to Colorado Springs: August 20, 2018. 10.E.1. The maximum total annual volume for the exchanges that are used to supply water for use by Colorado Springs and subject to the Colorado Springs Priority is 5,000 acre-feet, conditional. **11. Claims to Make Absolute, In Whole or In Part.** The maximum total annual volume of water that may be diverted under the appropriative rights of exchange at all exchange-to points combined is 20,000 acre-feet (19,602.63 acre-feet conditional; 397.37 acre-feet absolute) for all uses. Per the terms of the Decree, Co-Applicants track the exchange of water for Fountain, Security, Colorado Springs, and Lower Valley Lessees under separate priority dates in their accounting. The maximum total instantaneous rates for the exchanges are listed in the matrix in paragraph 9. 11.A. Exchange Amounts Previously Made Absolute: 11.A.1. Catlin Canal Exchange, Security Priority: water was delivered through Catlin Canal Augmentation Station No. 2 to Timpas Creek and exchanged from the confluence of Timpas Creek and the Arkansas River up the Arkansas River to Pueblo Reservoir. 11.A.1.a. Amount: On July 13, 2015 a maximum exchange rate of 0.955 cfs occurred and a total of 154 acre-feet was exchanged during the period from March 24, 2015 through October 31, 2015 for use by Security. 11.A.1.b. Date water applied to beneficial use: March 24, 2015. 11.A.2. Catlin Canal Exchange, Fountain First Priority: water was delivered through Catlin Canal Augmentation Station No. 2 to Timpas Creek and exchanged from the confluence of Timpas Creek and the Arkansas River up the Arkansas River to Pueblo Reservoir. 11.A.2.a. Amount: On July 13, 2015, a maximum exchange rate of 0.955 cfs occurred and a total of 154 acre-feet was exchanged during the period from March 24, 2015 through October 31, 2015 for use by Fountain. 11.A.2.b. Date water applied to beneficial use: March 24, 2015. 11.B. Claims to Make Additional Exchange Amounts Absolute in Part: 11.B.1. Catlin Canal Exchange, Fountain First Priority: water was delivered through the Catlin Canal Augmentation Station to Timpas Creek and exchanged from the confluence of Timpas Creek and the Arkansas River upstream to Pueblo Reservoir. 11.B.1.a. Amount: 0.9 cfs was exchanged on July 1

through and including July 11, 2017, and a total of 176.65 acre-feet was delivered to Fountain during the period of from March 23, 2017, to November 14, 2017. 11.B.1.b. Date water was applied to beneficial use: March 23, 2017. 11.B.2. Catlin Canal Exchange, Security Priority: water was delivered though the Catlin Canal Augmentation Station to Timpas Creek and exchanged from the confluence of Timpas Creek and the Arkansas River upstream to Pueblo Reservoir. 11.B.2.a. Amount: 0.9 cfs was exchanged on July 1 through and including July 11, 2017, and a total of 176.65 acre-feet was delivered to Security during the period of from March 23, 2017 to November 14, 2017. 11.B.2.b. Date water was applied to beneficial use: March 23, 2017. 11.B.3. Catlin Canal Exchange, Fountain First Priority: water was delivered though the Catlin Canal Augmentation Station to Timpas Creek and exchanged from the confluence of Timpas Creek and the Arkansas River upstream to Pueblo Reservoir. 11.B.3.a. Amount: 1.03 cfs was exchanged on June 11, 2020 and a total of 134.49 acre-feet of Fountain Priority water was exchanged to Pueblo Reservoir during the period from March 18, 2020 and November 12, 2020. 11.B.3.b. Date water was applied to beneficial use: March 18, 2020. 11.B.4. Catlin Canal Exchange, Security Priority: water was delivered though the Catlin Canal Augmentation Station to Timpas Creek and exchanged from the confluence of Timpas Creek and the Arkansas River upstream to Pueblo Reservoir. 11.B.4.a. Amount: 1.09 cfs was exchanged on June 17, 2021, and a total of 149.87 acre-feet of Security Priority water was exchanged to Pueblo Reservoir during the period from March 22, 2021, and September 6, 2021. 11.B.4.b. Date water was applied to beneficial use: March 22, 2021. 11.B.5. Colorado Springs Pilot Project Exchange: Colorado Springs Priority water was delivered through Catlin Canal Augmentation Stations from the confluences of Timpas Creek and the Arkansas River and Crooked Arroyo and the Arkansas River, upstream and into Pueblo Reservoir during 2022. 11.B.5.a. Amount: 3.63 cfs was exchanged on July 25 through and including July 27, 2022, and a total of 650.68 acre-feet was delivered to Colorado Springs during the period from March 16, 2022, to November 14, 2022. 11.B.5.b. Date water was applied to beneficial use: March 16, 2022. 11.B.6. Fountain IWSA: Fountain First Priority water was delivered through Catlin Canal Augmentation Stations from the confluences of Timpas Creek and the Arkansas River and Crooked Arroyo and the Arkansas River, upstream and into Pueblo Reservoir during 2020. 11.B.6.a. Amount: 1.74 cfs was exchanged on June 8, 2020, and a total of 248.47 acre-feet was delivered to Fountain under the IWSA during the period from March 16, 2020, to November 12, 2020. 11.B.6.b. Date water was applied to beneficial use: March 16, 2020. **12. Uses of Exchanged Water.** 12.A. The water diverted by exchange may only be used, reused, successively used and disposed to extinction for the purposes for which the corresponding substitute supply is decreed or administratively approved. Any reuse or successive use by Lessees after their initial use shall only occur pursuant to a decree or Administrative Approval quantifying the amounts available for reuse or successive use. 12.B. Co-Applicants anticipate they and/or others will file change of water rights application(s) or other Administrative Approval applications in the future to allow the substitute water supplies to be used for their decreed or administratively approved purposes. 12.C. Regardless of the purposes for which the substitute supplies currently are decreed or may be decreed or administratively approved in the future, water exchanged under the Fountain Priorities may only be used for municipal purposes within the boundaries of Fountain as those boundaries exist now or

in the future; water exchanged under the Security Priority may only be used for municipal purposes within the boundaries of Security as those boundaries exist now or in the future; water exchanged under the Colorado Springs Priority may only be used for municipal purposes within the boundaries of Colorado Springs as those boundaries exist now or in the future; and water exchanged under the Lower Valley Priority may only be used within the Lower Valley. **13. Diligence.** **13.A. Integrated System.** 13.A.1. Due to the integrated nature and shared purpose of Co-Applicants' Lease-Fallowing Program projects, for which these rights of exchange are sought, pursuant to the Decree, diligence on any of these conditional rights of exchange constitutes a diligence activity for all exchanges decreed therein. See 10CW4 Final Decree, Paragraph 35.X. **13.B. Diligence Activities.** **13.B.1. Catlin Pilot Project:** Co-Applicants successfully implemented a ten-year lease-fallow project with shareholders of the Catlin Canal Company pursuant to Colo. Rev. Stat. § 37-60-115(8). The Catlin Pilot Project operated from 2015 to 2024, during which time Co-Applicants provided up to 500 acre-feet of water each to two municipal water providers, the City of Fountain and the Security Water District, and up to 250 acre-feet to the Town of Fowler. Rotational fallowing occurred on six farms in the Lower Arkansas Valley during the Catlin Pilot Project. No acreage was fallowed for more than three years of the ten year project approval period. **13.B.1.a.** On December 8, 2014, Super Ditch and the Town of Fowler entered a Water Lease pursuant to HB 13-1248 and C.R.S. § 37-60-115(8) in which Super Ditch would deliver up to 250 acre-feet of Catlin Pilot Project water to Fowler each year. This lease was extended through March 14, 2018, and Fowler received Catlin Pilot Project water in 2015, 2016, 2017, and 2018. **13.B.1.b.** The Catlin Pilot Project was also one of four projects authorized on July 1, 2022, by the Arkansas River Compact Administration ("ARCA") Resolution No. 2022-01 and the associated Operating Plan to temporarily store water in the newly established Multi-Purpose Account in John Martin Reservoir as part of ARCA's ongoing efforts to improve water quality. Water stored in John Martin Reservoir under this resolution was exchanged for water in Pueblo Reservoir. **13.B.2. Colorado Springs Pilot Project:** The Colorado Springs Pilot Project is a lease-fallow program approved by the Colorado Water Conservation Board on January 17, 2020, pursuant to HB 13-1248 and C.R.S. § 37-60-115(8). Under the project, Super Ditch will deliver to the City of Colorado Springs up to 1000 acre-feet of water per year from Catlin Canal shares between March 15, 2020 and March 14, 2030. The project will operate in three years out of the ten-year period. The pilot was operated in water-year 2022, during which time Colorado Springs received approximately 566 acre-feet. See paragraph 11, above, for amounts claimed absolute in part under this pilot program. **13.B.2.a.** The Colorado Springs Pilot Project was also one of four projects authorized on July 1, 2022 by ARCA Resolution No. 2022-01 and the associated Operating Plan to temporarily store water in the newly established Multi-Purpose Account in John Martin Reservoir as part of ARCA's ongoing efforts to improve water quality. Water stored in John Martin Reservoir under this resolution was exchanged for water in Pueblo Reservoir. **13.B.3. Fountain IWSA:** Co-Applicants successfully implemented a lease-fallow project with shareholders of the Catlin Canal Company to deliver water from 192 Catlin Canal shares pursuant to CRS § 37-92-309. This project was approved by the State Engineer's Office on June 28, 2019 to operate in three out of ten years from 2019 through 2028. The Fountain IWSA operated during 2019, 2020, and 2023, during which time Co-Applicants provided a total of 406.8 acre-feet of water to the

City of Fountain. Rotational fallowing occurred on four Catlin Canal farms in the Lower Arkansas Valley. No acreage was fallowed for more than three years of the ten-year project approval period. 13.B.4. As part of their diligence activities, the Decree requires Co-Applicants survey the shareholders of the canal companies participating in these subject exchanges. In compliance with this condition, Co-Applicants contacted all ditch company boards of directors and requested they distribute a survey card (attached hereto as **Exhibit 3**) to their respective shareholders. The boards of Fort Lyon Canal Company, Holbrook Mutual Irrigation Company, and Catlin Canal Company distributed the survey card. At each of these ditch companies, a majority of the responsive shareholders indicated interest in participating in a Lease-Fallow Program. The boards at High Line Canal Company, Otero Canal Company, and Oxford Ditch Company were uncooperative and refused to distribute the survey cards to their shareholders or to provide Co-Applicants with alternate means of contact to enable Co-Applicants to survey water rights owners directly. Despite this lack of cooperation from those ditch company boards, Co-Applicants received some survey responses from shareholders in those ditch companies. The majority of the survey responses received from shareholders in Otero Canal Company, High Line Canal Company, and Oxford Ditch Company likewise indicated interest in participating in a Lease-Fallow Program. While the boards of these three ditch companies appear adverse to participating in Lease-Fallowing Programs, Lower Ark District has a duty to represent the interests of all its constituents within the Lower Valley. Based on the survey responses received from shareholders at all of the six ditch companies participating in the decreed exchanges, Co-Applicants believe in good faith that water rights owners in the Lower Valley are interested in participating in a Lease-Fallow Program.

13.C. **Expenditures.** 13.C.1. Co-Applicants have expended approximately \$549,962 on field operations and maintenance expenses. This includes construction and maintenance expenses related to recharge ponds, measurement structures, measurements of return flows, water quality testing, field equipment, and other operational costs. 13.C.2. Co-Applicants have expended approximately \$372,000 on storage fees in Pueblo Reservoir to facilitate the subject exchanges and deliver water to the municipal water providers receiving water through these lease-fallowing programs and IWSA. 13.C.3. Co-Applicants expended approximately \$502,864 on professional services related to developing and operating lease-fallowing programs in the Lower Valley. These expenses included engineering and consulting services to provide accounting of exchanges and deliveries, credits generated, water exchanged, return flow obligations replaced, acreage fallowed, and accounting projections; ongoing communications with Lower Valley irrigators to promote and streamline operations in future lease-fallowing programs; and the development of the Lease Fallow Tool, which was successfully used in these pilot projects to efficiently calculate water available for lease, determine return flow obligations, and ensure compliance with the Arkansas River Compact. 13.C.4. Co-Applicants have expended approximately \$70,000 on legal services during the diligence period to protect and develop their conditional rights of substitution and exchange. These fees include providing annual reports to the Colorado Water Conservation Board regarding the operation of these subject exchanges and other reporting required for compliance with the terms of the Decree. Co-Applicants review the monthly water resume of applications as published by the Water Court for Division 2 and have filed Statements of Opposition related to appropriations, substitute water supply

plans, and intergovernmental agreements to prevent injury to their conditional exchange rights. **14. Landowners.** The names and addresses of owners of land upon which any new diversion or storage structure or modification to any existing diversion or storage structure or existing storage pool is or will be constructed or upon which water is or will be stored: 14.A. Fort Lyon Canal, Fort Lyon Canal Company, 750 Bent Avenue, Las Animas, CO 81054 14.B. Fort Lyon Storage Canal: Fort Lyon Canal Company, 750 Bent Avenue, Las Animas, CO 81054, 14.C. Holbrook Reservoir: Holbrook Mutual Irrigation Company, 23207 Hwy 266, Rocky Ford, CO 81067, 14.D. Holbrook Dye Reservoir: Holbrook Mutual Irrigation Company, 23207 Hwy 266, Rocky Ford, CO 81067, 14.E. Holbrook Canal (a.k.a. Lake Canal): Holbrook Mutual Irrigation Company, 23207 Hwy 266, Rocky Ford, CO 81067, 14.F. Lake Meredith: Colorado Canal Company: P.O. Box 8, Ordway, CO 81063 14.G. Colorado Canal: Colorado Canal Company: P.O. Box 8 Ordway, CO 81063 14.H. Catlin Canal: Catlin Canal Company, 917 Elm, Rocky Ford, Colorado 81067, 14.I. Otero Canal: Otero Canal Company, P.O. Box 239, La Junta, CO 81050, 14.J. Oxford Farmers Ditch: The Oxford Farmers Ditch Headgate and Augmentation Station are owned by the Oxford Farmers Ditch Company, 200 Main St., Fowler, Colorado 81039. According to the real property records of Pueblo County, Colorado, portions of the land underlying the diversion point for the Oxford Farmers Ditch are owned by Daniel J. & Barbara J. Gaudreault, P.O. Box 69, Elizabeth, Colorado 80107. 14.K. Rocky Ford High Line Canal: High Line Canal Company, 963 Elm, Rocky Ford, CO 81067, 14.L. Stonewall Springs: Chris Cummins, 20 Boulder, Crescent, 2nd Floor, Colorado Springs, CO 80903 14.M. Excelsior Ditch: Mark Marsh, President, Excelsior Irrigating Company, P.O. Box 11446, Pueblo, CO 81001, 14.N. Pueblo Reservoir: United States Department of Interior, Bureau of Reclamation, 1056 West County Road 18E Loveland, CO 80537-9711. WHEREFORE, Co-Applicants seek entry of a decree confirming the claims to make absolute in part described in paragraph 11 above, and that the Co-Applicants have exercised reasonable diligence toward completion of the appropriation for the remaining rights of substitution and exchange and continuing the subject conditional water rights in full force and effect for another six-year diligence period.

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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 April 2025, (forms available at Clerk's office or at [www.coloradojudicial.gov](http://www.coloradojudicial.gov), after serving parties and attaching a certificate of mailing, filing fee \$192.00). The foregoing are resumes and the entire application, amendments, exhibits, maps and any other attachments filed in each case may be examined in the office of the Clerk for Water Division No. 2, at the address shown below.

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Witness my hand and the seal of this Court this 10<sup>th</sup> day of March 2025.

*Michele Santistevan*



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

(Court seal)  
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