

DISTRICT COURT, WATER DIVISION NO. 2, COLORADO

RESUME OF CASES FILED AND/OR ORDERED PUBLISHED DURING DECEMBER 2023. AND INVITATION TO JOIN STATE ENGINEER'S SUBSTITUTE WATER SUPPLY PLAN NOTIFICATION LIST AND/OR THE STATE ENGINEER'S PRODUCED NONTRIBUTARY GROUND WATER NOTIFICATION LIST. (This publication can be viewed in its entirety on the state court website at: www.courts.state.co.us).

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 December 2023, 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. 2023CW3051; THE WELTON LAND & WATER COMPANY, c/o Beverly Magoon, Secretary, P.O. Box 57, Avondale, Colorado 81022 (Please address all pleadings and inquiries regarding this matter to Applicant's attorneys: David F. Bower and Cameron C. Frazier, Johnson & Repucci LLP, 850 W. South Boulder Road, Suite 100, Louisville, Colorado 80027, (303) 442-1900)

Amended Application For Change Of Water Right To Add Alternate Point Of Diversion
PUEBLO COUNTY

2. Description of Water Right to be Changed. (a) Name of Structure. Pryor Ditch (WDID 1400532). (b) Original Decree. Killian Decree, issued by the District Court, County of Huerfano, In the Matter of the Adjudication of the Priorities of the Use of Water in Water District No. 16, dated February 23, 1898, at page 306. (c) Decreed Location. South bank of the Huerfano River at a point in the SE1/4 of Section 11, Township 23 South, Range 63 West of the 6th P.M. (d) Source. Huerfano River. (e) Appropriation Date and Amount. (i) Priority No. 3. May 15, 1862, for 3 cfs. (ii) Priority No. 38. May 15, 1872, for 3 cfs. (f) Use. Irrigation of 300 acres. **3. Description of Proposed Change.** (a) Complete Statement of Change. Applicant requests that the Priority No. 3 and Priority No. 38 water right be decreed an alternate point of diversion at the Welton Ditch headgate for irrigation of 300 acres under the Welton Ditch system, consistent with historical records and administration by the Division of Water Resources. (b) Location of Alternate Point of Diversion. The Welton Ditch (WDID 1400661) headgate, which is located in the SW1/4 NW1/4 of Section 29, Township 22 South, Range 62 West of the 6th P.M., at a point described as Zone 13, NAD83, Easting 555346, Northing 4217810. A map showing the decreed location and the requested alternate point of diversion is attached to the application as **Exhibit A**. (All exhibits mentioned herein are incorporated by reference and may be inspected at the office of the clerk of this Court.) **4. Name and Address of Landowner Upon which any New or Modified Diversion or Storage Structure is Located.** There are no modified diversion or storage structures associated with this application. The Welton Ditch headgate is located on land owned by the Welton Land & Water Company. **WHEREFORE**, Applicant respectfully requests that the Court (1) find that there will be no injury to any owner of or person entitled to use water under a vested water right or conditionally decreed water right as a result of the requested change of

water rights described above; and (2) grant the change of water rights requested above approving an alternate point of diversion for the Pryor Ditch.

CASE NO. 2023CW3052; CITY OF COLORADO SPRINGS, ACTING BY AND THROUGH ITS ENTERPRISE COLORADO SPRINGS UTILITIES (“UTILITIES”), c/o Kim Gortz, Water Supply Resources Manager, 1521 Hancock Expressway, MC 1825, Colorado Springs, CO 80903 (Please address all pleadings and inquiries regarding this

matter to Applicant’s attorneys: Michael J. Gustafson, Reg. No. 37364, Nathan Endersbee, Reg. No. 47426, City Attorney’s Office – Utilities Division, 30 South Nevada Avenue, MC 510, Colorado Springs, CO 80903, Phone: (719) 385-5909; David W. Robbins, No. 6112, Matthew A. Montgomery, No. 44039, Hill & Robbins, P.C., 3401 Quebec St., Suite 3400, Denver, CO 80207, Phone: (303) 296-8100)

Amended Application For Conditional Appropriative Rights Of Substitution And Exchange
BENT, CROWLEY, KIOWA, OTERO, AND PUEBLO COUNTIES

2. Summary of Application: Colorado Springs Utilities (“Utilities”) is an enterprise of the City of Colorado Springs and is a four-service public municipal utility that provides, among other things, municipal and industrial water service to the City of Colorado Springs, Colorado (“Colorado Springs”), and several areas within the vicinity of Colorado Springs. Areas served by Utilities are referred to as the “Service Area” as it exists now and or as it may exist in the future. Utilities is the owner of 3,292 shares of stock in the Fort Lyon Canal Company (“FLCC”) which are represented by FLCC Share Certificates Nos. 11020, 11023, 11077, 11079, 11080, 11081, 11082, 11083, 11084, 11085, 11086, 11087, 11088, 11089, 11090, 11091, 11092, 11093, 11094, 11096, 11098, 11100, 11102, 11104, 11106, 11108, 11110, 11112, 11114, 11116, 11118, 11120, 11122, 11124, 11125, 11127, 11129, 11140, and one share certificate to be determined attached hereto as Exhibit A (“Utilities’ FLCC Shares”). (All exhibits mentioned herein are incorporated by reference and may be inspected at the office of the clerk of this Court.) In 2022, Utilities entered into an intergovernmental agreement with Bent County (the “Bent County IGA”) that authorizes Utilities to develop up to fifteen thousand (15,000) acre-feet of fully consumable annual water supplies through one or more “Authorized Water Development Projects.” The Bent County IGA is herto as Exhibit B. Authorized Water Development Projects are part of Utilities’ Collaborative Water Sharing Program and aim to help farmers maintain productivity and economic vitality with less irrigated acreage while also providing water supply for Colorado Springs. Utilities acquired Utilities’ FLCC Shares as part of an Authorized Water Development Project to assist farmers under the FLCC in their transition from flood irrigation to more efficient center pivot irrigation. Water historically used to irrigate the parcel corners will be available for Utilities’ use (termed “Authorized Parcel Corner Dry-Up” under the Bent County IGA). In addition, Utilities is evaluating a potential water storage facility on a parcel of land known as the Fish Hatchery Farm to facilitate the delivery of water from this project and future Authorized Water Development Projects under the FLCC. Utilities is currently seeking approval from the Board of Directors of the FLCC (pursuant to the FLCC Bylaws) to file an application to change the type and place of use of Utilities’ FLCC Shares and an Authorized Water Development Project Certification from Bent County (as defined in, and pursuant to, the Bent County IGA). Once these approvals are complete, Utilities intends to file an application with the Division 2 Water Court to change the type and place of use of Utilities’ FLCC Shares so

that they can be used, *inter alia*, for any beneficial use within Utilities' Service Area. This Application seeks judicial confirmation, pursuant to C.R.S. §§ 37-80-120, 37-82-106, 37-83-104, and 37-92-302, of conditional appropriative rights of substitution and exchange, under which water attributable to Utilities' FLCC Shares will be delivered to the Arkansas River or its tributaries at or upstream of John Martin Dam and an equivalent amount of water will be diverted and stored upstream in the Colorado Canal System, including a new reservoir to be built on or near Haynes Creek, or Pueblo Reservoir; or diverted and directly delivered to the intake to the Fountain Valley Conduit ("FVC") and the intake to the Southern Delivery System ("SDS"), either directly, or by stepped, intermediate exchange(s), to the headgate of the Colorado Canal, the headgate of the Fort Lyon Canal, or the headgate of the Fort Lyon Storage Canal. This water will be subsequently delivered to Utilities' municipal system where it will be stored, used, reused, successively used and/or used to extinction, directly, after storage, and/or by exchange for any lawful use using any structure now existing or hereafter constructed that is lawfully available for use by Colorado Springs. In addition, water attributable to Utilities' FLCC Shares is or will be a "Temporary Use Agreement Water" or "TU Water" and may be exchanged or used under any existing or future decree or administrative approval that provides for the exchange of TU Water, subject to the terms and conditions of the appropriate decree including, but not limited to, the Decrees entered in Case Nos. 05CW96, 07CW122, 16CW3056, 19CW3052 and 19CW3053 (Water Div. 2). When water attributable to Utilities' FLCC Shares is exchanged to the headgate of the Fort Lyon Canal or the headgate of the Fort Lyon Storage Canal, such water may be stored through an intra-ditch exchange or directly stored in Adobe Creek Reservoir (including a future enlargement of Adobe Reservoir) and/or in a future Fish Hatchery Storage Facility prior to subsequent exchange upstream. Water exchanged to the headgates of the Fort Lyon Canal and the Fort Lyon Storage Canal, including water stored in Adobe Creek Reservoir and/or a Fish Hatchery storage facility, will be subsequently released to Gageby Creek or Adobe Creek, and exchanged upstream from the John Martin Dam or the confluence of Adobe Creek and the Arkansas River. Utilities acknowledges that any use of the Fort Lyon Canal, the Fort Lyon Storage Canal, or Adobe Creek Reservoir is subject to the approval of and an agreement with FLCC and may be subject to local, state, or federal permitting or approvals beyond the scope of this water court application. When water attributable to Utilities' FLCC Shares is exchanged to the headgate of the Colorado Canal, such water may be stored in Lake Meredith, Lake Henry, or a future reservoir to be constructed on or near Haynes Creek prior to subsequent exchange upstream. Water stored in Lake Henry and Lake Meredith will be subsequently exchanged into Utilities' municipal system under the Decree entered in Consolidated Case Nos. 84CW62, 84CW63, and 84CW64 (Water Div. 2), subject to the terms and conditions of that Decree. Water stored in the reservoir to be constructed on Haynes Creek will be released into the Colorado Canal Wasteway and subsequently exchanged upstream from the confluence of the Colorado Canal Wasteway and the Arkansas River. Utilities acknowledges that any use of a future reservoir to be constructed on Haynes Creek is subject to the approval of and an agreement with the Colorado Canal Company, the owner(s) of the reservoir, and may be subject to local, state, or federal permitting or approvals beyond the scope of this water court application. Utilities acknowledges that the use of FVC and SDS may be subject to local, state, or federal permitting or approvals beyond the scope of this water

court application. Utilities acknowledges that the use of Pueblo Reservoir may be subject to local, state, or federal permitting or approvals beyond the scope of this water court application. **II. Application for Conditional Appropriative Rights of Exchange.** 3. Name of structures, legal description of exchange from points, exchange to points, and exchange reach: 3.1. Structures from which substitute supplies will be measured or stored and released to the Arkansas River or its tributaries (“Release from Points”): 3.1.1. Fish Hatchery Augmentation Station: To be constructed generally in all or portions of Sections 23, 24, 25, and 26 of T22S, R53W of the 6th P.M. in Bent County, CO. 3.1.2. County Road 8 Augmentation Station: To be constructed generally in the NE1/4 of the NW1/4 of Section 5, T23S, R52W of the 6th P.M. in Bent County, CO. 3.1.3. Gageby Creek Farm 36 Augmentation Station (WDID 6701006) (Station ID ARF125CO): Located in the SE1/4 of the SW1/4 of Section 14, T22S, R51W of the 6th P.M., in Bent County, Colorado. 3.1.4. Gageby Creek Farm 27 Augmentation Station (WDID 6701002) (Station ID ARF126CO): Located in the NW1/4 of the SE1/4 of Section 26, T22S, R51W of the 6th P.M., in Bent County, Colorado. 3.1.5. Springs Utilities Gageby Creek Augmentation Station: To be constructed generally in the NW1/4 of the SW1/4 of Section 1, T22S, R51W of the 6th P.M. in Bent County, CO. 3.1.6. Horse Creek Augmentation Station (WDID 1701000) (Station ID ARF49DCO): Located in the SW1/4 of the NE1/4 of Section 33, T22S, R53W of the 6th P.M., in Bent County, Colorado. 3.1.7. Adobe Creek Reservoir (WDID 1703546): Located in T20S and T21S, R52W of the 6th P.M., in Bent County, Colorado. 3.1.8. Fish Hatchery Storage Facility: To be constructed generally in all or portions of Sections 23, 24, 25, and 26 of the T22S, R53W of the 6th P.M., in Bent County, CO. 3.1.9. Haynes Creek Reservoir (WDID 1403621): To be constructed in Sections 5, 8 and 9, T21S, R61W of the 6th P.M., in Pueblo County, Colorado. 3.1.10. John Martin Reservoir Dam: John Martin Reservoir (WDID 6703512) is located in all or portions of Sections 24, 25, 26, 27, 33, 34, 35, and 36, T22S, R51W; Sections 28, 29, 30, 31, 32, 33, 34, and 35, T22S, R50W; Sections 5, 6, 7, 8, 17, and 18, T23S, R49W; Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 20, 21, and 30, T23S, R50W; Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 17, and 18, T23S, R51W; and Sections 1, 12, and 13, T23S, R52W; all of the 6th P.M., in Bent County, Colorado. The dam is located in Sections 5, 8, and 17 of T23S, R49W of the 6th P.M., in Bent County, Colorado. 3.2. Locations from which substitute supplies will be exchanged (“Exchange from Points”): 3.2.1. John Martin Reservoir Dam: John Martin Reservoir (WDID 6703512) is located in all or portions of Sections 24, 25, 26, 27, 33, 34, 35, and 36, T22S, R51W; Sections 28, 29, 30, 31, 32, 33, 34, and 35, T22S, R50W; Sections 5, 6, 7, 8, 17, and 18, T23S, R49W; Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 20, 21, and 30, T23S, R50W; Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 17, and 18, T23S, R51W; and Sections 1, 12, and 13, T23S, R52W; all of the 6th P.M., in Bent County, Colorado. The dam is located in Sections 5, 8, and 17 of T23S, R49W of the 6th P.M., in Bent County, Colorado. 3.2.2. The Confluence of Horse Creek and the Arkansas River (WDID 1720020): Located in the NW1/4 of the NW1/4 of Section 11, T23S, R53W of the 6th P.M., in Bent County, CO. 3.2.3. The Confluence of Adobe Creek and the Arkansas River (WDID 1729092): Located in the NW1/4 of the NW1/4 of Section 11, T23S, R53W of the 6th P.M., in Bent County, CO. 3.2.4. The Confluence of Road 8 Augmentation Station Channel and the Arkansas River: Located in the SE1/4 of the NW1/4 of Section 5, T23S, R52W of the 6th P.M., in Bent County, CO. 3.2.5. The Confluence of the Colorado Canal Wasteway and the Arkansas

River (WDID 1720023): On or near the north bank of the Arkansas River in the NW1/4 of the SE1/4 of Section 8, T21S, R61W of the 6th P.M., in Pueblo County, Colorado. 3.2.6. Supplemental Locations: Any other location on the main stem of the Arkansas River or its tributaries at or above John Martin Dam where Utilities is capable of delivering water. A map depicting the approximate locations of the Release from Points and Exchange from Points is attached as Exhibit C to this Application. 3.3 Locations to which substitute supplies will be exchanged (“Exchange to Points”) and/or stored: 3.3.1. Pueblo Reservoir (WDID 1403526): Pueblo Reservoir is located at a point at the intersection of Pueblo Dam axis and the Arkansas River whence the NE corner of Section 36, T20S, R66W of the 6th P.M. bears north 61°21’20” east a distance of 2,511.05 feet, in Pueblo County, Colorado. Said Reservoir will inundate all or portions of Sections 7, 18, 19, 20, 21, 22, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, and 36, T20S, R66W; Sections 1, 2, 3, 4, 5, 9, 10, and 11, T21S, R66W; and Sections 5, 8, 9, 13, 14, 15, 16, 22, 23, 24, and 25, T20S, R67W; all of the 6th P.M. in Pueblo County, Colorado. 3.3.2. The Inlet to the Southern Delivery System: The inlet to the SDS Pipeline is in Pueblo Reservoir. The location of Pueblo Reservoir is described in paragraph 3.3.1., above. 3.3.3. The Inlet to the Fountain Valley Conduit: The Inlet to the FVC Pipeline is in Pueblo Reservoir. The location of Pueblo Reservoir is described in paragraph 3.3.1., above. 3.3.4. Headgate of the Fort Lyon Canal (WDID 1700553): On the north bank of the Arkansas River in the SW1/4 of the SE1/4 of Section 29, T23S, R55W of the 6th P.M., in Otero County, Colorado. TU Water diverted at the headgate may be delivered through the Fort Lyon Canal System to storage in Adobe Creek Reservoir via an intra-ditch exchange, described in subparagraph 3.3.7 below. TU Water diverted at the headgate may be delivered through the Fort Lyon Canal System to storage in a future Fish Hatchery storage facility, described in subparagraph 3.3.5 below. 3.3.5. Fish Hatchery Storage Facility. To be constructed generally in all or portions of Sections 23, 24, 25, and 26 of the T22S, R53W of the 6th P.M. in Bent County, CO. 3.3.6. Headgate of the Fort Lyon Storage Canal (WDID 1700648): A point in the county of Crowley, state of Colorado, on the north bank of the Arkansas River, in the NW1/4 of the SE1/4 of Section 20, T22S, R57W of the 6th P.M. TU Water diverted at the headgate may be delivered through the Fort Lyon Canal System to storage in Adobe Creek Reservoir, described in subparagraph 3.3.7 below. 3.3.7. Adobe Creek Reservoir (WDID 1703546): In T20S and T21S, R52W of the 6th P.M. 3.3.8. Headgate of the Colorado Canal (WDID 1700540): On the north bank of the Arkansas River in the NW1/4 of the NW1/4 of Section 11, T21S, R62W of the 6th P.M., in Pueblo County, Colorado. TU Water diverted at the headgate may be delivered through the Colorado Canal System to storage in Lake Meredith, Lake Henry, and Haynes Creek Reservoir described in subparagraphs 3.3.9, 3.3.10, and 3.3.11 below. 3.3.9. Lake Meredith (WDID 1703525): Located in all or portions of Sections 15, 16, 19, 20, 21, 22, 27, 28, 29, 30, 31, 32, and 33, Township 21 S, Range 56 W; Sections 1 and 12, Township 22S, Range 57W; Section 6, Township 22 S, Range 56 W; and Sections 24, 25, and 36, Township 21 S, Range 57 W; all in the 6th P.M., in Crowley County, Colorado. Lake Meredith Reservoir dam axis and the centerline of the outlet canal intersect at a point located in the NW1/4 of the SW1/4 of Section 12, T22S, R57W of the 6th P. M., in Crowley County, CO. 3.3.10. Lake Henry (WDID 1703524): In Sections 31 and 32, T20S, R56W, and Sections 5 and 6, T21S, R56W, all in the 6th P.M. UTM coordinates of dam: 611994.1 E, 4234990.1 N (GPS). 3.3.11. Haynes Creek Reservoir (WDID 1403621): To be

constructed in Sections 5, 8 and 9, T21S, R61W of the 6th P.M. UTM 565517.0 E 4233461.0 N (Digitized). A map depicting the approximate locations of the Exchange to Points and storage locations is attached as Exhibit D to this Application.

4. Stream Reaches of Exchange: The exchange reaches requested herein extend from the Exchange from Points described in paragraph 3.2, above, to the Exchange to Points described in paragraph 3.3, above.

5. Sources of Water to be Exchanged: Utilities' *pro rata* interest in the Fort Lyon Canal Water Rights described in Exhibit E available under Utilities' FLCC Shares as determined in the future change case.

6. Exchange Operation: Fully consumable water derived from the sources described in paragraph 5, above, will be released from the release points in paragraph 3.1, above, and delivered to the Exchange from Points in paragraph 3.2, above, located on the Arkansas River and an equal amount of water will be diverted by exchange upstream at the Exchange to Points in paragraph 3.3, above, for subsequent storage, delivery, use, reuse, successive reuse, and/or use to extinction in Applicant's municipal water supply system and Service Area. Use in Applicant's municipal water supply system includes all beneficial uses including, without limitation, all decreed uses, all places of use, and places of storage of the source of the substitute supply. Transit losses shall be assessed by State water administration officials as necessary.

7. Appropriation: 7.1 Appropriation Date: January 11, 2022. 7.2 How Appropriation was Initiated: Approval of a resolution by the Colorado Springs City Council directing the filing of an application requesting the proposed exchanges. 7.3 Date Water Applied to Beneficial Use: Not applicable as the requested appropriative rights of exchange are conditional.

8. Amount Claimed: The exchanges described herein will operate once supplies are introduced from Release from Points identified in paragraph 3.1 and reach the Arkansas River and its tributaries from the Exchange from Points identified in paragraph 3.2 to the Exchange to Points identified in paragraph 3.3. The proposed rates of the exchanges requested herein are the lesser amount of the maximum rate of release of the TU Water available at the Exchange from Points or the maximum rate of inflow into the Exchange to Points. An exchange matrix of the identified locations and sought exchange rates is attached as Exhibit F.

8.1 Maximum Release Rates from Structures from which substitute supplies will be released to the Arkansas River or its tributaries:

8.1.1 Fish Hatchery Augmentation Station: 49.38 cfs. 8.1.2 County Road 8 Augmentation Station: 49.38 cfs. 8.1.3 Gageby Creek Farm 36 Augmentation Station (WDID 6701006) (Station ID ARF125CO): 49.38 cfs. 8.1.4 Gageby Creek Farm 27 Augmentation Station (WDID 6701002) (Station ID ARF126CO): 49.38 cfs. 8.1.5 Springs Utilities' Gageby Creek Augmentation Station: 400 cfs. 8.1.6 Horse Creek Augmentation Station: 49.38 cfs. 8.1.7 Adobe Creek Reservoir: 400 cfs. 8.1.8 Fish Hatchery Storage Facility: 400 cfs. 8.1.9 Haynes Creek Reservoir: 400 cfs. 8.1.10. John Martin Reservoir: 500.00 cfs.

8.2 Maximum Release Rates from the Exchange From Points:

8.2.1. The John Martin Reservoir Dam: 949.38 cfs. 8.2.2. The Confluence of Horse Creek and the Arkansas River: 49.38 cfs. 8.2.3. The Confluence of Adobe Creek and the Arkansas River: 449.38 cfs. 8.2.4. The Confluence of the Road 8 Augmentation Channel and the Arkansas River: 49.38 cfs. 8.2.5. At or near the Confluence of the Colorado Canal Wasteway and the Arkansas River: 400 cfs.

8.3 Maximum Inflow to Exchange to Points using sources claimed herein:

8.3.1 Pueblo Reservoir: 1,749.38 cfs. 8.3.2 SDS Pipeline: 120.68 cfs. 8.3.3 FVC Pipeline: 19.80 cfs. 8.3.4 Headgate of Fort Lyon Canal: 49.38 cfs. 8.3.5 Headgate of Fort Lyon Storage Canal: 500.00 cfs. 8.3.6 Headgate of the Colorado

Canal: 756.00 cfs. 9. Use or Proposed Use: The water diverted pursuant to these appropriative rights of substitution and exchange will be stored, used, reused, successively used and/or used to extinction, directly, after storage, and/or by exchange, using any structure now existing or hereafter constructed that is lawfully available for use by Colorado Springs for any decreed beneficial use of the TU Water. 10. Place of Use: The place of use of water diverted pursuant to the exchanges shall include Applicant's Service Area as it exists now and as it may exist in the future, including the territorial boundaries of Colorado Springs and any areas served by Applicant by extraterritorial agreement or other contract; for replacement of depletions on Fountain Creek accruing between Colorado Springs and the confluence of Fountain Creek and the Arkansas River; and in any location within the Arkansas River Basin for which water may be delivered by Applicant for augmentation, sale, or lease, and for such other uses as may be allowed by law. The territorial boundaries of Colorado Springs as of August 2022 are shown on Exhibit G. 11. Substituted water: The substituted water identified in paragraph 5 above is of a quality and continuity to meet the requirements for which the water of the senior appropriation normally has been used. 12. Integrated System: The Applicant owns and operates an integrated system for water diversion, transmission, storage, treatment, and distribution, as well as collection and treatment of the resultant wastewater for release, exchange, or reuse. The conditional appropriative exchange rights that are the subject of this Application are a part of this integrated water system comprising all water rights decreed and used for development and operation of the Colorado Springs' municipal water supply system. Applicant requests that reasonable diligence in the development of one component of the system comprises reasonable diligence in the development of all components. **III. Name and Address of Owner of Land Upon Which Structures are Located.** 13. Structures described in subparagraphs 3.1.1 - 3.1.6: 13.1. Fish Hatchery Augmentation Station. The City of Colorado Springs, acting by and through its enterprise, Colorado Springs Utilities, 121 South Tejon St, Colorado Springs, Colorado 80903. 13.2. County Road 8 Augmentation Station. Big R. Properties, LLC., 100 Big R St., Pueblo, CO 81001. 13.3. Gageby Creek Farm 36 Augmentation Station. Arkansas River Farms, LLC, 1400 16th St. STE. 320, Denver, CO 80202. 13.4. Gageby Creek Farm 27 Augmentation Station. Arkansas River Farms, LLC, 1400 16th St. STE. 320, Denver, CO 80202. 13.5. Spring Utilities Farm 27 Gageby Creek Augmentation Station. Karney Land & Cattle, Inc., 34808 Road 17, Las Animas, CO81054. 13.6. Horse Creek Augmentation Station. DiRezza Limited Family Partnership, 33155 E. Hwy. 194, La Junta, CO 81050. 14. Pueblo Reservoir: U.S. Department of Interior, Bureau of Reclamation, Eastern Colorado Area Office, 11056 West County Road 18 E, Loveland, CO 80537-9711. 15. John Martin Reservoir: U.S. Army Corps of Engineers, Reservoir Manager, 29955 County Road 25.75, Hasty, CO 81044; Caddoa Sands LLC, 2010 Fox Mountain Point, Colorado Springs, CO 80906. 16. Lake Meredith: Lake Meredith Reservoir Company, 331 Main Street, Ordway, CO 81063. 17. Lake Henry: Lake Henry Reservoir Company, 331 Main Street, Ordway, CO 81063. 18. Colorado Canal: Colorado Canal Company, 331 Main Street, Ordway, CO 81063. 19. Haynes Creek Reservoir: 19.1 The City of Pueblo, Colorado, a municipal corporation, acting by and through the Board of Water Works of Pueblo, Colorado, 319 West Fourth St, Pueblo, Colorado 81003. 19.2. The City of Aurora, Colorado, acting by and through its Utility Enterprise, 15151 East Alameda Pkwy, Aurora, Colorado 80012. 19.3. The City of Colorado Springs, acting by and through its enterprise,

Colorado Springs Utilities, 121 South Tejon St, Colorado Springs, Colorado 80903. 19.4. The City of Fountain Water, Wastewater, and Utility Enterprise, 116 South Main St. Fountain, Colorado 80817. 19.5. The Pueblo West Metropolitan District, 356 South McCulloch Blvd., Pueblo West, Colorado 81007. 19.6. Southeastern Colorado Water Activity Enterprise, 31717 United Avenue, Pueblo, Colorado 81001. 20. Fort Lyon Canal, Fort Lyon Storage Canal and Adobe Creek Reservoir: Fort Lyon Canal Company, 750 Bent Ave., Las Animas, CO 81054. 21. Fish Hatchery Storage Facility. The City of Colorado Springs, acting by and through its enterprise, Colorado Springs Utilities, 121 South Tejon St, Colorado Springs, Colorado 80903.

CASE NO. 2023CW3053; CITY OF FOUNTAIN, c/o Taylor Murphy, Water Resources & Engineering Manager, 116 South Main Street, Fountain CO 80817 (Please address

all pleadings and inquiries regarding this matter to Applicant's attorneys: Cynthia F. Covell, Andrea L. Benson, and Gilbert Y. Marchand, Jr., Alperstein & Covell P.C., 1391 Speer Blvd., Suite 730, Denver, CO 80204, (303) 861-0420)

Application to Confirm and Add Place of Storage for Fully Consumable Water and for Appropriative Rights of Exchange

PUEBLO AND EL PASO COUNTIES

2. Summary of Application. Fountain owns fully-consumable water rights and supplies and reusable return flows therefrom, some of which have previously been decreed for storage, including some that have been decreed for storage in Fountain Creek Reservoir. This application seeks confirmation of Fountain's right to store its fully consumable water supplies, including reusable return flows, in Fountain Creek Reservoir. In addition, Fountain seeks conditional appropriative rights of exchange on Fountain Creek to allow it to exchange to storage in Fountain Creek Reservoir Fountain's wastewater effluent from the Lower Fountain Metropolitan Sewage Disposal District ("LFMSDD"), Fountain's non-sewered return flows, and water available to Fountain at the confluence of Fountain Creek and the Arkansas River, or other locations on Fountain Creek within the reach from the confluence of Fountain Creek and the Arkansas River to the Fountain Creek Reservoir. Application to CONFIRM AND Add Location of Storage of Fully Consumable Water Supplies 3. Name of Storage Structure: Fountain Creek Reservoir. a. Location: Fountain Creek Reservoir is an excavated storage reservoir located in portions of Sections 7, 18 and 19, Township 16 South, Range 65 West of the 6th P.M. in El Paso County, as shown on map attached to the application as Figure 1. (All figures mentioned herein are incorporated by reference and may be inspected at the office of the clerk of this Court.) b. Legal Description of Points of Diversion: i. Planned POD: Zone 13 Easting: 526642.9 Northing: 4278171.8; also SE1/4 of the SW1/4 of Section 17, Township 16 South, Range 65 West, 6th PM., as shown on map attached as Figure 1. ii. Alternate POD: The headgate of the Owen & Hall Ditch, located Zone 13, Easting: 526832.1, Northing: 4277704.9; also NE1/4 of the NW/14 of Section 20, Township 16 South, Range 65 West, 6th PM., as shown on map attached as Figure 1. c. Reservoir Capacity: 2,200 a.f.. d. Sources of Water to be Stored in Fountain Creek Reservoir. ii. Fountain's fully consumable water rights and reusable return flows therefrom (sewered and non-sewered) associated with Fountain's interest in 190 Shares of Fountain Mutual Irrigation Company ("FMIC") previously changed in Case No. 01CW146, decreed on February 3, 2015. ii. Sewered return flows delivered to Fountain Creek. Fully consumable wastewater effluent delivered

to Fountain Creek at the following wastewater treatment plants: 1. Lower Fountain Metropolitan Sewage Disposal District (“LFMSDD”) treatment plant. The LFMSDD wastewater treatment plant outfall is located in Section 34, Township 16 South, Range 65 West of the 6th P.M. in El Paso County. Discharge from the LFMSDD Wastewater Treatment Plant outfall is delivered through a natural channel and by pipeline to Fountain Creek in Section 4, Township 17 South, Range 65 West of the 6th P.M. in El Paso County, as shown on Figure 1. 2. Fountain Sanitation District Wastewater Plant. The Fountain Sanitation District wastewater plant outfall is located in the NW1/4 of Section 17, Township 16 South, Range 65 West of the 6th P.M. in El Paso County. See Figure 1. 3. Wastewater Effluent from the Widefield Wastewater Treatment Plant. Some fully-consumable water from Fountain’s water rights is treated at the Widefield wastewater treatment plant, and accrues to Fountain Creek at the outfall located in the NE1/4 of Section 25, Township 15 South, Range 66 West of the 6th P.M. in El Paso County. See Figure 1. iii. Fully consumable non-sewered return flows that accrue to Fountain Creek. The location at which 100% of the non-sewered return flows will accrue to Fountain Creek is the NW1/4 of Section 20, Township 16 South, Range 65 West of the 6th P.M. in El Paso County, upstream of the Owen and Hall Ditch headgate. See Figure 1. iv. Water available to Fountain from Fountain’s storage accounts in Pueblo Reservoir. Fully consumable water available to Fountain from Fountain’s storage accounts in Pueblo Reservoir may be released from Pueblo Reservoir and delivered to the confluence of the Arkansas River and Fountain Creek and exchanged to Fountain Creek Reservoir pursuant to the exchange applied for herein. The confluence of Fountain Creek and the Arkansas River is located at approximately UTM coordinates (NAD 83 datum, Zone 13, meters); Easting: 535941.0, Northing: 4233966.7; also NE1/4 of Section 6, Township 21 South, Range 64 West, of the 6th P.M. in Pueblo County, as shown on Figure 2. v. Water Rights Previously Decreed for Storage in Fountain Creek Reservoir. Additional sources of water, and reusable return flows (sewered and non-sewered), may also be stored in Fountain Creek Reservoir pursuant to decrees entered in Case Nos. 08CW114, 08CW115, 09CW103 and 10CW99 (previously changed in 06CW119), 15CW3068, 19CW3081 and 19CW3082. These sources are already decreed for storage at this location. vi. Other water rights and supplies. Fountain may also store water from other sources and supplies in Fountain Creek Reservoir pursuant future water court decrees or amendment of any decree entered upon this application, or pursuant to an approved administrative exchange or substitute water supply plan that authorizes storage of such water in Fountain Creek Reservoir. vii. Comment. Fountain does not seek in this case a new junior storage right for Fountain Creek Reservoir. e. Uses. The water stored in Fountain Creek Reservoir may be used for all municipal uses including, without limitation, domestic, agricultural, industrial, commercial, power generation, fire protection, recreation, fish and wildlife preservation, replacement, exchange, augmentation, sale or lease to others, and storage for all of the foregoing uses. The water stored in Fountain Creek Reservoir and reusable return flows therefrom may be used, reused and successively used to extinction.

APPLICATION FOR APPROPRIATIVE RIGHTS OF EXCHANGE. 4. Sources of Supply for Exchanges to Fountain Creek Reservoir. a. Fully consumable wastewater effluent delivered to Fountain Creek from the LFMSDD wastewater plant described in paragraph 3(d)(ii)(1). b. Fully consumable non-sewered return flows that accrue to Fountain Creek, described in paragraph 3(d)(iii). c. Fully consumable water available to Fountain that is

released from Fountain's storage accounts in Pueblo Reservoir, described above in paragraph 3(d)(iv). 5. Appropriative Rights of Exchange. Fountain requests appropriative rights of exchange on Fountain Creek as more particularly described below. The exchanges will operate on all stretches of stream between the locations described below. A map depicting the exchange reaches is attached as Figure 2. a. "Exchange From" Points. i. LFMSDD wastewater plant effluent at the location delivered to Fountain Creek. Water is delivered to Fountain Creek from the LFMSDD at the location described in paragraph 3(d)(ii)(1). ii. The location at which 100% of Fountains non-sewered flows accrue to Fountain Creek described in paragraph 3(d)(iii) above. iii. Confluence of Arkansas River and Fountain Creek. Fountain holds decreed water rights and supplies that may be stored in Pueblo Reservoir directly or by exchange. Such water may be released from Pueblo Reservoir and delivered to the confluence of the Arkansas River and Fountain Creek and exchanged to Fountain Creek Reservoir. The confluence of Fountain Creek and the Arkansas River is described above in paragraph 3(d)(iv) above. b. "Exchange To" Points. i. Planned POD to Fountain Creek Reservoir described in paragraph 3(b)(i) above. ii. Alternate POD to Fountain Creek Reservoir described in paragraph 3(b)(ii) above. c. Exchange Rate. Fountain claims an exchange rate of 30 cfs, conditional, maximum combined rate for all sources of water identified in paragraph 4. 6. Operation of Exchange. The sources of supply herein identified may be exchanged upstream from each of the "exchange from" points described in paragraph 5.a to the Fountain Creek Reservoir points of diversion described in paragraph 5.b. An exchange will only be operated when there is a live stream in the reach of Fountain Creek between the "exchange from" point and Fountain Creek Reservoir. An exchange will only be operated to the extent that other vested water rights senior to these exchanges are not deprived of water to which they would have been entitled and would have diverted in the absence of such exchange. 7. Uses. Fountain will use the water stored by exchange for all municipal uses under existing and future decrees for the water so exchanged, including, without limitation, domestic, agricultural, industrial, commercial, power generation, fire protection, recreation, fish and wildlife preservation, replacement, exchange, augmentation, sale or lease to others, reuse, and further storage for all of the foregoing uses. The water stored in Fountain Creek Reservoir by exchange may be used, reused and successively used to extinction. 8. Appropriation dates. The appropriation date for both exchanges is October 26, 2021, the date on which the Fountain City Council adopted its Water Master Plan at a public meeting. 9. Use of Pueblo Reservoir and Water Stored in Pueblo Reservoir. Fountain recognizes that Pueblo Reservoir and other Fryingpan-Arkansas Project ("Project") facilities are part of the Fryingpan-Arkansas Project and use of Pueblo Reservoir and other Project facilities must be pursuant to contract with the United States and consistent with such policies, procedures, contracts, charges and terms as may be lawfully determined by the United States Bureau of Reclamation and, where applicable, Southeastern Colorado Water Conservancy District, or their respective successors in interest. Fountain's releases of water from Pueblo Reservoir for exchange will be made subject to the requirements of Fountain's applicable contracts and applicable policies, procedures, contracts, charges and terms as described in the foregoing sentence. 10. Name(s) and address(es) of owner(s) or reputed owners of the land upon which any new or existing diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water

is or will be stored, including any modification to the existing storage pool. a. Fountain Creek Reservoir and Planned POD. Fountain owns the Fountain Creek Reservoir and land on which the reservoir will be located. Fountain owns the land on the west bank of Fountain Creek on which the Planned POD will be located. The land on the east bank of Fountain Creek on which a portion of the Planned POD will be located is owned by Margaret S. Ward, 12406 Old Pueblo Rd., Fountain, CO 80817-3545. b. Owen and Hall Ditch (Alternate POD). City of Colorado Springs, P.O. Box 1575, Mail Code 455, Colorado Springs, CO 80901-1575. c. To the extent the diversion structures to Fountain Creek Reservoir, or other structures identified in this application are owned by third parties, Fountain may use such infrastructure only after acquiring the requisite property interests or entering a contract allowing such use with the owner of such infrastructure or property. 11. No Injury. The water rights and exchanges applied for herein, when operated in accordance with the terms, conditions and restrictions described in this application, will not cause injury to vested water rights. Wherefore, Fountain requests that this Application be granted as requested herein, and requests such other and further relief as the Court deems appropriate.

CASE NO. 2023CW3054; DENNIS G. BRITTEN AND JUDY C. BRITTEN 1000 Walker Way Canon City, Colorado 81212-2018 (Please address all pleadings and inquiries regarding this matter to Applicant’s attorneys: David S. Hayes, Eric K. Trout, Hayes Poznanovic Korver LLC 700 17th Street, Suite 1800 Denver, Colorado 80202 (303) 825-1980)

Application For Storage Water Rights And Approval Of Plan For Augmentation Including Water Exchange Project And Appropriative Rights Of Exchange
PUEBLO AND FREMONT COUNTIES, COLORADO

2. Introduction: Applicants own property located in the upper Tallahassee Creek watershed, in Fremont County, near Guffey, Colorado. By this Application, Applicants seek to adjudicate storage water rights for several existing structures on the property. In addition, Applicants seek approval of a plan for augmentation to replace out-of-priority depletions associated with these structures. Out-of-priority depletions will be replaced, including by exchange and water exchange project, using water available pursuant to a water supply contract with the Upper Arkansas Water Conservancy District (“the District”), for which consideration of an application has been approved by the District board, and, as necessary, by release from onsite storage. All of the structures on the Subject Property except for the Britten Water Feature are existing structures. The purpose of the Application is to seek water rights for these structures and a plan for augmentation to replace depletions to downstream water rights due to the operations of those structures.

CLAIM FOR STORAGE WATER RIGHTS Applicants claim the following storage appropriations: 3. Britten Pond 1 (WDID 1214623): A. Location: SW NE of Section 19, Township 17 South, Range 73 West, 6th P.M., Fremont County, Colorado, with the dam located at a point described as Zone 13, NAD83, UTMx (m) 448162, UTM_y (m) 4267659, as depicted on **Exhibit A**, attached to the application. (All exhibits mentioned herein are incorporated by reference and may be inspected at the office of the clerk of this Court.) B. Source: A tributary of the Middle Branch of the Middle Fork of Middle Tallahassee Creek, tributary to Tallahassee Creek, tributary to the Arkansas River. C. Date of appropriation: June 15, 1972, on which date there was a concurrence of intent to

appropriate and overt acts in furtherance of such intent, including, without limitation, construction and operation of the pond. D. Amount: 0.93 acre-foot, absolute, with the right to fill and continuously freshen and refill. E. Uses: Fire protection, wildlife, aesthetic, piscatorial, recreation, and stock watering. F. Description of reservoir: i. Height of dam: 4 feet. ii. Length of dam: 230 feet. iii. Capacity: 0.93 acre-foot. iv. Surface Area: 0.41 acre. G. Comments: i. Britten Pond 1 is an on-channel structure. ii. Pursuant to § 37-92-102(3)(b), C.R.S., the Britten Pond 1 constitutes a use in existence on the date of appropriation of the instream flow right adjudicated in Case No. 95CW232. 4. Britten Pond 2 (WDID 1214624): A. Location: SE NE of Section 19, Township 17 South, Range 73 West, 6th P.M., Fremont County, Colorado, with the dam located at a point described as Zone 13, NAD83, UTMx (m) 448275, UTM_y (m) 4267555, as depicted on Exhibit A. B. Source: A tributary of the Middle Branch of the Middle Fork of Middle Tallahassee Creek, tributary to Tallahassee Creek, tributary to the Arkansas River. C. Date of appropriation: October 28, 1953, on which date there was a concurrence of intent to appropriate and overt acts in furtherance of such intent, including, without limitation, construction and operation of the pond. D. Amount: 0.42 acre-foot, absolute, with the right to fill and continuously freshen and refill. E. Use: Fire protection, wildlife, aesthetic, piscatorial, recreation, and stock watering. F. Description of reservoir: i. Height of dam: 5 feet. ii. Length of dam: 190 feet. iii. Capacity: 0.42 acre-foot. iv. Surface Area: 0.20 acre. G. Comments: i. Britten Pond 2 is an on-channel structure. ii. Pursuant to § 37-92-102(3)(b), C.R.S., the Britten Pond 2 constitutes a use in existence on the date of appropriation of the instream flow right adjudicated in Case No. 95CW232. 5. Fear's Pond 1 (WDID 1214631): A. Location: NW NE of Section 29, Township 17 South, Range 73 West, 6th P.M., Fremont County, Colorado, with the dam located at a point described as Zone 13, NAD83, UTMx (m) 449763, UTM_y (m) 4266334, as depicted on Exhibit A. B. Source: South Fork of Middle Tallahassee Creek (a/k/a Fear's Creek), tributary to Tallahassee Creek, tributary to the Arkansas River. C. Date of appropriation: August 14, 2004, on which date there was a concurrence of intent to appropriate and overt acts in furtherance of such intent, including, without limitation, construction and operation of the pond. D. Amount: 1.58 acre-feet, absolute for fire protection, wildlife, aesthetic, piscatorial, recreation, and stock watering; and conditional for replacement and augmentation; with the right to fill and refill. E. Use: Fire protection, wildlife, aesthetic, piscatorial, recreation, stock watering, replacement, and augmentation pursuant to the plan for augmentation described herein. F. Description of reservoir: i. Height of dam: 7 feet. ii. Length of dam: 80 feet. iii. Capacity: 1.58 acre-feet. iv. Surface Area: 0.43 acre. G. Comments: Fear's Pond 1 is an on-channel structure. 6. Walker Drive Pond 1 (WDID 1214615): A. Location: SW SE of Section 17, Township 17 South, Range 73 West, 6th P.M., Fremont County, Colorado, with the dam located at a point described as Zone 13, NAD83, UTMx (m) 449792, UTM_y (m) 4268599, as depicted on Exhibit A. B. Source: North Fork of Middle Tallahassee Creek, tributary to Tallahassee Creek, tributary to the Arkansas River. C. Date of appropriation: July 23, 2005, on which date there was a concurrence of intent to appropriate and overt acts in furtherance of such intent, including, without limitation, construction and operation of the pond. D. Amount: 0.29 acre-foot, conditional, with the right to fill and refill. E. Use: Fire protection, wildlife, aesthetic, piscatorial, recreation, stock watering, replacement, and augmentation pursuant to the plan for augmentation described herein. F. Description of reservoir: i. Height of dam: 5 feet. ii. Length of dam:

100 feet. iii. Capacity: 0.29 acre-foot. iv. Surface Area: 0.22 acre. G. Comments: Walker Drive Pond 1 is an on-channel structure. 7. Walker Drive Pond 2 (WDID 1214616): A. Location: NE NE of Section 20, Township 17 South, Range 73 West, 6th P.M., Fremont County, Colorado, with the dam located at a point described as Zone 13, NAD83, UTMx (m) 450274, UTM_y (m) 4268215, as depicted on Exhibit A. B. Source: North Fork of Middle Tallahassee Creek, tributary to Tallahassee Creek, tributary to the Arkansas River. C. Date of appropriation: October 10, 1999, on which date there was a concurrence of intent to appropriate and overt acts in furtherance of such intent, including, without limitation, construction and operation of the pond. D. Amount: 0.76 acre-foot, absolute for fire protection, wildlife, aesthetic, piscatorial, recreation, and stock watering; and conditional for replacement and augmentation; with the right to fill and refill. E. Use: Fire protection, wildlife, aesthetic, piscatorial, recreation, stock watering, replacement, and augmentation. F. Description of reservoir: i. Height of dam: 6 feet. ii. Length of dam: 200 feet. iii. Capacity: 0.76 acre-foot. iv. Surface Area: 0.23 acre. G. Comments: Walker Drive Pond 2 is an on-channel structure. **CLAIM FOR APPROVAL OF PLAN FOR AUGMENTATION**. 8. Structures to be augmented: The following are collectively referred to herein as the “Augmented Structures:” A. Britten Pond 1, as more fully described in Paragraph 3, above. B. Britten Pond 2, as more fully described in Paragraph 4, above. C. Britten Pond System Water Feature (“Water Feature”), to be located in the SW NE of Section 19, Township 17 South, Range 73 West, 6th P.M., Fremont County, Colorado, with the centroid located at a point described as Zone 13, NAD83, UTMx (m) 448212, UTM_y (m) 4267611, as depicted on Exhibit A attached hereto. The Water Feature will be sourced from the Middle Branch of Middle Fork of the Middle Tallahassee Creek, tributary to Tallahassee Creek, tributary to the Arkansas River, and have a surface area of 0.04 acre, with a maximum estimated evaporation rate of 0.0003 cubic feet per second. The Water Feature will be constructed by installing a 550 ft long and 3 ft wide channel connecting the Britten Ponds 1 and 2, to run overflow water from Britten Pond 1 to Britten Pond 2. The Water Feature will also include a recirculating pump between the ponds to circulate water at a rate of 62 gpm. D. Fear’s Pond 1, as more fully described in Paragraph 5, above. E. Walker Drive Pond 1, as more fully described in Paragraph 6, above. F. Walker Drive Pond 2, as more fully described in Paragraph 7, above. 9. Water rights to be used for augmentation: A. Water released from the Fear’s Pond, Walker Drive 1 Pond, and/or Walker Drive 2 Pond, as more fully described in Paragraphs 5, 6 and 7, above. B. Water available pursuant to a water supply contract between Applicants and the Upper Arkansas Water Conservancy District (“UAWCD Contract”) for 5 ac-ft annually, from fully-consumable sources available to the District, including, without limitation, those rights described in Paragraph 10 of the decree in Case No. 18CW3076, but excluding Fryingpan-Arkansas Project Water and Project Water Return Flows described in Paragraph 10.b. of the 18CW3076 decree, and including water that has been changed for use in the District’s 18CW3076 plan by court or administrative approval. C. Applicants may also acquire and/or lease additional water supplies in the future for use as a source of replacement in the plan for augmentation described herein, pursuant to C.R.S. § 37-92-305(8)(c). 10. Complete statement of plan for augmentation: Filling of and evaporation from the Augmented Structures will result in stream depletions to Middle Tallahassee Creek, tributary to Tallahassee Creek, tributary to the Arkansas River. Applicants will calculate and replace all net out-of-priority depletions attributable to the Augmented

Structures using one or a combination of the sources identified in Paragraph 9, above. Augmentation/replacement water available from the UAWCD Contract will be used by exchange to store water in the ponds and/or for augmentation by the water exchange project described herein. During periods when the UAWCD Contract water is not available for storage or to replace out-of-priority depletions from the operation of the Augmented Structures during a valid downstream call, water will be released from Walker Drive Ponds 1 and/or 2, and/or Fear's Pond 1 to allow for storage and maintenance of freshening flows at Britten Ponds 1 and 2 and the operation of the Britten Pond System Water Feature. Applicants' total stream depletions associated with Augmented Structures are estimated at 3.69 acre-feet annually. Applicants reserve the right to revise such estimate without amending this Application or republishing the same. Applicants will install measuring devices and will devise accounting forms to record all diversions, depletions and replacements made pursuant to this plan for augmentation as required by the decree entered pursuant to this Application and by the Division Engineer. Actual demands and depletions will be based on data and decreed factors included in accounting forms prepared by Applicants for the administration of this plan. This plan for augmentation will allow the operation of the Augmented Structures under the terms and conditions described herein in a manner that will prevent injury to vested water rights and decreed conditional water rights. The water to be provided for augmentation is of a quality and quantity so as to meet the requirements for which the water has been used by senior downstream appropriators, and therefore meets the requirements of § 37-92-305(5), C.R.S. 11. Appropriative right of exchange and water exchange project: As components of the plan for augmentation Applicants claim the following appropriative rights of exchange and water exchange project pursuant to C.R.S. §§ 37-92-103(9), 37-92-302(5), 37-92-305(3)(a), 37-92-305(5), and 37-92-305(8)(a): A. Exchanges: i. Fear's Pond 1 Exchange: a. Upstream terminus: Fear's Pond 1, as more fully described in Paragraph 5, above, and depicted on Exhibit B attached to the application and available for inspection at the office of the Division 2 Water Clerk or via Colorado Courts E-filing. b. Downstream termini: i. The confluence of Tallahassee Creek and the Arkansas River located at 466853 UTMx (m) and 4529995 UTM_y (m). ii. Pueblo Reservoir. Pueblo Reservoir is an on-channel reservoir formed by the intersection of Pueblo Dam and the Arkansas River at a point whence the Northeast corner of Section 36, Township 20 South, Range 66 West of the 6th Principal Meridian, 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. 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. B42135, District Court, Pueblo County, Colorado, as corrected in Case No. 02CW37. iii. Confluence of Grape Creek and the Arkansas River located at 476573 UTMx (m) and 4253691 UTM_y(m). c. Rate: 0.89 c.f.s., conditional. d. Source of replacement water: UAWCD Contract water, as described in Paragraph 9, above. e. Date of appropriation: December 28, 2023, on

which date there was a concurrence of intent to appropriate and overt acts in furtherance of such intent, including, without limitation, the filing of the Application. f. Use: Fire protection, wildlife, aesthetic, piscatorial, recreation, and stock watering within Fear's Pond 1 and augmentation and replacement pursuant to the plan for augmentation described herein. ii. Walker Drive Pond 1 Exchange: a. Upstream terminus: Walker Drive Pond 1, as more fully described in Paragraph 6, above, depicted on Exhibit B attached hereto. b. Downstream termini: i. The confluence of Tallahassee Creek and the Arkansas River located at 466853 UTMx (m) and 4529995 UTM_y (m). ii. Pueblo Reservoir, as described in Subparagraph 11.A.i.b.ii, above. iii. Confluence of Grape Creek and the Arkansas River located at 476573 UTMx (m) and 4253691 UTM_y(m). c. Rate: 0.18 c.f.s., conditional. d. Source of replacement water: UAWCD Contract water, as described in Paragraph 9, above. e. Date of appropriation: December 28, 2023, on which date there was a concurrence of intent to appropriate and overt acts in furtherance of such intent, including, without limitation, the filing of the Application. f. Use: Fire protection, wildlife, aesthetic, piscatorial, recreation, and stock watering, within Walker Drive Pond 2 and augmentation and replacement pursuant to the plan for augmentation described herein. iii. Walker Drive Pond 2 Exchange: a. Upstream terminus: Walker Drive Pond 2, as more fully described in Paragraph 7, above, depicted on Exhibit B attached hereto. b. Downstream termini: i. The confluence of Tallahassee Creek and the Arkansas River located at 466853 UTMx (m) and 4529995 UTM_y (m). ii. Pueblo Reservoir as described in Subparagraph 11.A.i.b.ii, above. iii. Confluence of Grape Creek and the Arkansas River located at 476573 UTMx (m) and 4253691 UTM_y(m). c. Rate: 0.41 c.f.s., conditional. d. Source of replacement water: UAWCD Contract water, as described in Paragraph 9, above. e. Date of appropriation: December 28, 2023, on which date there was a concurrence of intent to appropriate and overt acts in furtherance of such intent, including, without limitation, the filing of the Application. f. Use: Fire protection, wildlife, aesthetic, piscatorial, recreation, and stock watering within Walker Drive Pond 2 and augmentation and replacement pursuant to the plan for augmentation described herein. iv. Comment: The Fear's Pond 1, Walker Drive Pond 1, and Walker Drive Pond 2 Exchanges shall be limited to a maximum of 5 acre-feet per year in combination with the water exchange project. Any decree entered in this case will include terms and conditions that prohibit Applicant from operating an exchange or water exchange project so as to reduce the rate of flow in the Arkansas River immediately above the discharge of the Fremont Sanitation District Wastewater Treatment Plant, which discharge location is in the Southwest 1 of Section 13, Township 19 South, Range 69 West of the 6th P. M., to less than 190.0 c.f.s. In addition, Applicant will not operate any of the exchange or water exchange project from Pueblo Reservoir unless there is a minimum inflow of 155 c.f.s. of native water flowing into Pueblo Reservoir measured at the Portland gage (ID 0709700). B. Water exchange project: i. Upstream Termini: The Augmented Structures identified in Paragraph 8, above. ii. Downstream termini: a. The confluence of Tallahassee Creek and the Arkansas River located at 466853 UTMx (m) and 4529995 UTM_y (m). b. Pueblo Reservoir, as described in Subparagraph 11.a.i.b.ii, above. c. Confluence of Grape Creek and the Arkansas River located at 476573 UTMx (m) and 4253691 UTM_y(m).d. Confluence of North Fork of Middle Tallahassee Creek and Fear's Creek at 451881 UTMx (m) and 4266905 UTM_y(m). e. Confluence of Middle Fork of Middle Tallahassee Creek and Fear's Creek at 451370 UTMx (m) and 4267038 UTM_y(m). iii. Rates: 0.0060 c.f.s. for the Britten Pond System;

0.0045 c.f.s. for Fear's Pond 1; 0.0028 c.f.s. for Walker Drive Pond 1; 0.0028 c.f.s. for Walker Drive Pond 2; all of which are conditional. iv. Source of replacement water: Water released from the Fear's Pond 1, Walker Drive 1 Pond, and/or Walker Drive 2 Pond, and/or UAWCD Contract water; as described in Paragraph 9, above. v. Date of appropriation: December 28, 2023, on which date there was a concurrence of intent to appropriate and overt acts in furtherance of such intent, including, without limitation, the filing of the Application. vi. Use: Augmentation and replacement pursuant to the plan for augmentation described herein. vii. Comment: The water exchange project shall be limited to a maximum of 5 acre-feet per year in combination with the Fear's Pond 1, Walker Drive Pond 1, and Walker Drive Pond 2 Exchanges. Any decree entered in this case will include terms and conditions that prohibit Applicant from operating an exchange or water exchange project so as to reduce the rate of flow in the Arkansas River immediately above the discharge of the Fremont Sanitation District Wastewater Treatment Plant, which discharge location is in the Southwest 1 of Section 13, Township 19 South, Range 69 West of the 6th P. M., to less than 190.0 c.f.s. In addition, Applicant will not operate any of the exchange or water exchange project from Pueblo Reservoir unless there is a minimum inflow of 155 c.f.s. of native water flowing into Pueblo Reservoir measured at the Portland gage (ID 0709700). 12. Name(s) and address(es) of owner(s) or reputed owner(s) of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool: The Augmented Structures are all located on property owned by Applicants. **WHEREFORE**, Applicants respectfully request that the Court enter a judgment and decree that: A. Grants this Application; B. Confirms and decrees the absolute and conditional storage water rights claimed in Paragraphs 3 through 7, above; C. Approves the plan for augmentation described in Paragraphs 8 through 11, above; D. Confirms and decrees the conditional appropriative rights of exchange and water exchange project described in Paragraph 11, above; E. Finds that the subject plan for augmentation, exchanges, and water exchange project will not injuriously affect the owners of or persons entitled to use water under a vested water right or decreed conditional water right; and F. Grants such other relief to Applicants as the Court deems just and proper.

CASE NO. 2023CW3055; Previous Case Nos: 17CW3020; 10CW79; 04CW14; 93CW86 – BOARD OF WATER WORKS OF PUEBLO, COLORADO c/o Seth Clayton, Executive Director, P.O. Box 400, Pueblo, Colorado 81002-0400 (Please address all pleadings and inquiries regarding this matter to Applicant's attorneys: Karl D. Ohlsen and Matthew L. Navarrette, Carlson, Hammond & Paddock, LLC, 1900 N. Grant Street, Suite 1200, Denver, Colorado 80203-4312, (303) 861-9000)

Amended Application for Sexennial Finding of Reasonable Diligence
PUEBLO COUNTY

2. Name of Structures: The decree in Case No. 93CW86 decreed two water rights to the Historic Arkansas River Project ("HARP"), the HARP water right (30 c.f.s. absolute), and the HARP Tailwater Right (33.75 c.f.s. absolute and 166.25 c.f.s. conditional). The conditional HARP Tailwater Right is the subject of this application. **3. Describe conditional water right (as to each structure) from previous decree**: A. Date of Original Decree: February 19, 1998, Case No. 93CW86, District Court, Water Division

No. 2, State of Colorado. B. List all subsequent decrees awarding findings of diligence: finding of reasonable diligence entered on November 24, 2004, in Case No. 04CW14, District Court, Water Div. No. 2; made absolute, in part, and a finding of reasonable diligence entered on April 29, 2011, in Case No. 10CW79, District Court, Water Div. No. 2; and a finding of reasonable diligence entered on November 9, 2017, in Case No. 17CW3020, District Court, Water Div. No. 2. C. Legal description of the HARP Tailwater Right from most recent decree: A point located where the tailwater (unconsumed cooling water) discharged from the Southern Colorado Power Company water right, historically used in the Black Hills Energy Company Power Plant or discharged into the historical Arkansas River channel, at or near the point where Victoria Street in the City of Pueblo crosses the historical Arkansas River channel in **the SW ¼ NE ¼ of Section 36, Township 20 South, Range 65 West of the 6th P.M.; UTM Location: 533687E, 4235578N (NAD83)**. See **Exhibit 1** 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.) D. Source of water: The Arkansas River. E. Appropriation Date: August 17, 1993; Amount: 200 c.f.s. of which 33.75 c.f.s. are absolute and 166.25 remain conditional. F. Use: All beneficial uses in connection with HARP, a development of a portion of the historical Arkansas River channel as a scenic, aesthetic, recreational, economic development, and park amenity in downtown Pueblo. G. WDID: 1400782. **4. Provide a detailed outline of what has been done toward completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures:** A. HARP is an urban waterfront park and associated public amenities that, in part, reestablished the flow of the Arkansas River in its historical location in downtown Pueblo. The current location serves the community by revitalizing a formerly blighted part of downtown Pueblo. This urban development helped transform the area and has attracted new businesses, shoppers, tourists, and others to the area. B. During the Diligence Period of April 2017 to November 2023 (“Diligence Period”), the HARP Authority has continued to manage and operate HARP, including its recreational boating operations under the HARP Authority Recreational Enterprise Operation. The Authority has incurred yearly operating expenses for the operation, maintenance, and repair of the entire HARP project. The Authority also spent approximately \$855,000 toward the design of a future channel extension and boat house. C. During the Diligence Period, Pueblo Water expended substantial sums in connection with the maintenance of its overall water supply and distributions system and the protection of its water rights. D. During the Diligence Period, Pueblo Water adjudicated a decree in Case No. 20CW3011 in which it obtained a conditional surface water right for 71 c.f.s. conditional (the “HARP Supplemental Right”) and changed the use of the Southern Colorado Power Company Water Storage Right, C.A. No. 19693 (“SOCO Water Storage Right”) to add storage of water to benefit operation of the HARP to its decreed uses. Pueblo Water added augmentation of out-of-priority depletions from the HARP Supplemental Right and the SOCO Water Storage Right to the augmentation plan decreed in Case No. 93CW86. The decree was entered on May 3, 2022. E. In addition to those listed above, during the Diligence Period, Pueblo Water performed the following water-right-specific diligence activities: i. prepared and filed Substitute Water Supply Plans annually for operation of portions of the HARP, until the decree was entered in Case No. 20CW3011; ii. installed a new bubbler in the HARP gaging station; iii. from April 2017 through April 2022,

monitored and recorded telemetry readings for the gaging station; iv. in 2022, purchased and installed equipment necessary to add the gaging station to the Division of Water Resources' satellite monitoring system; v. in 2021, successfully contested the inclusion on the decennial abandonment list of certain Southern Colorado Power Company water rights related to HARP; vi. in 2023, ordered and obtained aerial surveys of the Southern Colorado Power Company Cooling Ponds; vii. Pueblo Water personnel dedicated significant labor hours to operating the HARP water control gates and cleaning debris from the HARP river intake trash rack. F. During the Diligence Period, the Pueblo Conservancy District (the entity responsible for the levee in which the HARP river intake is located and a HARP Intergovernmental Agreement partner with Pueblo Water) made several modifications and improvements to the HARP river intake structure. G. HARP is a single, integrated project of water diversion, control, and beneficial use. For purposes of showing diligence in completing the conditional water rights originally decreed in Case No. 93CW86, work on one feature of the Project or system must be considered in finding that reasonable diligence has been shown in the development of water rights for all features of the entire project system, pursuant to C.R.S. § 37-92-307(4)(b). The work performed and actions taken during the Diligence Period demonstrate the Applicant's continuing intent to develop the conditional HARP Tailwater Right described in this Application. The Applicant has shown that it can and will divert, store, or otherwise capture, possess, or control and beneficially use the conditional rights and that the subject rights can and will be completed with diligence and within a reasonable time. **5. Name(s) and address(es) of owner(s) or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored:** There are no owners or reputed owners that are required to be notified of this Application.

CASE NO. 2023CW3056; Previous Case Nos: 04CW53; 10CW84; 17CW07 – ADAM J. SCHNOES, 350 Old Kathleen Trail, Guffey, CO 80820 (Please address all pleadings and inquiries regarding this matter to Applicant's attorneys: Ryan Jarvis, Erika Gibson, Charles Simon, Johnston Van Arsdale Martin PLLC, 305 Gold Rivers Court, Ste 200 Basalt, 81621, (970) 922-2122)

Application for Finding of Reasonable Diligence

PARK COUNTY, ARKANSAS RIVER OR ITS TRIBUTARIES

Name of structure: Hope Spring. Original decree: 04CW53, entered on 12/20/04, Water Div 2. Subsequent decrees: 10CW84, entered 6/3/11 and 17CW07, entered 12/12/17, both Water Div 2. Location: NE1/4 SE1/4 Sec 29 T14S R72W 6th PM, Park County, 2,470 ft from S line and 200 ft from E line of Sec 29. UTM's (NAD 83, Zone 13) 459725.3 E, 4295280.5 N. 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.) Source: Natural spring. Appropriation date: 7/16/04. Amounts and uses: 8 gpm: 8 gpm abs. for livestock, fire protection, and storage (pond) (07CW07), and 8 gpm cond. for domestic purposes inside one home and one guest house, lawn and garden irr., and recreation. Irrigated area: Up to one acre of home lawns and gardens upon Lot 60, Old Kathleen Ranch, which is located within the NE1/4 SE1/4 Sec 29 T14S R72W 6th PM. Owner of land: Applicant. An outline of the activities

evidencing reasonable diligence in the development of the approp. for the subject cond. water right is included in the Application on file with the Court.

CASE NO. 2023CW3057; CIENAGA RANCH COMPANY, INC., 13729 County Road 102 Guffey, CO 80820 (Please address all pleadings and inquiries regarding this matter to Applicant's attorneys: William A. Paddock, Lee H. Johnson, Matthew Navarette, Carlson, Hammond & Paddock, LLC., 1900 N. Grant St., Denver, CO 80203, telephone No. (303) 861-9000 bpaddock@chp-law.com, ljohnson@chp-law.com, mnavarette@chp-law.com)

Application for Simple Change in Surface Point of Diversion pursuant to § 37-92-305(3.5)
PARK COUNTY, CO

Decreed water rights for which change is sought: Tremayne Brothers Ditch No. 1 and Tremayne Brothers Ditch No. 3. Date of original and all relevant subsequent decrees: Tremayne Brothers Ditch No. 1 and Tremayne Brothers Ditch No. 3 were adjudicated by the decreed entered on February 3, 1894, by the Fremont County District Court. There are no subsequent decrees for these water rights. Legal description of structure as described in most recent decree that adjudicated the location: Distance from section lines: On the south side of the creek, but no more specific information is contained in the underlying decree. From the records in the adjudication proceeding, it appears that the original point of diversion may have been located approximately 300 feet west of the east section line, and approximately 1,000 feet north of the south section line in the N1/2 of the SE1/4 of the SE1/4 of Section 5, T.15 S., R. 71 W., 6th P.M. Tremayne Brothers Ditch No. 3 (as reported in the Interlocutory Report and Draft for Decree filed in the Fremont County District Court on April 25, 1890) located on the south side of the creek ten yards west of where the said creek crosses the West line of the SE1/4 of the SE1/4 of section 5 T.15 S., R. 71 W., 6th P.M. (As reported in the Interlocutory Report and Draft for Decree filed in the Fremont County District Court on April 25, 1890.) Decreed source of water: West Four Mile Creek. Appropriation Date: Tremayne Brothers Ditch No. 1: May 1, 1871; Tremayne Brothers Ditch No.3: May 1, 1875. Total amount decreed to structure: Tremayne Brothers Ditch No. 1: 2.0 c.f.s. absolute; Tremayne Brothers Ditch No. 3: 1.0 c.f.s. absolute. Decreed use or uses: Irrigation. Amount of water that applicant intends to change: 3 c.f.s. Detailed description of proposed change in a surface point of diversion: Cienaga Ranch is located in parts of sections 3, 4, 5, and 9, Township 15 South, Range 71 West, 6th P.M. in Park County, Colorado. The ranch uses the Tremayne Brother Ditches No. 1 and 3 water rights for irrigation. As a result of flooding in the mid-1980s, the points of diversion for the Tremayne Brothers Ditches No. 1 and 3 water rights were destroyed and the condition of the stream channel changed. After the flood Applicant relocated the diversions upstream from their then existing points of diversion to a consolidated point of diversion in the SW1/4 of the SE1/4 of section 5, a short distance east of where County Road 71 crosses West Four Mile Creek. Pursuant to C.R.S. § 37-92-305(3.5) Applicant now seeks to relocate the Tremayne Brothers Ditches No. 1 and 3 to a new point of diversion a short distance downstream onto Cienaga Ranch, and downstream from the original decreed point of diversion of Tremayne Brothers Ditch No. 3. This new location for the consolidated point of diversion is downstream from the confluence of West Four Mile Creek and an intermittent stream known as Cottonwood Creek. The original decreed points of diversion, located based on the drawing submitted

by the claimants in the original adjudication of the Tremayne Brothers Ditches' water rights, and the proposed new point of diversion are shown on the map 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.) Pursuant to C.R.S. § 37-92-305(3.5), the requested change in points of diversion of the Tremayne Brothers Ditches No. 1 and 3 meets the statutory definition of a "simple change in a surface point of diversion." There are no intervening surface points of diversion or inflow between the originally decreed points of diversion and the proposed new point of diversion. There are no decreed instream flow rights in a reach below the location of the decreed or proposed new point of diversion. No other changes to the Tremayne Brothers Ditch No. 1 and 3 water rights are requested and Applicant will continue to use the water diverted under the Tremayne Brothers Ditches No. 1 and 3 water rights for the decreed irrigation use on the Cienaga Ranch. The change in point of diversion will not result in the diversion of a greater amount of water than is decreed to the Tremayne Brothers Ditches No. 1 and 3 water rights, and without requantifying the water rights, will not result in the diversion of a greater amount of water than is physically and legally available at the originally decreed diversion points from which a change is being made. No injury will occur to other vested water rights or decreed conditional water rights as a result of the simple change in surface point of diversion requested herein. Location of the new surface point of diversion: Public Land Survey System: N1/2 SE ¼ of Section 5, Township 15 South, Range 71 West, 6th P.M., at a point approximately 1,300 feet west of the east section line and approximately 1,050 feet north of the south section line. Source: Google Earth. Location information in UTM format: UTM Coordinates (Zone 13S, NAD 83) Northing: 4291690; Easting: 469024; Source: NRCS desktop analysis and CDSS Location Converter. Name(s) and address(es) of owner(s) or reputed owners of land upon which any new diversion structure, or modification to any existing diversion structure is or will be constructed: The proposed new point of diversion for the Tremayne Brothers Ditches No. 1 and 3 will be on land owned by the Cienaga Ranch Company, Inc. Applicant requests the Court enter a decree confirming the simple change in surface point of diversion requested in the Application.

CASE NO. 2023CW3058; KENNETH W. TIEGS LIVING TRUST AND SHARON S. TIEGS LIVING TRUST, 10550 County Road 190 W, Salida, Colorado 81201 (Please address all pleadings and inquiries regarding this matter to Applicants' attorney: John T. Howe, Hoskin, Farina & Kampf, P.C., 200 Grand Avenue, Suite 400, Post Office Box 40, Grand Junction, Colorado 81502, Telephone: (970) 986-3400, email: jhowe@hfak.com)
Application for Water Storage Right

CHAFFEE COUNTY

2. General description of Application: Applicants seek an absolute water storage right for a pond well which has a well permit issued by the Colorado Division of Water Resources and an augmentation certificate for out of priority depletions from the Upper Arkansas Water Conservancy District. **3. Claim for water storage right:** A. Name of Water Storage Right: Tiegs Pond Well. B. Well Permit No.: 88515-F. C. Plan for Augmentation: the Tiegs Pond Well is operated according to a plan for augmentation for out of priority depletions from the Upper Arkansas Water Conservancy District, Augmentation Certificate 2646. D. Location of Pond: NE¼NW¼ and NW¼NW¼ of

Section 22, Township 50 North, Range 8 East of the N.M.P.M. The pond outlet is located 1,895 feet from the West line and 850 feet from the North line of Section 22; UTM Coordinates: Easting 406523, Northing 4270335, Zone 13, NAD83. The pond inlet is located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 22, Township 50 North, Range 8 East of the N.M.P.M. 1,265 feet from the West line and 630 feet from the North line of Section 22; UTM Coordinates: Easting 406333, Northing 4270415, Zone 13, NAD83. A map of the outlet and inlet for Tieg's Pond Well is attached as **Exhibit A** to the Application and incorporated herein by this reference. (All exhibits mentioned herein are incorporated by reference and may be inspected at the office of the clerk of this Court.) E. Source: groundwater and Bonnie Spring tributary to the Arkansas River. F. Appropriation Date: May 1, 2001. G. How appropriation initiated: by stocking fish in the Tieg's Pond Well for piscatorial purposes. H. Amount claimed: 2.178 acre feet absolute for evaporation purposes; 8.68 acre feet storage, with the right to fill and refill in order to keep the pond fill, for recreation, wildlife consistent with a pond, piscatorial and aesthetic purposes. Evaporation is the only consumptive use. H. Dimensions of structure: surface area of 0.964 acres and average depth of 7-9 feet depending on the season. J. Uses: evaporation, recreation, wildlife consistent with a pond, piscatorial and aesthetic purposes. **4. Additional information:** A. The Tieg's Pond Well has been used for piscatorial and other beneficial purposes for more than 22 years. The pond was initially constructed in 1946 or 1947 and decreed in Civil Action 5141, Chaffee County District Court, on July 9, 1969 as the Big Bend Pumping Plant No. 1 in the amount of 3.00 c.f.s. for domestic, irrigation and propagation of fish with a priority date of June 1, 1946. Unbeknownst to the Applicants, the Big Bend Pumping Plant No. 1 was declared abandoned by the Division 2 Water Court on July 8, 2022 for failure of the original applicant to file a timely application for finding of reasonable diligence in 1972. B. The Tieg's Pond Well is filled by groundwater tributary to the Arkansas River and supplemented by direct flow from an undecreed spring known as the Bonnie Spring in the amount of .20 c.f.s when the Arkansas River flows are less than 350 c.f.s. **5. Owner of land on which well and pond are located:** Applicants are the owners of the real property on which the Tieg's Pond Well is located. The Bonnie Spring is a natural spring located on real property belonging to Michael Joseph Barry Trust and Bonnie Kay Barry Trust, Post Office Box 965, Ankeny, Iowa 50021. However, no new or existing diversion structures with respect to the Bonnie Spring are contemplated by this Application. **6. Relief requested:** Applicants request that the Court enter a decree for the Tieg's Pond Well and grant such other relief as the court deems appropriate.

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 February 2024, (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 11th day of January 2024.

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)
Published:

SUBSTITUTE WATER SUPPLY PLAN AND PRODUCED NONTRIBUTARY GROUNDWATER NOTIFICATION LIST

Section 37-92-308(6), C.R.S. directs the State Engineer to establish a notification list for each water division for the purpose of notifying interested parties of requests for the State Engineer's approval of substitute water supply plans ("SWSPs") filed in that water division pursuant to section 37-92-308, C.R.S. The SWSP Notification List is also used to provide notice of proposed water right loans to the Colorado Water Conservation Board for use as instream flows under section 37-83-105(2)(b)(II), C.R.S., notice of applications for the State Engineer's approval of interruptible water supply agreements under section 37-92-309(3)(a), C.R.S., notice of applications for fallowing and leasing pilot projects under section 37-60-115(8)(e)(II), C.R.S., notice of fire suppression ponds under section 37-80-124(10)(a)(II)(E), C.R.S., and notice of storm water detention and infiltration facilities under section 37-92-602(8)(d), C.R.S.

Pursuant to Rule 17.5(B)(2) of the Rules and Regulations for the Determination of the Nontributary Nature of Ground Water Produced Through Wells in Conjunction with the Mining of Minerals, at 2 CCR 402-17 ("Rules"), the State Engineer is publishing this invitation to persons to be included on the Produced Nontributary Ground Water Notification List. According to Rule 17.5(B)(2) of the Rules, the State Engineer must establish a Produced Nontributary Ground Water Notification List for each water division within the State of Colorado for the purposes of ensuring that water users within each water division receive adequate notice of proceedings held pursuant to the Rules. In order to establish such notification list, the State Engineer is directed, in January of each year, to cause to have published in the water court resume for each water division this invitation

to be included on the Produced Nontributary Ground Water Notification List for the applicable water division.

This notice is an invitation to be included on the SWSP and/or Produced Nontributary Groundwater Notification Lists. Sign up for these or other notification lists maintained by the State Engineer at: <https://dwr.colorado.gov/public-information/notification-lists>. Additional information is available on the Division of Water Resources' website at: <https://dwr.colorado.gov/>.