

DISTRICT COURT, WATER DIVISION NO. 2, COLORADO

RESUME OF CASES FILED AND/OR ORDERED PUBLISHED DURING JULY 2025.

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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 July 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:

CASE NO. 2025CW3037; Previous Case Nos. 19CW3003, 04CW126 – RICHARD B. CASCHETTE, MARTHA CASCHETTE, 1510 S. Emerson Street, Denver, CO 80210

(Please address all pleadings and inquiries regarding this matter to Applicant's attorneys: David S. Hayes, John D. Buchanan, Hayes Poznanovic Korver, LLC, 700 17th Street, Suite 1800, Denver, CO 80202 (303) 825-1980)

Application for Findings of Reasonable Diligence

HUERFANO COUNTY

2. Names of structures: A. Caschette Pipeline. B. Rainbow Pond. C. Appropriative Right of Exchange. Collectively, the "Conditional Water Rights." **3. Description of Conditional Water Rights:** A. Date of original decree: August 21, 2006, Case No. 04CW126, Water Division No. 2. B. Subsequent diligence decrees: Diligence decrees were entered in District Court, Water Division No. 2 in Case No. 12CW91 on January 4, 2013; and Case No. 19CW3003, on July 8, 2019. C. Information specific to individual structures/rights: (1) Caschette Pipeline. (a) Legal description of point of diversion: NW1/4 NE1/4, Section 12, T. 29 S., R. 70 W., 6th P.M., 300 feet from the North Section line and 2,110 feet from the East Section line, in Huerfano County, Colorado. GPS location information in UTM format: Northing: 4,155,552.6; Easting: 485,178.9. Settings: Zone 13, Meters; NAD 83; set to true north, 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) Appropriation date: August 31, 2004. (c) Amount: 0.016 c.f.s., conditional. (d) Source: Unnamed tributary of North Middle Creek, tributary of the Cucharas River. (e) Use: Piscatorial, aesthetic, recreational, wildlife propagation. (2) Rainbow Pond. (a) Legal description of location of dam: NE1/4 NE1/4 Section 12, T. 29 S., R. 70 W., 6th P.M., 260 feet from the North Section line and 1,200 feet from the East Section line, in Huerfano County, Colorado. GPS location information in UTM format: Northing: 4,155,581.7; Easting: 485,454.0. Settings: Zone 13, Meters; NAD 83; set to true north, as depicted on **Exhibit A**. (b) Appropriation date: August 31, 2004. (c) Amount: i. 3.58 acre-feet, conditional, with the right to fill and refill continuously to maintain the Pond at its maximum water level, and when out of priority but fully augmented in accordance with paragraph 9 of the decree in Case No. 04CW126. ii. If off-channel reservoir, rate of diversion in c.f.s. for filling the reservoir: 0.16 c.f.s. conditional. (d) Source: Unnamed tributary of North Middle Creek, tributary of the Cucharas River. (e) Use: Piscatorial, aesthetic, recreational, wildlife propagation. (f) Surface area at high water line: 0.588 acres. (3) Appropriative

Right of Exchange: (a) Legal description: the downstream terminus of the exchange reach is the confluence of Middle Creek and the Cucharas River in Section 21, T. 29 S., R. 68 W., 6th P.M. the upstream terminus is the point of diversion of the Caschette Pipeline described herein. (b) Date of appropriation: December 31, 2004. (c) Maximum rate of exchange: 0.0095 c.f.s., conditional. (d) Maximum volume of exchange: 1.9 acre-feet per year, conditional. **4. Evidence of Reasonable Diligence:** The Conditional Water Rights are part of an integrated water supply project or system. Thus, any work on any one feature of the project or system shall be considered in finding that reasonable diligence has been shown in the development of all water rights for all features of the entire project or system. See C.R.S. §37-92-301(4)(b). The application contains a summary of specific projects and work undertaken during the diligence period (from July 8, 2019 to present) and is available for inspection at the office of the Water Clerk or via CCE. The list is not intended to be all inclusive and may be supplemented by additional evidence at any hearing in this matter. **5. Can and will:** The Conditional Water Rights can and will be diverted, stored, or otherwise captured, possessed, and controlled, and will be beneficially used, with diligence in a reasonable time. C.R.S. § 37-92-305(9)(b). **6. Names, and addresses of owners or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool:** Applicant. WHEREFORE, Applicants respectfully request that this Court enter Findings of Fact, Conclusions of Law, and a Judgment and Decree: (1) finding that Applicants have been reasonably diligent in the development of the Conditional Water Rights as described in the preceding paragraphs; (2) continuing the Conditional Water Rights in full force and effect; and (3) granting such other relief as may be appropriate.

CASE NO. 2025CW3038; Previous Case Nos. 02CW180, 12CW92, 19CW3008 – CITY OF SALIDA c/o Kevin Schmidt, Water Treatment Plant Manager, 8475 CR 120, Salida, CO 81201 (Please address all pleadings and inquiries regarding this matter to Applicant's attorneys: Jennifer M. DiLalla, Evan R. Weis, Moses, Wittemyer, Harrison and Woodruff, P.C., 2595 Canyon Blvd., Suite 240, Boulder, CO 80302, (303) 443-8782)

Application for Finding of Reasonable Diligence

PUEBLO, FREMONT, CHAFFEE, AND LAKE COUNTIES

2. Subject Exchanges: The conditional water rights for which Salida seeks a finding of reasonable diligence ("Subject Exchanges") are as follows: 2.1 Original decree: August 10, 2006, Case No. 02CW180, District Court, Water Division No. 2 ("02CW180 Decree"). 2.2 Subsequent decrees granting findings of reasonable diligence: January 4, 2013, Case No. 12CW92; July 26, 2019, Case No. 19CW3008; both in the District Court, Water Division No. 2. 2.3 Exchange reaches: The Subject Exchanges are decreed to operate between the exchange-from points and exchange-to points described below. The exchange-from points, exchange-to points, and exchange reaches are shown on the map attached to 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.) 2.3.1 Exchange-from points: 2.3.1.1 The confluence of the South Arkansas River and the Arkansas River, which is located in the SW1/4 SE1/4 of Section 4, Township 49 North, Range 9 East of the N.M.P.M., at a point approximately 300 feet north of the South section line and 2,300 feet west of the East section line of said Section 4. 2.3.1.2 Pueblo Reservoir (WDID

1403526), which is located at a point at the intersection of Pueblo Dam axis and the Arkansas River whence the Northeast 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. 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, Township 20 South, Range 66 West of the 6th P.M., Sections 1, 2, 3, 4, 5, 9, 10, and 11, 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 Township 20 South, Range 67 West of the 6th P.M. The UTM coordinates for Pueblo Reservoir are UTM X = 524076 and UTM Y = 4235362. 2.3.2 Exchange-to points: 2.3.2.1 Turquoise Reservoir (WDID 1103500), the dam of which is located across Lake Fork Creek in Section 19, T9S, R80W of the 6th P.M. at a point whence the northwest corner of Section 16, T9S, R80W of the 6th P.M. bears North 44°46'18" East a distance of 10,344.35 feet in Lake County, Colorado, as described in the decree in Case No. 80CW6 (District Court, Water Division No. 2, State of Colorado), dated October 23, 1980 ("80CW6 Decree"). By this Application, Salida abandons Turquoise Reservoir as an exchange-to point for the Subject Exchanges. 2.3.2.2 Twin Lakes Reservoir (WDID 1103503), the dam of which is located across Lake Creek in Section 23, T11S, R80W of the 6th P.M., at a point whence the southeast corner of said Section 23 bears South 54°13'08" East a distance of 3,803.10 feet in Lake County, Colorado, as described in the 80CW6 Decree. By this Application, Salida abandons Twin Lakes Reservoir as an exchange-to point for the Subject Exchanges. 2.3.2.3 North Fork Reservoir (WDID 1103300), which is located on the North Fork of the South Arkansas River in the SE1/4 of Section 5, Township 50 North, Range 6 East of the N.M.P.M., the northeasterly point of contact of the dam axis with the existing ground being situated whence the northwest corner of Section 21, Township 50 North, Range 7 East of the N.M.P.M. bears South 68°50' East a distance of 31,920 feet; said point being further described by bearing on the Peak of Granite Mountain of North 23°28' West and by bearing on the Peak of Calico Mountain of North 37°03' East, thence South 15°30' West a distance of 500 feet to the southwesterly point of contact of the dam axis with existing ground. The location North Fork Reservoir is further described by the following UTM coordinates (NAD 83): Northing 4274370; Easting 384999. 2.4 Sources of substitute supply: 2.4.1 Non-Project water: The City operates its municipal water system in conjunction with a plan for augmentation approved in the decree entered in Division 2 Case No. 84CW158 on November 5, 1987 ("84CW158 Decree"). At certain times during certain years, the depletion credits available to the City under the 84CW158 Decree ("Augmentation Credits") exceed the City's augmentation requirements under that decree. The City may store such excess Augmentation Credits by exchange as those credits accrue under existing water rights or other water rights that the City may acquire in the future and include in the City's augmentation plan, including without limitation those water rights and sources of supply included in the City's augmentation plan by the decrees entered in Division 2 Case No. 04CW125 on June 30, 2009; and in Division 2 Case No. 18CW3008 on March 14, 2019. The City also may exchange excess Augmentation Credits previously stored in North Fork Reservoir or Pueblo Reservoir. 2.4.2 Project Water: The City may use water available under the Fryingpan-Arkansas Project ("Project Water") pursuant to allocation by Southeastern. The City's allocation of Project Water may be stored in any or all of the Project reservoirs described in paragraphs 2.3.1.2, 2.3.2.1, and 2.3.2.2 above; or exchanged into storage in North Fork Reservoir, as

described in paragraph 2.3.2.3 above, under the decree in Case No. 87CW61. The Project Water is described as follows: 2.4.2.1 Project Water allocations and limitations: The City is eligible to receive annual allocations of Project Water, which it may purchase and use after such water is allocated to the City by Southeastern. Southeastern allocates Project Water annually based upon its principles, policies, rules, and regulations, as they currently exist or may be amended in the future. Any and all use of Project Water by the City in the Subject Exchanges will be pursuant to and subject to the decrees for the Fryingpan-Arkansas Project described below, and to all lawful rules, regulations, policies, and contract obligations of Southeastern. The 02CW180 Decree did not give the City any rights to use Project structures, or any rights of ownership or rights to purchase or receive allocations of Project Water or return flows therefrom, but also did not alter any existing rights, including but not limited to any such existing allocation rights, that the City may otherwise have had as of the date the 02CW180 Decree was entered. The City will use and exchange Project Water only if, when, and to the extent that it has purchased such water after it was allocated to the City by Southeastern, and consistent with any applicable contract(s) for storage space. 2.4.2.2 West Slope decrees: The Fryingpan-Arkansas Project diverts surface water from the headwaters of Hunter Creek and the Fryingpan River and their tributaries in Pitkin County, Colorado. The principal water rights were adjudicated by the decrees in Civil Action No. 4613 (District Court of Garfield County), dated June 20, 1958, and August 3, 1959, respectively; were modified by the decree in Case No. W-829-76 (District Court, Water Division No. 5), dated November 27, 1979; and were supplemented by the decree in Case No. 83CW352 (District Court, Water Division No. 5), dated May 31, 1985. These water rights have an appropriation date of July 29, 1957. Water diverted pursuant to the above-referenced decrees travels under the Continental Divide through the Boustead Tunnel, which empties into Turquoise Reservoir. This water may be stored in Turquoise Reservoir, Twin Lakes Reservoir, and elsewhere and applied to beneficial use within Southeastern's boundaries. Because the water is imported from another river basin, it is fully consumable within Southeastern's boundaries in Water Division No. 2. 2.4.2.3 East Slope decrees: The Fryingpan-Arkansas Project also diverts and stores surface water from the Arkansas River and its tributaries in Lake, Chaffee, Fremont, and Pueblo counties, Colorado. The principal water rights were adjudicated by the decrees in Civil Action No. 5141 (District Court of Chaffee County), dated July 9, 1969, and Civil Action No. B-42135 (District Court of Pueblo County), dated June 25, 1962; and were modified and supplemented by the 80CW6 Decree. These water rights include storage in Turquoise Reservoir, Twin Lakes Reservoir, Pueblo Reservoir, and elsewhere, with an appropriation date of February 10, 1939, and are expressly decreed for reuse and exchange for beneficial use within Southeastern's boundaries in Water Division No. 2. Under the above-referenced decrees, Turquoise Reservoir and Twin Lakes Reservoir may store native water or imported water, directly or by exchange with each other or with Pueblo Reservoir. 2.5 Amount: The maximum combined rate of exchange in any reach is 30 cfs, CONDITIONAL. 2.6 Appropriation date: December 16, 2002. 2.7 Use: All municipal purposes, including augmentation and incidental irrigation. 3. Outline of work and expenditures during the diligence period towards completion of the appropriations and application of water to beneficial use: The diligence period for the Subject Exchanges is July 2019 through July 2025 ("Diligence Period"). During the Diligence Period, Salida worked diligently to develop the Subject

Exchanges, complete the appropriations, and place the water to beneficial use, as demonstrated by the following representative but non-exhaustive list of activities and expenditures: 3.1 Salida paid Southeastern approximately \$223,825 for an Excess Capacity storage account in Pueblo Reservoir, which is an exchange-from point for the Subject Exchanges. The Excess Capacity account in Pueblo Reservoir is made available to Salida under the long-term Master Excess Capacity Contract between Southeastern and the U.S. Bureau of Reclamation. 3.2 Salida paid Southeastern approximately \$36,864 for Project Water, which is a source of substitute supply for the Subject Exchanges. 3.3 Salida paid the Upper Arkansas Water Conservancy District ("Upper Ark") at least \$2,500 to maintain Salida's right to store water in North Fork Reservoir under the Lease Agreement dated June 21, 1993, between Salida and Upper Ark. 3.4 Salida spent approximately \$6,685 for maintenance and improvement of the Harrington Ditch, and for associated engineering costs. Excess augmentation credits derived from Salida's Harrington Ditch water rights are a source of substitute supply for the Subject Exchanges. 3.5 Salida spent approximately \$7,572 for maintenance and improvement of the turnout structure at which augmentation credits derived from Salida's Tensassee Ditch water rights are quantified. Excess augmentation credits generated by Salida's Tensassee Ditch water rights are a source of substitute supply for the Subject Exchanges. 3.6 Salida spent approximately \$216,000 in legal fees related to filing and prosecuting statements of opposition in Water Court to protect Salida's water rights, including the Subject Exchanges, from injury; preparation and prosecution of Water Court applications to maintain the water rights that, along with the Subject Exchanges, make up Salida's integrated municipal system; and support for the Harrington Ditch tasks described in paragraph 3.4 above. 3.7 Salida spent approximately \$118,000 in fees for engineering consultants in support of the Water Court activity described in paragraph 3.6 above, and for accounting under and other compliance with the decrees under which Salida generates the excess augmentation credits that provide a source of substitute supply for the Subject Exchanges. 3.8 In addition to the expenditures described above, Salida spent in excess of \$20,766,775 for operation, maintenance, and improvement of Salida's integrated system for collection, treatment, and distribution of Salida's municipal water supply, of which the Subject Exchanges are a part. C.R.S. § 37-92-301(4)(b).

4. Remarks: Salida acknowledges that it must operate the Subject Exchanges in accordance with all terms and conditions of the 02CW180 Decree and terms and conditions of Salida's stipulation with Southeastern and the Town of Poncha Springs in Case No. 01CW148, including without limitation those terms and conditions related to the Upper Arkansas Voluntary Flow Management Program that is currently operated pursuant to the March 10, 2016 Agreement among Southeastern, Colorado Parks and Wildlife, Chaffee County, Arkansas River Outfitters Association, and Trout Unlimited.

5. Abandonment of exchange-to points: Salida hereby abandons the following exchange-to locations: 5.1 Turquoise Reservoir, as described in paragraph 2.3.2.1 above. 5.2 Twin Lakes Reservoir, as described in paragraph 2.3.2.2 above.

6. Names and addresses of 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: 6.1 Pueblo Reservoir, Twin Lakes Reservoir, and Turquoise Reservoir: U.S. Department of Interior, Bureau of Reclamation, Eastern Colorado Area Office, 11056 West County Road 18 E, Loveland, CO 80537-9711 6.2 North Fork

Reservoir: North Fork Reservoir is located on land owned by the United States Forest Service, 2840 Kachina Drive, Pueblo, Colorado 81008. The reservoir is owned by the Upper Arkansas Water Conservancy District, POB 1090, Salida, Colorado 81201. WHEREFORE, Salida respectfully requests that the Court enter a decree (i) finding that Salida has exercised reasonable diligence in working to develop the Subject Exchanges, complete the appropriations, and place the water to beneficial use; (ii) abandoning the two exchange-to points described in paragraph 5 above; and (iii) continuing the Subject Exchanges, with North Fork Reservoir as the sole exchange-to point, in full force and effect for an additional diligence period.

CASE NO. 2025CW3039; CITY OF TRINIDAD, c/o Tara Marshall, City Manager, PO Box 880, Trinidad, CO 81082 (Please address all pleadings and inquiries regarding this matter to Applicant's attorneys: Madoline Wallace-Gross, Anthony J. Basile, Lyons Gaddis, PC, PO Box 978, Longmont, CO 80502-0978; (303) 776-9900)

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

LAS ANIMAS COUNTY

2. Decreed Water Right for which Correction is Sought: Trinidad Reservoir to "C" Ditch & Pipeline Exchange. A. Date of original and all relevant subsequent decrees: i. Original Decree with Erroneously Described Point of Diversion: Case No. 2009CW11, District Court, Water Division No. 2, entered on February 21, 2012. ii. Diligence Decrees: Case No. 2018CW3017, District Court, Water Division No. 2, entered on December 19, 2018; Case No. 2024CW3052, District Court, Water Division No. 2, entered on June 12, 2025. B. Downstream Terminus: Trinidad Reservoir dam, which is located in § 27, T33S, R64W to the 6th P.M., Las Animas County, Colorado. C. Upstream Terminus: Headgate of the "C" Ditch & Pipeline, which is located in the SW ¼ NE ¼ § 1, T33S, R69W of the 6th P.M. on the south bank of Whiskey Creek, whence the NE corner of §11, bears N54°27'E 3044.7 feet. D. Decreed Source of Water: Any water stored in Applicant's account in Trinidad Reservoir, which includes, but is not limited to, water stored pursuant to decrees entered in Case Nos. 88CW61, 06CW78, and 08CW101, District Court, Water Division No. 2. E. Appropriation Date: January 26, 2009. F. Exchange Rate: 1.45 c.f.s., absolute; 3.55 c.f.s. conditional. G. Exchange Volume: The cumulative volumetric limit for all exchanges decreed in Case No. 2009CW11 is 3,476 acre-feet. 210 acre-feet cumulative was made absolute in Case No. 2018CW3017. H. Decreed uses: Water diverted by exchange will be used directly or stored in and subsequently released from Monument Lake or North Lake for all municipal uses, including, but not limited to, domestic, commercial, manufacturing, industrial, fire protection, generation of electric power and power generally, recreation, fish and wildlife propagation, sewage treatment, street sprinkling, replacement, substitution and augmentation (including augmentation of domestic, commercial and industrial wells). Use of the exchanged water for augmentation purposes will be pursuant to an administratively-approved substitute water supply plan or a court approved decree. **3. Detailed description of proposed correction to an established but erroneously described point of diversion:** A. The headgate of the "C" Ditch & Pipeline is the upstream terminus for the Trinidad Reservoir to "C" Ditch & Pipeline Exchange. The 2009CW11 and 2018CW3017 decrees erroneously identify the headgate of the "C" Ditch & Pipeline's location as "SW ¼ NE ¼ §1, T33S, R69W of the

6th P.M. on the south bank of Whiskey Creek, whence the NE corner of § 11, bears N54°27'E 3044.7 feet.” (emphasis added). B. The headgate of the “C” Ditch & Pipeline’s is not physically located at the location identified in the 2009CW11 and 2018CW3017 decrees. The actual location of the headgate of the “C” Ditch & Pipeline, which is located in the SW ¼ NE ¼ §1, T33S, R69W of the 6th P.M. on the south bank of Whiskey Creek, whence the NE corner of § 1, bears N54°27'E 3044.7 feet. WDIDs 1900831 and 1900829; 495005 E. 4117232 N. See **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.) C. The headgate of the “C” Ditch & Pipeline exists and has been located, operated and administered at the same physical location since the 2009CW11 decree confirmed the appropriative right of exchange. D. The physical location of the headgate of the “C” Ditch & Pipeline is more than five hundred feet from the location erroneously described and decreed in Case No. 2009CW11. E. Applicant first became aware of the clerical error on December 31, 2024, upon receipt of a Minute Order in Case No. 2024CW3052. F. Correction of the clerical error will not cause an enlargement of the historical use associated with Trinidad Reservoir to “C” Ditch & Pipeline Exchange and will not injuriously affect the owner of or persons entitled to use water under a vested water right or a decreed conditional water right. **4. Names and addresses of owners or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool:** Applicant. **WHEREFORE, Applicant requests the Court correct an established but erroneously described point of diversion.** Applicant requests the Court correct the legal description of the headgate of the “C” Ditch & Pipeline, as described as the upstream terminus of the Trinidad Reservoir to “C” Ditch & Pipeline Exchange, in the decrees entered in Case Nos. 2009CW11 and 2018CW3017.

CASE NO. 2025CW3040; Previous Case Nos. 19CW3007; 10CW41; 03CW22; 96CW67; 88CW100; 87CW67 – WOODMOOR WATER AND SANITATION DISTRICT NO. 1, PO Box 1407, Monument, Colorado 80132 (Please address all pleadings and inquiries regarding this matter to Applicant’s attorneys: P. Fritz Holleman, Paul J. Raymond, Bushong & Holleman PC, 1966 13th Street, Suite 270, Boulder, Colorado 80302, (303) 431-9141)

Application for Finding of Reasonable Diligence

EL PASO COUNTY

2. Name of Exchange. Woodmoor Dirty Woman Creek Exchange. **3. Description of Water Right from Previous Decrees. A. Original and Subsequent Decrees.** Consolidated Case Nos. 87CW067, 88CW100, Water Division 2 and 88CW218, Water Division 1; decree entered by the District Court, Water Division No. 2 on June 14, 1990. Decrees finding reasonable diligence and making partially absolute were entered on February 3, 1997 in Case No. 96CW67, District Court, Water Division 2; June 21, 2004, in Case No. 03CW22, District Court, Water Division 2; and on January 4, 2013, in Case No. 10CW41, District Court, Water Division 2; and on July 26, 2019, in Case No. 19CW3007, District Court, Water Division 2, **B. Location of Exchange Reach.** Monument Creek from the outfall of the Tri-Lakes Wastewater Treatment Facility in the NW1/4 of the NE1/4 of Section 27, Township 11 South, Range 67 West of the 6th P.M.,

El Paso County, Colorado, upstream to the confluence of Monument Creek with Dirty Woman Creek in the SW¼ of the NE¼ of Section 22, Township 11 South, Range 67 West of the 6th P.M., and upstream on Dirty Woman Creek from its above-described confluence with Monument Creek to Well No. QAL-4 a/k/a QAL-4T in the NW¼ of the NE¼ of Section 13, Township 11 South, Range 67 West of the 6th P.M., and upstream on an unnamed tributary of Dirty Woman Creek to Well No. QAL-5 in the NW¼ of the SE¼ of Section 11, Township 11 South, Range 67 West of the 6th P.M., all in El Paso County, Colorado. The structures within the exchange reach from which water is or will be diverted by exchange are described as follows: i. Well No. QAL-3: In the SE¼ of the NW¼ of Section 13, Township 11 South, Range 67 West of the 6th P.M., El Paso County, Colorado, at a point approximately 1400 feet from the west section line and 1900 feet from the north section line of said Section 13, ii. Well No. QAL-4 a/k/a QAL-4T a/k/a Augusta Sump (Permit No. 47155-F, which replaced Permit No. 37840-F): In the NW¼ of the NE¼ of Section 13, Township 11 South, Range 67 West of the 6th P.M., El Paso County, Colorado, at a point approximately 2000 feet from the east section line and 1300 feet from the north section line of said Section 13, iii. Well No. QAL-5: In the NW¼ of the SE¼ of Section 11, Township 11 South, Range 67 West of the 6th P.M., El Paso County, Colorado, at a point approximately 1400 feet from the east section line and 2100 feet from the south section line of said Section 11, iv. Well No. QAL-6: In the NE¼ of the NW¼ of Section 14, Township 11 South, Range 67 West of the 6th P.M., El Paso County, Colorado, at a point approximately 2500 feet from the west section line and 1000 feet from the north section line of said Section 14, v. Well No. QAL-7: In the NW¼ of the NE¼ of Section 22, Township 11 South, Range 67 West, of the 6th P.M., El Paso County, Colorado, at a point approximately 2000 feet from the east section line and 1200 feet from the north section line of said Section 22, **C. Sources.** i. Water diverted at exchange-to points: Dirty Woman Creek and an unnamed tributary of Dirty Woman Creek, tributaries to Monument Creek, ii. Water released at exchange-from point: Fully consumable return flows from Applicant's nontributary and not nontributary Dawson, Denver, Arapahoe and Laramie-Fox Hills aquifer groundwater decreed in Case Nos. W-2647, W-4544, 80CW169, 81CW230 and 81CW231, all District Court, Water Division No. 2., **D. Date of Appropriation.** June 30, 1987, **E. Amount.** 1.56 cfs (700 gpm); 1.02 cfs (461 gpm) of which was made ABSOLUTE in Case Nos. 96CW67, 03CW22, and 10CW41, **F. Use.** Use, reuse, successive use and complete disposition for all municipal purposes, including domestic, agricultural, industrial, commercial, irrigation, stockwatering, fire protection, recreation, fish and wildlife preservation and propagation and all other beneficial purposes, including exchange purposes, replacement of depletions resulting from the use of water from other sources, relinquishment pursuant to C.R.S. § 37-90-137(9)(b), and all augmentation purposes, **G. Depth.** Well No. QAL-4 a/k/a QAL-4T is approximately 10 feet deep; Well Nos. QAL-3, 5, 6 and 7 will be approximately 20 feet deep. **4. Detailed outline of work performed to complete application of water to beneficial use.** Woodmoor's efforts toward development of the subject conditional water right during the subject diligence period include, but are not limited to, the following: The subject exchange is one of the components of Woodmoor's water supply system. Since January, 2013, Woodmoor has continued to divert excess reusable return flows available at the outfall of the Tri-Lakes Wastewater Treatment Facility by exchange at Well No. QAL-4 a/k/a QAL-4T. The water so diverted by exchange was placed to beneficial use for all

municipal purposes within Applicant's service area. This operation of the subject exchange during the diligence period has been with the knowledge and approval of the Water Commissioner, and reports concerning it have been filed regularly with the Water Commissioner and Division Engineer. In addition, during the diligence period, Woodmoor has spent over \$640,000 for the design and/or construction of new facilities or modification of existing facilities necessary to divert, treat and place water to beneficial use under the subject exchange. Woodmoor has also spent over \$645,000 on engineering costs related to water court matters for the protection of water rights integral to Woodmoor's integrated water system. Woodmoor has also added 190 new water taps to its water system and has expended more than \$17,943,291.00 for other improvements to its water supply, treatment and potable water distribution system. **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 is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool.** The exchange-from structure is located on land at the Tri-Lakes Wastewater Treatment Facility which is owned jointly by Monument Sanitation District, Palmer Lake Sanitation District and Woodmoor, and whose address is 16510 Mitchell Avenue, Monument, Colorado 80132. Well Nos. QAL-4 a/k/a QAL-4T, QAL-5 and QAL-6 are or will be located on land owned by the Woodmoor. Well No. QAL-3 will be located on land owned by Bryan Clark, Shanna Clark, Rosa Pires-Harvey and Richard Harvey, whose address is 865 South Park Drive, Monument, Colorado 80132. Well No. QAL-7 will be located on land owned by Joseph Kailey III and Cynthia Kailey, whose address is P.O. Box 1243, Monument, Colorado 80132. The land on which water is or will be stored is owned by Woodmoor. **WHEREFORE**, Woodmoor requests that the Court enter a decree finding and determining that Woodmoor has exercised reasonable diligence in the development of the remaining portion of the subject conditional exchange water rights, and continue the remaining portion of the subject conditional water rights in full force and effect for an additional six-year diligence period.

CASE NO. 2025CW3041; Previous Case Nos. 18CW3071, 09CW141 – EMILY POMEROY LOCKE, SUCCESSOR TRUSTEE OF THE POMEROY FAMILY TRUST DATED AUGUST 29, 2013 AND ANY AMENDMENTS, 6822 Kingsdale Drive, Boise, ID 83704

(Please address all pleadings and inquiries regarding this matter to Applicant's attorney: Julianne Woldridge, MacDougall & Woldridge, P.C., 18401 Highway 24, Suite 211, P.O. Box 7273, Woodland Park, CO 80863, (719) 520-9288)

Application to Make Absolute and for Findings of Reasonable Diligence

PUEBLO COUNTY

2. Names of structures and description of conditional water rights: Mount Baldy Ditch, Kimberly's Spring, Bear Pond, Kim's Pond. a. Original and subsequent decrees: Case No. 09CW141, December 27, 2012, December 13, 1999; Case No. 18CW3071, July 8, 2019, District Court, Water Division No. 2. b. Locations, sources, appropriation dates, amounts, and uses: (i). Mount Baldy Ditch (WDID 1500632): Location: in the SW1/4NE1/4, Section 35, Township 24S, Range 68W, of the 6th P.M., more particularly described by GPS location in UTM format, Zone 13, NAD 83, unit set to True North: Northing 503032, Easting 4196638, Pueblo County, Colorado. Source – Spring and surface flows in an unnamed tributary to Greenhorn Creek, tributary to the St. Charles

River, tributary to the Arkansas River. Appropriation date: June 29, 2009. Amount and uses: 0.15 c.f.s. conditional for irrigation, 0.3 c.f.s. conditional for stock water, fish propagation, fire protection, wildlife, recreation, and storage for those uses. The irrigation shall be on 20 acres located in the SE1/4NE1/4 and NE1/4SE1/4, Section 35, Township 24S, Range 68W, 6th P.M., Pueblo County, as generally shown with cross hatching 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.) (ii). Kimberly's Spring (WDID 1502096) – located in the SE1/4SE1/4, Section 35, Township 24S, Range 68W, 6th P.M., more particularly described by GPS location in UTM format, Zone 13, NAD 83, unit set to True North: Northing 503492, Easting 4196201, Pueblo County, Colorado. Source: natural seeps and a spring tributary to Graneros Creek, tributary to Greenhorn Creek, tributary to the St. Charles River, tributary to the Arkansas River. Appropriation date: September 19, 2007. Amount and uses: 10 g.p.m. conditional for fish propagation, fire protection, wildlife, recreation, and storage for those uses. (iii) Bear Pond (WDID 1503558) – located in the NE1/4SE1/4, Section 35, Township 24S, Range 68W, 6th P.M., more particularly described by GPS location in UTM format, Zone 13, NAD 83, unit set to True North: Northing 503505, Easting 4196391, Pueblo County, Colorado. Source: Kimberly's Spring described herein. Appropriation date: September 19, 2007. Amount and uses: 0.021 acre-feet conditional for fish propagation, fire protection, wildlife and recreational purposes, with the right to fill and refill. 10 g.p.m. from Kimberly's Spring for filling the reservoir. (iv). Kim's Pond (WDID 1503559)– located in the SE1/4NE1/4, Section 35, Township 24S, Range 68W, 6th P.M., Pueblo County Colorado more particularly described by GPS location in UTM format, Zone 13, NAD 83, unit set to True North: Northing 503607, Easting 4196836, Pueblo County, Colorado. Source: Mount Baldy Ditch and Kimberly's Spring described herein. Appropriation date: July 6, 2008. Amount and uses: 1.29 acre-feet conditional for fire protection, stock water, fish propagation, wildlife, and recreation, with the right to fill and refill. 0.3 cfs from the Mount Baldy Ditch and 10 g.p.m. from Kimberly's Spring for filling the reservoir. A map showing the approximate location of the water rights is attached to the Application as Exhibit A. **3.** Applicant seeks a determination that the entire 0.21 acre-feet (10 g.p.m. fill rate) conditional storage right for the Bear Pond and 0.36 acre-feet (0.3 c.f.s. and 10 g.p.m. fill rates) of the 1.29 acre-feet conditional storage right for Kim's Pond be made absolute for all decreed beneficial uses. The decree in Case No. 09CW141 found that 0.021 acre-feet had been stored in Bear Pond for stock water uses and that 0.36 acre feet had been stored in Kim's Pond for stock water uses. In 2013 C.R.S. § 37-92-301 (e) was promulgated, which provides that a decreed conditional water storage right shall be made absolute for all decreed purposes to the extent of the volume of the appropriation that has been captured, possessed, and controlled at the decreed storage structure." Applicant is, therefore, entitled to make absolute the entire Bear Pond storage right in the amount of 0.021 acre-feet for all decreed purposes, and to make absolute 0.36 acre-feet of the 1.29 acre-feet of the Kim's Pond storage right for all decreed purposes. **4.** Applicant seeks a determination that it has exercised reasonable diligence in the development and completion of all remaining portions of these conditional water rights and continuing the remaining conditional portions of the water rights not made absolute as a result of this application. On July 10, 2024, Applicant purchased these water rights in their entirety and the associated land. Prior to that purchase, Applicant conducted due diligence on

the nature and condition of the water rights, including retaining legal counsel to review such and site inspections. Applicant is pursuing a survey of the property. Applicant plans to construct a storage shed over the Kimberly Spring to better protect that water source. Applicant has monitored its water usage through the onsite spigot. Applicant has placed a temporary RV on the property for use until a permanent dwelling can be constructed. Applicant filed notices of change of ownership with this Court for these water rights. Applicant has anticipated and prepared for this court filing. Since June 2024, Applicant has expended \$7,380.00 in legal fees related to the water rights, structures, and agreements, and has expended approximately \$300 for maintenance and operation of the water structures. **5. Names and addresses of owners of land upon which the diversion structures have been constructed:** Applicant.

CASE NO. 2025CW3042; Previous Case Nos. 70CW40, 88CW42, 95CW57, 01CW92, 18CW3025 – UNITED STATES OF AMERICA, Department of the Interior, Royal Gorge Field Office, 3028 E. Main St., Canon City, CO 81212 (Please address all pleadings and inquiries regarding this matter to Applicant's attorney: Kristen C. Guerriero, Special Assistant U.S. Attorney, Office of the Regional Solicitor, 755 Parfet Street, Suite 151, Lakewood, Colorado 80215 (303) 445-0641)

Application for Finding of Reasonable Diligence

CHAFFEE COUNTY

2. Name of structures: Cache Creek Reservoir and Water System **3. Description of conditional water right** **A. Case number of original decree:** Civil Action No. 5141, District Court in and for the County of Chaffee. **B. Date of original decree:** July 9, 1969. **C. Case number of latest diligence decree:** 2018 CW 3025 **D. Date diligence decree entered:** July 8, 2019. **E. Legal description of point of diversion:** Channel of Cache Creek, a tributary of the Arkansas River, and upstream from a dam to be constructed, the axis of which is tied to a survey, the initial point of which is located whence the Northwest Quarter of the Southeast Quarter of Section 36, Township 11 South, Range 80 West of the Sixth Principal Meridian bears South 39 degrees 43 minutes East, a distance of 4786.26 feet from the Northwest Corner of said Section 36, Chaffee County, Colorado. **F. Source:** Channel, bed, and drainage area of Cache Creek. **G. Appropriation Date:** October 19, 1966. **H. Amount:** 7,618 acre-feet, conditional. 2.0 acre-feet of the original 7,620 acre-feet decreed conditional was made absolute in Case No. 1980 CW 116. The conditional water right was reduced to 760 acre-feet in Case No. 2001 CW 92, and the remaining 6,856 acre-feet of the conditional water right was cancelled. **I. Use:** Irrigation, domestic, municipal, industrial, manufacturing, recreation, power, and other beneficial purposes. **4. Detailed outline of what has been done toward completion of the appropriation and application of water to beneficial use as conditionally decreed:** See application for detailed outline of diligence activities. **5. Name and address of owners of lands on which points of diversion, places of use, and place of contract storage are located:** United States Department of the Interior, Bureau of Land Management, Royal Gorge Field Office, 3028 E. Main St., Canon City, CO 80212. Aurora Water Department – 15151 E. Alameda Parkway, Suite 3600, Aurora, CO 80012. Attention: Alex Davis. United States Department of the Interior, Bureau of Reclamation, Eastern Colorado Area Office, 11056 W. County Rd. 18E, Loveland, CO 80537- 9711. Attention: Patrick Fischer.

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 September 2025, (forms available at Clerk's office or at 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.

Witness my hand and the seal of this Court this 15th day of August 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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