

DISTRICT COURT, WATER DIVISION NO. 2, COLORADO

RESUME OF CASES FILED AND/OR ORDERED PUBLISHED DURING AUGUST 2025. (This publication can be viewed in its entirety on the state court website at: www.coloradojudicial.gov)

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 August 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. 2024CW3034; SHAWNETTE M. SANDOVAL AND BRIAN P. SANDOVAL ("SANDOVALS"), 2670 N Interstate 25, Pueblo, CO 81008; JASON D. WARD, 2460 N Interstate 25, Pueblo, CO 81008 (Please address all pleadings and inquiries regarding this matter to Applicant's attorney: Jennifer M. DiLalla, Moses, Wittemyer, Harrison and Woodruff, P.C., 2595 Canyon Blvd., Ste 240, Boulder, CO 80302, (303) 443-8782)

Amended Application For Change Of Water Rights And Plan For Augmentation
IN FOUNTAIN CREEK AND ITS TRIBUTARIES, IN PUEBLO COUNTY

2. Overview: 2.1 Cactus Ditch Water Rights: The Sandovals own a 5/6 interest in the water rights decreed to the Cactus Ditch ("Sandoval Rights"). Jason Ward owns the remaining 1/6 interest in the water rights decreed to the Cactus Ditch ("Ward Rights"). Together, the Sandoval Rights and the Ward Rights, which irrigate approximately 59 acres on the Sandovals' property "Riverside Ranch," are referred to as the "Cactus Ditch Water Rights." 2.2 Purpose of application: Co-Applicants seek to change the point of diversion for the Cactus Ditch Water Rights to ensure that water can be diverted regardless of flooding, washout, or changed conditions on Fountain Creek; and seek an augmentation plan to replace depletions attributable to evaporative loss from an unlined pond on Riverside Ranch. 2.3 Effect of amendment: This Amended Application supersedes and replaces in its entirety the Application for Change of Water Rights and Plan for Augmentation Including Water Exchange Project filed in this case on Aug. 30, 2024. **3. Water rights to be changed:** The Cactus Ditch Water Rights, as described in pars. 3.1 through 3.6 below. All UTM coordinates in this application are NAD 83, Zone 13. 3.1 Name of structure: Cactus Ditch (WDID 1000746). 3.2 Original decree: Mar. 23, 1896, Civil Action No. 2535 in the District Court for Pueblo County ("CA 2535 Decree"). 3.3 Legal description: As corrected by the decree entered on Feb. 24, 2025, in Case No. 24CW3021, and as shown on the map attached to the application as Ex. A, (All exhibits mentioned herein are incorporated by reference and may be inspected at the office of the clerk of this Court.) the point of diversion is located in the SE1/4 SW1/4 Sec. 25, T19 S, R65W, 6th P.M., Pueblo County. (UTM: 533430 E; 4246094 N.) 3.4 Source: Fountain Creek, tributary to the Arkansas River. 3.5 Amounts and appropriation dates: 3.5.1 1 cubic foot per second ("cfs"), absolute, with an appropriation date of Jan. 9, 1869 ("1869 Priority"). 3.5.2 0.5 cfs, absolute, with an appropriation date of Dec. 31, 1879 ("1879 Priority"). 3.6 Use: Irrigation. **4. Detailed description of proposed change:** The changed

point of diversion will be at the Riverside Well (Permit application Receipt No. 10036916), located on Riverside Ranch in the SW1/4 NW1/4 Sec. 36, T19S, R65W of the 6th P.M., 1,316 feet from the N. section line and 2,415 feet from the E. section line of said Section 36, as shown on Ex. A. (UTM: 533535 E; 4245429 N.) The well's location is approximately 20 feet from Fountain Creek. All pumping will impact the stream on the day of pumping, with no delayed impacts. There are no other water rights diverting from Fountain Creek between the river headgate and the location of Riverside Well. No change in the decreed type or place of use of the Cactus Ditch Water Rights is requested.

4.1 Historical use: Irrigation of approximately 59 acres under the ditch and primarily on Riverside Ranch ("Historically Irrigated Land"). In accordance with C.R.S. § 37-92-302(2)(a), Ex. B shows the approximate location of the Historically Irrigated Land, and Ex. C summarizes records of actual diversion of the Cactus Ditch Water Rights to the extent such records exist.

4.2 Transferable yield and maintenance of return flows: A summary of diversions, historical consumptive use ("HCU"), and historical return flows attributable to the Cactus Ditch Water Rights is shown in the water balance summary attached as Ex. D. Diversions averaged 251.3 acre-feet per year ("afy"). Average HCU was 91.5 afy; maximum HCU was 178.0 afy. Because Co-Applicants seek no change in the type or location of use of the Cactus Ditch Water Rights, return flows will accrue to the stream as they did historically.

4.3 Future diversions: Farm efficiency resulting from irrigation following pumping at the changed point of diversion will remain 50%. Dividing the average HCU of 91.5 afy by a farm efficiency of 50% results in an average future pumping volume of 183 afy. Dividing the maximum HCU of 178.0 acre-feet by the farm efficiency of 50% results in a maximum future pumping volume of 356 afy. Co-Applicants will pump at the changed point of diversion only when and to the extent that water is physically and legally available at the point of diversion described in paragraph 3.3.

PLAN FOR AUGMENTATION

5. Augmented structure: Riverside Pond.

5.1 Type of structure: Pond well.

5.2 Permit number: Pending (application date: July 1, 2024). In compliance with emailed direction received from the Division of Water Resources on July 25, 2024, the Sandovals will re-submit the permit application following entry of a decree in this case.

5.3 Legal description: SW1/4 NE1/4 of Sec. 26, T19S, R64W, Pueblo County, approximately 477 feet from Fountain Creek, as shown on Ex. E. (UTM: 533603 E; 4245229 N.)

5.4 Source: Groundwater tributary to Fountain Creek, tributary to the Arkansas River.

5.5 Depth: 15 feet.

5.6 Maximum depletions: 0.009 cfs; 3.8 afy.

5.7 Use: Evaporation of exposed ground water from unlined pond used for stockwatering and piscatorial uses.

6. Water rights to be used for augmentation:

6.1 Fryingpan-Arkansas Project ("Project Water"):

6.1.1 Eligibility: Riverside Pond is located within the boundaries of the Southeastern Colorado Water Conservancy District ("SECWCD"), and all pond evaporation will occur within those boundaries. The Sandovals are eligible for annual allotments of Project Water and Project Water Return Flows, which Co-Applicants may purchase and use after and to the extent the water is allocated to them by SECWCD, as shown in the sample SECWCD letter attached as Ex. F.

6.2 Water delivered to Fountain Creek under contemplated Water Trade Agreement with Colorado Springs Utilities: The Sandovals intend to enter into a Water Trade Agreement with Objector Colorado Springs Utilities ("Springs Utilities") for delivery of fully consumable water to Fountain Creek ("Trade Agreement"). The contemplated Trade Agreement will allow for up to 5.0 afy of the Project Water allocated to the Sandovals to be traded for a like amount of Springs

Utilities' water that can be measured and delivered at the Las Vegas Water Resource Recovery Facility outfall, the Fountain Valley Authority Water Treatment Plant outfall, or any other point of accrual of Springs Utilities' reusable return flows that is on Fountain Creek above Riverside Pond's point of depletion. The water traded under the Trade Agreement by Springs Utilities and the Sandovals will retain its decreed legal characteristics and the associated obligations of the party that brought the water to the trade and will be delivered to each entity at the trade location(s). 6.3 Addition of supplies under C.R.S. § 37-92-305(8): Consistent with C.R.S. § 37-92-305(8), the decree to be entered in this case will provide procedures to allow additional or alternative sources of augmentation water to be used in the augmentation plan after the decree is entered. 7. **Complete statement of plan for augmentation**: 7.1 Replacement of out-of-priority depletions: Under the contemplated Water Trade Agreement, the Sandovals will trade Project Water in Pueblo Reservoir for Springs Utilities' reusable return flows delivered to Fountain Creek above the point of depletion for Riverside Pond. No water right is claimed for Riverside Pond; accordingly, all depletions will be assumed to be out of priority and will be replaced under the plan for augmentation. 7.2 Augmented depletions: Maximum depletions will be 3.8 afy, calculated as approximately 50 inches or 4.17 feet of evaporation. The monthly schedule of evaporative loss and augmentation deliveries is given in Ex. G. 8. **Names and addresses of owners or reputed owners of 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**: 8.1 The Sandovals own the land on which Riverside Well will be located. 8.2 The Sandovals own part of the land on which Riverside Pond is located. 8.3 Anthony and Robin L. Dovgan own the remainder of the land on which Riverside Pond is located. Their mailing address is 2631 Overton Road, Pueblo, CO, 81008-9679. WHEREFORE, Co-Applicants respectfully request that the Court enter a decree approving this Amended Application for Change of Water Rights and Plan for Augmentation and granting all such other and further relief, whether legal or equitable, as the Court may determine necessary or desirable.

CASE NO. 2025CW3; Previous Case Nos. 2019CW1, 2012CW84, and 2005CW78 – DAVID K. COLMAN and SUSAN J. COLMAN – 20285 Forestview Dr, Magnolia, TX 77355, 713-898-5389, Home: 281-356-2825, SJColman@sbcglobal.net

Application for Finding of Reasonable Diligence

HUERFANO COUNTY

2. Name of Structure: Maley Springs Type: Spring. **3. Describe conditional water right**: **A. Date of Original Decree**: 7/20/2006 **Case No**: 05CW78 **Court**: Water Division 2. **B. List all subsequent decrees**: 08/09/2019 **Case No**: 19CW1; 01/16/13 **Case No**: 12CW84, **Court**: Water Division 2. **C. Legal description**: NW ¼ SW ¼ Section 2, Township 26 South, Range 68 West, 6th P.M., 4250 feet west of the east line and 2,350 feet north of the south section line of Section 2 **D. Source of water**: Natural Springs **E. Appropriation Date**: September 30, 2002. **Amount**: .04 CFS (18 gpm) **F. Use**: Domestic purposes inside one single family dwelling on each lot upon Southern Colorado Livestock Lots 55b, 56B, 57B, 55A, 56A, 53A, 53B, and 54 and irrigation of up to 5,000 sf of home, lawn, and gardens. **G. Depth**: N/A **4. Detailed outline of what has been done toward completion or for completion of the appropriation and application of water to a beneficial use**

as conditionally decreed: Maintenance of water lines for household use upon Southern Colorado Land and Livestock Lots 55A, 56A, 53A, 55B, 56B, 57B, 53B, and 54. **5. Claim to make absolute in whole or in part. A. Date water applied to beneficial use:** June 2007 **Amount:** .04 CFS (18 gpm) **Use:** Household purposes upon SCLL lots 55A, 51A, 53A, 55B, 56B, 57B, 53B **B. The application shall include supporting evidence that applicant diverted water in-priority and applied such water to the beneficial uses claimed in the amounts claimed.** **C. Description of place of use where water is applied to beneficial use:** Lots 55A, 56A, 53A, 55B, 56B, 57B, 53B, 54 of Southern Colorado Land & Livestock, **6. If actual location of the structure is different from the location in paragraph 3.C. above, provide actual description:** Same **7. Name(s) and address(es) of owner(s) or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool:** Applicants **8. Remarks:** N/A

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

CASE NO. 2025CW3043; Water Division 2 and CASE NO. 2025CW3108; Water Division 1 – QUENTIN DASSONVILLE, 15850 Siesta Grove, Colorado Springs, CO 80908 (Please address all pleadings and inquiries regarding this matter to Applicant's attorney's: Chris D. Cummins and W. James Tilton of Monson, Cummins, Shohet & Farr, LLC, 13511 Northgate Estates Dr., Ste. 250, Colorado Springs, Colorado 80921 (719) 471-1212)

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

EL PASO COUNTY

II. Quentin Dassonville (hereafter "Applicant") seeks to construct up to fourteen wells, including an existing exempt well to the not-nontributary Dawson aquifer to provide water service to an equivalent number of lots, based on an anticipated subdivision of Applicant's approximately 35.08 acre parcel of land. Applicant therefore seeks to quantify the Denver Basin groundwater underlying the Applicant's Property, and approval of a plan for augmentation for the use thereof. **III. Property Description.** All wells are and will be located on Applicant's approximately 35.08 acre property ("Applicant's Property") anticipated to be subdivided into up to fourteen (14) lots, with current schedule number 6100000292. Applicant's Property is depicted on **Exhibit A** map attached to the application, (All exhibits mentioned herein are incorporated by reference and may be inspected at the office of the clerk of this Court.) located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 25, Township 11 South, Range 66 West of the 6th P.M., and more particularly described as 15850 Siesta Grove, Colorado Springs, CO 80908. **Existing Well.** There is an existing exempt domestic well with Division of Water Resources Permit No. 154431 ("Dassonville Well No. 1"), permit attached to application as **Exhibit B**. It is a Dawson aquifer well drilled to a total depth of approximately 380 feet, and is located at UTM Easting: 522759.3; Northing: 4323763.8 (Zone 13, NAD83). Applicant intends for this well, permitted pursuant to C.R.S. § 37-92-602(3)(b), to remain exempt and separate from any augmentation plan following the issuance of a decree in this case. **Proposed Wells.** Applicant proposes that up to thirteen additional wells will be located on the Applicant's

Property at specific locations not yet determined (“Dassonville Well Nos. 2 through 14”), each to be constructed to the Dawson aquifer (one well per lot). Land Ownership. The land upon which the existing and proposed wells will be constructed is owned by Applicant, Quentin Dassonville. See **Exhibit C**. Water Source. Not-Nontributary. The ground water to be withdrawn from the Dawson aquifer underlying the Applicant’s Property is not-nontributary. Pursuant to C.R.S. § 37-90-137(9)(c.5), the augmentation requirements for wells in the Dawson aquifer will require the replacement of actual stream depletions. Nontributary. The groundwater that will be withdrawn from the Denver, Arapahoe, and Laramie-Fox Hills aquifers underlying the Applicant’s Property is nontributary. Estimated Rates of Withdrawal and Ground Water Available. Estimated Rates of Withdrawal. Pumping from the wells will not exceed 100 g.p.m. The actual pumping rates for each well will vary according to aquifer conditions and well production capabilities. The Applicant requests the right to withdraw ground water at rates of flow necessary to withdraw the entire decreed amounts. The actual depth of each well to be constructed within the respective aquifers will be determined by topography and actual aquifer conditions. Estimated Average Annual Amounts of Ground Water Available. Applicant requests a vested right for the withdrawal of all legally available ground water in the Denver Basin aquifers underlying the Applicant’s Property. Said amounts may be withdrawn over the 300-year life of the aquifers as required by El Paso County, Colorado Land Development Code § 8.4.7(C)(1) which is more stringent than the State of Colorado’s 100-year life requirement pursuant to C.R.S. § 37-90-137(4). Applicant estimates that the following values and average annual amounts are representative of the Denver Basin aquifers underlying Applicant’s Property:

AQUIFER	NET SAND (Feet)	Total Appropriation (Acre Feet)	Annual Avg. Withdrawal 100 Years (Acre Feet)	Annual Avg. Withdrawal 300 Years (Acre Feet)
Dawson (NNT)	457.9	2,976.35	29.76	9.92
Denver (NT)	539.8	2,982.4	29.82	9.94
Arapahoe (NT)	225	1,243.13	12.43	4.14
Laramie Fox Hills (NT)	194	945.75	9.46	3.15

Decreed amounts may vary from the above to conform with the State’s Determination of Facts. Pursuant to C.R.S. § 37-92-305(11), the Applicant further requests that the Court retain jurisdiction to finally determine the amount of water available for appropriation and withdrawal from each aquifer. Requested Uses. The Applicant requests the right to use the ground water for beneficial uses upon the Applicant’s Property consisting of domestic, irrigation, domestic animal and stock watering, equestrian facilities, agricultural, commercial, filling of a swimming pool and/or hot tub, fire protection, recreation, and also for storage and augmentation purposes associated with such uses. The Applicant also request that the nontributary water may be used, reused, and successively used to extinction, both on and off the Applicant’s Property subject, however, to the requirement of C.R.S. §37-90-137(9)(b), that no more than 98% of the amount withdrawn annually

shall be consumed. Applicant may use such water by immediate application or by storage and subsequent application to the beneficial uses and purposes stated herein. Provided, however, Applicant shall only be entitled to construct wells or use water from the not-nontributary Dawson aquifer pursuant to a decreed augmentation plan entered by this Court, covering the out-of-priority stream depletions caused by the use of the not-nontributary Dawson aquifer in accordance with C.R.S. § 37-90-137(9)(c.5). Well Fields. Applicant requests permission to produce the full legal entitlement from the Denver Basin aquifers underlying Applicant's Property through any combination of wells. Applicant requests that these wells be treated as a well field. Averaging of Withdrawals. Applicant requests the entitlement to withdraw an amount of ground water in excess of the average annual amount decreed to the aquifers beneath the Applicant's Property, so long as the sum of the total withdrawals from all the wells in the aquifers does not exceed the product of the number of years since the date of issuance of the original well permit or the date of entry of a decree herein, whichever comes first, multiplied by the average annual volume of water which the Applicant is entitled to withdraw from the aquifers underlying the Applicant's Property. Owner of Land Upon Which Wells are to Be Located. The land upon which the wells are and will be located as well as the underlying groundwater is owned by the Applicant. Application for Approval of Plan for Augmentation. **IV. Statement of Plan for Augmentation.** Applicant seeks approval of a plan for augmentation to allow it to utilize the not-nontributary Dawson aquifer underlying the property described herein, including following potential subdivision thereof. All wells to the not-nontributary Dawson aquifer will, during the pumping life of such wells, be augmented by septic return flows resulting from domestic uses, with post pumping depletions provided by pumping of the nontributary Denver aquifer. Structures to be Augmented. The structures to be augmented are the Dassonville Well Nos. 2 through 14, along with any replacement or additional wells associated therewith, as likewise may be constructed to the Dawson aquifer of the Denver Basin underlying the Applicant's Property as requested and described herein. Water Rights to be Used for Augmentation. The water rights to be used for augmentation during pumping are the return flows resulting from the pumping of the not-nontributary Dawson aquifer from the Dassonville Well Nos. 2 through 14, together with water rights from the nontributary Denver aquifer for any injurious post pumping depletions. Statement of Plan for Augmentation. Applicant wishes to provide for the augmentation of stream depletions caused by pumping of the not-nontributary Dawson aquifer by Dassonville Well Nos. 2 through 14, together with water rights from the nontributary Denver aquifer for any injurious post pumping depletions. Potential water use criteria and their consumptive use component for replacement of actual depletions for the lots are estimated as follows: Household Use Only. 0.26 acre-feet annually within single-family dwellings on up to all thirteen (13) potential lots, with a maximum of ten percent consumptive use based on non-evaporative septic leach field disposal systems. Landscape Irrigation. 0.0566 acre-feet annually per 1,000 square feet (2.18 acre feet per acre) per year, with an 85% assumed consumptive use rate. The annual consumptive use for each 1,000 square feet of lawn and garden irrigated is therefore 0.048 acre-feet. Horses (or equivalent livestock). 0.011 acre-feet annually (10 gallons per day) per head with a one hundred percent consumptive use component. Amounts. Dassonville Well Nos. 2 through 14 will each pump a maximum of 0.76 acre-feet per year per lot, or a maximum total of 9.88 acre-feet shall be withdrawn from the Dawson aquifer per year.

Such use shall be a combination of household use, irrigation of lawn, garden, and greenhouse, and the watering of horses or equivalent livestock, and other permitted uses described in paragraph III.D., above. An example breakdown of this combination of use, utilizing the factors described above, for each lot, is in-house use of 0.26 acre-feet of water per year, with the additional 0.5 acre-feet per year available for irrigation of lawn, garden, and greenhouse, and the watering of horses or equivalent livestock and poultry on each lot. Depletions. Applicant's consultant has determined that maximum stream depletions over the 300-year pumping period for the Dawson aquifer amounts to approximately 22.19% of pumping. **Exhibit D.** Maximum annual depletions for total pumping from all wells are therefore 2.19 acre-feet in year 300 (i.e. 22.29% of pumping). *Id.* Should Applicant's pumping be less than the 9.88 total per year described herein, resulting depletions and required replacements will be correspondingly reduced, so long as depletions resulting from pumping are adequately replaced. Augmentation of Depletions During Pumping. Pursuant to C.R.S. § 37-90-137(9)(c.5), Applicant is required to replace actual stream depletions attributable to pumping of the up to thirteen (13) residential wells subject to this augmentation plan. Applicant's consultant has determined that depletions during pumping will be effectively replaced by residential return flows from non-evaporative septic systems. The annual consumptive use for non-evaporative septic systems is 10% per year per residence. Using a conservative in-house use rate of 0.2 acre-feet per lot per year, total of 2.6 acre-feet from thirteen wells, 2.34 acre-feet is replaced to the stream system per year, utilizing non-evaporative septic systems. Thus, during pumping, stream depletions will be adequately augmented. Augmentation for Post Pumping Depletions. For the replacement of any injurious post-pumping depletions which may be associated with the use of the Dassonville Well Nos. 2 through 14 Applicant will reserve the entirety of the nontributary Denver aquifer, accounting for actual stream depletions replaced during the planned pumping period, as necessary to replace any injurious post pumping depletions. Applicant also reserves the right to substitute other legally available augmentation sources for such post pumping depletions upon further approval of the Court under its retained jurisdiction. Even though this reservation is made, under the Court's retained jurisdiction, Applicant reserves the right in the future to prove that post pumping depletions will be noninjurious. The reserved nontributary Denver aquifer groundwater will be used to replace any injurious post-pumping depletions. Upon entry of a decree in this case, the Applicant will be entitled to apply for and receive a new well permits for the Dassonville Well Nos. 2 through 14 for the uses in accordance with this Application and otherwise in compliance with C.R.S. § 37-90-137.

CASE NO. 2025CW3044; Previous Case Nos. 82CW204, 87CW23, 94CW17, 00CW121, 12CW97, 13CW3030, 19CW3014 - UPPER ARKANSAS WATER CONSERVANCY DISTRICT ("UAWCD"), P.O. Box 1090, Salida, Colorado 81201
(Please address all pleadings and inquiries regarding this matter to Applicant's attorney: Law of the Rockies, Kendall K. Burgemeister, Atty. Reg. No. 41593, 525 North Main Street, Gunnison, CO 81230, (970) 641-1903, kburgemeister@lawoftherockies.com.)
Application For A Finding Of Reasonable Diligence.
CHAFFEE COUNTY

2. UAWCD seeks a finding of reasonable diligence for the conditional water storage right for North Fork Reservoir (WDID 1103300). Original Decree: Case No. 1982CW204, Water Division 2, dated May 23, 1983, nunc pro tunc April 14, 1983. Subsequent Decrees: In Case No. 1987CW23, Water Division 2, dated May 10, 1988, 495 acre-feet was made absolute for recreation, 100 acre-feet was continued conditional for recreation uses, and 595 acre-feet was conditional as to irrigation, municipal, industrial, and augmentation uses. Decrees finding reasonable diligence were entered by the District Court, Water Division 2, in Case Nos. 1994CW17 (November 22, 1994), 2000CW121 (September 20, 2006), and 12CW97 (February 9, 2013) the Court awarded a finding of reasonable diligence. In Case No. 13CW3030, by Decree of the District Court, Water Division 2, dated December 2, 2013, 495 acre-feet was made absolute for irrigation, municipal, industrial, and augmentation, in addition to recreation, which was already absolute. An additional finding of reasonable diligence was made in 19CW3014 (August 23, 2019). Legal Description: Located in the SE1/4 of Sec. 5, Township 50 North, Range 6 East, N.M.P.M. in Chaffee County, Colorado. 384999E, 4274370N, NAD83, UTM Zone 13. Source of water: North Fork, South Arkansas River. Appropriation Date: September 9, 1982. Amount: 595 acre-feet (495 acre-feet absolute for all uses, 100 acre-feet conditional for all uses). Uses: Irrigation, municipal, industrial, recreational and augmentation. 3. Detailed outline of what has been done toward completion of the appropriation. During the diligence period, UAWCD: Continued to augment out-of-priority depletions, pursuant to augmentation plans approved in Case Nos. 92CW84, 94CW5, 94CW41, 94CW42, 03CW55, and 06CW32, Rule 14 replacement plans, and other plans for augmentation, substitute water supply plans, and replacement plans through leases to third parties. As part of those operations, UAWCD stored water in North Fork Reservoir via exchange and as an alternate point of diversion for its White Ditch water right, and released water from North Fork Reservoir for downstream use; Prosecuted applications for and obtained decrees for findings of reasonable diligence will respect to various conditional water rights, including appropriative rights of exchange, owned by UAWCD; Pursued and completed purchases or other agreements for the use of water resources, including but not limited to purchase of annual allocations of Fryingpan-Arkansas Project Water, for use for augmentation including by exchanges to and releases from North Fork Reservoir; Defended UAWCD's and its constituents' water rights by participation as an opposer in water court applications filed by others; After a multi-year application process, received a new special use permit from the USDA Forest Service for North Fork Reservoir that was executed in February of 2020. The permit expires December 31, 2039. During the diligence period, UAWCD has expended money complying with the terms of the permit, including payment of fees to the United States. The amount currently charged is over \$35,000 per year. UAWCD has completed an appraisal of North Fork Reservoir as part of a process involving the setting of the annual use fees for the reservoir under the special use permit. UAWCD has paid professional consultants to update the emergency action plan (EAP) required by the special use permit. UAWCD maintains liability insurance as required by the special use permit; Continued to make annual payments, in an amount of more than \$46,000, under Loan Contract No. CT 2015-052 from the Colorado Water Conservation Board related to capital improvements to North Fork Reservoir; Paid salaried staff to conduct daily operations and accounting related to the reservoir; Paid a contractor hundreds of dollars each year for routine inspections, operations, and

maintenance on the outlet structure; Participated in a dam safety inspection by the Division of Water Resources in September of 2019 and thereafter completed the actions required by the Engineer's Inspection Report, and participated in another dam safety inspection in the summer of 2025; In 2021, paid a contractor over \$2500 for work on the outlet system; In 2021, paid a contract to re-weld the underwater gate valve structure; In 2024, paid professional consultants over \$1,000 to complete a camera inspection of the reservoir outlet structure; UAWCD is developing this storage right, and operates North Fork Reservoir, as part of its integrated system of water rights and augmentation plans. Under C.R.S. § 37-92-301(4)(b), "[w]hen a project or integrated system is comprised of several features, work on one feature of the project or system shall be considered in finding that reasonable diligence has been shown in the development of water rights for all features of the entire project or system;" The above activities and expenditures do not reflect each and every activity undertaken by UAWCD to place the conditional water rights described herein to beneficial use, but are illustrative of UAWCD's reasonable diligence in applying such water rights to a beneficial use in accordance with the standards set forth in C.R.S. § 37-92-301(4); Additional work may be performed and additional expenses may be incurred between the date this Application is filed and the entry of any decree in this matter. 4. Names(s) and address(es) of owner(s) or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool: United States Department of Agriculture, Forest Service, 5575 Cleora Road, Salida, Colorado 81201. WHEREFORE, UAWCD respectfully requests that the Court enter a Ruling and Decree finding reasonable diligence and continuing the subject conditional water right in full force and effect.

CASE NO. 2025CW3045; Previous Case Nos. 86CW111A, 98CW171, 05CW87, 12CW87, 19CW3005 – Executive Director, Board of Water Works of Pueblo, Colorado, 319 West Fourth Street, Pueblo, Colorado 81002 (Please address all pleadings and inquiries regarding this matter to Applicant's attorney's: Karl D. Ohlsen and Beth Ann J. Parsons, Carlson, Hammond & Paddock, L.L.C., 1900 N. Grant Street, Suite 1200, Denver, CO 80203-4312; Phone: (303) 861-9000)

Application For Sexennial Finding Of Reasonable Diligence

IN THE ARKANSAS RIVER AND ITS TRIBUTARIES, IN PUEBLO COUNTY

INTRODUCTION. The Board of Water Works of Pueblo, Colorado ("Pueblo Water") seeks a sexennial finding of reasonable diligence for rights of reuse and exchange originally decreed on December 4, 1992, in Case No. 86CW111(A)(Sewered Phase), District Court, Water Division No. 2. That decree adjudicated issues and claims of use, reuse, and successive use by exchange of sewerer return flows from Pueblo Water's transmountain water rights delivered into the Arkansas River Basin. The decree in Case No. 86CW111(A) excluded all issues and claims of use, reuse, and successive use by exchange of non-sewerer return flows from Pueblo Water's transmountain water rights delivered to the Arkansas River Basin. A portion of the Sewered Phase conditional rights were made absolute and the Court made a finding of reasonable diligence in Case No. 98CW171. The Court made subsequent findings of reasonable diligence in Cases No. 05CW87, 12CW87, and 19CW3005. Pueblo Water's rights of reuse and exchange of non-

sewered return flows decreed on August 3, 1995, in Consolidated Case Nos. 84CW177(B) and 86CW111(B) are not the subject of this Application. **II. Name of Structures (Utilized for Exchange and Reuse):** A. Discharge Facilities (Exchange "From" Locations): 1. Pueblo Municipal Wastewater Treatment Plant. This plant discharges treated wastewater to the Arkansas River at a point in the NE $\frac{1}{4}$ of Section 5, Township 21 South, Range 64 West of the 6th Principal Meridian, at a point located approximately 129.8' east of the west line of the NE $\frac{1}{4}$ and 317.6' south of the north line of the NE $\frac{1}{4}$. The approximate latitude of said point is 38°15'22" North and the approximate longitude is 104° 34' 20" West. 2. Any other wastewater treatment facility outfall utilized by Pueblo Water, including any terminal storage facilities hereafter constructed and located to receive Pueblo Water's wastewater facility effluent that discharges to the Arkansas River or its tributaries at or above the confluence of the Arkansas River and the St. Charles River. 3. Comanche Power Plant. Comanche Power Plant discharges return flows to the St. Charles River at a point in the NW $\frac{1}{4}$ of Section 28, Township 21 South, Range 64 West of the 6th Principal Meridian, at a point located approximately 713.4' north of the south line of the NE $\frac{1}{4}$ and 27.2' west of the east line of the NE $\frac{1}{4}$. 4. CF&I Steel Plant. This wastewater treatment plant discharges to the Arkansas River approximately one mile downstream of the Pueblo Municipal Wastewater Treatment Plant discharge at a point located approximately 543.7' north of the south line of the SE $\frac{1}{4}$ and 1147.1' east of the west line of the SE $\frac{1}{4}$ of Section 6, Township 21 South, Range 64 West of the 6th Principal Meridian. B. Diversion Facilities (Exchange "To" Locations): 1. Northside Intake. Pueblo's Northside Intake headgate is situated on the north bank of the Arkansas River in Pueblo County, Colorado, in the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 33, Township 20 South, Range 65 West of the 6th Principal Meridian, at a point located approximately 35.3' east of the west line of the NE $\frac{1}{4}$ and 750.4' south of the north line of the NE $\frac{1}{4}$, at or near a point which lies South 74°14'30" West 2,673.9 feet from the NE corner of said Section 33. 2. Southside Intake. Pueblo's Southside Intake headgate is located on the right bank of the Arkansas River at a point whence the west quarter corner of Section 34, Township 20 South, Range 65 West, of the 6th Principal Meridian bears south 69°35' West 1,478 feet, at a point located approximately 617' north of the south line of the NW $\frac{1}{4}$ and 1250.5' east of the west line of the NW $\frac{1}{4}$. 3. Comanche Pump Station. Comanche Pump Station is located as follows: considering the south line of the SE $\frac{1}{4}$ of Section 31, Township 20 South, Range 65 West of the 6th Principal Meridian, to bear North 89°24'53" East with all bearings contained herein being relative thereto: beginning at a point on the northerly right-of-way line of the Denver and Rio Grande Western Railroad from which the Southwest quarter corner of the SE $\frac{1}{4}$ of Section 31 bears South 0°39'25" East, a distance of 660.62 feet; thence North 47°12'21" East, a distance of 58.61 feet; thence North 2°29'30" West, a distance of 80.47 feet; thence North 87°30'30" East a distance of 132.5 feet; thence North 2°29'30" West, a distance of 92.5 feet to the point of diversion, at a point located approximately 958.8' north of the south section line and 2' west of the east line of the SW $\frac{1}{4}$ of Section 31, Township 20 South, Range 65 West of the 6th Principle Meridian. 4. Pueblo Water owns, and is entitled to make diversions at, the Northside Intake, the Southside Intake, and the Comanche Pump Station. **III. Describe Exchange and Reuse Water Rights as Decreed in Case No. 86CW111(A):** A. Date of original decree: December 4, 1992, Case No. 86CW111(A) (Sewered Phase), District Court, Water Division No. 2, State of Colorado. B. Priority Date: July 1, 1985. C. Use: All

beneficial uses for which the waters to be exchanged and reused are decreed or for which they may be lawfully used, including the uses decreed in Case No. 86CW111(A)(Sewered Phase). D. Source of water for exchange and reuse: The water rights utilized in the exchange and reuse program are all return flows from Pueblo Water's interests in: 1. The Ewing Placer Ditch. Ewing Placer Ditch diverts water from Piney Creek, a tributary of the Eagle River, and carries the water across the Continental Divide into Tennessee Creek for delivery to the Arkansas River. The Ewing Placer Ditch was decreed on November 13, 1911, with an appropriation date of June 1, 1906, by the District Court, Eagle County, Civil Action No. 507. 2. The Columbine Ditch. Columbine Ditch diverts water from three branches of the East Fork of the Eagle River and carries such water across the Continental Divide for delivery into the West Branch of Chalk Creek, a tributary of the Arkansas River. The Columbine Ditch was decreed on October 3, 1936, with an appropriation date of June 21, 1930, by the District Court, Eagle County, Civil Action No. 963. Pueblo Water sold its interest in the Columbine Ditch in 2009 but retained the right to use a portion of the water right for 25 years, subject to certain limitations. Until that retained right expires, Pueblo Water will continue to include water available to it from the Columbine Ditch as a source of return flows subject to the exchange decreed in Case No. 86CW111(A). 3. The Warren E. Wurtz Ditch (also known as the Warren E. Wurts Ditch). Warren E. Wurtz Ditch diverts water from Bennett Creek, Mitchell Creek, and side tributaries of those creeks, all of which are tributaries of the Eagle River. The ditch carries water across the Continental Divide into West Tennessee Creek for delivery to the Arkansas River. The Warren E. Wurtz Ditch was decreed on October 3, 1936, with an appropriation date of June 8, 1929, by the District Court, Eagle County, Civil Action No. 963. 4. The Wurtz Extension Ditch. Wurtz Extension Ditch diverts water from Yoder Creek, East Fork of Yoder Creek, and Rule Creek, tributaries of the Eagle River. The ditch connects to the Warren E. Wurtz Ditch, which then carries water across the Continental Divide into West Tennessee Creek for delivery to the Arkansas River. The Wurtz Extension Ditch was decreed on October 21, 1982, with an appropriation date of October 26, 1953, by the District Court, Water Division No. 5, Case No. 80CW505. 5. The Busk-Ivanhoe System. Pueblo owns an undivided one-half interest in the water rights of the Busk-Ivanhoe System. The system diverts water from Hidden Lake Creek, Pan Creek, Lyle Creek, and Ivanhoe Creek, all tributaries of the Fryingpan and Roaring Fork Rivers, and carries such water through the Continental Divide for delivery into Lake Fork Creek on the headwaters of the Arkansas River. The system was decreed absolute on January 9, 1928, by the District Court, Garfield County, in Case No. 2621, with different appropriation dates for different components of the System. Other absolute decrees were entered by the District Court, Garfield County, in Civil Actions No. 3082 and 4033. 6. The Homestake Project diverts water from tributaries of the Eagle River in Eagle County and carries the water under the Continental Divide to Turquoise Reservoir. The water rights were conditionally decreed in Civil Action No. 1193, District Court, Eagle County, on June 8, 1962, with an appropriation date of September 22, 1952. Pueblo Water has the annual right to receive 2,500 acre-feet of Homestake Project Water delivered at Turquoise Lake. 7. The Independence Pass Transmountain Diversion System diverts water from the headwaters of the Roaring Fork River and its tributaries in Pitkin County. The water rights were decreed on August 25, 1936, in Civil Action No. 3082, District Court, Garfield County, and were modified on May 12, 1976, in Case No. W-1901, District Court, Water

Division No. 5. The appropriation date of these water rights is August 23, 1930. Pueblo Water has the right to this water because it owns shares of stock in the Twin Lakes Reservoir and Canal Company. 8. The Fryingpan-Arkansas Project (West Slope Decrees) diverts surface water from the headwaters of Hunter Creek and the Fryingpan River and their tributaries in Pitkin County. The principal water rights were adjudicated by the decrees in Civil Action No. 4613 (District Court, Garfield County) dated June 20, 1958, and August 3, 1959, and were modified by the Decree in Case No. W-829-76 (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 under these water rights 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 Colorado Water Conservancy District's ("Southeastern") boundaries. Because the water is imported from another river basin, it is fully consumable in Water Division 2. By this Application, Pueblo Water does not seek any rights of use of Fryingpan-Arkansas Project structures, or any rights of ownership or rights to purchase or receive allocation of Fryingpan-Arkansas Project water or return flows from Fryingpan-Arkansas Project water, but this does not alter any existing rights Pueblo Water may otherwise have. Return flows from the Fryingpan-Arkansas Project will be utilized in the exchanges and reuse programs only after they are purchased from Southeastern. 9. Pueblo Water's interest in the water rights described above as the Ewing Placer Ditch, the Columbine Ditch, the Warren E. Wurtz Ditch, and the Busk-Ivanhoe System are all subject to the applicable terms and conditions of the change decrees entered in Cases No. 90CW340, District Court, Water Division No. 5, and 90CW052, District Court, Water Division No. 2. All the sources of supply described in Paragraph III.D., above, are waters not native or naturally tributary to the Arkansas River Basin. These water rights are referred to as the "Transmountain Sources," each of which has been decreed to include municipal uses. E. Location of exchange reaches and amounts of exchange decreed: Return flows from Pueblo Water's Transmountain Sources are accounted for and measured into the Arkansas River or its tributaries at the discharge facilities identified in Paragraph II.A., above. Pueblo Water then diverts a corresponding quantity of water at the points of diversion identified in Paragraph II.B., above. The stream reaches and amounts of the exchanges decreed in Case No. 86CW111(A) are as follows: 1. 16.94 c.f.s. absolute and 43.06 c.f.s. conditional (for a total of 60.0 c.f.s.) from points of discharge to the Arkansas River, upstream to the Northside Intake, Southside Intake, and Comanche Pump Station. The decree in Case No. 86CW111(A) made 16.68 c.f.s. absolute, and 43.32 c.f.s. conditional. An additional 0.26 c.f.s. was made absolute in Case No. 98CW171. 2. 5.97 c.f.s. absolute, and 14.03 c.f.s. conditional (for a total of 20.0 c.f.s.) from points of discharge to the St. Charles River then downstream to the Arkansas River, then upstream to the Northside Intake, Southside Intake, and Comanche Pump Station. The three points of diversion (Northside Intake, Southside Intake, and Comanche Pump Station) are near each other and there are no decreed points of diversion between them. Thus, the effect of an exchange to any one of them has the same effect on the water supply available to others as an exchange to the other two points of diversion, singly, or in combination. **IV. Provide a Detailed Outline of What Has Been Done Toward Completion or for**

Completion of the Appropriation and the Application of Water to Beneficial Use as Conditionally Decreed, Including Expenditures:

A. Pueblo Water owns and operates a single, unified, and integrated municipal water supply system that contains numerous components. Those components include, but are not limited to, the individual water rights and points of diversion described in this Application, and the appropriative rights of exchange and reuse rights that are the subject of this Application. During the period from January 30, 2019, through August 31, 2025 (the “Diligence Period”), Pueblo Water has not exercised the exchanges decreed in Case No. 86CW111(A) in excess of the amount decreed absolute in Case No. 98CW171. Thus, this Application is for a finding of reasonable diligence only. In addition, Pueblo Water has spent a substantial amount of money and devoted many thousands of man hours to the development, operation, maintenance, and improvement of its single, unified, and integrated municipal water supply system, including the Transmountain Sources. As a part of this overall effort, Pueblo Water retained engineering consultants and attorneys to assist it in the acquisition, operation, maintenance, improvement, and protection of this system. These actions enhance and preserve Pueblo Water’s water supply and its ability to serve the needs of its customers. The total cost of these efforts during the Diligence Period exceeded \$303,796,827. B. During the Diligence Period, the principal engineering and construction activities undertaken by Pueblo Water related to the operation of its exchanges and reuse rights included the following: (1) upkeep and improvements of stream flow gauges, other data collection or recording and transmission devices, and communication links needed to operate the exchanges and reuse rights decreed in Cases No. 84CW177(A), 84CW178, 86CW111(A), and Consolidated Cases No. 84CW177(B), and 86CW111(B); (2) operation of accounting programs to track the operation of the exchanges; (3) water quality monitoring; and (4) upkeep and maintenance of the specific exchange “to” and exchange “from” structures decreed in Case No. 86CW111(A), including the Northside Intake, the Southside Intake, and the Comanche Pump station, which was reconstructed by an agreement with Xcel Energy to allow for greater pumping capacity. The total cost to Pueblo Water of upkeep and maintenance of the specific exchange structures decreed in Case No. 86CW111(A) during the Diligence Period exceeded \$412,997. In addition the City of Pueblo’s Wastewater Utility Enterprise expended over \$104,870,822 operating the sewer collection system and the Pueblo Municipal Wastewater Treatment Plant. C. During the Diligence Period, Pueblo Water also spent money on engineering and construction of improvements to its water supply transmission and distribution system. Improvements were made to collection system facilities, storage reservoirs, water transmission pipelines, water treatment plants, and distribution system mains, meters, and reservoirs. Pueblo Water’s Transmountain Sources and their return flows were delivered to, stored, or exchanged to Pueblo Water’s system. D. In addition, during the Diligence Period, Pueblo Water filed applications for and diligently prosecuted a number of adjudications of water rights, including applications for findings of reasonable diligence that are part of Pueblo Water’s unified and integrated water supply system, many of which incorporate structures that are the subject of this Application. These include, but are not limited to: Case No. 20CW3037, decreed on December 12, 2020, finding reasonable diligence for the Warren E. Wurtz Extension Ditch; Case No. 23CW3055, decreed on July 9, 2024, finding reasonable diligence for the Historic Arkansas River Project Water Right and Tailwater right; Case No. 16CW3103,

seeking exchanges of water generated by the change in water rights in Case No. 17CW3050, decreed December 4, 2019; Case No. 20CW3054, decreed on March 31, 2021, finding reasonable diligence for certain conditional exchanges and rights of reuse for sewerer return flows from transmountain sources; Case No. 20CW3004, decreed on September 1, 2020, finding reasonable diligence and making certain conditional rights absolute, in part, for certain conditional exchanges and rights of reuse for non-sewerer return flows from transmountain sources; Case No. 20CW3005, decreed on September 1, 2020, finding reasonable diligence and making certain conditional rights absolute, in part, for certain conditional exchanges of native and transmountain water rights; Case No. 20CW2011, decreed on May 3, 2022, seeking a conditional surface water right for the beneficial use of supplying water for the operation of the Historic Arkansas River Project ("HARP") in the City of Pueblo and changing the use of the Southern Colorado Power Company Water Storage Right to add the new use of storing water for the operation of HARP; Case No. 22CW3028, decreed on June 2, 2023, finding reasonable diligence for the Clear Creek Reservoir Second Enlargement; and Case No. 22CW3059, decreed January 26, 2023, finding reasonable diligence for the exchanges adjudicated jointly between City of Aurora, Colorado Springs Utilities, the City of Fountain, Southeastern, and Pueblo Water. Also during the Diligence Period, Pueblo Water participated as an opposer in 13 cases in Water Division No. 2 to ensure the protection of the exchange reaches and related water rights that are the subject of this Application. The work performed and actions taken by Pueblo Water during the Diligence Period demonstrate Pueblo Water's continuing intent to develop the conditional appropriative rights of exchange and reuse described in this Application. Pueblo Water has shown that it can and will divert, store, or otherwise capture, possess, or control and beneficially use water pursuant to the subject exchange and reuse rights and that the subject reuse and exchange rights can and will be completed with diligence within a reasonable time. **V. Request for Relief:** A. Pueblo Water requests the Court to enter a decree: 1. Confirming that Pueblo Water maintains a single unified and integrated water supply system and that diligence on any feature of that system is considered in finding reasonable diligence in the development of all conditional features of the system, including the conditional exchange and reuse rights that are the subject of this Application; 2. Finding that Pueblo Water has shown reasonable diligence in development of the conditional exchange and reuse rights decreed in Case No. 86CW111(A). To the extent that such rights are not made absolute, Pueblo Water seeks a finding that it has met all applicable legal requirements and is entitled to a decree continuing the conditional rights in good standing and fixing a date when the next application for a finding of reasonable diligence is required; and 3. Finding that any diligence work performed between the filing of this Application and entry of a decree in this case will qualify as diligence performed during the next diligence period.

CASE NO. 2025CW3046; Previous Case Nos. 22CW3075, 19CW3002, 12CW82, 03CW31 – MARIA LAKE GRAZING ASSOCIATION, LLC., C/O Donald Sieeke, Manager, 7343 S. Alton Way, Ste. 100, Centennial, CO 80122 (Please address all pleadings and inquiries regarding this matter to Applicant's attorney's: Sara M. Dunn & Blake C. Peterson, Balcomb & Green, P.C.; P.O. Drawer 790, Glenwood Springs, CO 81602; (970) 945-6546)

Application for Findings of Reasonable Diligence and to Confirm Absolute

HUERFANO COUNTY

Applicant requests this Ct. find it has exercised reasonable diligence in the development of the Maria Lake Well No. 2 conditional water right ("SWR"). Applicant also requests this Ct. confirm the SWR has been made Absolute. **First Claim for Findings of Reasonable Diligence.** Water Right: Maria Lake Well No. 2 Original Decree: 03CW31, on 6/30/2006, Dist. Court, Water Div. 2. Subsequent Findings of Reasonable Diligence: The Dist. Ct., Water Div. 2, entered findings of reasonable diligence in the development of the SWR in 12CW82 on 1/28/2013, and 19CW3002 on 8/2/2019. Legal Description: The legal description of the SWR was changed in 22CW3075 to location SE1/4 SE1/4 of Sec. 20, T. 27 South, R. 65 W. of the 6th P.M. UTM Zone 13, 527910.0 Easting, 4170066.0 Northing (NAD83). See Exh. A attached to the application for a map depicting the Well's location on file with the Water Ct. (All exhibits mentioned herein are incorporated by reference and may be inspected at the office of the clerk of this Court.) Source: Groundwater tributary to the Cucharas River, tributary to the Arkansas River. Approp. Date: 4/10/2003. Amt.: 15.0 g.p.m. conditional. The total Amt. of water that may be pumped for either Maria Lake Well No. 1 or Maria Lake Well No. 2, or a combination of both wells, for Dom. use and Irr. of landscape amenities on the property shall not exceed 15.29 a.f. per year. Depth: 42 ft. Uses: Dom. and Irr. Dom. water service is limited to 36 residential units and Irr. not to exceed two acres of landscape amenities adjacent to those units located generally in portions of the E. half of Sec. 20, the W. half of Sec. 21, and those portions of the northeast 1/4 of Sec. 29 and the northwest 1/4 of Sec. 28, lying N. of the State Highway No. 10, all in T. 27 S., R. 65 W. of the 6th P.M., in Huerfano Cty., CO. Remark: The SWR is operated pursuant to the plan for Aug. decreed in 03CW31 and 03CW97 (consolidated) and Well Permit No. 65348-F. The WDID No. is 1605130. A list of diligence activities performed in the six years preceding the filing of this Application is on file with this Ct. **Second Claim to Confirm Absolute Water Right.** Applicant requests the Ct. confirm the Maria Lake Well No. 2 be made Absolute by Applicant's application to beneficial use as follows: Water Right: Maria Lake Well No. 2, as described above. Date of Beneficial Use: 8/26/2025. Amt. Claimed Absolute: 15.0 g.p.m. Amt. Remaining Conditional: 0.0 g.p.m. Description of Beneficial Use: On 8/26/2025, Applicant diverted water under the SWR at a rate of 15 g.p.m. to provide Dom. service to residential units and the clubhouse and to irrigate adjacent landscape amenities. These diversions were in addition to, and contemporaneous with, diversions from the Maria Lake Well No. 1 for the same uses. **Name of owner of the land upon which the SWR is located:** Applicant.

CASE NO. 2025CW3047; LAWRENCE FAMILY RANCH CORPORATION, P.O. Box 1292, Westcliffe, CO 81252 (Please address all pleadings and inquiries regarding this matter to Applicant's attorney's: Ryan W. Farr and W. James Tilton of Monson, Cummins, Shohet & Farr, LLC, 13511 Northgate Estates Drive, Ste. 250, Colorado Springs, CO 80921 (719) 471-1212)

Amended Application for a Simple Change in a Surface Point of Diversion Pursuant to C.R.S. § 37-92-305(3.5)

CUSTER COUNTY

Applicant is the 100% owner of the of the Middle Ditch, which diverts from South Brush Creek, tributary to Brush Creek, tributary to Texas Creek, and tributary to the Arkansas

River. Applicant seeks a decree pursuant to C.R.S. § 37-92-305(3.5) to move the decreed point of diversion of the Middle Ditch approximately 906 feet upstream from its decreed point of diversion to the headgate of the Fellows Ditch (WDID: 1301011), which is also owned 100% by Applicant. By this application the Applicant seeks only a simple change in point of diversion for the Middle Ditch. The Applicant is seeking no other relief. The amendment of the application was done to make clear that the Applicant is seeking a change in surface point of diversion for the entirety of the Middle Ditch water right. Name of Structure: Middle Ditch (S. Brush) (WDID: 1301010) Decree Information: Case No. 02/03/1894 in District Court of the Eleventh Judicial District in Fremont County, dated February 3, 1894. Decreed Point of Diversion: The south side of South Brush Creek at a point whence the S1/4 corner of Section 22, Township 46 North, Range 12 East, bears S. 73 degrees and 44 minutes West, 971 feet. The attached **Exhibit A** map to the application shows the approximate location of the decreed point of diversion for the Middle Ditch. (All exhibits mentioned herein are incorporated by reference and may be inspected at the office of the clerk of this Court.) Source: South Brush Creek, tributary to Brush Creek, tributary to Texas Creek, and tributary to the Arkansas River. Appropriation Date: May 15, 1881. Decreed Amount and Use. 1.0 c.f.s., absolute, for irrigation. Applicant seeks a simple change in point of diversion for the entirety of the Middle Ditch water right pursuant to C.R.S. § 37-92-305(3.5), from its originally decreed point of diversion to a new location approximately 906 feet upstream on South Brush Creek to the headgate of the Fellows Ditch. There are no intervening surface diversion points or inflows between this proposed new location and the originally decreed point of diversion from which change is sought. The location of the proposed new point of diversion for the Middle Ditch is on the Applicants' property in the NE1/4 of Section 27, Township 46 North, Range 12 East of the N.M.P.M., at a point located in GPS UTM NAD83 format, Zone 13S, Easting: 444742.227, Northing: 4229756.411. The attached **Exhibit A** map shows the approximate location of the proposed new decreed point of diversion for the Middle Ditch. The new point of diversion for the Middle Ditch is on lands owned by the Applicants. There will be no injury to other vested water users as a result of the requested change in point of diversion. This change in point of diversion will not result in a diversion of a greater amount of water than has been decreed and historically utilized. The quantities of water appropriated for the decreed Middle Ditch water right are present and available for diversion from this new point of diversion, as the water that would have been removed from South Brush Creek at the original point of diversion will now instead be removed approximately 906 feet upstream. Applicant seeks no other change to the Middle Ditch water right, and will continue to beneficially use the flows therefrom on the historically irrigated acreage upon which this water right matured to beneficial use. No injury will result to other vested water rights as a result of this requested simple change in point of diversion. No intervening point of diversion from, or inflows to, South Brush Creek occur between the original point of diversion and the requested changed point of diversion. No greater quantities of water than is decreed to the Middle Ditch will be diverted nor used because of the proposed simple change, nor are any other changes to the Middle Ditch water right requested.

CASE NO. 2025CW3048; TOWN OF LA VETA (La Veta), P.O. Box 174, La Veta, CO 81055 (Please address all pleadings and inquiries regarding this matter to Applicant's

attorney's: Alan E. Curtis, Nicoli R. Bowley, Kate A. Bosh, Curtis, Justus, & Zahedi, LLC, 1333 W. 120th Ave., Suite 302, Westminster, CO 80234 (303) 595-9441)

Application For Correction Of Established But Erroneously Described Point Of Diversion Pursuant To C.R.S. § 37-92-305(3.6)

HUERFANO COUNTY

2. Summary of Application. During diligence proceedings in Case No. 24CW3044, Water Division 2, the Division 2 Engineer determined the decreed diversion point for the Mexican Ditch (Mexican Ditch Diversion Point) described in two of La Veta's decrees differed from the actual location. Although the May 12, 2025 decree in Case No. 24CW3044 (24CW3044 Decree) lists the correct location of the Mexican Ditch Diversion Point, it also requires La Veta to file an application to correct the decreed location of the Mexican Ditch Diversion Point to conform with the actual location. This Application is filed to comply with that requirement and correct the erroneously described Mexican Ditch Diversion Point described in La Veta's prior and future decrees. No other relief is requested by this Application.

3. Decrees Containing an Erroneous Description of the Mexican Ditch Diversion Point. a. 00CW130 Decree. La Veta is the owner of 2.0 cubic feet per second (c.f.s.) of 4.9 c.f.s. originally decreed to the Mexican Ditch which were changed by the decree entered in Division 2 Case No. 00CW130 on July 19, 2010 (00CW130 Decree). The 00CW130 Decree also confirmed an appropriative right of exchange (La Veta's Mexican Ditch Exchange), the downstream terminus of which is the Mexican Ditch Diversion Point. Paragraph 8 of the 00CW130 Decree erroneously describes the Mexican Ditch Diversion Point as being located in the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 31, Township 27 South, Range 65 West of the 6th P.M. b. 17CW3048 Decree. A subsequent diligence decree continuing the conditional water right for La Veta's Mexican Ditch Exchange in Case No. 17CW3048, Water Division 2 was entered on October 3, 2018 (17CW3048 Decree). Paragraph 6.B of the 17CW3048 Decree contains the same erroneous description of the Mexican Ditch Diversion Point as the 00CW130 Decree.

4. Decreed Water Right for which Correction is Sought. a. Name of Structure. Mexican Ditch Diversion Point. b. Original Decree. 00CW130 Decree. i. Subsequent Relevant Decrees. 17CW3048 Decree; 24CW3044 Decree. c. Legal Description of Structure from Most Recent Decree. The 24CW3044 Decree describes the actual location of the Mexican Ditch Diversion Point in the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 36, Township 27 South, Range 66 West of the 6th P.M. UTM coordinates NAD 83 UTM 13N 524729.0m E, 4166990.0m N. d. Decreed Source of Water. Cucharas River. e. Appropriation Dates. i. Mexican Ditch. April 8, 1869. ii. La Veta Mexican Ditch Exchange Right. December 5, 2000. f. Amounts. i. Mexican Ditch. 2.0 cubic feet per second (c.f.s.) of 4.9 cfs originally decreed to the Mexican Ditch and changed by the 00CW130 Decree. ii. La Veta's Mexican Ditch Exchange Right. 0.96 cubic feet per second, conditional. g. Decreed Uses. Municipal purposes including exchange, while retaining their original decreed use for irrigation; for diversion at the Town of La Veta Pipeline and for storage in the La Veta Reservoir, and for use within La Veta's municipal service area as it exists today or may exist in the future. See 00CW130 Decree ¶ 37 at 16.

5. Detailed Description of Proposed Correction. As discussed above, the actual location of the Mexican Ditch Diversion Point was identified by the Division 2 Engineer during proceedings in Case No. 24CW3044. The actual location of the Mexican Ditch Diversion Point is described in section 4.c above and, to La Veta's knowledge, has never physically changed location.

There is a 3,565-foot discrepancy between the actual location of the Mexican Ditch Diversion Point and the erroneous decreed location described in the 00CW130 Decree and the 17CW3048 Decree. a. Legal Description of the Corrected Point of Diversion. i. Source of UTM Information. 24CW3044 Supplemental Consultation Report; CDSS MapViewer. ii. Corrected Point of Diversion. In the NE¼ of the SE¼ of Section 36, Township 27 South, Range 66 West of the 6th P.M. UTM coordinates NAD 83 UTM 13N 524729.0m E, 4166990.0m N, as shown **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.) **6. Names and Address of Owners or Reputed Owners of Land Upon Which Structure is Located.** Corsentino Dairy Farms, Inc. 2689 HWY #10 East, Walsenburg, CO 81089. **7. No Expansion of Property Use.** This Application does not seek, and no decree entered in this case will create any right to utilize Ewing Homestead, L.L.C.'s property, upon which La Veta's diversion structure from the Cucharas River is located, and such use is limited by, and pursuant to, the existing written Easement dated April 6, 2009, the Deed of Right of Way dated September 16, 1955, and any future written agreements or easements between La Veta and Ewing Homestead, L.L.C., its successors and assigns. Based on the information provided above, La Veta respectfully requests that the Court find determine, and order: (a) the erroneously described location of the Mexican Ditch Diversion Point included in paragraph 8 of the 00CW130 Decree and paragraph 6.B of the 17CW3048 Decree are corrected to reflect the actual location of the Mexican Ditch Diversion Point as being located in the NE¼ of the SE¼ of Section 36, Township 27 South, Range 66 West of the 6th P.M. UTM coordinates NAD 83 UTM 13N 524729.0m E, 4166990.0m N; and (b) this same description shall be provided in all applications for diligence or to make all or any portion of La Veta's Mexican Ditch Exchange water right absolute.

CASE NO. 2025CW3049; CITY OF FLORENCE, 600 West 3RD Street, Florence, CO 81226, TOWN OF COAL CREEK, 615 Main Street, P.O. Box 36, Coal Creek, CO 81221, TOWN OF ROCKVALE, 156 Rockafellow Street, P.O. Box 91, Rockvale, CO 81244 (Please address all pleadings and inquiries regarding this matter to Applicant's attorney: Robert F. T. Krassa, Krassa & Miller, LLC, 2300 Canyon Blvd., Suite 2, Boulder, CO 80302, 303-442-2156)

Application for Change of Water Rights and Plan for Augmentation

FREMONT COUNTY

2. Decreed name of structure for which change is sought: Union Ditch. This Application is for change of a total of 802 shares in the Union Ditch and Water Company acquired by Applicants after January 2005. Ownership among the three co-applicants is: City of Florence 696 shares, Town of Coal Creek 61 shares and Town of Rockvale 45 shares. Shares of Union Ditch were previously changed by decree in case 80CW93 entered August 3, 1982 recorded August 5, 1982 at rec. no. 488814, Book 679, page 497, by decree in case 99CW149 entered July 20, 2010 recorded September 5, 2013 at rec. no. 911361, and by decree in Case 10CW63 entered June 26, 2014 recorded July 7, 2014 at rec. no. 919631 (all recording information is for Fremont County, Colorado), all in this court, and those shares are not part of the present application. **3. From previous decrees** for the water rights of Union Ditch (see also decrees in change cases 80CW93 and 99CW149 mentioned above): **a. Dated entered:** February 3, 1894 (no case number).

b. Decreed Point of Diversion: on the South side of the Arkansas River at a point North 41 degrees and 28 minutes West fifteen and nine tenths chains (15.A9 chains) from the center of Section 7 Township 19 South of Range 69 West. Since approximately 1941, the Union Ditch water has been diverted at the headworks of the Minnequa Canal, which is located on the south bank of the Arkansas River in the NW/4NW 1/4, Sec. 7, T. 19 S., R 69W. of the 6th P.M. in Fremont County at a point approximately 750 feet from the west line and 1200 feet from the north line of said Section 7 (see also 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.) **c. Decreed source:** Arkansas River. **d. Appropriation Date:** November 30, 1861. **e. Amount:** 48 cfs **f. Decreed use of water:** irrigation **g. Amount of water that Applicants intend to change:** any and all water to which they are entitled as owners of the subject 802 shares. There are approximately 30,000 shares issued and outstanding in the Union Ditch and Water Company, of which 11,612 shares were historically used for irrigation as determined by the above decree of this Court in Cases 99CW149 and 10CW63. **4. Historic Use:** **a. The water rights listed in paragraph 2** of this Application have historically been used for irrigation purposes. The area historically irrigated is shown on map attached as Exhibit B. Summaries of diversion records are attached as Exhibit C. **b. Pursuant to definitions in paragraphs 16.c and 16.d** of the 10CW63 decree, the shares in this case are identified as being Category 1 or 2 shares as follows:

<u>Co-Applicant</u>	<u>Category 1</u>	<u>Category 2</u>	<u>Total</u>
Florence	0	696	696
Coal Creek	0	61	61
Rockvale	0	45	45
Total:	0	802	802

c. Para. 206.d of the 10CW63 decree provides that the transferable average annual historic consumptive use of Category 1 shares shall be 0.1970 acre foot per share. **d. Pursuant to para. 206.f of the 10CW63 decree**, notice is given that the said 10CW63 decree at paragraph 206.e allows for selection of one of two alternative methods of calculating transferable annual historical consumptive use of Category 2 shares. Applicants intend to use the formula set out in that paragraph of the 10CW63 decree. **5. Proposed Change: Applicants propose to change** the use of the subject water to municipal, domestic, industrial, agricultural, commercial, irrigation, stock watering, recreation, fish and wildlife, fire protection, augmentation, substitution and exchange. Such water may be immediately applied to beneficial use, or stored and subsequently applied to beneficial use, for exchange purposes, for replacement of depletions resulting from the use of water from other sources, and for all other augmentation purposes including taking credit for all return flows as augmentation for or as offsets against out-of-priority tributary depletions as provided in said decrees in cases 80CW93, 99CW149, 10CW63 and any decree entered in this case. Applicants also propose to store subject water in the Florence-Coal Creek-Williamsburg Reservoir, located on Oak Creek in the west half, Sec. 17 and east half of Sec. 18, T19S, R69W of the 6th P.M. in Fremont County. This reservoir was adjudicated by Decree dated May 26, 1982 (recorded June 11, 1982 at reception no. 487401, Book 677, Page 456) in Case 80CW92 in this Court. This reservoir has as its source Oak Creek water and Arkansas River water diverted at the said Minnequa Canal. No change in the point of diversion from the Arkansas River is

requested. Applicants' proposed plan of operation is the same as in Case 80CW93, as that was revised by the Decrees of this Court in Cases 86CW120, 99CW149 and 10CW63. **ADD SOURCE WATER TO PLAN FOR AUGMENTATION** **6. Name of Structure to be augmented:** The Florence-Coal Creek-Williamsburg direct flow right adjudicated by Decree of this Court dated November 8, 1982 as amended February 11, 1985 in Case 80CW91 (recorded February 20, 1985 at Book 715, Page 455), as changed to divert at the above described headworks of the Minnequa Canal by decree of this Court dated December 31, 1987 in Case 86CW120, which decree was recorded January 13, 1988 at Book 853, page 277, records of Fremont County. The 80CW91 water right has an appropriation date of August 26, 1980, source is Arkansas River, decreed amount is 7.6 cfs and decreed uses are irrigation, domestic, municipal and all other beneficial uses. **7. Previous decrees for water rights to be used for augmentation:** as stated in paragraph 3 above. **8. Historic use:** See paragraph 3.F. above. **9. Statement of enlargement of plan for augmentation:** The plan for augmentation was originally decreed in Case 80CW93 and revised by the said decrees in cases 99CW149 and 10CW63. Applicants seek approval to use the subject 802 shares of Union Ditch as additional augmentation supply water for that plan to replace the consumptive use of water diverted under the 80CW91 water right described in paragraph 6 hereof. **GENERAL ALLEGATIONS** **10. The Decrees in said cases 80CW93, 99CW149 and 10CW63** are res judicata as to all matters here presented. **11. Proposed Provisions under § 37-92-304(3.5).** The changes pursuant to 80CW93, 99CW149 and 10CW63 caused no substantiated complaints as to injurious "shrink" (seepage and evaporation). Applicants propose to install up to a total of three measurement devices, in addition to those in use in 1980, on a when and as needed basis, to determine whether structural improvements are needed to avoid an increase in the share of shrink borne by other shareholders in those companies as a result of the proposals herein. Applicants disclaim any responsibility for shrink caused by changes in irrigation practices or use of water as a result of actions of other shareholders. **12. Ownership of structures.** Applicants own or have the right to use all structures involved in this case. This application does not contemplate any new diversion or storage structures. According to the Fremont County Assessor's records, the Minnequa Canal and its headworks are owned by CF&I Steel LP, P.O. Box 316, Pueblo, CO 81002. The Union Ditch is owned by The Union Ditch and Water Company, P.O. Box 71, Florence, CO 81226

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 October 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 9th day of September 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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