

DISTRICT COURT, WATER DIVISION NO. 2, COLORADO

RESUME OF CASES FILED AND/OR ORDERED PUBLISHED DURING JANUARY 2026. (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 January 2026, 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 follow

CASE NO. 2026CW1; TRENT STAFFORD, 8 Bassick Place, Westcliffe, CO 81252, Trent@sbcompanies.com, (719) 257-7497

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

BENT COUNTY

2. Decreed water right for which correction is sought: **A. Name of Structure:** Spady Well No. 19, WD 1705063. **B. Date of original and all relevant subsequent decrees:** 04/03/1975. Case No: W-3346, Division 2 water. **C. Legal description of structure as described in most recent decree that adjudicated the location:** NW1/4 of NW ¼ of Sec. 11, T. 22S, R53W of the 6th P.M. in Bent County, Colorado. **D. Decreed source of water:** Groundwater. **E. Appropriation Date:** 04/03/1975. **F. Total amount decreed to structure in gallons per minute (gpm) or cubic feet per second (cfs):** Absolute, 800 GPM. **G. Decreed use or uses:** **H. Amount of water decreed:** Absolute 800 GPM. **3. Detailed description of proposed correction to an established but erroneously described point of diversion:** **A.** W-3346 placed well 9234 in the NW4NW4 Sec. 11, T22S, R53W. There is no evidence of a well there. Applicant has an existing well in the NE4NE4 Sec. 10, 22S R53W. It is believed this was the original well location. See maps and photos attached to the application. (All attachments mentioned herein are incorporated by reference and may be inspected at the office of the clerk of this Court.) **B.** The legal description of the corrected point of diversion: NE1/4 NE 1/4, Section 10, Township 22S, Range 53W. 2. Point of diversion: **UTM Coordinates:** Northing: 4224263; Easting: 646516, Zone 13. Source of UTM's: Garmin, 10 feet. **4. 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. The applicant must notify these persons that the applicant is applying for this water right, and certify to the Court that the applicant has done so.** Applicant.

CASE NO. 2026CW3000; WIDFIELD WATER AND SANITATION DISTRICT ("Widfield" or the "District"), WATER RESOURCE DEVELOPMENT COMPANY ("WRDC") (collectively, "Applicants") c/o Lucas Hale, General Manager for Widfield, 8495 Fontaine Blvd., Colorado Springs, Colorado 80925 (Please address all pleadings and inquiries regarding this matter to Applicant's attorneys: Sarah A. Klahn, and Ryan J. Mitchell, Somach Simmons & Dunn, 1155 Canyon Blvd, Suite 110, Boulder, Colorado 80302 (303) 449-2834)

Amended Application for Alternate Points of Diversion

EL PASO COUNTY

2. Background & Remarks: Water Resource Development Company (“WRDC”) is the successor in interest of Widefield Homes Water Company (“Widefield Homes”). Widefield Homes appropriated or acquired the water rights sought to be changed in this application (the “E-Wells”), and WRDC either owns or is an agent for the owners of the E-Wells. The E-Wells as described in paragraph 3 are used by Widefield under a Master Water Lease. Under the Master Water Lease, Widefield is obligated to maintain the E-Wells, including any necessary filings and litigation in Water Court. The E-Wells are part of Widefield’s integrated municipal water system which diverts, treats, stores, and delivers water to its municipal customers and extra-territorial water users. Widefield’s extra-territorial customers include water users that may be within the District’s defined service area, consistent with contractual commitments, and/or agency relationships. A map of the Widefield service area is attached to the application as **Exhibit 1** (“Widefield Service Area”). (All exhibits mentioned herein are incorporated by reference and may be inspected at the office of the clerk of this Court.) The E-Wells were originally decreed in Case No. W-514¹, (FN1: All prior decrees and case numbers awarding reasonable diligence to W-514 water rights: Case No. W-514(77) (December 14, 1978, amended April 6, 1979); Case No. 81CW93 (March 8, 1983); Case No. 85CW53 (October 21, 1985); Case No. 89CW31 (November 9, 1989); Case No. 95CW227 (May 15, 1996); Case No. 02CW69 (March 20, 2003); Case No. 09CW60 (February 17, 2010); Case No. 16CW3009 (June 20, 2016)) June 26, 1973. In Case No. 22CW3040, numerous alternate points of diversion were decreed for certain of the E-Wells. In this Application, Widefield seeks to obtain additional alternate points of diversion for the E-Wells all within Reach 6 of the Widefield Aquifer.² (FN2: Pursuant to the Court’s January 20, 2026 Minute Order, Applicants filed this amended Application.) Operation of the E-Wells is limited by the terms of the Widefield Aquifer Stipulation entered in Case No. 71CW116, and any amendments thereto (the current version of the Widefield Aquifer Stipulation is attached as **Exhibit 2**). The Stipulation establishes agreed upon volumetric limits for all wells in the Widefield Aquifer by reach, including the E-wells, as provided in ¶ 11 of the Stipulation. See also, paragraph 3.2.9 *infra*. Moreover, pursuant to ¶ 48 of the Stipulation, the type of relief sought in this application will cause neither injury nor prejudice to other parties to the Stipulation. Applicant has also filed a separate Application to Correct Erroneous Point of Diversion for Enfield Well No. 2 under C.R.S. § 37-92-305(3.6)(d). Enfield Well No. 2 is located at SE 1/4 of the SE 1/4 of Section 24, Township 15 South, Range 66 West of the 6th P.M., approximately 550 feet from the South line and approximately 1,240 feet from the East line of said section, in El Paso County, Colorado rather than its decreed location, which is identified herein at Paragraph 3.1.1.4. The Applicants anticipates both applications proceeding in tandem.

3. Names and Descriptions of Structures: 3.1. Originally Decreed in W-514: 3.1.1. Enfield Well No. 1 (“E-1”): 3.1.1.1. Appropriation Date: June 30, 1946. 3.1.1.2. Depth: 46 feet. 3.1.1.3. Legal Description of Structure: Located in the SW 1/4 of the SE 1/4 of Section 24, Township 15 South, Range 66 West of the 6th P.M., approximately 550 feet from the South line and approximately 1,700 feet from the East line of Section 24 in El Paso County, Colorado. UTM (Zone 13): Easting 523862, Northing 4286304. 3.1.1.4. Description of Alternate Point of Diversion: Enfield Well No. 2 is located in the SE 1/4 of the SE 1/4 of Section 24, Township 15 South, Range 66 West of the 6th P.M., approximately 150 feet from the South line and

approximately 1,150 feet from the East line of said section, in El Paso County, Colorado.

3.1.1.5. Source: Underground water from the alluvium of Fountain Creek, a tributary of the Arkansas River. 3.1.1.6. Amount: 0.557 cubic feet per second (“cfs”) (absolute for domestic and irrigation uses; conditional for municipal use), with an annual volumetric limit of 23 acre-feet (“AF”). 3.1.1.7. Uses: Domestic, irrigation, and municipal. 3.1.1.8. Permit No.: 19912-R. 3.1.1.9. Remark: E-1 is augmented under Case No. 81CW229. 3.1.2. Enfield Well No. 1 (Enlargement) (“E-1 Enlargement”): 3.1.2.1. Appropriation Date: March 21, 1972. 3.1.2.2. Depth: 46 feet. 3.1.2.3. Legal Description of Structure: Located in the SW 1/4 of the SE 1/4 of Section 24, Township 15 South, Range 66 West of the 6th P.M., approximately 550 feet from the South line and approximately 1,700 feet from the East line of Section 24, in El Paso County, Colorado. UTM (Zone 13): Easting 523862, Northing 4286304. 3.1.2.4. Description of Alternate Point of Diversion: Enfield Well No. 2, described at paragraph 3.1.1.4. 3.1.2.5. Source: Underground water from the alluvium of Fountain Creek, a tributary of the Arkansas River. 3.1.2.6. Amount: 2.28 cfs, conditional. 3.1.2.7. Uses: Municipal. 3.1.2.8. Remark: E-1 Enlargement is augmented under Case No. 81CW229. 3.1.3. Enfield Well No. 2 (“E-2”): 3.1.3.1. Appropriation Date: May 25, 1962. 3.1.3.2. Depth: 34 feet. 3.1.3.3. Legal Description of Structure: See paragraph 3.1.1.4. 3.1.3.4. Source: Underground water from the alluvium of Fountain Creek, a tributary of the Arkansas River. 3.1.3.5. Amount: 0.044 cfs (20 gpm) absolute, with an annual volumetric limit of 1.12 AF. 3.1.3.6. Uses: Municipal. 3.1.3.7. Permit No.: 11690-FR. 3.1.3.8. Remark: E-2 is augmented under Case No. 81CW229. 3.1.4. Enfield Well No. 2 (Enlargement) (“E-2 Enlargement”): 3.1.4.1. Appropriation Date: March 21, 1972. 3.1.4.2. Depth: 45 feet. 3.1.4.3. Legal Description of Structure: See paragraph 3.1.1.4. 3.1.4.4. Source: Underground water from the alluvium of Fountain Creek, a tributary of the Arkansas River. 3.1.4.5. Amount: 1.67 cfs. (750 gpm) absolute. 3.1.4.6. Uses: Municipal. 3.1.4.7. Remark: E-2 Enlargement is augmented under Case No. 81CW229. 3.1.5. Enfield Well No. 3 (“E-3”): 3.1.5.1. Appropriation Date: September 2, 1964. 3.1.5.2. Depth: 45 feet. 3.1.5.3. Legal Description of Structure: Located in the SW 1/4 of the SE 1/4 of Section 24, Township 15 South, Range 66 West of the 6th P.M., approximately 1,000 feet from the South line and approximately 2050 feet from the East line of Section 24, in El Paso County, Colorado. UTM (Zone 13): Easting 523706, Northing 4286350. 3.1.5.4. Description of Alternate Point of Diversion: Enfield Well No. 2, described at paragraph 3.1.1.4. 3.1.5.5. Source: Underground water from the alluvium of Fountain Creek, a tributary of the Arkansas River. 3.1.5.6. Amount: 0.044 cfs (20 gpm) conditional, with an annual volumetric limit of 0.56 AF. 3.1.5.7. Uses: Municipal. 3.1.5.8. Permit No.: 21430-A. 3.1.5.9. Remark: E-3 is augmented under Case No. 81CW229. 3.1.6. Enfield Well No. 3 (Enlargement) (“E-3 Enlargement”): 3.1.6.1. Appropriation Date: March 21, 1972. 3.1.6.2. Depth: 45 feet. 3.1.6.3. Legal Description of Structure: Located in the SW 1/4 of the SE 1/4 of Section 24, Township 15 South, Range 66 West of the 6th P.M., approximately 1,000 feet from the South line and approximately 2,050 feet from the East line of Section 24, in El Paso County, Colorado. UTM (Zone 13): Easting 523706, Northing 4286350. 3.1.6.4. Description of Alternate Point of Diversion: Enfield Well No. 2, described at paragraph 3.1.1.4. 3.1.6.5. Source: Underground water from the alluvium of Fountain Creek, a tributary of the Arkansas River. 3.1.6.6. Amount: 1.67 cfs. (750 gpm) conditional. 3.1.6.7. Uses: Municipal. 3.1.6.8. Remark: E-3 Enlargement is augmented under Case No.

81CW229. 3.2. Description of Changes: Applicants seek the following alternate points of diversion for the E-Wells, which are located on the attached map as **Exhibit 2**. 3.2.1. Water Right to be Changed: E-1. 3.2.1.1. Decree Information: As described in paragraph 3.1.1. 3.2.1.2. Amount to be Changed: 0.557 cfs (conditional for municipal use). Applicants do not seek to change the absolute portion of this right. 3.2.1.3. Historical Use Information: N/A; conditional water right, subject to the Widefield Aquifer Stipulation. 3.2.1.4. Description of New Alternate Points of Diversion: 3.2.1.4.1. Well A (Widefield Mitigation Facility): A well located on the 1.14-acre property in El Paso County, Parcel No. 6524100032 in El Paso County, in the SE 1/4 NE 1/4 of Section 24 in Township 15 South, Range 66 West of the 6th Principal Meridian. The precise location of this well site will be provided in UTM coordinates prior to entry of a final decree. 3.2.1.4.2. Well B (Widefield Storage Yard): A well located on the 7-acre property in El Paso County, Parcel No. 6524400058, in the NE 1/4 SE 1/4 of Section 24 in Township 15 South, Range 66 West of the 6th Principal Meridian. The precise location of this well site will be provided in UTM coordinates prior to entry of a final decree. 3.2.1.4.3. Well C (John Ceresa Memorial Park): A well located on the 11-acre property in El Paso County, Parcel No. 6524300001, in the NE 1/4 SW 1/4 and NW 1/4 SE 1/4 of Section 24 in Township 15 South, Range 66 West of the 6th Principal Meridian. The precise location of this well site will be provided in UTM coordinates prior to entry of a final decree. 3.2.1.4.4. E-3: See paragraph 3.1.5.3. 3.2.2. Water Right to be Changed: E-1 Enlargement. 3.2.2.1. Decree Information: As described in paragraph 3.1.2. 3.2.2.2. Amount to be Changed: 2.28 cfs conditional. 3.2.2.3. Historical Use Information: N/A; conditional water right, subject to the Widefield Aquifer Stipulation. 3.2.2.4. Description of New Alternate Points of Diversion: 3.2.2.4.1. Well A (Widefield Mitigation Facility): See paragraph 3.2.1.4.1. 3.2.2.4.2. Well B (Widefield Storage Yard): See paragraph 3.2.1.4.2. 3.2.2.4.3. Well C (John Ceresa Memorial Park): See paragraph 3.2.1.4.3. 3.2.2.4.4. E-3: See paragraph 3.1.5.3. 3.2.3. Water Right to be Changed: E-2. 3.2.3.1. Decree Information: As described in paragraph 3.1.3. 3.2.3.2. Amount to be Changed: 0.044 cfs (20 gpm) absolute. 3.2.3.3. Historical Use Information: The Widefield Aquifer Stipulation establishes volumetric limits for all wells within Reach 6, which includes E-2 (see paragraph 3.2.9.). Since roughly 2015, Well E-2 has not been operational due to Per- and Polyfluoroalkyl Substances (PFAS) contamination which rendered the water either difficult or impossible to treat to meet regulatory standards. Diversion records for E-2 are attached to this application as **Appendix A**. 3.2.3.4. Description of New Alternate Points of Diversion: 3.2.3.4.1. Well A (Widefield Mitigation Facility): See paragraph 3.2.1.4.1. 3.2.3.4.2. Well B (Widefield Storage Yard): See paragraph 3.2.1.4.2. 3.2.3.4.3. Well C (John Ceresa Memorial Park): See paragraph 3.2.1.4.3. 3.2.3.4.4. E-1: See paragraph 3.1.1.3. 3.2.3.4.5. E-3: See paragraph 3.1.5.3. 3.2.4. Water Right to be Changed: E-2 Enlargement. 3.2.4.1. Decree Information: As described in paragraph 3.1.4. 3.2.4.2. Amount to be Changed: 1.67 cfs, absolute. 3.2.4.3. Historical Use Information: The Widefield Aquifer Stipulation establishes volumetric limits for all wells within Reach 6, which includes E-2 (see paragraph 3.2.9.). Since roughly 2015, Well E-2 has not been operational due to Per- and Polyfluoroalkyl Substances (PFAS) contamination which rendered the water either difficult or impossible to treat to meet regulatory standards. Diversion records for E-2 are attached to this application as **Appendix A**. 3.2.4.4. Description of New Alternate Points of Diversion: 3.2.4.4.1. Well A (Widefield

Mitigation Facility): See paragraph 3.2.1.4.1. 3.2.4.4.2. Well B (Widefield Storage Yard): See paragraph 3.2.1.4.2. 3.2.4.4.3. Well C (John Ceresa Memorial Park): See paragraph 3.2.1.4.3. 3.2.4.4.4. E-1: See paragraph 3.1.1.3. 3.2.4.4.5. E-3: See paragraph 3.1.5.3. 3.2.5. Water Right to be Changed: E-3. 3.2.5.1. Decree Information: As described in paragraph 3.1.5. 3.2.5.2. Amount to be Changed: 20 gpm (0.044 cfs) conditional. 3.2.5.3. Historical Use Information: N/A; conditional water right, subject to the Widefield Aquifer Stipulation. 3.2.5.4. Description of New Alternate Points of Diversion: 3.2.5.4.1. Well A (Widefield Mitigation Facility): See paragraph 3.2.1.4.1. 3.2.5.4.2. Well B (Widefield Storage Yard): See paragraph 3.2.1.4.2. 3.2.5.4.3. Well C (John Ceresa Memorial Park): See paragraph 3.2.1.4.3. 3.2.5.4.4. E-1: See paragraph 3.1.1.3. 3.2.6. Water Right to be Changed: E-3 Enlargement. 3.2.6.1. Decree Information: As described in paragraph 3.1.6. 3.2.6.2. Amount to be Changed: 750 gpm (1.67 cfs) conditional. 3.2.6.3. Historical Use Information: N/A; conditional water right, subject to the Widefield Aquifer Stipulation. 3.2.6.4. Description of New Alternate Points of Diversion: 3.2.6.4.1. Well A (Widefield Mitigation Facility): See paragraph 3.2.1.4.1. 3.2.6.4.2. Well B (Widefield Storage Yard): See paragraph 3.2.1.4.2. 3.2.6.4.3. Well C (John Ceresa Memorial Park): See paragraph 3.2.1.4.3. 3.2.6.4.4. E-1: See paragraph 3.1.1.3. 3.2.7. Source for Wells A – C: Underground water from the Widefield Aquifer alluvium of Fountain Creek, a tributary of the Arkansas River. 3.2.8. Depth of Wells A – C: To be determined prior to entry of final decree; estimated that Wells A – C will be at a depth range between 45 – 60 feet. 3.2.9. Terms and Conditions: 3.2.9.1. The cumulative rate of diversion for the E-Wells' water rights is 6.265 cfs for municipal use. All diversions associated with the water rights for the E-Wells, made from any combination of the original and alternate points of diversion for the E-Wells, shall be limited to 6.265 cfs. 3.2.9.2. All diversions associated with the water rights for the E-Wells at their original and alternate points of diversion will continue to be augmented under Widefield's augmentation plan decreed in Case No. 81CW229. 3.2.9.3. All diversions associated with the water rights for the E-Wells at the alternate points of diversion will be limited to municipal use. 3.2.9.4. All of the E-Wells are in Reach 6 of the Widefield Aquifer Stipulation and thus are subject to Widefield's volumetric pumping limitations of: 3.2.9.4.1. 225 AF per month; 3.2.9.4.2. 750 AF per successive 4-month period; and 3.2.9.4.3. 1,550 AF per year. 3.2.9.5. All diversions associated with the water rights for the E-Wells are also subject to all other operational limitations contained within the Widefield Aquifer Stipulation entered in Case No. 71CW116, and any amendments thereto. **4. Integrated System**: Wells A – C are component parts of Widefield's integrated municipal water system. **5. Name and Address of Owner of Land Upon Which a 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 Structure**: 5.1. E-1: ARACO Enterprises LLC, 7470 Southmoor Dr., Fountain, Colorado 80817-1216. 5.2. E-2: Widefield Water and Sanitation District, 8495 Fontaine Blvd., Colorado Springs, Colorado 80925; Waleta S. Fisher and Mary M. Trujillo, 5520 Southmoor Ln., Fountain, Colorado 80817-1204. 5.3. E-3: El Paso County, 200 S Cascade Ave., Ste. 150, Colorado Springs, Colorado 80903-2202. 5.4. Well A: Widefield Water and Sanitation District, 8495 Fontaine Blvd., Colorado Springs, Colorado 80925. 5.5. Well B: Widefield Water and Sanitation District, 8495 Fontaine Blvd., Colorado Springs, Colorado

80925. 5.6. Well C: Board of County Commissioners, El Paso County, 200 S Cascade Ave., Ste. 150, Colorado Springs, Colorado 80903-2202. WHEREFORE, Applicants respectfully request that the Water Court enter a decree confirming and approving the alternate points of diversion sought for the E-Wells and any other relief the court deems necessary.

CASE NO. 2026CW3001; STATE ENGINEER AND WATER DIV 2 ENGINEER vs. JASON ULLMANN and RACHEL ZANCANELLA – Verified Complaint for Injunctive Relief, Penalties and Costs. This case is being listed in the resume to account for the case number in consecutive order.

****Per Order, Resume to be published by Water Division 2 and Consolidated to Water Division 2 after publication****

CASE NO. 2026CW3002, Water Division 2 and CASE NO. 2026CW3000, Water Division 1 - ZONTA PARTNERSHIP LTD., LLLP, a Colorado limited liability limited partnership, c/o Douglas Barber, 7075 Campus Drive, Ste. 200, Colorado Springs, Colorado 80920

(Please address all pleadings and inquiries regarding this matter to Applicant's attorneys: Chris D. Cummins, Sedona E. Chavez, Monson, Cummins, Shoheit & Farr, LLC, 13511 Northgate Estates Drive, Ste. 250, Colorado Springs, CO 80921 (719) 471-1212)

Application for Change of Water Right and Plan for Augmentation

EL PASO COUNTY

II. Applicant owns two parcels of land, "Parcel A" and "Parcel B", totaling approximately 20.14 acres. The Denver Basin groundwater underlying this property was adjudicated in Water Division 2 Case No. 03CW34. Applicant seeks to change the decreed uses of the Denver Basin groundwater underlying the property and approval of a plan for augmentation for the use of a not-nontributary Dawson aquifer well for provision of water to Parcel B. III. Applicant's 20.14-acre property lies in the NE $\frac{1}{4}$ of Section 10 and the NW $\frac{1}{4}$ of Section 11, Township 12 South, Range 66 West of the 6th P.M., El Paso County, Colorado ("Applicant's Property"), as approximately shown on the **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.) and as more specifically described as follows: Commencing at most Southwest corner of Lot 10, Bridle Bit Ranch as recorded in the Office of the El Paso County Clerk and Recorder, in Plat Book L-3 at Page 20, dated April 1, 1980: the following two (2) courses are coincident with the most Westerly lot lines of said Lot 10; (1) thence N.11°37'25"E., a distance of 117.87 feet; (2) thence N.55°11'10"E., a distance of 144.43 feet to the POINT OF BEGINNING of a parcel of land described herein; thence N.16°04'29"W., a distance of 1052.84 feet; thence N.06°34'49"E., a distance of 463.48 feet; thence S.68°03'07"E., a distance of 696.73 feet; thence S.64°03'17"E., a distance of 323.97 feet; thence S.01°53'11"E., a distance of 210.00 feet; thence S.23°21'49"E., a distance of 62.50 feet; the following (3) three courses are coincident with the Westerly lines of said Lot 10; (1) thence S.33°07'01"W., a distance of 490.18 feet; (2) thence S.34°26'42"W., a distance of 242.22 feet; (3) thence S.55°10'01"W., a distance of 336.80 feet to the POINT OF BEGINNING. Containing 877,298.40 square feet or 20.14 acres, more or less. Also known as 13260 Bridle Bit Road ("Parcel A"; El Paso County Parcel I.D. No. 6210000004) and 13250 Bridle Bit Road ("Parcel B"; El Paso County Parcel I.D. No. 6210000003), Colorado Springs, CO 80908. The Denver Basin groundwater underlying Applicant's Property was adjudicated by Decree of the Division 2 Water Court in Case No. 03CW34, which is summarized below ("Water Rights"). Applicant seeks to change the decreed uses of the Water Rights. The Water Rights were adjudicated in the Water Division 2 Case No.

03CW34 Decree dated December 1, 2003. The Water Rights were specifically decreed as follows:

AQUIFER / CHARACTER	NET SAND (Feet)	Total Appropriation (Acre-Feet)	Annual Avg. Withdrawal 100 Years (Acre-Feet)
Dawson / NNT	165	360	3.6
Denver / NNT	510	1,730	17.3
Arapahoe / NNT	235	799	7.99
Laramie-Fox Hills / NT	190	570	5.7

The decreed amount of not-nontributary Dawson aquifer groundwater available for appropriation does not include 300 acre-feet allocated to exempt well permit number 126812, which is located on Parcel A. The Water Rights are decreed for domestic (indoor residential), commercial, livestock watering, and augmentation purposes. Applicant seeks a decree changing the decreed uses of the Water Rights from domestic (indoor residential), commercial, livestock watering, and augmentation purposes to domestic, irrigation, watering of stock and domestic animals, agricultural, commercial, fire protection, recreation, fish and wildlife, aesthetic, and also for storage and augmentation purposes associated with such uses. This proposed change will apply to the entirety of the Water Rights decreed in Case No. 03CW34, as described above. Applicant does not request any other changes. **IV.** The structure to be augmented is Zonta Well No. 1, along with any replacement or additional wells associated therewith, which will be completed to the Dawson aquifer on Applicant's Property, specifically on Parcel B, upon approval of this requested plan for augmentation. Parcel B is specifically described as: An unplatted parcel being in a portion of the Northeast Quarter of Section 10 and a portion of the Northwest Quarter of Section 11, Township 12 South, Range 66 West of the 6th P.M., County of El Paso, State of Colorado described as follows: Commencing at most Southwest corner of Lot 10, Bridle Bit Ranch as recorded in the Office of the El Paso County Clerk and Recorder, in Plat Book L-3 at Page 20, dated April 1, 1980; the following two (2) courses are coincident with the most Westerly lot lines of said Lot 10; (1) thence N.11°37'25"E., a distance of 117.87 feet; 2) thence N.55°11'10"E., a distance of 144.43 feet; to the POINT OF BEGINNING of a parcel of land described herein; thence N.16°04'29"W., a distance of 1052.84 feet; thence N.06°34'49"E., a distance of 463.48 feet; thence S.68°03'07"E., a distance of 636.73 feet; thence S.40°40'10"W., a distance of 434.14 feet; thence S.03°50'44"E., a distance of 820.21 feet; thence S.55°10'01"W., a distance of 151.38 feet to the POINT OF BEGINNING. Containing 436,929 square feet or 10.03 acres, more or less. Together with thirty (30) foot perpetual right of way to Shoup Road recorded in Book 854 at Page 535 in the records of the Clerk and Recorder of El Paso County, CO. There is one existing well registered with the Division of Water Resources under well permit number 126812 ("Existing Well"), which is drilled to the not-nontributary Dawson aquifer. The Existing Well is an exempt structure that provides water for domestic purposes on Parcel A, which is specifically described as: An unplatted parcel being in a portion of the Northeast Quarter of Section 10 and a portion of the Northwest Quarter of Section 11, Township 12 South, Range 66 West of the 6th P.M., County of El Paso, State of Colorado described as follows: Commencing at most Southwest corner of Lot 10, Bridle Bit Ranch as recorded in the Office of the El Paso County Clerk and Recorder, in Plat Book L-3 at Page 20, dated April 1, 1980; the following three (3) courses are coincident with the most Westerly lot lines of said Lot 10; (1) thence N.11°37'25"E., a distance of 117.87 feet; 2) thence N.55°11'10"E., a distance of 144.43 feet; (3) thence N.55°10'01"E., a distance of 151.38 feet to the POINT OF BEGINNING of a parcel of land described herein; thence N.03°50'44"W., a distance of 820.21 feet; thence N.40°40'10"E., a distance of 434.14 feet; thence S.68°03'07"E., a distance of 60.00 feet; thence

S.64°03'17"E., a distance of 323.97 feet; thence S.01°53'11"E., a distance of 210.00 feet; thence S.23°21 '49"W., a distance of 62.50 feet; the following three (3) courses are coincident with the Westerly line of said Lot 10, Bridle Bit Ranch; (1) thence S.33°07'01"W., a distance of 490.18 feet; (2) thence S.34°26'42"W., a distance of 242.22 feet; (3) thence S.55°10'01"W., a distance of 185.42 feet to the POINT OF BEGINNING. Containing 440,527 square feet or 10.11 acres, more or less. Together with non-exclusive easement recorded in Book 6061 at Page 935 at Reception No. 00213973 and clarified August 2, 2021 at Reception No. 221145844 in the records of El Paso County, CO. It is intended that the Existing Well will continue to operate as an exempt structure, providing water to Parcel A. The approximate location of the Existing Well can be seen on attached **Exhibit A**. 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 Zonta Well No. 1 on Applicant's Property, together with water rights from the nontributary Laramie-Fox Hills aquifer for any injurious post-pumping depletions, as adjudicated and decreed in Case No. 03CW34. Applicant seeks to provide for the augmentation of stream depletions caused by pumping of the not-nontributary Dawson aquifer by Zonta Well No. 1 to be constructed on Applicant's Property described herein. Water use criteria and their consumptive use component for replacement of actual depletions for the Applicant's Property are estimated as follows:

Uses. Pumping from the Dawson aquifer by Zonta Well No. 1 will be a maximum of 1.425 acre-feet of water per year. Such uses shall be for domestic, irrigation, watering of stock and domestic animals, agricultural, commercial, fire protection, recreation, fish and wildlife, aesthetic, and also for storage and augmentation purposes associated with such uses.

Amounts. Zonta Well No. 1 will pump a maximum of 1.425 acre-feet from the Dawson aquifer annually, for the uses described above. An example breakdown of this combination of use is in-house use of 0.20 acre-feet of water per year for in-door domestic uses on Parcel B of Applicant's Property, with the additional 1.225 acre-feet per year available for any other remaining uses.

Depletions. It is estimated that maximum stream depletions over the 100-year pumping period for the Dawson aquifer amounts to approximately 12.55% of pumping. Maximum annual depletions for total pumping from Zonta Well No. 1 is therefore 0.179 acre-feet in year 100 (i.e. 12.55% of pumping). Should Applicant's pumping be less than the 1.425 acre-feet 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 a well completed to the Dawson aquifer. Depletions during pumping will be effectively replaced by residential return flows from a non-evaporative septic system. The annual consumptive use for non-evaporative septic systems is 10%. At a household rate of 0.20 acre-feet per residence per year, 0.18 acre-feet is replaced to the stream per year from a primary residence on Parcel B, assuming the use of a non-evaporative septic system. Thus, during pumping, stream depletions (0.179 acre-feet) will be adequately augmented.

Augmentation for Post-Pumping Depletions. For the replacement of any injurious post-pumping depletions that may be associated with the use of Zonta Well No. 1, Applicant will reserve up to 142.5 acre-feet of the water from the underlying nontributary Laramie-Fox Hills aquifer, accounting for actual stream depletions replaced during the 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 Laramie-Fox Hills groundwater will be used to replace any injurious post-pumping depletions. Upon entry of a decree in

this case, the Applicant will be entitled to apply for and receive a new well permit for the Zonta Well No. 1 to be constructed on Parcel B of Applicant's Property, and any replacement or additional wells, for the uses in accordance with this Application and otherwise in compliance with C.R.S. § 37-90-137.

****Per Order, Resume to be published by Water Division 2 and Consolidated to Water Division 2 after publication****

CASE NO. 2026CW3003, Water Division 2 and CASE NO. 2026CW3002, Water Division 1 - ALAN GREAVES AND JUDITH ANN GREAVES, 7520 Pinery Circle, Colorado Springs, CO 80908 (Please address all pleadings and inquiries regarding this matter to Applicant's attorney: Chris D. Cummins, W. James Tilton, Monson, Cummins, Shoheit & Farr, LLC, 13511 Northgate Estates Drive, Ste. 250, Colorado Springs, CO 80921 (719) 471-1212)

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

EL PASO COUNTY

II. Alan and Judith Ann Greaves (hereafter "Applicants") seeks to adjudicate the groundwater beneath their property and to acquire an augmentation plan for up to three Dawson aquifer wells based on an anticipated subdivision of Applicants' approximately 9.02 acre parcel of land. Applicants therefore seek to quantify the Denver Basin groundwater underlying the Applicants' Property, and approval of a plan for augmentation for the use thereof. III. Property Description. All wells are and will be located on Applicants' approximately 9.02 acre property ("Applicants' Property") anticipated to be subdivided into up to three lots, with current schedule number 5205400041. The property is currently undeveloped. Applicants' 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 SE¼ of Section 5, Township 12 South, Range 65 West of the 6th P.M., and more particularly described as 7520 Pinery Circle, Colorado Springs, CO 80908. Existing Well. There is one existing well on Applicants' Property. This well is not currently permitted. A licensed well driller has determined the well is located at UTM Easting: 527056.8; Northing: 4320223 (Zone 13, NAD83). Applicants will apply to the Division of Water Resources to permit this well consistent with the augmentation plan after the Court issues a decree in this case. Proposed Wells. Applicants propose that up to two (2) additional Dawson aquifer wells will be located on the Applicants' Property at specific locations not yet determined, with one Dawson aquifer well on each lot. Land Ownership. The land upon which the existing and proposed wells will be constructed is owned by Applicants, Alan and Judith Ann Greaves. **Exhibit B. Not-Nontributary**. The groundwater to be withdrawn from the Dawson aquifer underlying the Applicants' Property is not-nontributary. Pursuant to C.R.S. § 37-90-137(9)(c.5)(I)(A), 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 Applicants' Property is nontributary. Estimated Rates of Withdrawal. Pumping from any 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. Applicants request 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. Applicants request a vested right for the withdrawal of all legally available ground water in the Denver Basin aquifers underlying the Applicants' 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). Applicants estimate that the following values and average annual amounts are representative of the Denver Basin aquifers underlying Applicants’ 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)	417.9	794.01	7.94	2.647
Denver (NT)	415.2	670.55	6.71	2.235
Arapahoe (NT)	252.7	408.11	4.08	1.36
Laramie Fox Hills (NT)	187.5	267.19	2.67	0.891

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 Applicants 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 Applicants request the right to use the ground water for beneficial uses upon the Applicants’ Property consisting of domestic (including long-term and short-term rentals), irrigation of lawn and garden, domestic animal and stock watering, equestrian facilities, agricultural, commercial, fire protection, recreation (including pool and/or hot tub), and also for storage and augmentation purposes associated with such uses. The Applicants also request that the nontributary water may be used, reused, and successively used to extinction, both on and off the Applicants’ 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. Applicants may use such water by immediate application or by storage and subsequent application to the beneficial uses and purposes stated herein. Provided, however, Applicants shall only be entitled to construct non-exempt wells or use water for non-exempt purposes from the not-nontributary Dawson aquifer pursuant to a decreed augmentation plan entered by this Court, covering the out-of-priority stream depletions caused by the use of such not-nontributary aquifers in accordance with C.R.S. § 37-90-137(9)(c.5). Well Fields. Applicants request permission to produce the full legal entitlement from the Denver Basin aquifers underlying Applicants’ Property through any combination of wells. Applicants request that these wells be treated as a well field. Averaging of Withdrawals. Applicants request the entitlement to withdraw an amount of ground water in excess of the average annual amount decreed to the aquifers beneath the Applicants’ 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 Applicants is entitled to withdraw from the aquifers underlying the Applicants’ 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 Applicants. **IV. Statement of Plan for Augmentation.** Applicants seek approval of a plan for augmentation to allow them 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 Laramie-Fox Hills aquifer. Structures to be Augmented. The structures to be augmented are the Greaves Well Nos. 1, 2, and 3, along with any replacement or additional wells associated therewith, as likewise may be constructed to the Dawson aquifer of the Denver Basin underlying the Applicants' 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 Greaves Well Nos. 1, 2, and 3, together with water rights from the nontributary Laramie-Fox Hills aquifers for any injurious post pumping depletions. Statement of Plan for Augmentation. Applicants wish to provide for the augmentation of stream depletions caused by pumping of the not-nontributary Dawson aquifer by Greaves Well Nos. 1, 2, and 3, together with water rights from the nontributary Laramie-Fox Hills 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: Uses. Pumping from the Dawson aquifer will not exceed 2.43 acre feet per year pursuant to this augmentation plan. The Dawson aquifer groundwater will be used for domestic (including long-term and short-term rentals), irrigation of lawn and garden, domestic animal and stock watering, equestrian facilities, agricultural, commercial, fire protection, recreation (including pool and/or hot tub), and also for storage and augmentation purposes associated with such uses. Amounts. Greaves Well Nos. 1, 2, and 3 will each pump a maximum of 0.81 acre-feet per year per lot, for a maximum total of 2.43 acre-feet being withdrawn from the Dawson aquifer per year. See **Exhibit C**. 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 0.55 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. Applicants' consultant has determined that maximum stream depletions over the 300-year pumping period for the Dawson aquifer amounts to approximately 21.45% of pumping. *Id.* Maximum annual depletions for total pumping from all wells are therefore 0.52 acre-feet in year 300 (i.e. 21.45% of pumping). *Id.* Should Applicants' pumping be less than the 2.43 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), Applicants are required to replace actual stream depletions attributable to pumping of the up to three residential wells subject to this augmentation plan. Applicants' 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 0.6 acre-feet, 0.54 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 Greaves Well Nos. 1 through 3, Applicants will reserve the entirety of the Laramie Fox Hills aquifer, accounting for actual stream depletions replaced during the planned pumping period, as necessary to replace any injurious post pumping depletions. Applicants also reserve the right to substitute other legally available augmentation sources for such post pumping depletions upon further approval of the Court under its retained jurisdiction. Even though this reservation is made, under the Court's

retained jurisdiction, Applicants reserve the right in the future to prove that post pumping depletions will be noninjurious. The reserved nontributary Laramie-Fox Hills groundwater will be used to replace any injurious post-pumping depletions. Upon entry of a decree in this case, the Applicants will be entitled to apply for and receive a new well permit for the Greaves Well Nos. 1 through 3 for the uses in accordance with this Application and otherwise in compliance with C.R.S. § 37-90-137.

CASE NO. 2026CW3004; Previous Case No. 16CW3056 – CITY OF COLORADO SPRINGS, COLORADO SPRINGS UTILITIES, c/o Kim Gortz, 1521 Hancock Expressway, Mail Code 1825, Colorado Springs, CO 80903 (Please address all

pleadings and inquiries regarding this matter to Applicant’s attorney: Michael J. Gustafson, Senior Attorney, Nathan Endersbee, Senior Attorney, City Attorney’s Office-Utilities Division, 30 South Nevada Ave., MC 510 Colorado Springs, CO 80903 (719) 385-5909)

Amended Application for a Finding of Reasonable Diligence

EL PASO COUNTY

2. Summary of Application: This is an Amended Application for a Sexennial Finding of Reasonable Diligence for the conditional appropriative rights of exchange of the City of Colorado Springs, acting by and through its enterprise, Colorado Springs Utilities (“Applicant”), decreed February 4, 2020 nunc pro tunc January 29, 2020, in Case No. 16CW3056 (the “Decree”). Case No. 16CW3056 involved three claims by Applicant. First Case No. 16CW3056 approved an Augmentation Plan allowing Applicant to add additional sources of augmentation water to replace depletions for Hanna Ranch Well Nos. 1 through 14, a portion of the Owen and Hall Ditch Priority No. 8, and Pinello Ranch Well Nos. 1 through 14. Second, Case No. 16CW3056 approved additional sources of water to replace historical return flows of the Sugar Loaf Reservoir water storage right and the Colorado Gulch Placer Ditch water right as required by Case No. 86CW117, District Court, Water Division 2, State of Colorado, and also approved an additional location from which all sources of replacement water may be introduced to the Arkansas River under Case No. 86CW117. Third, Case No. 16CW3056 approved conditional appropriative rights of substitution and exchange, under which the consumptive use of Applicant’s shares in the Fountain Mutual Irrigation Company (“FMIC”) and Chilcott Ditch Company (“Chilcott Ditch”) on Fountain Creek may be delivered to Fountain Creek or its tributaries upstream of the confluence of Fountain Creek and the Arkansas River, and an equivalent amount of water would be diverted and stored upstream at Applicant’s diversion and storage structures on Fountain Creek and its tributaries, or used by exchange to replace depletions associated with Applicant’s use of Pinello Ranch Well Nos. 1 through 14 (as described below) (the “Subject Exchanges”). This Application seeks a finding of diligence for the Subject Exchanges as provided in the Decree. The source of water for the Subject Exchanges is derived from Applicant’s Chilcott Ditch and FMIC shares, and any sewered and non-sewered return flows generated after the first or successive uses of such water in Applicant’s municipal water supply system.

3. Conditional Rights of Substitution and Exchange. A. Date of Original Decree: February 4, 2020 nunc pro tunc January 29, 2020 Case No. 2016CW3056, District Court, Water Division No. 2 (the “Decree”). B. Subsequent Decrees Awarding Findings of Diligence: NA. C. Dates of appropriation. I. Exchanges to the structures identified in subparagraphs 5(C)(I) – 5(C)(VIII): February 24, 2015. II. Exchanges to locations identified in subparagraph 5(C)(IX): August 31, 2016. D. Decreed Use: Water diverted or stored by exchange will be used for all beneficial uses and purposes for which the water rights attributable to Applicant’s Chilcott Ditch Shares and Applicant’s FMIC Shares (as described in paragraph 4 below) are decreed in Case Nos. 15CW3001 and 15CW3002, District Court, Water Division No. 2. The substitute supply that Applicant delivers to the downstream users becomes the water of the downstream users with the

same legal characteristics of the water they would have received had the Applicant not conducted the exchanges (e.g., native water). The water diverted by exchange by the Applicant will have the same legal characteristics as the water released by the Applicant at the points described below in subparagraph 5(A) (e.g., fully consumable water). The water diverted or stored by substitution and exchange will, if fully consumable, be used, reused, successively used and completely disposed of for the decreed purposes. **4. Source of water for Subject Exchanges.** A. **Chilcott Ditch Shares:** Applicant is the owner of 9 shares in the Chilcott Ditch Company (“Chilcott Ditch Shares”) which were quantified and changed to municipal use under the terms and conditions of the September 5, 2018 decree in Case No. 15CW3001 (“Chilcott Change Decree”). In the Chilcott Change Decree, the Chilcott Ditch Shares were changed from irrigation use to all municipal uses including augmentation, exchange, and storage for later use. The historical average consumptive use for the Chilcott Ditch Shares was confirmed in the Chilcott Change Decree to be 24.61 acre feet per share with Applicant entitled to 221.49 acre feet of average annual consumptive use credits for the Chilcott Ditch Shares. The consumptive use derived from Applicant’s Chilcott Ditch Shares and any sewered and non-sewered return flows generated after the first or successive uses of such consumptive use water in Applicant’s municipal water supply system and quantified and accounted for using the procedures in the 16CW3056 Decree. I. **Chilcott Ditch Water Rights.** The water rights of the Chilcott Ditch Company are described as follows: (i) Fountain Creek Priority No. 27 for 27.0 c.f.s., with an appropriation date of March 21, 1866, as described in the decree for Case No CA 0751, the original adjudication for Water District 10, decree entered by the District Court, El Paso County on March 6, 1882; (ii) Fountain Creek Priority No. 39 for 20.63 c.f.s., with an appropriation date of March 21, 1874, as described in the decree for Case No. CA 0751, the original adjudication for Water District 10, decree entered by the District Court, El Paso County on March 6, 1882; and (iii) Fountain Creek Priority No. 172 for 30.95 c.f.s., with an appropriation date of December 18, 1905, as described in the decree in Case No. CA10146, entered by the District Court, El Paso County, former Water District 10, on June 2, 1919. Applicant’s *pro rata* share of the Priority No. 27 water right equals 2.314 c.f.s. Applicant’s *pro rata* share of the Priority No. 39 water right equals 1.768 c.f.s. Applicant’s *pro rata* share of the Priority No. 172 water right equals 2.653 c.f.s., which Applicant abandoned in Case No. 15CW3001. The point of diversion for the Chilcott Ditch Water Rights is at a point on the east bank of Fountain Creek in the NE1/4 SE1/4 of Section 25, Township 15 South, Range 66 West, 6th P.M., in El Paso County, Colorado. The source of the Chilcott Ditch Water Rights is Fountain Creek, tributary to the Arkansas River. (WDID: 1000593) UTM (NAD83)(GPS): Easting: 524272.0, Northing: 5285021.0. II. **Applicant’s Chilcott Ditch Shares Reusable Return Flows.** Use of the consumptive use portion of the Chilcott Ditch Shares in accordance with the decree entered in Case Nos. 15CW3001 and 16CW3056 will result in fully consumable sewered and non-sewered return flows from the sources of water described in subparagraph 4(A)(I) above. B. **Fountain Mutual Company Shares:** Applicant is the owner of 144 of the 5,793 currently issued outstanding shares of the Fountain Mutual Irrigation Company (“FMIC”) which were quantified and changed to municipal use under the terms and conditions of the September 5, 2018 decree in Case No. 15CW3002 (“FMIC Change Decree”). In the FMIC Change Decree the historical stream depletions and consumptive use of Applicant’s 144 shares of FMIC (“Applicant’s FMIC Shares”) were quantified and the water rights were changed from irrigation use to all municipal uses including augmentation, exchange, and storage for later use. The historical average consumptive use of Applicant’s FMIC Shares was decreed in the FMIC Change Decree to be 0.7 acre feet per share with Applicant entitled to 100.8 acre feet of average annual consumptive use credits under its 144 shares in FMIC. The consumptive use derived from Applicant’s FMIC Shares described above and determined pursuant to the FMIC Change Decree, and any sewered and non-sewered return flows

generated after the first or successive uses of such consumptive use water in Applicant's municipal water supply system and quantified and accounted for using the procedures in the 16CW3056 Decree. Applicant shall only be permitted to exchange consumptive use credits derived from Applicant's FMIC Shares, and no other source, utilizing any FMIC structure, including without limitation, the Fountain Mutual Ditch and those structures identified in subparagraphs 5(A)(II) and 5(A)(III). I. FMIC Water Rights. FMIC's water rights were originally decreed for irrigation purposes in El Paso County District Court in the general adjudication for Water District 10, Case No. CA 0751, decree entered March 6, 1882. FMIC's water rights were originally decreed as follows:

DIRECT FLOW Fountain Creek

<u>Priority No.</u>	<u>Priority Date</u>	<u>Decree Date</u>	<u>Total Decree (c.f.s.)</u>
4	09/21/1861	3/6/1882	9.84 (5.38) ¹
7	04/01/1862	3/6/1882	1.125
11	02/11/1863	3/6/1882	16.69
17	12/31/1863	3/6/1882	4.25 (2.125) ²
21	12/31/1864	3/6/1882	4.65
28	12/31/1866	3/6/1882	8.48
29	12/31/1867	3/6/1882	9.68
41	09/21/1874	3/6/1882	17.05
168	01/31/1903	6/2/1919	343.2

STORAGE Fountain Creek

<u>Priority No.</u>	<u>Priority Date</u>	<u>Decree Date</u>	<u>Total Decree (A.F.)</u>
39	3/18/1903	6/2/1919	10,000

The point of diversion for FMIC's water rights is at a point located in the SW 1/4 of Section 20, T. 14 S, R. 66 W of the 6th P.M., El Paso County, Colorado. The source of FMIC's water rights is Fountain Creek, Tributary to the Arkansas River. (WDID: 1000736) UTM's (NAD83)(GPS): Easting: 516466.0, Northing: 4296006.0. C. Applicant's FMIC Shares Reusable Return Flows. Use of the Consumptive use portion of Applicant's FMIC Shares in accordance with the decree entered in Case No. 15CW3002 and this decree will result in fully consumable sewered and non-sewered return flows from the sources of water described in subparagraph 4(B)(I) above. **5. Name of Structures Utilized for Subject Exchanges.** A. Structures from which substitute supplies will be released. I. Chilcott Augmentation Station (WDID: 1000974): Located in the NW 1/4 of the NW 1/4 of Section 31, T. 15 S, R. 65 W of the 6th P.M. Said augmentation station discharges to Fountain Creek. UTM's (NAD83)(GPS): Easting: 524725.8, Northing: 4284338.3. II. Spring Creek

¹ FMIC's interest in Priority No. 4 is 5.38 c.f.s. The amount of the 1.73 c.f.s. was changed on application of Security Water District in Case No. 90CW28. In addition to the 5.38 c.f.s., FMIC claims the right to divert any of the remaining 2.73 c.f.s. decreed to this priority which is not used by the other owner. Diversions under Priority No. 4 in excess of FMIC's 5.38 c.f.s. interest are not included in calculations of consumptive use of FMIC shares for purposes of this application or the 16CW3056 Decree. The 16CW3056 Decree did not decide what historical use or place of use is attributable to diversions under Priority No. 4. This Application and the 16CW3056 Decree are without prejudice to any future claim by FMIC for diversions in excess of 5.38 c.f.s. under Priority No. 4.

² Priority No. 17 is referred to as the Janitell's right and has not been included in previous quantifications of the historical use of FMIC's water rights. As such, it is not included in this application or the 16CW3056 Decree. FMIC has used one-half of the water, or 2.125 c.f.s., in return for the carriage of the other 2.125 c.f.s. to its owner through the Fountain Mutual Ditch. By Decree Authorizing Change in Point of Diversion in Civil Action No. 38180, entered July 29, 1959, the point of diversion for this 4.25 c.f.s. of Priority No. 17 of the Laughlin Ditch was changed to the headgate of the Fountain Mutual Ditch. The diversions under this Priority No. 17 are not included in the calculations of consumptive use for purposes of this application or the 16CW3056 Decree. The 16CW3056 Decree did not decide what historical use or place of use is attributable to diversions under Priority No. 17. This Application and the 16CW3056 Decree are without prejudice to any future claim by FMIC for diversions under Priority No. 17.

Augmentation Station (WDID: 1000968): Located along Spring Creek in the NE 1/4 of the NE 1/4 of Section 29, T. 14 S, R. 66 W of the 6th P.M., El Paso County, Colorado. Said augmentation station discharges to Spring Creek, which discharges to Fountain Creek in the NE 1/4 of the SE 1/4 of Section 29, T. 14 S, R. 66 W of the 6th P.M. UTM (NAD83)(GPS): Easting: 517717.0, Northing: 4295540.0. III. McRae Reservoir Augmentation Station (WDID: 1000916): Located along Crews Gulch at McRae Reservoir in the SW 1/4 of the SE 1/4 of Section 18, T. 15 S, R. 65 W of the 6th P.M. Said augmentation station discharges to Crews Gulch, which discharges to Fountain Creek where the north line of Section 25, T. 15 S, R. 66 W of the 6th P.M. crosses Fountain Creek. UTM (NAD83)(GPS): Easting: 525553.0, Northing: 4287718.0. IV. Supplemental and/or Replacement Augmentation Stations. Any other supplemental or replacement augmentation stations constructed in the future on the Fountain Mutual Ditch that are approved in accordance with the limitations and requirements of the 16CW3056 Decree prior to their use. Any replacement augmentation station for the existing Chilcott Augmentation Station described in subparagraph 5(A)(I), above, that is constructed on the Chilcott Ditch in the future by the Chilcott Ditch Company and that discharges to Fountain Creek within 500 feet of the discharge location of the existing Chilcott Augmentation Station. V. The Las Vegas street Waste Water Treatment Plant Outfall (WDID: 1201122): Located in El Paso County, Colorado in the SE 1/4 of the SW 1/4 of Section 20, T. 14 S, R. 66 W of the 6th P.M. Said outfall discharges to the Fountain Mutual Ditch and then to Fountain Creek through the Fountain Mutual Ditch wasteway which is above the measuring flume for the Fountain Mutual Ditch, in the NW 1/4 of the NE 1/4 of Section 29, T. 14 S, R. 66 W of the 6th P.M. UTM (NAD83)(GPS): Easting: 516895.0, Northing: 4295954.0. VI. The Northern Water Reclamation Facility Outfall (a/k/a the J.D. Phillips Water Reclamation Facility) (WDID: 1000920): Located in El Paso County, Colorado in the SE 1/4 of the NW 1/4 of Section 30, T. 13 S, R. 66 W of the 6th P.M. Said outfall discharges to Monument Creek. UTM (NAD83)(GPS): Easting: 515242.1, Northing: 4304859.9. VII. The Air Force Academy Waste Water Treatment Facility Outfall (WDID: 1000919): Located in El Paso County, Colorado in the SW 1/4 of the SW 1/4 of Section 19, T. 12 S, R. 66 W of the 6th P.M. Said outfall discharges to Monument Creek, a tributary of Fountain Creek, in the NW 1/4 of the NW 1/4 of Section 30, T. 12 S, R. 66 W of the 6th P.M. UTM (NAD83)(GPS): Easting: 514717.0, Northing: 4314897.0. VIII. Fort Carson Military Reservation Waste Water Treatment Facility Outfall (WDID: 1000924): Located in El Paso County, Colorado in the SW 1/4 of the SE 1/4 of Section 23, T. 15 S, R. 66 W of the 6th P.M. Said outfall discharges to the Clover Ditch, which discharges to Fountain Creek in the SW 1/4 of the NE 1/4 of Section 25, T. 15 S, R. 66 W of the 6th P.M. UTM (NAD83)(GPS): Easting: 522319.4, Northing: 4286457.1. IX. Fountain Regional Wastewater Treatment Plant (WDID: 1000873): Located in the NW 1/4 of the NW 1/4 of Section 34, T. 16 S, R. 65 W of the 6th P.M. in El Paso County. Said outfall discharges to Fountain Creek in Section 3, T. 17 S, R. 65 W of the 6th P.M. in El Paso County. UTM (NAD83)(GPS): Easting: 529402.1, Northing: 4272573.1. X. The Point of accrual and quantification of the non-sewered return flows at the Janitell Gage as set forth in the decree in Consolidated Case Nos. 84CW202, 84CW203, 86CW118(B) and 89CW36. B. Exchange From Points. I. The Confluence of the outfalls of the structures or locations listed in subparagraphs 5(A)(I) through 5(A)(V), 5(A)(IX) and 5(A)(X) and Fountain Creek. II. The Confluence of the outfall of the structure listed in subparagraph 5(A)(VI) and Monument Creek. III. The Confluence of West Monument Creek and Monument Creek for the structure listed in subparagraph 5(A)(VII). IV. The Confluence of Clover Ditch and Fountain Creek for the structure listed in subparagraph 5(A)(VIII). V. The Confluence of Monument Creek and Fountain Creek. VI. The Confluence of Bear Creek and Fountain Creek. VII. The Confluence of Cheyenne Creek and Fountain Creek. VIII. The Confluence of Williams Creek and Fountain Creek. IX.

The Confluence of Crews Gulch and Fountain Creek. A map depicting the location of the structures from which substitute supplies will be released and the Exchange From Points is attached to this 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. Exchange To Points. The structures where water will be diverted or stored by exchange are the Applicant's diversion and storage structures on Fountain Creek or its tributaries, and the locations where water will be exchanged to replace depletions under the plan for augmentation decreed in Case No. 16CW3056 are as follows: I. Ruxton Creek System (WDIDs: 1002805, 1000581, 1000627). a. Sheep Creek Intake (WDID: 1000581): A point on the South bank of Sheep Creek whence the Southwest corner of Section 11, Township 14 South, Range 68 West of the 6th Principal Meridian bears South 21° West a distance of 600 feet. **PLSS**: In the SE 1/4 of the SE 1/4 of Section 10, T. 14 S, R. 68 W of the 6th P.M. at a point 205 feet from the West Section line and 573 feet from the South Section line. UTM's (NAD83)(GPS): Easting: 502118.0, Northing: 4299236.0. b. South Ruxton Creek Intake No. 1 (WDID: 1000581): A point on the West bank of South Ruxton Creek whence the Northwest corner of Section 14, Township 14 South, Range 68 West of the 6th Principal Meridian bears North 49° West a distance of 2,555 feet. **PLSS**: In the SE 1/4 of the NW 1/4 of Section 14, T. 14 S, R. 68 W of the 6th P.M. at a point 1,938 feet from the West Section line and 1,557 feet from the North Section line. UTM's (NAD83)(GPS): Easting: 502643.0, Northing: 4298565.0. c. South Ruxton Creek Intake No. 2 (WDID: 1000581): A point on the West bank of South Ruxton Creek whence the Northwest corner of Section 14, Township 14 South, Range 68 West of the 6th Principal Meridian bears North 51°40' West a distance of 2,385 feet. **PLSS**: In the SE 1/4 of the NW 1/4 of Section 14, T. 14 S, R. 68 W of the 6th P.M. at a point 1,880 feet from the West Section line and 1,363 feet from the North Section line. UTM's (NAD83)(GPS): Easting: 502626.0, Northing: 4298565.0. d. Cabin Creek Intake (WDID: 1000581): A point on the North bank of Cabin Creek whence the Southwest corner of Section 11, Township 14 South, Range 68 West of the 6th Principal Meridian bears South 7° 55' West a distance of 3,020 feet. **PLSS**: In the SE 1/4 of NE 1/4 of Section 10, T. 14 S, R. 68 W of the 6th P.M. at a point 421 feet from the West Section line and 1,919 feet from the North Section line. UTM's (NAD83)(GPS): Easting: 502181.0, Northing: 4299984.0. e. Ruxton Creek Intake at Lake Moraine (WDID: 1000581): A point on the East bank of Ruxton Creek at Lake Moraine Reservoir whence the Southwest corner of Section 22, Township 14 South, Range 68 West of the 6th Principal Meridian bears South 27°10' West a distance of 1,070 feet. **PLSS**: In the NW1/4 of the SW1/4 of Section 22, T. 14S, R. 68 W of the 6th P.M. at a point 954 feet from the South Section line and 495 feet from the West Section line. UTM's (NAD83)(GPS): Easting: 500590.0, Northing: 4296320.0. f. Dark Canyon Intake (WDID: 1000655): A point on South Ruxton Creek whence the Northwest corner of Section 14, Township 14 South, Range 68 West of the 6th Principal Meridian bears North 23°50' West a distance of 4,330 feet. **PLSS**: In the NE 1/4 of the SW 1/4 of Section 14, T. 14 S, R. 68 W of the 6th P.M. at a point 1,776 feet from the West Section line and 1,214 feet from the South Section line. UTM's (NAD83)(GPS): Easting: 502740.4, Northing: 4297993.2. g. Lion Creek Intake (WDID: 1000627): A point at the junction of Ruxton and Lion Creeks whence the Northeast corner of Section 15, Township 14 South, Range 68 West of the 6th Principal Meridian bears North 9°50' East a distance of 1,600 feet. **PLSS**: In the SE 1/4 of the NE 1/4 of Section 15, T. 14 S, R. 68 W of the 6th P.M. at a point 264 feet from the East Section line and 1,595 feet from the North Section line. UTM's (NAD83)(GPS): Easting: 501970.0, Northing: 4298594.0. h. Manitou Intake No. 1 (WDID: 1000626): Located on Ruxton Creek in the NW 1/4 of NW 1/4 of Section 7, Township 14 S, R. 67 W of the 6th P.M. **PLSS**: In the NW 1/4 of the NW 1/4 of Section 7, T. 14 S, R. 67 W, 6th PM at a point 247 feet from the North Section line and 1,170 feet from the west Section line. UTM's (NAD83)(GPS): Easting: 505373.0, Northing: 4300322.0. i. Lake Moraine Reservoir (WDID:

1003654): An on-channel reservoir located in the SE 1/4 of Section 21 and the SW 1/4 of Section 22, the NW 1/4 of Section 27, and the NE 1/4 of Section 28, T. 14 S, R. 68 W of the 6th P.M., in El Paso County, CO, with the outlet at a point whence the southwest corner of Section 22 is South 27 degrees 10 minutes West 1,070 feet. UTM (NAD83)(GPS): Easting: 500620.0, Northing: 4296314.0. j. Big Tooth Reservoir (WDID: 1003668): An on-channel reservoir located in the South Ruxton Creek channel in the SW 1/4 of Section 14 and the NW 1/4 of Section 23, T. 14 S, R. 68 W of the 6th P.M., in El Paso County, CO, with the outlet at a point whence the southwest corner of Section 14, T. 14 S, R. 67 W of the 6th P.M. bears East 11 degrees South a distance of 8,975 feet. UTM (NAD83)(GPS): Easting: 502500.0, Northing: 4297864.0. II. North Slope System (Fountain Creek) (WDIDs: 1002802, 1000884). a. French Creek Intake (WDID: 1000574): A point on French Creek whence the Southeast corner of Section 26, Township 13 South, Range 68 West of the 6th Principal Meridian bears South 80°43' East a distance of 1,953 feet. **PLSS**: In the SW 1/4 of the SE 1/4 of Section 26, T. 13 S, R. 68 W of the 6th P.M. at a point 140 feet from the South Section line and 1,948 feet from the East Section line. UTM (NAD83)(GPS): Easting: 503251.0, Northing: 4303840.0. b. Cascade Creek Intake (WDID: 1000572): A point on Cascade Creek whence the Northwest corner of Section 27, Township 13 South, Range 68 West of the 6th Principal Meridian bears North 70°11' West a distance of 1,322 feet. **PLSS**: In the NE 1/4 of the NW 1/4 of Section 27, T. 13 S, R. 68 W of the 6th P.M. at a point 412 feet from the North Section line and 1,279 feet from the West Section line. UTM (NAD83)(GPS): Easting: 501178.0, Northing: 4305332.0. c. Crystal Creek Intake (WDID: 1000573): A point on Crystal Creek whence the Northwest corner of Section 17, Township 13 South, Range 68 West of the 6th Principal Meridian bears North 23°12' West a distance of 2,735 feet. **PLSS**: In the SW 1/4 of the NW 1/4 of Section 17, T. 13 S, R. 68 W of the 6th P.M. at a point 2,549 feet from the North Section line and 1,148 feet from the West Section line. UTM (NAD83)(GPS): Easting: 497959.0, Northing: 4307967.0. d. South Catamount Creek Intake (WDID: 1000576): A point on South Catamount Creek whence the Southeast corner of Section 12, Township 13 South, Range 69 West of the 6th Principal Meridian bears South 37° East a distance of 645 feet. **PLSS**: In the SE 1/4 of the SE 1/4 of Section 12, T. 13 S, R. 69 W of the 6th P.M. at a point 387 feet from the East Section line and 480 feet from the South Section line. UTM (NAD83)(GPS): Easting: 495920.0, Northing: 4308685.0. e. North Catamount Creek Intake (WDID: 1000575): A point on North Catamount Creek whence the South quarter corner of Section 12, Township 13 South, Range 69 West of the 6th Principal Meridian bears South 47°45' West a distance of 1,535 feet. **PLSS**: In the NW 1/4 of the SE 1/4 of Section 12, T. 13 S, R. 68 W of the 6th P.M. at a point 1,524 feet from the East Section line and 1,135 feet from the South Section line. UTM (NAD83)(GPS): Easting: 495506.0, Northing: 4309054.0. f. Crystal Reservoir (WDID: 1003667): An on-channel reservoir located in Crystal Creek channel in the SW 1/4 of Section 17, the SE 1/4 of Section 18 and the NW 1/4 of Section 19, T. 13 S, R. 68 W of the 6th P.M., in El Paso County, CO. The outlet is located at a point whence the Northwest corner of Section 17 is North 23 degrees 12 minutes West a distance of 2,735 feet. UTM (NAD83)(GPS): Easting: 497913.0, Northing: 4307929.0. g. South Catamount Reservoir (WDID: 1003644): An on-channel reservoir located in the South Catamount Creek channel in the NW 1/4 of Section 18, T. 13 S, R. 68 W of the 6th P.M. and the SE 1/4 of Section 12 and the N 1/2 of Section 13, T. 13 S, R. 69 W of the 6th P.M., in Teller County, CO. The east end of the dam is located at a point from which the Southeast corner of Section 12 lies South 33 degrees 23 minutes East a distance of 380 feet. UTM (NAD83)(GPS): Easting: 495917.0, Northing: 4308626.0. h. North Catamount Reservoir (WDID: 1003673): An on-channel reservoir located in the North Catamount Creek channel in Sections 11, 12, 13, and 14, T. 13 S, R. 69 W of the 6th P.M., in Teller County, CO. The outlet is located at a point whence the Southeast corner of Section 12 lies South 61 degrees 33 minutes East a

distance of 2,613 feet. UTM (NAD83)(GPS): Easting: 495419.0, Northing: 4309045.0. III. Northfield Collection System (West Monument Creek) (WDID: 1002803). a. Intake No. 1 (WDID: 1000659): A point on West Monument Creek whence the South quarter corner of Section 28, Township 12 South, Range 67 West of the 6th Principal Meridian bears South 80°23' East a distance of 2,060 feet. **PLSS**: In the NW 1/4 of the NE 1/4 of Section 28, T. 12 S, R. 67 W of the 6th P.M. at a point 234 feet from the West Section line and 418 feet from the South Section line. UTM (NAD83)(GPS)(DIGITIZED): Easting: 509163.0, Northing: 4314673.0. b. Intake No. 2 (WDID: 1000659): A point on West Monument Creek whence the South quarter corner of Section 28, Township 12 South, Range 67 West of the 6th Principal Meridian bears South 49°50' East a distance of 1,255 feet. **PLSS**: In the SE 1/4 of the SW 1/4 of Section 28, T. 12 S, R. 67 W of the 6th P.M. at a point 1,351 feet from the West Section line and 844 feet from the South Section line. UTM (NAD83)(GPS): Easting: 508824.0, Northing: 4313654.0. c. Intake No. 3 (WDID: 100659): A point on the North Fork of West Monument Creek whence the South quarter corner of Section 28, Township 12 South, Range 67 West of the 6th Principal Meridian bears South 9°10' West a distance of 4,288 feet. **PLSS**: In the SW 1/4 of the SW 1/4 of Section 28, T. 12 S, R. 67 W of the 6th P.M. at a point 1,036 feet from the North Section line and 1,914 feet from the East Section line. UTM (NAD83)(GPS)(DIGITIZED): Easting: 508543.0, Northing: 4313698.0. d. Northfield Reservoir (WDID: 1003671): An on-channel reservoir located in the West Monument Creek channel in the SE 1/4 of Section 25, T. 12 S, R. 68 W of the 6th P.M., in El Paso County, CO, from whence the common corner of Sections 22, 26, 35 and 36 of Township 12 South bears South 67 degrees 9 minutes West 3,480.1 feet. UTM (NAD83)(GPS): Easting: 505085.0, Northing: 4313832.0. e. Nichols Reservoir (WDID:1003674): An on-channel reservoir located in the West Monument Creek channel in the SW 1/4 of Section 25 and the SE 1/4 of Section 26 and the NW 1/4 of Section 36, T. 12 S, R. 68 W of the 6th P.M., in El Paso County, CO. The center of the dam is located at a point approximately 1,380 feet from the South line and 1,630 feet from the East line of said Section 25. UTM (NAD83)(GPS): Easting: 504484.0, Northing: 4313413.0. f. Rampart Reservoir (WDID: 1003670): An on-channel reservoir located in the West Monument Creek channel in Sections 22, 23, 26 and 27, T. 12 S, R. 68 W of the 6th P.M., in El Paso County, CO. The center of the dam is located at a point approximately 1,925 feet from the South line and 2,325 feet from the East line of said Section 26. UTM (NAD83)(GPS): Easting: 503395.0, Northing: 4313994.0. g. Stanley Canyon Reservoir (WDID: 1003610): Located in Section 19, T. 12 S, R. 67 W of the 6th P.M. UTM (NAD83)(GPS)(DIGITIZED): Easting: 506157.0, Northing: 4315682.0. IV. Pikeview System (Monument Creek) (WDID: 1002804). a. Pikeview Intake (also known as Monument Creek Pipeline) (WDID: 1000506): A point on Monument Creek just upstream from the point where the Garden of the Gods Road crosses Monument Creek, in north Colorado Springs, whence the North quarter corner of Section 19, Township 13 South, Range 66 West of the 6th Principal Meridian bears North 8°15' East a distance of 3,189.8 feet. This intake delivers water to Pikeview Reservoir. **PLSS**: In the NE 1/4 of the SW 1/4 of Section 19, T. 13 S, R. 66 W of the 6th P.M. at a point 2,208 feet from the West Section line and 2,124 feet from the South Section line. UTM (NAD83)(GPS): Easting: 515313.0, Northing: 4305978.0. b. Pikeview Reservoir (WDID: 1003615): An off-channel reservoir located adjacent to and on the west side of Monument Creek, at a point just downstream from the point where the Garden of the Gods Road crosses Monument Creek, in north Colorado Springs, in the NE 1/4 of the NW 1/4 and in the NW 1/4 of the NE 1/4 of Section 30, T. 13 S, R. 66 W of the 6th P.M., in El Paso County, CO. Station "0" of the dam being at a point where the North quarter corner of Section 30 bears North 20 degrees 40 minutes East, 987.4 feet. The capacity of Pikeview Reservoir is 151.7 acre-feet. UTM (NAD83)(GPS): Easting: 515324.0, Northing: 4305083.0. V. 33rd Street Diversion Intake (Fountain Creek) (WDID: 1002800). a. 33rd Street Diversion Intake

(WDID: 1000883): The 33rd Street Diversion Intake is located on Fountain Creek at 33rd Street in west Colorado Springs, whence the South quarter corner of Section 3, Township 14 South, Range 67 West of the 6th Principal Meridian bears South 12° East³ a distance of 535 feet. **PLSS**: In the SW 1/4 of the SE 1/4 of Section 3, T. 14 S, R. 67 W of the 6th P.M. at a point 523 feet from the South Section line and 2,535 feet from the East Section line. UTM (NAD83)(GPS): Easting: 510617.0, Northing: 4300647.0. b. 33rd Street Diversion Alternate Point of Diversion (WDID: 1000601): An alternate point of diversion for the 33rd Street Intake is located at a point on the North bank of Fountain Creek in the Southwest quarter of Section 3, Township 14 South, Range 67 West of the 6th Principal Meridian, approximately 153 feet upstream of the original point of diversion. The alternate point of diversion was adjudicated on February 21, 1991, in Case No. 90CW29, Water Division No. 2. **PLSS**: In the NE 1/4 of the NE 1/4 of Section 10, T. 14 S, R. 67 W of the 6th P.M. at a point 570 feet from the South Section line and 2,612 feet from the West Section line. UTM (NAD83)(GPS): Easting: 511159.0, Northing: 4300310.0. VI. Bear Creek System (Bear Creek) (WDID: 1002801). a. Bear Creek Intake (WDID: 1000535): The Bear Creek Intake was originally located on Bear Creek just south of the intersection of Gold Camp Road and Bear Creek Canyon Road in El Paso County, at a point whence the Southwest corner of Section 15, Township 14 South, Range 67 West of the 6th Principal Meridian bears North 43°14' East a distance of 2,280 feet. **PLSS**: In the SW 1/4 of the NE 1/4 of Section 21, T. 14 S, R. 67 W of the 6th P.M. at a point 1,484 feet from the East Section line and 1,656 feet from the North Section line. In Case No. 15CW3008, District Court, Water Division 2, the point of diversion for the Bear Creek System was changed to the NE 1/4 of the NE 1/4 of Section 23, T. 14 S, R. 67 W of the 6th P.M., 1,019 feet from the North section line and 694 feet from the East section line. UTM (NAD83)(GPS)(DIGITIZED): Easting: 512823.7, Northing: 4297116.4. VII. South Suburban System (Cheyenne Creek) (WDID: 1002806). a. South Cheyenne Creek Intake (WDID: 1000537): Located on South Cheyenne Creek at a point just west of the intersection of Mesa Avenue and South Cheyenne Road, in southwest Colorado Springs, whence the quarter corner common to Sections 34 and 35, Township 14 South, Range 67 West of the 6th Principal Meridian bears North 35°16' East a distance of 1,329.7 feet. This intake delivers water to South Suburban Reservoir and Gold Camp Reservoir. **PLSS**: In the NE 1/4 of the SE 1/4 of Section 34, T. 14 S, R. 67 W of the 6th P.M. at a point 795 feet from the East Section line and 1,537 feet from the South Section line. UTM (NAD83)(GPS): Easting: 511204.0, Northing: 4292997.0. b. North Cheyenne Creek Intake (WDID: 1000609): Located on North Cheyenne Creek at a point approximately one mile west of the intersection of North and South Cheyenne Canyon Roads, in southwest Colorado Springs, whence the Northeast corner of Section 34, Township 14 South, Range 67 West of the 6th Principal Meridian bears North 70°29' East a distance of 4,419.2 feet. This intake delivers water to South Suburban Reservoir and Gold Camp Reservoir. **PLSS**: In the SW 1/4 of the NW 1/4 of Section 34, T. 14 S, R. 67 W of the 6th P.M. at a point 910 feet from the West Section line and 1,460 feet from the North Section line. UTM (NAD83)(GPS): Easting: 510161.0, Northing: 4293693.0. c. South Suburban Reservoir (WDID: 1003645): An off-channel reservoir located just north of the intersection of North and South Cheyenne Canyon Roads, in southwest Colorado Springs, in Sections 26 and 35, T. 14 S, R. 67 W of the 6th P.M. UTM (NAD83)(GPS): Easting: 511776.0, Northing: 4294040.0. d. Gold Camp Reservoir (WDID: 1003646): An off-channel reservoir located just north of the intersection of North and South Cheyenne Canyon Roads, in southwest Colorado Springs, in Sections 27 and 34, T. 14 S, R. 67 W of the 6th P.M. UTM

³ Prior legal descriptions for the 33rd Street Diversion contained an error in stating that the bearing is 12° West, when it is actually 12° East. Applicant obtained a decree in District Court, Water Division No. 2, Case No. 11CW62, that corrected the error in the legal description.

(NAD83)(GPS): Easting: 511273.0, Northing: 4293888.0. VIII. Williams Creek System. a. Upper Williams Creek Reservoir (a/k/a Bostrom Reservoir). The proposed on-channel reservoir located in Sections 5, 6, 7, 8, 17 and 18, T. 15S, R. 64 W of the 6th P.M., in El Paso County, Colorado. b. Williams Creek Reservoir (a/k/a Lower Williams Creek Reservoir, a/k/a Miskal Reservoir). The proposed on-channel reservoir on Williams Creek located in Sections 18, 19, and 30 T. 16 S, R. 64 W of the 6th P.M., in El Paso County, Colorado. IX. Depletion Locations. a. Hanna Ranch Wells. Hanna Ranch Well Nos. 1 through 14, decreed in District Court, Water Division 2, Case No. W-1528 on October 7, 1977 (“Hanna Ranch Wells”), are located in sections 20, 29, 32, and 33, T. 16 S, R. 65 W of the 6th P.M. and Section 4, T. 17 S, R. 65 W of the 6th P.M. A list of the Hanna Ranch Wells, which includes permit numbers, appropriation dates, and specific locations is attached as **Exhibit B** to this Application. A map depicting the location of the Hanna Ranch Wells is attached as **Exhibit C** to this Application. The amount, timing and location of depletions and Applicant’s replacement obligations (“Hanna augmentation requirements”) for the Hanna Ranch Wells were previously quantified and set forth in the decree entered in District Court, Water division 2, Case No. W-4376 on July 27, 1977 and the Hanna augmentation requirements will be used for those structures under the augmentation plan decreed in case 16CW3056. The Hanna Ranch Wells were also included as augmented structures in Applicant’s augmentation plan decreed in District Court, Water Division 2, Case No. 89CW36, on January 8, 1998. The Augmentation Sources will be used in the plan for augmentation decreed in 16CW3056 to replace depletions from the Hanna Ranch Wells at the headgate of the Owen and Hall Ditch. The augmentation plan decreed in 16CW3056 did not amend or otherwise affect the terms of the decrees entered in Case Nos. W-4376 or 89CW36, but was supplemental to those previously decreed augmentation plans and allows the use of additional sources of augmentation water to replace depletions from the Hanna Ranch Wells subject to and in accordance with the augmentation requirements of the decrees in Case Nos. W-4376 and 89CW36 and the requirements of the 16CW3056 Judgment and Decree. b. Owen and Hall Ditch. The Point of diversion of the Owen and Hall Ditch is described as follows: In the NW 1/4 of Section 20, T. 16 S, R. 65 W of the 6th P.M., El Paso County, at a point which bears North 32°15’33” East, a distance of 503.70 feet from the intersection of the South line of the N 1/2 of the N 1/2 of Section 20, T. 16 S, R. 65 W of the 6th P.M. and the Easterly right-of-way line of the Atchison, Topeka and Santa Fe Railroad. A map depicting the location of the Owen and Hall Ditch is attached as **Exhibit D** to this Application. The amount, timing and location of depletions and Applicant’s replacement obligations (“Owen and Hall augmentation requirements”) associated with Applicant’s out-of-priority diversions through the Owen and Hall Ditch were previously quantified and set forth in the decree entered in District Court, Water Division 2, Case No. W-4376, on July 27, 1977 and the Owen and Hall augmentation requirements will be used in the plan for augmentation decreed in Case No 16CW3056 to replace depletions associated with Applicant’s out-of-priority diversions through the Owen and Hall Ditch at the headgate of the Owen and Hall Ditch. The augmentation plan decreed in 16CW3056 did not amend or otherwise affect the terms of the decree entered in Case No. W-4376, but was supplemental to that previously decreed augmentation plan and allowed the use of additional sources of augmentation water to replace depletions associated with such out-of-priority diversions through the Owen and Hall Ditch subject to and in accordance with the augmentation requirements of the decree in Case No. W-4376 and the requirements of 16CW3056. c. Pinello Ranch Wells. Pinello Ranch Well Nos. 1 through 14 (also known as the Clear Spring Wells) decreed in District Court, Water Division 2, Case No. W-116 on February 10, 1978 (“Pinello Ranch Wells”). The Pinello Ranch Wells are located in Sections 3, 10, and 11, T. 15 S, R. 66 W of the 6th P.M. A list of the Pinello Ranch Wells, which includes permit numbers, appropriation dates, and specific locations is attached as **Exhibit E** to this

Application. A map depicting the location of the Pinello Ranch Wells is attached as **Exhibit F** to this Application. The amount, timing and location of depletions and Applicant's replacement obligations ("Pinello Augmentation requirements") for the Pinello Ranch Wells were previously quantified and set forth in Applicant's augmentation plan decreed in Water Court, Division 2, Case No. 89CW36, on January 8, 1998 and the Pinello augmentation requirements will be used for those structures under the augmentation plan decreed in 16CW3056. The sources of supply described in paragraph 4, will be used in the plan for augmentation decreed in Case 16CW3056 to replace depletions from the Pinello Ranch Wells. Depletions from the Pinello Ranch Wells will be replaced at a point on Fountain Creek downstream of the Stubbs and Miller Ditch headgate in the NE 1/4 of SW 1/4 of Section 3, T. 15 S, R. 66 W of the 6th P.M. The augmentation plan decreed in Case 16CW3056 did not amend or otherwise affect the terms of the decree entered in Case No. 89CW36, but was supplemental to that previously decreed augmentation plan and allows the use of additional sources of augmentation water to replace depletions from the Pinello Ranch Wells subject to and in accordance with the augmentation requirements of the decree in Case No. 89CW36 and the requirements of 16CW3056. X. A map depicting the location of the Exchange To Points is attached as **Exhibit G** to this Application. D. Source of Water for Subject Exchanges. The sources of substitute water supply to be used in the Subject Exchanges are described in paragraph 4 above. The Decree does not change any of the water rights described in this paragraph. **6. Description of Conditional Rights of Substitution and Exchange:** A. Information Applicable to Subject Exchanges. I. Structures Involved. The structures utilized in the Subject Exchanges are described in paragraph 5 above. II. Stream Reaches of Subject Exchanges. The exchange reaches extend from the Exchange From Points described in subparagraph 5(B), above, upstream in the Fountain Creek Basin to the Exchange To Points described in subparagraph 5(C), above. Certain exchanges decreed herein will require routing water downstream from release structures to the confluence of tributaries, from which confluence the exchange will operate upstream on the tributary. In such cases, the exchange reach extends from the appropriate point described in subparagraphs 5(B)(III) through 5(B)(IX) to one of the Exchange To Points described in subparagraphs 5(C)(I) through 5(C)(IX). III. Exchange Operation. The consumptive use credits derived from Applicant's Chilcott Ditch Shares and Applicant's FMIC Shares, and any sewered and non-sewered return flows generated therefrom after use in Applicant's municipal water supply system and released at the locations identified in subparagraphs 5(A)(V) through 5(A)(X) above, may be used as a source of substitute supply for diversion by exchange at the Exchange To Points described in subparagraphs 5(C)(I) through 5(C)(VIII) above for subsequent delivery and use in Applicant's municipal water supply system, or for augmentation of depletions at the locations described in subparagraph 5(C)(IX) above pursuant to the augmentation plan decreed in Case 16CW3056. Transit losses between the locations of the releases from the structures described in subparagraph 5(A) and the Exchange From Points shall be assessed by the Division Engineer.⁴ B. Amount Claimed: The exchanges described herein operate on Fountain Creek and its tributaries from the augmentation stations identified in subparagraphs 5(A)(I) through 5(A)(IV) for first use of consumptive use credits derived from Applicant's Chilcott Ditch Shares and Applicant's FMIC Shares, the points of discharge identified in subparagraphs 5(A)(V) through 5(A)(IX) for the sewered reusable return flows derived from Applicant's Chilcott Ditch Shares and Applicant's FMIC Shares, and the place of accrual and quantification of reusable non-sewered return flows identified in subparagraph 5(A)(X), to the structures and depletion locations identified in subparagraph 5(C). The rates of exchange to direct flow points of diversion and the volumes of exchange

⁴ The Division Engineer is currently using the Fountain Creek Transit Loss Model for this purpose.

to the water storage structures are included within, and are not in addition to, the maximum rates of exchange and volumes of exchange decreed in Case Nos. 84CW202, 04CW132, 86CW118, 07CW122, and 12CW31. The rates of exchange and volumes for which the conditional exchange rights for the first use of consumptive use credits and sewer return flows are decreed are as follows: **ABSOLUTE AND CONDITIONAL EXCHANGE OF FIRST USE OF CONSUMPTIVE USE CREDITS AND SEWERED RETURN FLOWS**

STRUCTURE NAME (EXCHANGE TO POINTS)	TOTAL AMOUNT CLAIMED	Amount Previously Made Absolute	Amount Claimed Absolute During this Period	Total Amount Claimed Absolute	Remaining Conditional Amount
<u>Ruxton Creek System</u>					
Intake Structures	34.7 c.f.s.	0 c.f.s.	0 c.f.s.	0 c.f.s.	34.7 c.f.s.
Storage Reservoirs	1,590 af	0 af	0 af	0 af	1,590 af
<u>North Slope System</u>					
Intake Structures	56.8 c.f.s.	0 c.f.s.	0 c.f.s.	0 c.f.s.	56.8 c.f.s.
Storage Reservoirs	17,430 af	0 af	0 af	0 af	17,430 af
<u>Northfield System</u>					
Intake Structures	8.9 c.f.s.	0 c.f.s.	0 c.f.s.	0 c.f.s.	8.9 c.f.s.
Storage Reservoirs	41,770 af	0 af	0 af	0 af	41,770 af
<u>Pikeview System</u>					
Intake Structures	11.00 c.f.s.	0 c.f.s.	0 c.f.s.	0 c.f.s.	11.00 c.f.s.
Storage Reservoirs	204.50 af	0 af	0 af	0 af	204.50 af
<u>South Suburban System</u>					
Intake Structures	25.5 c.f.s.	0 c.f.s.	0 c.f.s.	0 c.f.s.	25.5 c.f.s.
Storage Reservoirs	600 af	0 af	0 af	0 af	600 af
<u>33rd Street Intake</u>					
	13.9 c.f.s.	0 c.f.s.	0 c.f.s.	0 c.f.s.	13.9 c.f.s.
<u>Bear Creek Intake</u>					
	3.1 c.f.s.	0 c.f.s.	0 c.f.s.	0 c.f.s.	3.1 c.f.s.
<u>Williams Creek Reservoir</u>					
	105.2 c.f.s.	0 c.f.s.	0 c.f.s.	0 c.f.s.	105.2 c.f.s.
	4,254 af	0 af	0 af	0 af	4,254 af
<u>Upper Williams Creek Reservoir</u>					
	105.2 c.f.s.	0 c.f.s.	0 c.f.s.	0 c.f.s.	105.2 c.f.s.
	2,248 af	0 af	0 af	0 af	2,248 af

<u>Point of Depletion for Pinello Ranch Wells Using Applicant's Chilcott Ditch Shares</u>	2.48 c.f.s.	0 c.f.s.	0 c.f.s.	0 c.f.s.	2.48 c.f.s.
<u>Point of Depletion for Pinello Ranch Wells Using Sewered Return Flows from Applicant's Chilcott Ditch Shares</u>	2.48 c.f.s.	0 c.f.s.	0 c.f.s.	0 c.f.s.	2.48 c.f.s.
<u>Point of Depletion for Pinello Ranch Wells Using Applicant's FMIC Shares</u>	7.5 c.f.s.	0 c.f.s.	0 c.f.s.	0 c.f.s.	7.5 c.f.s.
<u>Point of Depletion for Pinello Ranch Wells Using Sewered Return Flows from Applicant's FMIC Shares</u>	7.5 c.f.s.	0 c.f.s.	0 c.f.s.	0 c.f.s.	7.5 c.f.s.

The rates of exchange claimed above are instantaneous, and the volumes are annual totals. The total annual volumes of exchange for the Ruxton System, North Slope System, Northfield System, Pikeview System, South Suburban System, 33rd St. Intake, and the Bear Creek Intake are identical to the amounts decreed in Case No. 84CW202 for these systems. The rates of exchange for Williams Creek Reservoir and Upper Williams Creek Reservoir are equal to the maximum rates at which releases can be made from the Exchange From Points identified in subparagraphs 5(A)(I) through 5(A)(IX). Total annual volumes of exchange into Williams Creek and Upper Williams Creek Reservoirs are identical to the amounts in Case No. 12CW31. Applicant's decreed rate of exchange of its FMIC Shares directly from any FMIC augmentation station under this Decree shall not exceed Applicant's *pro rata* entitlement of its FMIC shares including water stored in Big Johnson Reservoir and shall be limited to Applicant's *pro rata* entitlement attributable to its FMIC Shares at the time Applicant seeks to operate such a direct exchange of its FMIC Shares. An exchange matrix detailing the rates of exchange for the individual components of each of Applicant's systems that are claimed as Exchange To Points is attached as **Exhibit H** to this Application. The exchange rates to each of the system Exchange To Points are less than the sum of the available sources, and are consistent with the previously decreed exchanges in Case No. 84CW202, Consolidated Case Nos. 84CW202, 84CW203, 86CW118(B), and 89CW36, and Case Nos. 86CW118(A), 04CW132, 07CW112, and 12CW31. I. The rate of exchange for which the conditional exchange rights for the non-sewered return flows were decreed is as follows: Exchange of non-sewered return flows. When the substitute supply for the exchange is non-sewered return flows generated from the sources described in paragraph 4, above, and returning to the stream after use in Applicant's municipal water supply system, the rate of exchange shall not exceed 17.04 c.f.s., in combination with all exchanges of reusable non-sewered return flows pursuant to the amended decree entered in Consolidated Case Nos. 84CW202, 84CW203, 86CW118(B) and 89CW36, District Court, Water Division 2, on January 8, 1998. **7. Diligence:** Applicant seeks a finding of reasonable diligence for the full amount of all conditional portions of the Subject Exchanges as set forth in the Decree. A. Integrated System. Applicant owns and operates an integrated system for water diversions, transmission, storage, treatment, and distribution, as well as collection and treatment of the resultant wastewater for release, exchange, and reuse. The conditional water rights described herein are a part of this integrated water system comprising all water rights decreed and used for development and operation of the City of Colorado Springs' municipal water supply system which also comprises and includes other

absolute and conditional water rights, and collection, storage, and diversion and delivery systems including, but not limited to, the structures (and/or interests therein) described in paragraphs 2 - 6 above. Reasonable diligence in the development of one component of the system comprises reasonable diligence in the development of all components. B. Diligence Activities. Provide a detailed outline of what has been done toward completion or for completion of the appropriation and application of water to beneficial use as conditionally decreed, including expenditures. I. During the period from January 29, 2020 (date of the original decree) through December 31, 2025 (the "Diligence Period"), Applicant acquired fee interests in at least two parcels and entered into at least two easements across other parcels that are necessary for the siting, design, construction and operation of Upper Williams Creek Reservoir. Utilities also performed asbestos abatement, hazardous waste management, demolition and removal of existing structures, removal of septic systems, and well abandonment on at least one of the parcels it acquired or obtained interests in during the diligence period. In addition, Applicant has also undertaken numerous projects and activities for the improvement and enlargement of its water supply and distribution systems in order to facilitate the completion of the appropriation of the conditionally decreed rights of storage, substitution and exchange that are the subject of this Application including, but not limited to: improvements to the raw water pipeline between Pikeview Reservoir and the Tollefson (Mesa) water treatment plant, improvements to the Pikeview intake; improvements to the Northfield Reservoir dam and spillway; completion of upgrades to the 33rd Street Pump Station; completion of upgrades to the Manitou Intake diversion structure on Ruxton Creek; improvements to the Sheep Creek intake: improvements to the Lion Creek intake: improvements to the French Creek Intake diversion structure; improvements to South Suburban Reservoir; investigations into seepage from Rampart Reservoir dam; investigations regarding system water losses; install water quality improvements on its Northfield and Pikeview Systems, replacement of the South Catamount transfer pipeline, Crystal Creek Reservoir dam face rehabilitation; improvements to the Nichols Reservoir dam and spillway; South Catamount Reservoir dam face rehabilitation; pipeline repair and replacement of certain sections of the Homestake Pipeline; operation and development of its Arkansas River exchange program and its Colorado Canal reuse program; continued pursuit of development of a joint project(s) as contemplated by the 1998 MOU between the cities of Aurora and Colorado Springs, Vail Associates, Upper Eagle River Regional Water Authority, Eagle River Water and Sanitation District, Cypress Climax Mining Company, and the Colorado River Water Conservation District; and pursuit of a project to maximize the yield of the Blue River System. Applicant also purchased shares in the Lower Arkansas Water Management Association and the Fort Lyon Canal Company; development and modification of Colorado Springs accounting forms related to cases 15CW3001, 15CW3002, 16CW3036, 19CW3052, and 19CW3053 related to the use of water available to Applicant's FMIC Shares and Chilcott Ditch Shares. II. During the Diligence Period, Applicant also filed applications for, prosecuted and completed several adjudications of water rights that comprise portions of Applicant's integrated municipal water supply system. These activities include, but are not limited to, filing of applications in Water Division 2 (Arkansas River Basin) and/or pursuit of adjudication of decrees in: Case No. 19CW3026 (Water Division No. 2) involving claims for diligence related to Applicant's appropriative rights of exchange originally decreed in Case No. 86CW118A (decree entered on April 29, 2020); 19CW3052 (Water Division No. 2) involving an augmentation plan, replacement plan, and appropriative rights of exchange on Fountain Creek (Decree entered April 26, 2022); Case No. 19CW3053 (Water Division No. 2) involving an augmentation plan, and appropriative rights of exchange (decree entered October 4, 2022); Case No. 20CW3033 (Water Division No. 2) involving claims for diligence related to Applicant's appropriative rights of substitution and exchange in the Fountain Creek watershed originally decreed in

Case No. 1984CW202 (decree entered on August 5, 2021); Case No. 20CW3047 (Water Division No. 2) involving claims for diligence for the Quail Lake conditional storage right decreed in Case No. 07CW122 (Water Division No. 2) (decree entered on February 17, 2021; Case No. 20CW3048 (Water Division 2) involving claims for diligence related to Applicants water rights decreed in Case No. 07CW121 for the Fountain Creek Recovery Project (decree entered May 18, 2022); Case No. 20CW3056 (Water Division 2) involving a change in legal description of a portion of the Fountain Creek Recovery Project (decree entered March 22, 2021); Case No. 21CW3009 (Water Division 2) involving claims for diligence related to Applicant's Denver Basin groundwater exchange program decreed in Case No. 04CW132 (decree entered on March 3, 2022); Case No. 21CW3015 (Water Division 2) involving a claim for appropriative rights of exchange associated with water available under Applicant's shares in the Lower Arkansas Water Management Association (pending); Case No. 21CW3055 (Water Division 2) involving claims for diligence related to Applicant's water rights decreed in Case No. 12CW31 for Upper Williams Creek Reservoir (decree entered on April 4, 2022); Case No. 23CW3087 (Water Division 5) involving claims for diligence related to Applicant's water rights decreed in Case No. 98CW270 for the Homestake Project (pending); Case No. 23CW3138 involving claims for diligence related to Applicant's water rights decreed in Case No. 88CW449 for the Homestake Project (pending); Case No. 23CW3052 (Water Division 2) involving a claim for appropriative rights of substitution and exchange associated with water available under Applicant's shares in the Fort Lyon Canal Company (pending); Case No. 24CW3010 (Water Division 2) involving claims for diligence related to Applicant's appropriative rights of exchange of Applicant's non sewerer reusable return flows decreed in cases 84CW202, 84CW203, 86CW118(B) (pending), and 89CW36; and Case No 24CW3116(Water Division 5) involving a change of water rights for Lower Blue Lake Reservoir (decree entered April 21, 2025); 25CW3010 (Water Division 2) involving claims for diligence related to Applicant's conditional storage rights known as the Upper Sugar Loaf Reservoir and Sugar Loaf Reservoir Enlargement and Amendment (pending); 25CW3015 (Water Division 2) involving a change in the type and place of use of Applicant's shares in the Fort Lyon Canal Company (pending). III. Applicant has also acted to preserve and protect all its water rights by filing statements of opposition to, and participating in, many judicial and administrative proceedings. For example, Applicant has consistently opposed water court applications that seek approval of plans for augmentation that operate on Fountain Creek. Applicant has participated in these cases to ensure that the out-of-priority depletions are replaced in time, amount, and location, and that the Division Engineer assesses transit losses on the replacement water supply. Applicant has undertaken endeavors to improve the accuracy of the Fountain Creek Transit Loss Model. C. Expenditures. Applicant's total capital expenditures in connection with the activities described above and on its integrated system during the Due Diligence Period have exceeded \$515,609,994.. Applicant reserves the right to identify additional relevant efforts that may be later discovered or to make upward adjustments to amounts expended on certain projects. Applicant made diligent efforts regarding this Application to determine and quantify all efforts made toward completion of the appropriations and application of the water rights decreed in Case No. 2016CW3056 to beneficial use. However, it is reasonably possible that relevant efforts or expenditures may have been overlooked or need further upward adjustment. **8. Claim to make absolute in whole or in part:** N/A. **9. Landowners**. Names and addresses of owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored: A. City of Colorado Springs, Colorado Springs Utilities, c/o/ Kim Gortz, Water Supply Resources Manager, 1521 Hancock Expressway, Mail Code 1825, Colorado Springs, CO 80903, (Applicant owns the land and/or easements upon which the structures identified in paragraphs 5(C), 5(A)(V),

and 5(A)(VI) are located). B. Air Force Academy, Attn: Real Estate Office, 8120 Edgerton Drive. Suite 40, USAF Academy, CO 80840 (The Air Force Academy Waste Water Treatment Facility Outfall described in paragraph 5(A)(VII) is located on land owned by the United States Air Force) C. United States Army, c/o Fort Carson Military Reservation, 1625 Evans St., Bldg. 1219, Fort Carson, CO 80913 (The Fort Carson Military Reservation Waste Water Treatment Facility Outfall described in paragraph 5(A)(VIII) is located on land owned by the United States Army) D. Fountain Mutual Irrigation Company, c/o Gary Steen, 487 Anaconda Dr., Colorado Springs, CO 80919 (Fountain Mutual Ditch headgate, Spring Creek augmentation station, McRae Reservoir augmentation station, Big Johnson Reservoir) E. Chilcott Ditch Company, c/o Jessie Shaffer, 1845 Woodmoor Dr., Monument, CO 80132 (Chilcott Ditch and augmentation station) F. Lower Fountain Metropolitan Sewage Disposal District, 901 S. Santa Fe Ave., Fountain, CO 80817 (Fountain Regional Wastewater Treatment Plant) **10. Remarks or other pertinent information:** A. **PLSS Descriptions and UTM Coordinates.** PLSS descriptions and UTM Coordinates are included herein in compliance with Water Court forms. In the event of a discrepancy between the decreed location and the PLSS descriptions and UTM Coordinates herein, the decreed location is controlling. B. Any person reading this Application should rely on the Terms of the 16CW3056 Decree. C. The WDIDs included in this Decree are for administration purposes only. In the event of a discrepancy between a legal description herein and a WDID number herein, the legal description shall control. WHEREFORE, Applicant requests (1) that a finding that Applicant has shown reasonable diligence on all the conditional portions of the Subject Exchanges awarded in the Decree; (2) that the Subject Exchanges be made absolute to the extent requested in this Application; and (3) that all remaining conditional portions of the Subject Exchanges continue in good standing.

CASE NO. 2026CW3005; Previous Case Nos. 19CW3045, 13CW14, 00CW13, 93CW62, 83CW52, 79CW86, W-190(73), W-190 – MARIA LAKE GRAZING ASSOCIATION, LLC, c/o Donald E. Siecke, Manager, 7343 S. Alton Way, Ste. 100, Centennial, CO 80122 (Please address all pleadings and inquiries regarding this matter to Applicant's attorneys: Karl D. Ohlsen and Sarah B. Wiedemann, Carlson, Hammond & Paddock, LLC, 1900 N. Grant Street, Suite 1200, Denver, CO 80203, (303) 861-9000, kohlsen@chp-law.com, swiedemann@chp-law.com)

Application for Finding of Reasonable Diligence

HUERFANO COUNTY

2. Name of Structure: Maria Stevens Reservoir (WDID #1603718) (formerly Maria Lake Reservoir WDID #1603517, which is now a historical structure only). **3. Describe conditional water right:** A. Original decree: September 30, 1971, Case No. W-190, District Court, Water Division 2. B. Subsequent findings of diligence were decreed by this Court as follows: in Case No. W-190-73 on June 13, 1975; in Case No. 79CW86 on September 12, 1980, *nunc pro tunc*, August 7, 1980; in Case No. 83CW52 on October 18, 1993; in Case No. 93CW62 on February 14, 1994; in Case No. 00CW13 on August 9, 2000; in Case No. 06CW69 on January 19, 2007; in Case No. 13CW14 on July 11, 2013; and in Case No. 19CW3045 on January 15, 2020. C. Legal Description: The subject water right is stored in the Maria Stevens Reservoir WDID #1603718. The high-water line is at the continuous contour elevation of 5,748 in portions of the E1/4 SE1/4 of Section 20; the W1/2 of Section 21; the E1/2 NE1/4 of Section 29; and the NW1/4 of Section 28, all in Township 27 South, Range 65 West of the 6th P.M. in Huerfano County, Colorado. The location can also be described as UTM (NAD83) 528333 Easting and 41609042 Northing. See **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.)

depicting this structure. D. Source: Cucharas River through the Duran Ditch. The Cucharas River is tributary to the Arkansas River. The Duran Ditch, as described in Case No. 03CW31, diverts from the North bank of the Cucharas River in the SE1/4 SW1/4 of Section 29, Township 27 South, Range 65 West of the 6th P.M. E. Appropriation Date: March 24, 1969. F. Amount: A total of 1,797.6 AF, of which 231 AF was made absolute in Case No. W-190, 671.3 AF was made absolute in Case No. W-190(73), and 330.8 AF was made absolute in Case No. 19CW3045. 514.5 AF remains conditional. G. Use: Irrigation, stock watering, and fish culture. **4. Integrated System**: Applicant requests the Court find the Subject Water Right is a component of Applicant's integrated system. "When 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." C.R.S. § 37- 92-301(4)(b). Applicant uses the Subject Water Right, together with the "Maria Right" and the "Stevens Right" in the single Maria Stevens Reservoir facility, as well as other rights in its portfolio, for beneficial uses associated with its development, and intends to incorporate the recently acquired Coler Ditch and Reservoir System water rights. Specifically, Applicant uses the Subject Water Right for irrigation, stock watering, and fish culture for the benefit of its residents. **5. Diligence Activities**: A. In the six years preceding the filing of this Application, Applicant has diligently pursued development of the Maria Stevens Reservoir conditional right. Applicant has maintained the Reservoir and the Duran Ditch and diverted and stored water pursuant to the right when available in-priority. B. The Maria Stevens Reservoir has capacity to store the entirety of the subject water right, and the ability to perfect the remaining conditional amount requires sufficient water being available in priority. C. Given the findings of the Cucharas Basin Collaborative Storage Study, which identified Maria Stevens Reservoir as a candidate facility for use in regional exchanges by the Huerfano County Water Conservancy District and other Storage Study project participants, Applicant has continued to negotiate potential conditions of use with the Conservancy District during the diligence period. Additionally, Applicant engaged the services of an engineer for thorough analysis of such potential exchanges. D. On November 19, 2025, Applicant acquired a 4/30th interest in the contract for the Coler Ditch and Reservoir System water rights, which Applicant seeks to use in advancing development on Applicant's property surrounding the Maria Stevens Reservoir. Applicant has engaged the services of an engineer who is currently preparing an analysis of such anticipated use. E. Applicant spent approximately \$46,490 on engineering services pertaining to the Maria Stevens Reservoir during the diligence period. F. Applicant spent approximately \$27,120 on legal services pertaining to the Maria Stevens Reservoir during the diligence period. G. Applicant spent approximately \$77,000 on repair and maintenance of the Duran Ditch during the diligence period, which serves the Maria Stevens Reservoir. This includes about \$25,000 spent on significant updates to the headgate. H. Applicant spent approximately \$27,000 on dam maintenance for the Maria Stevens Reservoir during the diligence period. I. Applicant spent approximately \$175,000 on removing silt from the Maria Stevens Reservoir during the diligence period. J. Work is in process for a new flume and stage discharge recorder to be installed in the Duran Ditch. **6. Name and address of owner of the land upon which the Maria Stevens Reservoir is location**: Applicant. WHEREFORE, Applicant requests that a finding of reasonable diligence be entered, and the conditional water rights that are the subject of this application be continued in force.

CASE NO. 2026CW3006; Previous Case No. 16CW3093 – TRIVIEW METROPOLITAN DISTRICT, c/o James McGrady, District Manager, P.O. Box 849, Monument, CO 80132 and CO-APPLICANT ARKANSAS GROUNDWATER AND RESERVOIR ASSOCIATION, c/o Kent Ricken, 205 S. Main Street, Fowler, CO 81039 (For Triview

Metropolitan District: Please direct all pleadings and inquiries to Chris D. Cummins, W. James Tilton, Monson, Cummins, Shohet & Farr, LLC, 13511 Northgate Estates Dr., Ste. 250, Colorado Springs, CO 80921 (719) 471-1212; For Co-Applicant Arkansas Groundwater and Reservoir Association: Please direct all pleadings and inquiries to James S. Witwer, Lucas E. O'Brien, Trout Raley, 1120 Lincoln Street, Ste. 1600, Denver, CO 80203 (303) 339-5839)

Application for Finding of Reasonable Diligence

PUEBLO COUNTY

II. Applicant Triview Metropolitan District (“Triview”), a quasi-municipal corporation and political subdivision of the State of Colorado, following the decree of this Court in underlying Case No. 16CW3093, acquired conditional water storage rights and rights to store other water rights and supplies in the Stonewall Springs Reservoir Complex (“SSRC”) from Stonewall Water, LLC, and Stonewall Springs Quarry, LLC (collectively “Stonewall”), parties to the original 16CW3093 Decree. Co-Applicant Arkansas Groundwater and Reservoir Association (“AGRA”) is the successor in interest to the Arkansas Groundwater Users Association (“AGUA”)¹, which was Co-Applicant with Stonewall in Case No. 16CW3093. The 16CW3093 Decree was entered in January, 2020 (“Decree”). On May 29, 2020, Stonewall conveyed conditional water rights subject of the 16CW3093 Decree to Triview by Special Warranty Deed, which is recorded with the Pueblo County Clerk and Recorder’s Office at reception no. 2179581. A Notice of Change of Ownership of these water rights was filed by Triview and AGRA on November 7, 2025.

III. Description of Location. The SSRC includes multiple reservoirs, each of which is described herein and generally depicted on **Exhibits A** and **B** attached to the application. (All exhibits mentioned herein are incorporated by reference and may be inspected at the office of the clerk of this Court.) **South Reservoir:** The centroid of South Reservoir (WDID No. 1403593) is located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 35, Township 20 South, Range 63 West of the 6th P.M., approximately at UTM coordinates (NAD83 datum, Zone 13, meters) 551523.0 Easting, 4234870.0 Northing. The two outlets from South Reservoir will discharge water to the Arkansas River in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 1, Township 21 South, Range 63 West of the 6th P.M. **Central Reservoir:** The centroid of the Central Reservoir (WDID No. 1403595) is located in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 36, Township 20 South, Range 63 West of the 6th P.M., approximately at UTM coordinates (NAD83 datum, Zone 13, meters) 553075.0 Easting, 4235190.0 Northing. The two outlets from Central Reservoir will discharge water to the Arkansas River in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 6, Township 21 South, Range 62 West and in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 1, Township 21 South, Range 63 West, all in the 6th P.M. or water will be discharged from the Central Reservoir through the outlets in the South or East Reservoirs. **East Reservoir:** The centroid of the East Reservoir (WDID No. 1403596) is located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 31, Township

¹ AGUA, co-applicant in case 16CW3093, merged with Colorado Water Protective and Development Association (CWPDA), and subsequently renamed the merged organization the Arkansas Groundwater and Reservoir Association (AGRA). AGRA has not, to date, acquired property interests necessary to store water in the SSRC.

20 South, Range 63 West of the 6th P.M., approximately at UTM coordinates (NAD83 datum, Zone 13, meters) 554241.6 Easting, 4234846.0 Northing. The two outlets from the East Reservoir will discharge water to the Arkansas River in the NW¹/₄ SW¹/₄, Section 6, and in the SW¹/₄ SE¹/₄, Section 6, Township 21 South, Range 62 West of the 6th P.M. and/or to the Excelsior Recharge Ponds 1-3 (WDID No. 1400627) in the SE¹/₄, Section 31, Township 20 South, Range 62 West of the 6th P.M, or water will be discharged from the East Reservoir through the outlets in the South or Central Reservoirs. Source. The source for the conditional water storage right is water diverted in priority from the Arkansas River. Said water right will only be “in priority” where there is not a valid senior call on the Arkansas River, John Martin Reservoir is full and spilling, and the Division Engineer determines that Excess Flows are available at the Kansas State Line, as described in the criteria outlined in Appendix J.2, paragraph 2 of the stipulated Kansas v. Colorado decree, dated June 2008, as may be modified in the future. Ditch Used for Diversion to Storage. The Excelsior Ditch structure was approved in the 16CW3093 Decree for diversion of water to storage in the SSRC, including the conditional water storage rights. The headgate of the Excelsior Ditch is located on the north bank of the Arkansas River in SE¹/₄ Section 36, Township 20 South, Range 64 West of the 6th P.M., Pueblo County, Colorado; WDID 1402841. Fill of the conditional water storage rights associated with the SSRC may occur at a maximum rate of 60 cubic feet per second (“cfs”), conditional. Appropriation Date. December 27, 2016, being the date of filing the original Application. Amount of Water. 2,050 acre feet of storage annually (April 1 through March 31), conditional. The entire 2,050 acre feet of water may be stored in any combination of the three individual reservoirs of the SSRC, upon completion of construction of the same.² Uses. The conditional water storage right is to be used for irrigation (including indoor and outdoor irrigation and in greenhouses, by flood, sprinkler, drip, or other means), commercial, industrial, recreation, fish propagation, fire protection, augmentation or exchange for replacement of out-of-priority flood control storage on Fountain Creek and its tributaries, creation and maintenance of wildlife and wetlands habitat, and for augmentation, replacement, recharge, and exchange purposes. The conditional water storage right decreed in Case No. 16CW3093 was approved as a substitute supply for such uses in the appropriative rights of exchange decreed in Triview’s Case No. 21CW3058. **IV.** In Case No. 16CW3093, this Court decreed the 2,050 acre foot conditional water storage right, which is the subject of this application, to be stored in the SSRC. The Excelsior Ditch structure is the decreed source for delivery of the subject conditional water storage rights from the Arkansas River to storage in the SSRC. Pursuant to C.R.S. §37-92-301(4)(b), work on one component of an integrated system shall be considered in finding that reasonable diligence has been shown for all components of the integrated system. During this diligence period, Triview and AGRA have incurred the following expenditures and completed the following work on the Excelsior Ditch and its associated infrastructure, and on SSRC infrastructure, directly related to the subject conditional water storage rights: Triview acquired the land upon

² The total decreed storage capacity of the SSRC is 19,538 acre feet. Such storage capacity allows for the storage of the conditional water storage right decreed in Case No. 16CW3093, along with other water and water rights administratively approved or decreed for storage in the SSRC. The South Reservoir of the SSRC has been constructed and is operational, with a current maximum storage capacity of approximately 1,650 acre feet.

which the SSRC is and will be constructed, along with interests in the Excelsior Ditch and the Excelsior Irrigating Company, as necessary for conveyance of the subject conditional water storage right to storage in the SSRC in 2020, spending in excess of \$20 million for such acquisition. Triview issued revenue bonds for completion of such purchase. Triview has expended in excess of \$5.2 million to engineer and construct the South Reservoir of the SSRC, including over \$1 million in professional engineering analysis, modeling, and reports. Such engineering expenditures included analysis and modeling necessary for Triview's obtaining two separate Pueblo County 1041 permits as well as related County, State and Federal permitting necessary for exchange of water to and from the SSRC. Such engineering expenditures further included analysis necessary for obtaining State Engineer approvals of both South Reservoir and Central Reservoir designs, development of mining plans to allow for permitting of mining activities necessary for construction of both the South Reservoir and Central Reservoir of the SSRC from the Colorado Division of Reclamation and Mining Safety, and design of diversion works from the Excelsior Ditch (including SCADA telemetry) to allow for efficient and accurate measurement of flows in the Excelsior Ditch for delivery of the same to storage in the now-completed South Reservoir of the SSRC. Physical work during this diligence period and included in the amounts described in this Paragraph 3.B. include removal of earthen materials within the South Reservoir, completion of construction of the South Reservoir dam, inlet channel and Excelsior Ditch reservoir diversion infrastructure, the South Reservoir spillway pump outlet works, as well as participation with AGRA in construction and installation of new headgate/diversion works for the Excelsior Ditch, and ongoing operational, monitoring, and maintenance expenses. Triview issued additional revenue bonds for such efforts, and was further awarded a low-interest loan from the Colorado Water Conservation Board for completion of the South Reservoir of the SSRC. To facilitate construction of the Central Reservoir of the SSRC, Triview funded the removal of existing farm infrastructure, including a central pivot irrigation system, at the cost of approximately \$30,000. Triview has incurred substantial legal fees associated with contractual work for the acquisition of the SSRC and associated water rights, applying for and obtaining various County, State and Federal permitting necessary for the efficient operation of the SSRC, litigation of various water court matters to allow for the efficient use and exchange of the water and water rights associated with the SSRC, including the conditional water storage right associated therewith, and litigation in opposition to the water rights applications of others necessary to protect Triview's interests in the SSRC and associated water rights, including the subject conditional water storage rights. Such legal expenditures during this diligence period total in excess of \$250,000. AGRA paid assessments to the Excelsior Ditch Irrigating Company in the amount of \$294,784 which paid for, among other things, Excelsior ditch repair and maintenance, purchasing equipment, replacement of the culvert at Nyberg Rd, replacement of the Excelsior Ditch Arkansas River headgate, automation of the Excelsior Ditch Main Flume headgate, and automation of the Excelsior Augmentation Ditch headgate. The Excelsior Ditch will be the conveyance structure for the subject conditional water storage right. AGRA delivered and stored Arkansas River water in the South Reservoir of the SSRC in 2023, 2024, and 2025. AGRA expended approximately \$33,000 for storage of water in the South Reservoir in 2024. AGRA stored additional water in the South Reservoir in 2025 through a water trade with Triview. AGRA developed water storage accounting for the SSRC Complex to record water storage

deliveries to the SSRC, including deliveries of the subject conditional water storage right. AGRA incurred costs for legal and engineering consulting work related to development and protection of AGRA's Arkansas River water rights, including the subject conditional water storage right. These included costs associated with filing statements of opposition and applications developing and defending AGRA's Arkansas River water rights. The total legal expenses for such work during the diligence period exceeded \$140,000 and the total engineering/consulting costs for such work during that period exceeded \$15,000. Based on the expenditures and efforts described herein, and the improvement and maintenance of other water rights, and infrastructure integral into the use of the subject conditional water storage right, Triview and AGRA have established that the conditional appropriation can and will be completed and the adjudicated conditional water storage right placed to beneficial use within a reasonable period of time, subject to the conditions of the 16CW3093 Decree concerning in-priority diversions from the Arkansas River, detailed in Paragraph III.2. above. V. The lands on which the SSRC is and will be constructed, is owned by Applicant, Triview.

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 March 2026, (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 13th day of February 2026.



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

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