

DISTRICT COURT, WATER DIVISION NO. 2, COLORADO

RESUME OF CASES FILED AND/OR ORDERED PUBLISHED DURING FEBRUARY 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 Rules Governing The Review Of A Substitute Water Supply Plan promulgated by the State Engineer and applications and certain amendments filed and/or ordered published during February 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 follows:

CASE NO. 2019CW3036; LOWER ARKANSAS WATER MANAGEMENT ASSOCIATION (“LAWMA”), c/o Roy Cue, Manager, P. O. Box 1161, Lamar, Colorado 81052 (Please address all pleadings and inquiries regarding this matter to Applicant’s attorneys: Richard J. Mehren, Jennifer M. DiLalla, Molly K. Haug-Rengers, Adam C. Fisher, Moses, Wittemyer, Harrison and Woodruff, P.C., 2595 Canyon Blvd., Suite 240, Boulder, CO 80302, (303) 443-8782)

Corrected Second Amended Application for Change of Water Rights, Appropriate Rights of Exchange, And Addition of Augmentation and Replacement Supplies to Plan for Augmentation

BENT, CHAFFEE, CROWLEY, EL PASO, FREMONT, KIOWA, LAKE, OTERO, PROWERS, PUEBLO, AND TELLER COUNTIES

2. Overview of application: 2.1 LAWMA: LAWMA is a non-profit corporation organized for the purposes of replacing depletions caused by the pumping of its members' wells, as required by law, and providing water to its members directly or by means of augmentation and replacement for all manner and types of uses. 2.2 Complete and superseding amendment: LAWMA filed the original application in this matter on June 3, 2019 (“original application”), and filed the first amended application on September 26, 2019. This Second Amended Application (“Application”) is a complete and superseding statement of LAWMA’s claims herein. 2.3 FLCC Shares: LAWMA owns 7,487 shares of stock in the Fort Lyon Canal Company (“FLCC”), having acquired those shares from Arkansas River Farms, LLC (“ARF”), in 2017 and 2021. The subject 7,487 shares are referred to collectively in this Application as the “FLCC Shares.” In 2018, the City of Colorado Springs, acting through its enterprise, Colorado Springs Utilities (“Springs Utilities”), acquired 2,500 shares of LAWMA common stock from ARF (“Springs Utilities LAWMA Shares”), and LAWMA and Springs Utilities entered into a Water Sharing Agreement under which, as part of an alternative transfer method (“ATM”), LAWMA will use water available to 3,303 of the FLCC Shares (“ATM Shares”) to make an allocation to the Springs Utilities LAWMA Shares that will be shared by LAWMA and Springs Utilities consistent with the Water Sharing Agreement. The ATM Shares are a subset of the FLCC Shares. 2.4 Purposes of Application: By this Application, LAWMA seeks the following: (i) changes in the decreed type, manner, and place of use of the water rights associated with the FLCC Shares so that water available to those water rights may be used for

augmentation and replacement purposes within LAWMA's various augmentation and replacement plans, with such use made directly, after storage, by exchange, and following recharge, and with one or more approved substitution(s) of dry-up and an approved process for the Court to approve future substitutions of dry-up following entry of the decree ("Comprehensive Change"); (ii) addition of the water rights changed by the Comprehensive Change to LAWMA's plan for augmentation decreed on March 8, 2007, in Division 2 Case No. 02CW181 ("02CW181 Decree") as a permanent source of augmentation and replacement supply; (iii) changes in the decreed type, manner, and place of use of the water rights associated with the ATM Shares, so that in addition to the changed uses under the Comprehensive Change, water available to those water rights may be used directly, by exchange, and after storage for all beneficial uses within Springs Utilities' existing and future service area ("ATM-Limited Change"); and (iv) confirmation of appropriative rights of exchange, with consumptive use credit available to the FLCC Shares as the source of substitute supply. In years that Springs Utilities takes delivery of water available under the Springs Utilities LAWMA Shares, Springs Utilities will seek to exchange the fully consumable water upstream into Springs Utilities' municipal system or directly deliver the fully consumable water into Springs Utilities' municipal system, including without limitation into the storage components of that system. **3. Water rights to be changed:** The water rights associated with the FLCC Shares are a pro-rata portion of those water rights owned or controlled by FLCC, including without limitation the water rights described in paragraphs 3.1 through 3.6 below ("FLCC Water Rights"). Under the Comprehensive Change, LAWMA seeks to change the water rights associated with the 7,487 FLCC Shares, which amount to 7.97% of the 93,989.4166 shares outstanding of the capital stock of the FLCC. Under the ATM-Limited Change, LAWMA seeks an additional change in the water rights associated with the 3,303 ATM Shares, which amount to 3.51% of the outstanding capital stock of the FLCC. The 3.51% interest represented by the ATM Shares is included within and is not in addition to the 7.97% interest represented by the FLCC Shares. Ownership of the FLCC Shares is evidenced by the FLCC certificates identified on **Exhibit A** attached to the application, (All exhibits mentioned herein are incorporated by reference and may be inspected at the office of the clerk of this Court.) which certificates represent LAWMA's pro-rata interest in the FLCC Water Rights and in the ditches, canals, other facilities for the delivery and use of water, and all other assets of the FLCC. Springs Utilities does not own any of the FLCC Shares that are the subject of this Application. The decreed locations of the structures associated with the FLCC Water Rights are described in paragraph 4 below and shown on **Exhibits B-1, B-2 and B-3**. In accordance with C.R.S. § 37-92-302(2)(a), **Exhibits B-1 and B-2** show the approximate locations of the lands historically irrigated with the FLCC Shares ("Historically Irrigated Lands"); and **Exhibits C-1 through C-10** summarize records of actual diversions of each water right described in paragraphs 3.1 through 3.6 below, to the extent such records exist, and records of actual reservoir releases to the Fort Lyon Canal from Horse Creek Reservoir, Adobe Creek Reservoir, Queens Reservoir, and Thurston Reservoir for irrigation. For all water rights described in paragraphs 3.1 through 3.6 below, the pro-rata interest represented by the ATM Shares is part of and not in addition to the pro-rata interest represented by the FLCC Shares. 3.1 Direct-flow water rights: The direct-flow water rights decreed to the Fort Lyon Canal in the Adjudication of Priorities of Right to the Use of Water for Irrigation in Water District

Number 17, dated April 8, 1905, in the District Court for Bent County (“District 17 General Adjudication”) and the pro-rata interest in those water rights being changed in this case are summarized in paragraphs 3.1.1 through 3.1.3 below. 3.1.1 164.64 cubic feet per second (“cfs”) from the Arkansas River with an appropriation date of April 15, 1884. Pro-rata interest being changed in this case: 13.11 cfs (FLCC Shares); 5.78 cfs (ATM Shares). 3.1.2 597.16 cfs from the Arkansas River with an appropriation date of March 1, 1887. Pro-rata interest being changed in this case: 47.57 cfs (FLCC Shares); 20.99 cfs (ATM Shares). 3.1.3 171.20 cfs from the Arkansas River with an appropriation date of August 31, 1893. Pro-rata interest being changed in this case: 13.64 cfs (FLCC Shares); 6.01 cfs (ATM Shares). 3.2 Horse Creek Reservoir and Adobe Creek Reservoir: Storage water rights were decreed to Horse Creek Reservoir and Adobe Creek Reservoir by the decree entered by the Bent County District Court in the Adjudication of Priorities of Right to the Use of Water for Domestic and Irrigation Purposes in Water District Number 17, Colorado, on February 3, 1927, as modified on November 8, 1928, and allow FLCC to divert from the Arkansas River (via the Fort Lyon Storage Canal) and Horse Creek (via the Horse Creek Feeder Ditch or Supply Canal) for storage in Horse Creek Reservoir, and to divert from the Arkansas River (via the Fort Lyon Storage Canal) and Adobe Creek (via the Adobe Creek Feeder Ditch or Supply Canal) for storage in Adobe Creek Reservoir. The Horse Creek Reservoir and Adobe Creek Reservoir water rights and the pro-rata interest being changed in this case are summarized in Table 1 below. **Table 1 Storage Rights – Horse Creek Reservoir and Adobe Creek Reservoir**

Water right	Amount, source, and appropriation date	Pro-rata interest being changed – FLCC Shares	Pro-rata interest being changed – ATM Shares
Horse Creek Reservoir – Original Construction	2,000 cfs – Horse Creek (Aug. 15, 1900) 840 cfs – Arkansas River (Jan. 25, 1906) 1,466 cfs - Arkansas River (Mar. 1, 1910) Total volume: 11,400 acre-feet (“af”)	159.4 cfs 66.95 cfs 116.84 cfs 908.58 af	70.2 cfs 29.48 cfs 51.46 cfs 400.14 af
Horse Creek Reservoir 1st Enlargement	840 cfs – Arkansas River (Jan. 25, 1906) 5,000 cfs – Horse Creek (Dec. 20, 1907) 1,466 cfs – Arkansas River (Mar. 1, 1910) Total volume: 15,487 af	66.95 cfs 398.5 cfs 116.84 cfs 1,234.31 af	29.48 cfs 175.5 cfs 51.46 cfs 543.59 af
Horse Creek Reservoir 2nd Enlargement	5,000 cfs – Horse Creek (June 12, 1908) 840 cfs – Arkansas River (June 12, 1908) 1,466 cfs – Arkansas River (Mar. 1, 1910)	398.5 cfs 66.95 cfs 116.84 cfs 88.71 af	175.5 cfs 29.48 cfs 51.46 cfs 39.07 af

	Total volume: 1,113 af		
Adobe Creek Reservoir Original Construction	8,631 cfs - Adobe Creek (Jan. 25, 1906) 840 cfs – Arkansas River (Jan. 25, 1906) 1,466 cfs - Arkansas River (Mar. 1, 1910) Total volume: 61,575 af	687.89 cfs 66.95 cfs 116.84 cfs 4.907.53 af	302.95 cfs 29.48 cfs 51.46 cfs 2,161.28 af
Adobe Creek Reservoir Enlargement	8,631 cfs – Adobe Creek (Dec. 29, 1908) 840 cfs – Arkansas River (Dec. 29, 1908) 1,466 cfs – Arkansas River (Mar. 1, 1910) Total volume: 25,425 af	687.89 cfs 66.95 cfs 116.84 cfs 2,026.37 af	302.951 cfs 29.48 cfs 51.46 cfs 892.42 af

3.3 Thurston Reservoir, a/k/a Thurston Lake: The storage water right decreed to Prince Reservoir in the District 17 Original Adjudication, with an appropriation date of August 12, 1889, was conditionally transferred to Thurston Reservoir by the decree entered on November 20, 1972, in Division 2 Case No. W-27 (“W-27 Decree”) and made absolute by the decree entered on January 11, 1980, in Division 2 Case No. 79CW085. This water right is decreed for diversion from the Arkansas River via the Fort Lyon Canal at a rate of 355.2 cfs, for storage of up to 1,515 af. Pro-rata interest being changed in this case: 28.31 cfs and 120.75 af (FLCC Shares); 12.47 cfs and 53.18 af (ATM Shares). 3.4 Thurston Pipeline: A direct-flow water right was conditionally decreed to the Thurston Pipeline by the W-27 Decree, made partially absolute by the decree entered on March 4, 1986, in Case No. 83CW119, and made fully absolute by the decree entered on November 15, 2011, in Case No. 10CW069, all in Water Division No. 2. Thurston Pipeline is decreed for diversion of 25 cfs from Thurston Reservoir into the Fort Lyon Canal, with an appropriation date of July 15, 1969. The source of water is Thurston Lake, a/k/a Thurston Reservoir, with such water accumulated from springs in said lake, seepage flowing into the lake from all sides thereof, waste water from a canal of the FLCC, rainfall, and waste water flowing in the lake from land of owners adjoining the lake; said water is not tributary to any natural stream of the State of Colorado. Pro-rata interest being changed in this case: 1.99 cfs (FLCC Shares); 0.88 cfs (ATM Shares). 3.5 Subsequent decrees: The water rights described in paragraphs 3.1 through 3.4 above are the subject of the following subsequent decrees of this Court: **Table 2 Subsequent Decrees Affecting FLCC Water Rights**

Case number and decree date	Effect	Amount	Source	Pro-rata interest being changed – FLCC Shares	Pro-rata interest being changed – ATM Shares
79CW160 (5/8/1987)	Allows use of John Martin Res. (“JMR”)	5,000 af cumulative under	Arkansas River	398.5 af	175.5 af

79CW161 (5/8/1987)	as alternate place of storage for Horse Creek Res. and Adobe Creek Res. water rights and use of those rights in JMR for recreation and a permanent pool for fishery and wildlife	79CW160, 79CW161, and 80CW51 decrees			
79CW178 (9/1/1987)	Allows diversion of direct-flow water rights at Fort Lyon Storage Canal and storage of same in Horse Creek, Adobe Creek, and Neeskah (Queens) reservoirs	933 cfs	Arkansas River	74.36 cfs	32.75 cfs
84CW179 (11/10/1987)	Winter Water Storage Program	38,160 af of first 100,000 af; 38.16% of all over 103,106 af	Arkansas River	3,041.35 af of first 100,000 af; 3.04% of all over 103,106 af	1,339.42 af of first 100,000 af; 1.34% of all over 103,106 af

3.6 Additional water rights: In addition to its direct-flow and storage water rights described in paragraphs 3.1 through 3.5 above, FLCC owns, controls, and/or operates the water rights and water supply agreements summarized in Table 3 below. LAWMA does not seek to change the water rights associated with water that FLCC purchases on the spot market or obtains under the Fryingpan-Arkansas Project; however, LAWMA will use its pro-rata share of such water for all lawful purposes. **Table 3 FLCC - Other Water Rights and Water Supply Agreements**

Water right	Case number (Water Div. 2 unless otherwise)	Amount and appropriation date (if applicable)	Source	Use	Pro-rata interest being changed	Pro-rata interest being changed
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	specified) and decree date				– FLCC Shares	– ATM Shares
FLCC's interest in Great Plains Res. storage water right	Decree of Feb. 3, 1927, Bent County Dist. Ct.; 80CW019 (8/16/1983; amended 1/20/1984 and 6/15/1987); 80CW51 (5/8/1987); 89CW076 (9/5/2000)	1,150 cfs (Aug. 1, 1896). Total volume: 5,483 af	Arkansas River	Agricultural irrigation, either directly or after storage; when stored in JMR, use for recreation and a permanent pool for a fishery and wildlife	91.66 cfs 437 af	40.37 cfs 192.45 af
JMR Exchange	90CW047 (9/5/2000; amended 10/18/2000)	Abs.: 544 cfs, 15,288.95 af; cond.: 606 cfs, 4,711.05 af (Apr. 24, 1980)	Arkansas River	Agricultural irrigation	Abs. 43.36 cfs, 1,218.53 af; cond. 48.3cfs, 375.47 af	None
FLCC JMR Storage Account	JMR Operating Plan (adopted 4/24/1980; revised 5/10/1984, 12/11/1984, 2/11/2010)	20,000 af	Arkansas River	Agricultural purposes	1,594 af	None
Fryingpan-Arkansas Project		Varies			None	None
Water purchased on spot market		Varies			None	None

4. Decreed locations and UTM coordinates of points of diversion and locations of storage of FLCC Water Rights: LAWMA does not seek any change in the points of

diversion for the water rights represented by the FLCC Shares. All UTM coordinates included in this Application are NAD 83, Zone 13; and all referenced counties are located in Colorado.

4.1 Fort Lyon Canal (WDID 1700553): The decreed point of diversion is located in the NE1/4 of Section 32, T23S, R55W of the 6th P.M., in Otero County. UTM 623873.7 E, 4207975.0 N. The current physical point of diversion is located in the SW1/4 SE1/4 of Section 29, T23S, R55W of the 6th P.M., in Otero County. UTM 623900.6 E, 4208019.1 N.

4.2 Fort Lyon Storage Canal (WDID 1700648): A point in the county of Crowley, on the north bank of the Arkansas River, in the NW1/4 SE1/4 of Section 20, T22S, R57W of the 6th P.M., whence the northeast corner of said Section 20 bears north 34° 10' east 3,770 feet. UTM 604443.0 E, 4219543.8 N.

4.3 Horse Creek Supply Canal (WDID 1700673): A point on the east bank of Horse Creek, on the line between Sections 6 and 7, T22S, R54W of the 6th P.M., whence the southeast corner of said Section 6 bears south 87° 4' east 1,972 feet. UTM 631616.9 E, 4224394.0 N.

4.4 Horse Creek Reservoir (WDID 1703545): In T21S and T22S, R53W and R54W of the 6th P.M. UTM coordinates for dam: 640267.0 E, 4224384.0 N.

4.5 Adobe Creek Supply Canal (WDID 1700674): On Adobe Creek, at a point in the NW1/4 of Section 26, T20S, R53W of the 6th P.M., in Kiowa County, whence the southeast corner of said Section 26 bears south 54° 52' east 5,013 feet. UTM 647655.0 E, 4238959.0 N.

4.6 Adobe Creek Reservoir (WDID 1703546): In T20S and T21S, R52W of the 6th P.M. UTM coordinates for dam: 650655.6 E, 4233245.9 N.

4.7 Thurston Reservoir (WDID 6703882): In Section 13, T21S, R47, and Section 18, T21S, R46, all west of the 6th P.M., Prowers County. UTM 707708.0 E, 4233253.0 N.

4.8 Thurston Pipeline (WDID 6702500): A point whence the section corner common to Sections 7 and 18, T21S, R46 and Sections 12 and 13, T21S, R47, all west of the 6th P.M., Prowers County, bears north 0°41' west a distance of 1,680 feet. UTM 707247.6 E, 4234032.7 N.

4.9 Neeskah Reservoir (a/k/a Queens Reservoir) (WDID 6703513): In T20S, R46W and R47W of the 6th P.M., Kiowa County. UTM 706860.0 E, 4238570.0 N.

4.10 John Martin Reservoir (WDID 6703512): The reservoir is located in all or portions of Sections 24, 25, 26, 27, 33, 34, 35, and 36, T22S, R51W; Sections 28, 29, 30, 31, 32, 33, 34, and 35, T22S, R50W; Sections 5, 6, 7, 8, 17, and 18, T23S, R49W; Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 20, 21, and 30, T23S, R50W; Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 17, and 18, T23S, R51W; and Sections 1, 12, and 13, T23S, R52W; all of the 6th P.M., in Bent County. The dam is located in Sections 5, 8, and 17 of T23S, R49W of the 6th P.M., in Bent County. UTM coordinates for dam: 680795.0 E, 4215646.0 N.

4.11 Winter Water Storage Program (“WWSP”) structures: FLCC uses the following structures solely for operation of FLCC’s interest in the WWSP:

4.11.1 Colorado Canal (WDID 1700540): On the north bank of the Arkansas River in the NE1/4 NE1/4 of Section 10, T21S, R62W, bearing S. 0° 58' W. 426 feet from the S.W. corner of Section 2, T21S, R62W; all of the 6th P.M., in Pueblo County. UTM 560241.3 E, 4233243.3 N.

4.11.2 Lake Meredith Reservoir (WDID 1403525): In Sections 15, 16, 20, 21, 22, 27, 28, 30, 31, 32, 33, T21S, R57W; Sections 25, 36, T21S, R57W; Section 6, T22S, R57W; Section 1 T21S, R57W; all of the 6th P.M., in Crowley County. UTM 609899.2 E, 4222978.1 N.

4.11.3 Lake Henry Reservoir (WDID 1403524): In Sections 31 and 32, T20S, R56W, and Sections 5 and 6, T21S, R56W; all of the 6th P.M. UTM 612088.0 E, 4234275.1 N.

4.11.4 Holbrook Canal (WDID 1700554): On the north bank of the Arkansas River in the NE1/4 of Section 24, T22S, R58W of the 6th P.M., in Otero County. UTM 601202.8 E, 4220086.1 N.

4.11.5 Holbrook Reservoir

No. 1 (WDID 1703511): In Sections 5, 6, 7, and 8, T23S, R55W; and in Sections 1 and 12, T23S, R56W; all of the 6th P.M., in Otero County. UTM 622616.2 E, 4213416.8 N.

4.11.6 Dye Lake Reservoir (WDID 1703510): In Sections 4 and 5, T23S, R56W; and in Sections 32 and 33, T22S, R56W; all of the 6th P.M., in Otero County. UTM 614523.9 E, 4215331.6 N.

4.11.7 Pueblo Reservoir (WDID 1403526): A point at the intersection of Pueblo Dam axis and the Arkansas River whence the NE corner of Section 36, T20S, R66W of the 6th P.M. bears north 61°21'20" east a distance of 2,511.05 feet. Said reservoir inundates all or portions of Sections 7, 18, 19, 20, 21, 22, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, and 36, T20S, R66W; Sections 1, 2, 3, 4, 5, 9, 10, and 11, T21S, R66W; and Sections 5, 8, 9, 13, 14, 15, 16, 22, 23, 24, and 25, T20S, R67W; all of the 6th P.M. UTM coordinates for dam: 524076.0 E, 4235362.0 N. The locations of the structures described in paragraphs 4.1 through 4.10 above are shown on **Exhibits B-1** and **B-2**, and the locations of the WWSP structures described in paragraphs 4.11.1 through 4.11.7 above are shown on **Exhibit B-3**.

5. Detailed description of Comprehensive Change: LAWMA will quantify the historical consumptive use of the water rights associated with the FLCC Shares and will determine the amount, timing, and location of return flows resulting from the historical use of those water rights.

5.1 Comprehensive Change in type and means of use: LAWMA seeks to change the water rights associated with the FLCC Shares, as those water rights are described in paragraphs 3.1 through 3.5 above, such that in addition to their currently decreed uses and currently decreed means of use, they may be used, reused, successively used, and used to extinction directly, after storage, by exchange, and following recharge for the new purposes described in paragraphs 5.1.1 through 5.1.6 below.

5.1.1 Augmentation or replacement of out-of-priority depletions to the Arkansas River or its tributaries caused by the "LAWMA Structures" included in LAWMA's plan for augmentation decreed on March 8, 2007, in Case No. 02CW181, Water Division No. 2, as that plan for augmentation has been expanded and modified by the decrees entered in Case Nos. 05CW52, 08CW18, 10CW85, 10CW91, 12CW37, 13CW3004, 13CW3065, 14CW3004, 15CW3014, 15CW3067, 16CW3018, 17CW3000, 17CW3001, 17CW3035, 17CW3068, 20CW3001, 20CW3006, and 20CW3041, and as it may be expanded or modified in pending Case Nos. 17CW3069, 18CW3072, 19CW3087, 20CW3084, and 25CW3056, and in other future cases ("Augmentation Plan");

5.1.2 Augmentation or replacement of out-of-priority depletions caused by the wells included in LAWMA's annual Arkansas River Replacement Plan pursuant to Rule 14 of the Amended Rules and Regulations Governing the Diversion and Use of Tributary Ground Water in the Arkansas River Basin ("Rule 14 Plan");

5.1.3 Replacement of historical seepage losses and/or return flows under any LAWMA-operated Compact Compliance Plan pursuant to Rule 10 of the Compact Rules Governing Improvements to Surface Water Irrigation Systems in the Arkansas River Basin in Colorado ("Rule 10 Plan");

5.1.4 Replacement of historical return flows under the decree to be entered in this case, the decrees entered in Case Nos. 02CW181, 05CW52, 10CW85, 15CW3067, and 17CW3068 ("Previous LAWMA Change Decrees"), and any future change of water rights decree that LAWMA obtains in this Court ("Future LAWMA Change Decrees").

5.1.5 Provided that LAWMA replaces historical return flows associated with the FLCC Shares as described in paragraph 7 below, LAWMA will fully consume and use, reuse, and successively use to extinction all water available to the FLCC Shares.

5.1.6 The new uses and new means of use described in paragraphs 5.1.1

through 5.1.5 above are referred to collectively in this Application as “LAWMA’s New Uses.” LAWMA’s New Uses by exchange may be made under the appropriative rights of exchange claimed in paragraph 9 below, under subsequent decree(s) of this Court, and under administratively approved exchanges. The LAWMA Structures included in the Augmentation Plan and the wells included in the Rule 14 Plan generally are used for irrigation; domestic and household purposes; commercial, municipal, and industrial purposes; generation of electric power and power generally; and fire protection, recreation, fish and wildlife preservation and propagation, agricultural uses, livestock watering, aquaculture, replacement of evaporation, maintenance of wetlands, and groundwater recharge. 5.2 Comprehensive Change in place of use: LAWMA seeks to change the water rights associated with the FLCC Shares such that they may be put to LAWMA’s New Uses at the locations at which LAWMA delivers augmentation or replacement water to the Arkansas River or its tributaries as required by the Augmentation Plan, the Rule 14 Plan, any LAWMA-operated Rule 10 Plan, the Previous LAWMA Change Decrees, or the Future LAWMA Change Decrees. 5.3 Comprehensive Change in places of storage: LAWMA seeks to change the water rights associated with the FLCC Shares such that water attributable to those shares may be stored in the locations described in paragraphs 5.3.1 through 5.3.27 below, including storage under the appropriative rights of exchange described in paragraph 9 below. The recharge sites may be operated as both recharge pond augmentation stations and as storage vessels under this Application. The approximate locations of the structures described in paragraphs 5.3.1 through 5.3.26 below are shown on **Exhibits D-1 and D-2**. 5.3.1 West Farm Gravel Pit Reservoir Complex (WDID 6706650) (“West Farm Gravel Pit”), located in the S1/2 SE1/4 of Section 28 and in the NE1/4 and the NE1/4 NW1/4 of Section 33, T22S, R46W of the 6th P.M., in Prowers County. UTM 711697.4 E, 4219729.0 N. 5.3.2 Farm 110 Recharge Site (WDID 6704824), located in the NE1/4 SE1/4 of Section 11, T21S, R48W of the 6th P.M., in Bent County. UTM 695662.5 E, 4234446.6 N. 5.3.3 Farm 114 Recharge Site (WDID 6704823), located in the NE1/4 NW1/4 of Section 11, T21S, R48W of the 6th P.M. in Bent County. UTM 695084.4 E, 4235009.6 N. 5.3.4 Farm 63 Recharge Site (WDID 6704825), located in the NE1/4 SE1/4 of Section 10, T22S, R47W of the 6th P.M., in Prowers County. UTM 704013.5 E, 4224976.0 N. 5.3.5 Farm 132/133 Recharge Site (WDID 6701005), located in the NW1/4 NW1/4 of Section 36, T22S, R50W of the 6th P.M., in Bent County. UTM 678319.1 E, 4217322.9 N. 5.3.6 Farm 60 Recharge Site (WDID 1704820), located in the NW1/4 NW1/4 of Section 14, T23S, R54W of the 6th P.M., in Otero County. UTM 637628.5 E, 4212801.7 N. 5.3.7 Farm 65 Recharge Site (WDID 6701009), located in the SW1/4 SE1/4 of Section 25, T22S, R49W of the 6th P.M., in Bent County. UTM 687650.9 E, 4219293.4 N. 5.3.8 Farm 36 Recharge Site (WDID TBD), to be located in the SW1/4 of Section 14, T22S, R51W of the 6th P.M., in Bent County. UTM 666388.7 E, 4222208 N. 5.3.9 Farm 53 Recharge Site (WDID TBD), to be located in the SE1/4 NE1/4 and the E1/2 SW1/4 of Section 27, and the NW1/4 of Section 34, all in T22S, R48W of the 6th P.M., in Bent County. UTM 693822.7 E, 4219605.6 N. 5.3.10 Farm 25 Recharge Site (WDID TBD), to be located in the NW1/4, W1/2 NE1/4, and S1/2 of Section 11, T22S, R48W of the 6th P.M., in Bent County. UTM 695462.2 E, 4224941.5 N. 5.3.11 Farm 39N Recharge Site (WDID TBD), to be located in the W1/2 of Section 12, T22S, R49W of the 6th P.M., in Bent County. UTM 687071.1 E, 4224699 N. 5.3.12 Farms 1 and/or 27 Reservoir Site(s)

(WDID TBD), to be located in Section 26, the NE1/4 of Section 35, and the NW1/4 of Section 25, T22S, R51W of the 6th P.M., in Bent County. 5.3.13 Farm 64 Reservoir Site (WDID TBD), to be located in the N1/2 of Section 32 and the W1/2 NW1/4 of Section 33, T22S, R48W of the 6th P.M., in Bent County. 5.3.14 Farm 53 and/or Coen Farm Reservoir Site(s) (WDID TBD), to be located in the SW1/4, the NE1/4, the S1/2 NW1/4, and the E1/2 SE1/4 of Section 27; and the W1/2 SW1/4 of Section 26; all of T22S, R51W of the 6th P.M., in Bent County. 5.3.15 Farms 25 and/or 37 Reservoir Site(s) (WDID TBD), to be located in the NE1/4 and E1/2 SE1/4 of Section 10, and in Section 11, T22S, R48W of the 6th P.M., in Bent County. 5.3.16 John Martin Reservoir: Accounts available for storage of the FLCC Shares, including without limitation the Offset Account and the Multi-Purpose Account. The location of John Martin Reservoir is described in paragraph 4.10 above. 5.3.17 Lake Meredith Reservoir, located as described in paragraph 4.11.2 above. 5.3.18 Adobe Creek Reservoir, located as described in paragraph 4.6 above. 5.3.19 Horse Creek Reservoir, located as described in paragraph 4.4 above. 5.3.20 Dawn Pond (WDID 1703508), located in the SE1/4 NW1/4, SW1/4 NW1/4, and NW1/4 SE1/4 of Section 35, T22S, R53W of the 6th P.M., in Bent County. UTM 647614.5 E, 4217362.6 N. 5.3.21 Dingwall Ditch Regulating Reservoir (WDID 6703536), located in the E1/2 SE1/4 of Section 28, T22S, R49W of the 6th P.M., in Bent County. UTM 687216.5 E, 4226479 N. 5.3.22 Gerald Verhoeff Reservoir (WDID 6703599), located in the W1/2 NW1/4 of Section 27 and the SE1/4 NE1/4 of Section 28, T22S, R49W of the 6th P.M., in Bent County. UTM 683776.4 E, 4219942.5 N. 5.3.23 Reyher Reservoir No. 4 (WDID 6703740), located in the NE1/4 SE1/4 of Section 14, T22S, R49W of the 6th P.M., in Prowers County. UTM 686630.6 E, 4222869.0 N. 5.3.24 Fish Hatchery Storage Facility (a/k/a Dusk Pond) (WDID TBD): To be constructed in all or portions of Sections 23, 24, 25, and 26 of T22S, R53W of the 6th P.M., in Bent County. UTM 648384.5 E, 4219784.5 N. 5.3.25 Lamar Canal storage: Any reservoir that can be filled from the Lamar Canal and is available for LAWMA's use. The headgate of the Lamar Canal (WDID 6700614) is located on the south bank of the Arkansas River in the NE1/4 SW1/4 of Section 25, T22S, R47W of the 6th P.M., in Prowers County. UTM 706553.5 E, 4220139.5 N. 5.3.26 4T Ranch Reservoir (WDID TBD): To be constructed in the N1/2 of Section 1 and/or the E1/2 and the E1/2 W1/2 of Section 2, T23S, R53W of the 6th P.M., in Prowers County. UTM 647697 E, 4215874 N; and/or 648673 E, 4216221 N. 5.3.27 C.R.S. § 37-87-101(3)(a): Any reservoir that is located on the Fort Lyon Canal system, is available for LAWMA's use, and meets the requirements of C.R.S. § 37-87-101(3). **6. Detailed Description of ATM-Limited Change:** 6.1 ATM-Limited Change in type of use: LAWMA seeks to change the water rights associated with the ATM Shares such that they may be used, reused, successively used, and used to extinction by Springs Utilities directly, after storage, and/or by exchange, using any structure now existing or hereafter constructed that is lawfully available for use by Springs Utilities, for all beneficial uses, including without limitation municipal, industrial, domestic, agricultural, commercial, irrigation, stock watering, fire protection, recreation, in-reservoir fish and wildlife preservation and propagation, recharge of aquifers, exchange purposes, replacement of historical return flows, replacement of depletions resulting from the use of water from other sources, relinquishment pursuant to § 37-90-137(9)(b), C.R.S., and all augmentation purposes ("Springs Utilities' New Uses"). Springs Utilities' New Uses under the ATM-Limited Change are in addition to and not in place of the New Uses under the

Comprehensive Change. Springs Utilities may store water attributable to the ATM Shares in or exchange such water to the structures identified in **Exhibit E**, and any other point of storage or diversion now existing or hereafter constructed and available for use by Springs Utilities. Any such exchange will be made under the decrees entered in Division 2 Case Nos. 05CW96, 07CW122, 16CW3056, 19CW3052, and 19CW3053, and the decree pending in Division 2 Case No. 21CW3015, or under future administratively or judicially approved plans for substitution and exchange. The ATM Shares also will be used as “Temporary Use Agreement Water” under any future decree that authorizes the use of such water, in compliance with the applicable terms and conditions of such decree.

6.2 ATM-Limited Change in place of use: LAWMA seeks to change the water rights associated with the ATM Shares such that they may be used for Springs Utilities’ New Uses within Springs Utilities’ service area as it exists now and as it may exist in the future, including any areas served by Springs Utilities by extraterritorial agreement or other contract; for replacement of depletions on Fountain Creek accruing between the City of Colorado Springs and the confluence of Fountain Creek and the Arkansas River; and in any location within the Arkansas River Basin for which water may be delivered by Springs Utilities for augmentation, sale, or lease, and for such other uses as may be allowed by law. Springs Utilities’ current service area is located as shown on **Exhibit F**. The new place of use under the ATM-Limited Change is in addition to and not in place of the new places of use under the Comprehensive Change, as described in paragraph 5.2 above.

7. Replacement of historical return flows: LAWMA will replace to the Arkansas River system, in the amounts, times, and locations necessary to prevent injury to Colorado water rights and violation of the Arkansas River Compact, the historical return flows associated with the FLCC Shares. LAWMA will replace the historical return flows with water available to the FLCC Shares or with the following fully consumable water supplies:

7.1 Springs Utilities supplies: 7.1.1 Supplies owned or controlled by Springs Utilities and released from Lake Meredith. 7.1.2 Supplies owned or controlled by Springs Utilities and delivered in the Arkansas River. **7.2 17CW3068 consumptive use credit:** Historical consumptive use credit attributable to LAWMA’s Fort Bent Ditch water rights changed in Case No. 17CW3068, with such use made both directly and after storage in the West Farm Gravel Pit.

7.3 15CW3067 consumptive use credit: Historical consumptive use credit attributable to LAWMA’s Lamar Canal water rights (both Lamar Canal Company and Granada Irrigation Company interests) changed in Case No. 15CW3067, with such use made both directly and after storage in the West Farm Gravel Pit. **7.4 West Farm Gravel Pit:** Supplies owned or controlled by LAWMA and released from the West Farm Gravel Pit.

7.5 Future-added supplies: LAWMA may add new return flow replacement supplies to its operations hereunder by filing a new application in this Court, with notice as required by law, and obtaining a decree authorizing such addition on a permanent basis; or by obtaining an administratively approved substitute water supply plan authorizing such addition on a temporary basis.

8. Substitution of dry-up parcels: LAWMA seeks a decreed process by which, under the change of water rights claimed herein, LAWMA may petition the Court for approval of dry-up of lands irrigated with the FLCC Water Rights other than the Historically Irrigated Lands shown on **Exhibits B-1** and **B-2** (“Substitution of Dry-Up”). The purpose of the Substitution of Dry-Up is to produce more desirable agricultural, environmental, or other conditions under the Fort Lyon Canal without injury to vested water rights or decreed conditional water rights and

without loss of yield to the FLCC Shares. LAWMA seeks to include in the decree in this matter an existing Substitution of Dry-Up that has been operating since 2021 under an approved Substitute Water Supply Plan for the Wertz Farm, and any other Substitution of Dry-Up that may be operated under the Fort Lyon Canal while this application is pending before the Water Court; and further seeks a process by which the Court may approve future Substitutions of Dry-Up post-decree. **9. Appropriative rights of exchange:** 9.1 Exchange-from points: 9.1.1 Confluence of Horse Creek and Arkansas River, located in the SE1/4 SW1/4 of Section 2, T23S, R53W of the 6th P.M. UTM 647337.7 E, 4214948.4 N. 9.1.2 Confluence of Adobe Creek and Arkansas River, located in the SE1/4 NW1/4 of Section 6, T23S, R52W of the 6th P.M. UTM 650736.6 E, 4215843.5 N. 9.1.3 Confluence of Gageby Creek and Arkansas River, located in the NE1/4 SW1/4 of Section 36, T22S, R51W of the 6th P.M. UTM 668388.3 E, 4217772.2 N. 9.1.4 John Martin Reservoir, located as described in paragraph 4.10 above. 9.1.5 Confluence of East Prowers Arroyo (or bypass channel) and Arkansas River, located in the SW1/4 SE1/4 of Section 35, T22S, R49W of the 6th P.M. UTM 686177 E, 4217539 N. 9.1.6 Limestone Creek Augmentation Station (WDID 6701004) outfall to Limestone Creek, located in the NE1/4 NE1/4 of Section 23, T22, R49W of the 6th P.M. UTM 686641 E, 4222217 N. 9.1.7 Confluence of Limestone Creek and Arkansas River, located in the NW1/4 NE1/4 of Section 1, T23S, R49W of the 6th P.M. UTM 687922.7 E, 4217364.3 N. 9.1.8 Confluence of McClave Drainage Ditch and Arkansas River, located in the SE1/4 SE1/4 of Section 32, T22S, R48W of the 6th P.M. UTM 691396.4 E, 4217875.6 N. 9.1.9 Confluence of Graveyard Creek and Arkansas River, located in the SW1/4 NE1/4 of Section 34, T22S, R48W of the 6th P.M. UTM 694020.4 E, 4218548.1 N. 9.1.10 Confluence of Riverview Drain and Arkansas River, located in the NE1/4 NW1/4 of Section 31, T22S, R47W of the 6th P.M. UTM 698653 E, 4219222.3 N. 9.1.11 Confluence of Wiley Drain and Arkansas River, located in the NE1/4 NW1/4 of Section 31, T22S, R47W of the 6th P.M. UTM 698653 E, 4219222.3 N. 9.1.12 West Farm Gravel Pit outfall to Arkansas River, located in the NW1/4 SE1/4 of Section 29, T22S, R46W of the 6th P.M. UTM 710102 E, 4220263.7 N. 9.1.13 Confluence of the Hyde Canal Return Gate and Arkansas River, located in the NW1/4 NW1/4 of Section 27, T22S, R46W of the 6th P.M. UTM 712506 E, 4221052.3 N. 9.2 Exchange-to points: 9.2.1 Headgate of the Colorado Canal, as described in paragraph 4.11.1 above, for delivery to Lake Meredith. 9.2.2 Headgate of the Fort Lyon Storage Canal, as described in paragraph 4.2 above. 9.2.3 Headgate of the Fort Lyon Canal, as described in paragraph 4.1 above. 9.2.4 Dawn Pond, as described in paragraph 5.3.20 above. Water exchanged into Dawn Pond will first be exchanged to the confluence of Adobe Creek and the Arkansas River, as described in paragraph 9.1.2 above, and thence up Adobe Creek to the exchange-to point. 9.2.5 Fish Hatchery Storage Facility, as described in paragraph 5.3.24 above. Water exchanged into Fish Hatchery Storage Facility will first be exchanged to the confluence of Adobe Creek and the Arkansas River, as described in paragraph 9.1.2 above, and thence up Adobe Creek to the exchange-to point. 9.2.6 John Martin Reservoir, as described in paragraph 4.10 above. 9.2.7 Reyher Reservoir No. 4, as described in paragraph 5.3.23 above. Water exchanged into Reyher Reservoir No. 4 will first be exchanged to the confluence of Limestone Creek and the Arkansas River, as described in paragraph 9.1.7 above, and thence up Limestone Creek to the exchange-to point. 9.2.8 Dingwall Ditch Regulating Reservoir, as described in paragraph 5.3.21 above. Water exchanged into Dingwall Ditch

Regulating Reservoir will first be exchanged to the confluence of East Prowers Arroyo and the Arkansas River, located in the SW1/4 SE1/4 of Section 35, T22S, R49W of the 6th P.M. (UTM 686177 E, 4217539 N), and thence up East Prowers Arroyo to the exchange-to point. 9.2.9 Gerald Verhoeff Reservoir, as described in paragraph 5.3.22 above. Water exchanged into Gerald Verhoeff Reservoir will first be exchanged to the confluence of East Prowers Arroyo and the Arkansas River, as described in paragraph 9.2.8 above, and thence up East Prowers Arroyo to the exchange-to point. 9.2.10 Headgate of Lamar Canal (WDID 6700614), located as described in paragraph 5.3.25 above. 9.2.11 4T Ranch point of re-diversion, located as described in paragraph 13.2.3 below. 9.3 Exchange reaches: The exchanges will operate from a downstream-most point at the confluence of the Hyde Canal Return Gate and the Arkansas River, as described in paragraph 9.1.13 above, to an upstream-most point at the Colorado Canal headgate, as described in paragraph 4.11.1 above. The locations of the exchange-to and exchange-from points described in paragraphs 9.1 and 9.2 above are shown on the map attached as **Exhibit G**. The individual exchange reaches are shown in the Exchange Matrix attached as **Exhibit H**. 9.4 Source of substitute supply: Fully consumable water attributable to the FLCC Shares. 9.5 Structures: LAWMA will measure and deliver the substitute supply to the exchange-from points through or by release from the following structures. The locations of those structures not previously identified in this Application are shown on the map attached as **Exhibit I**. 9.5.1 All structures described in paragraphs 5.3.1 through 5.3.27 above. 9.5.2 Horse Creek Augmentation Station (WDID 1701000), located in the SW1/4 NE1/4 of Section 33, T22S, R53W of the 6th P.M. UTM 644666 E, 4217308 N. 9.5.3 Gageby Creek Farm 36 Augmentation Station (a/k/a Upper Gageby Augmentation Station) (WDID 6701006), located in the NW1/4 SE1/4 of Section 26, T22S, R51W of the 6th P.M. UTM 666870 E, 4219168 N. 9.5.4 Gageby Creek Farm 27 Augmentation Station (a/k/a Lower Gageby Augmentation Station) (WDID 6701002), located in the SE1/4 SW1/4 of Section 14, T22S, R51W of the 6th P.M. UTM 666578 E, 4221815 N. 9.5.5 Hasty Gate 145 Augmentation Station (a/k/a Hasty Augmentation Station) (a/k/a Farm 132/133 Augmentation Station) (WDID 6701005), located in the SW1/4 SE1/4 of Section 36, T22S, R50W of the 6th P.M. UTM 678283 E, 4217242 N. 9.5.6 East Prowers Arroyo Augmentation Station (WDID TBD), to be located in the NE1/4 NW1/4 of Section 3, T23S, R49W of the 6th P.M. 9.5.7 Limestone Creek Augmentation Station (WDID 6701004), located in the NE1/4 NE1/4 of Section 23, T22, R49W of the 6th P.M. UTM 686641 E, 4222217 N. 9.5.8 McClave Lateral Augmentation Station (WDID 6701009), located in the NE1/4 NE1/4 of Section 32, T22S, R48W of the 6th P.M. UTM 691445 E, 4219088 N. 9.5.9 Graveyard Creek Augmentation Station (WDID 6701001), located in the NW1/4 SW1/4 of Section 27, T22S, R48W of the 6th P.M. UTM 693541 E, 4219608 N. 9.5.10 Riverview Drain Augmentation Station (WDID 6701000), located in the NW1/4 NW1/4 of Section 17, T22S, R46W of the 6th P.M. UTM 709380 E, 4224354 N. 9.5.11 Wheatridge Augmentation Station (WDID 6701011), located in the NW1/4 NW1/4 of Section 17, T22S, R46W of the 6th P.M. UTM 709380 E, 4224354 N. 9.5.12 Fish Hatchery Augmentation Station (WDID TBD), to be located in all or portions of Sections 23, 24, 25 and 26, T22S, R53W of the 6th P.M. 9.5.13 County Road 8 (Big R Farm) Augmentation Station (WDID TBD), to be located in the NE1/4 NW1/4 of Section 5, T23S, R52W of the 6th P.M. 9.5.14 Springs Utilities Gageby Creek (FLCC Wasteway) Augmentation Station (WDID TBD), to be located in the NW1/4 SW1/4

of Section 1, T22S, R51W of the 6th P.M. 9.5.15 LAWMA Farm 39N Augmentation Station (WDID TBD), to be located in the NW1/4 of Section 12, T22S, R49W of the 6th P.M. 9.6 Appropriation date: January 16, 2026. 9.7 How appropriation was initiated: By LAWMA's filing of this Application. 9.8 Amount claimed: The claimed rates for each exchange are shown in the Exchange Matrix attached as **Exhibit H**. All exchanges are claimed as conditional. 9.9 Use of exchanged water: LAWMA's New Uses described in paragraph 5.1 above. **10. FLCC approvals**: As required by the FLCC's Bylaws, LAWMA applied to the FLCC Board of Directors ("FLCC Board") for approval of LAWMA's proposed changes of use of the FLCC Shares and additional changes of use of the ATM Shares. With respect to the Comprehensive Change, the FLCC Board issued its Amended Decision on December 20, 2016 ("2016 FLCC Approval"), approving the proposed changes of use and authorizing LAWMA's filing of the original application on the terms and conditions given in that decision. With respect to the ATM-Limited Change, the FLCC Board issued its Decision on November 14, 2018 ("2018 FLCC Approval"), approving the additional proposed changes of use and authorizing LAWMA's filing of the original application on the terms and conditions given in that decision. With respect to the Comprehensive Change, the FLCC Board issued its Decision on December 10, 2025 ("2025 FLCC Approval"), authorizing the filing of this Application. A copy of the 2016 FLCC Approval is attached as **Exhibit J**, a copy of the 2018 FLCC Approval is attached as **Exhibit K**, and a copy of the 2025 FLCC Approval is attached as **Exhibit L**. In each FLCC approval, the FLCC Board reserved the right to participate in this case as an objector, consistent with the approvals. **11. Revegetation terms and conditions of Bent County 1041 Permit**: In compliance with the Bent County 1041 Permit issued to LAWMA and ARF on April 11, 2018, nunc pro tunc April 3, 2018, LAWMA requests that the revegetation terms and conditions included in Exhibit C to that permit, as such terms and conditions may be amended, be incorporated into any decree entered in this case. Exhibit C to the Bent County 1041 Permit is attached as **Exhibit M**. **12. Addition of FLCC Shares to Augmentation Plan**: Paragraph 41.A of the 02CW181 Decree provides that LAWMA may add permanent sources of augmentation and replacement water to the Augmentation Plan by filing an application with this Court. By this Application, LAWMA seeks to add the FLCC Shares to the Augmentation Plan as a permanent source of augmentation and replacement water. **13. Augmentation stations and point of re-diversion**: 13.1 Augmentation stations: The map attached as **Exhibit I** identifies the augmentation stations that LAWMA will use to measure water delivered to the FLCC Shares for return to the river and shows the approximate location of those augmentation stations. LAWMA may develop other augmentation stations for that purpose and seeks approval of a post-decree process to add such new augmentation stations, including both traditional augmentation stations and recharge pond augmentation stations, under the decree to be entered in this case. 13.2 Points of re-diversion: 13.2.1 Following measurement and delivery of water to the May Valley Drain through the Wheat Ridge Lateral Augmentation Station, LAWMA may re-divert such water at a point to be located within the reach identified as the "May Valley re-diversion reach" on **Exhibit D-2**. Following re-diversion, LAWMA will deliver the water by ditch or pipeline to one or more of the storage structures identified in this Application or to the Arkansas River. 13.2.2 Following measurement and delivery of water to the Arkansas River, LAWMA may re-divert that water at a point to be located within the reach identified as the "West Farm

Gravel Pit re-diversion reach” on **Exhibit D-2**. Following re-diversion, LAWMA will deliver the water by ditch or pipeline to one or more of the storage structures identified in this Application. 13.2.3 Following measurement and delivery of water to the Arkansas River, LAWMA may re-divert that water at a point to be located within the reach identified as the “4T Ranch re-diversion reach” on **Exhibit D-1**. Following re-diversion, LAWMA will deliver the water **by ditch or pipeline to one or more of the storage structures identified in this Application.** **14. Names and addresses of owners or reputed owners of land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure, is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool:** 14.1 West Farm Gravel Pit: GP Aggregates, LLC, c/o Karl Nyquist, 385 Inverness Parkway, Suite 140, Englewood, CO 80112. 14.2 West Farm Gravel Pit point of re-diversion: GP Aggregates, LLC; 385 Inverness Parkway, Suite 140, Englewood, CO 80112; Toni States, 9159 State Highway 196, Lamar, CO 81052. 14.3 Horse Creek Reservoir: U.S. Department of Interior, Bureau of Land Management, Colorado State Office, 2850 Youngfield St., Lakewood, CO 80215 (“BLM Colorado”); Colorado State Land Board, 1127 Sherman St., Ste. 300, Denver, CO 80203; Timberlake Grazing Association, P.O. Box 151, Cheraw, CO 81030; FLCC, 750 Bent Ave., Las Animas, CO 81054; Minnie Glasnapp et al., c/o John F. Knipp, 709 St. Andrews, Wichita, KS 67230. 14.4 Adobe Creek Reservoir: BLM Colorado; Colorado State Land Board; Wyckoff Land & Cattle, 9990 Hwy. 96, Arlington, CO 81021; Beverly D. Spady, 517 Belleview, La Junta, CO 81050; CW Loveridge, 710 Vandehei Ave., Cheyenne, WY 82009; Elda E. Stavely, 200 Main St., Haswell, CO 81045; VB Ballard / Southern Family LLC, 2001 North Madison, Hutchinson, KS 67502; Leonard Ballard Schiff Trust & Ellen M. Schiff, P.O. Box 913, Hutchinson, KS 67504; Jeris A. Danielson, 517 Belleview Ave., La Junta, CO 81050; Michael Spady, 14265 Hwy. 50, Las Animas, CO 81054; William R. Dunlap, 1002 N Lyon, Santa Ana, CA 92701; J. B. Dean et al., c/o Mary Dean, 2 Westwood Rd., Santa Cruz, CA 95060; Bryan Borgus, 5659 S Scarlet Oak Ter., Homosassa Springs, FL 34446; Eldon Borgus, 203 Portageville Rd., Hunt, NY 14846; Mark R. Borgus, 970 Savage Rd., Churchville, NY 14428; Craig R. Borgus, 337 6th Way, Interlachen, FL 32148; Todd Borgus, 67 Stone Hill Ln., North Ferrisburgh, VT 05473; Glenda Chemelli, P.O. Box 418, Homosassa Springs, FL 34447; Charlotte Terrell et al., c/o Cheryl A. Griffith, 3506 Cardinal Dr. SW, Warren, OH 44481. 14.5 Thurston Reservoir: FLCC, 750 Bent Ave., Las Animas, CO 81054. 14.6 Neeskah (Queens) Reservoir: BLM Colorado; Colorado Parks and Wildlife, 1313 Sherman St., 6th Floor, Denver, CO 80203; Colorado State Land Board; Ellenberger Limited Partnership LLLP, 36106 CR 11.5, Lamar, CO 81052; Gagnon Family Limited Partnership, 325 Ivanhoe St., Denver, CO 80220; Greg S. Spitzer, P.O. Box 246, Wiley, CO 81092; Wootten Investments LTD, P.O. Box 1258, Lamar, CO 81052. 14.7 Pueblo Reservoir: U.S. Department of Interior, Bureau of Reclamation, Great Plains Region, P.O. Box 36900, Billings, MT 59107-6900. 14.8 John Martin Reservoir: U.S. Army Corps of Engineers, Reservoir Manager, 29955 County Road 25.75, Hasty, CO 81044; Caddoa Sands LLC, 2010 Fox Mountain Point, Colorado Springs, CO 80906. 14.9 Recharge Sites described in paragraphs 5.3.2 through 5.3.11: ARF, 1400 16th St., Suite 320, Denver, CO 80202. 14.10 Dawn Pond: AV Farms, LP, 385 Inverness Parkway, Suite 140, Englewood, CO 80112; DiRezza Limited Family Partnership, 4815 State Highway 194, Las Animas, CO 81054; Pearson Farm, 6081 Sunset Drive, Guymon,

OK 73942. 14.11 Dingwall Ditch Regulating Reservoir: Lance O. and Norma J. Verhoeff, 130 P.O. Box, Hasty, CO 81044. 14.12 Gerald Verhoeff Reservoir: Lance O. and Norma J. Verhoeff. 14.13 Reyher Reservoir No. 4: Robert George and Mary Kathryn Reyher (“Reyhers”), 230 State Highway 196, McClave, CO 81057. 14.14 Fish Hatchery Storage Facility: Springs Utilities, 121 South Tejon Street, Colorado Springs, CO 80903. 14.15 Fish Hatchery Augmentation Station: Springs Utilities. 14.16 County Road 8 (Big R Farm) Augmentation Station: Big R Properties, LLC, 100 Big R Street, Pueblo, CO 81001. 14.17 Springs Utilities Gageby Creek (FLCC Wasteway) Augmentation Station: Karney Land & Cattle, Inc., 34808 Road 17, Las Animas, CO 81054. 14.18 Haynes Creek Reservoir: Steven L. Fossil, 708 Soda Creek Dr., Evergreen, CO 80439; Glenda L. Wright, 1521 State Hwy. 209, Boone, CO 81025-9735; Timothy J. Sigler and Vestal V. Sigler, 2660 Nepesta Rd, Fowler, CO 81039-9619. 14.19 Lake Henry: Lake Henry Reservoir Company, 331 Main St., Ordway, CO 81063. 14.20 Lake Meredith: Lake Meredith Reservoir Company, P.O. Box 8, Ordway, CO 81063. 14.21 Structures identified on Exhibit I: ARF, except for the Limestone Creek Augmentation Station (NAF Property Holdings, LLC, 385 Inverness Parkway Ste. 140, Englewood, CO 80112); and the Horse Creek Augmentation Station (DiRezza Limited Family Partnership). 14.22 Farm 1 and 27 Reservoir Site; Farm 64 Reservoir Site; Farm 53 and Coen Farm Reservoir Site; Farm 25 and 37 Reservoir Site: ARF. 14.23 May Valley Drain point of re-diversion: Wendi J. Jenkins-Rider et al., 11301 County Road RR, Lamar, CO, 81052; Toni States. 14.24 4T Ranch point of re-diversion and 4T Ranch Reservoir: AV Farms, LP. 14.25 LAWMA East Prowers Arroyo Augmentation Station: Verhoeff Farms Inc., 130 PO Box, Hasty, CO 81044. 14.26 LAWMA Farm 39N Augmentation Station: The Reyhers. **15. Significant water development activity**: In compliance with C.R.S. § 37-92-302(3.5), within ten days after filing, LAWMA shall give notice of the contents of this Application by mail to the following: 15.1 Bent County Board of County Commissioners, 725 Bent Ave., P.O. Box 350, Las Animas, CO 81054. 15.2 Las Animas School District No. RE-1, 1021 2nd St., Las Animas, CO 81054. 15.3 Bent Conservation District, 760 Bent Ave., Las Animas, CO 81054. 15.4 Southeastern Colorado Water Conservancy District, 31717 United Ave., Pueblo, CO 81001. 15.5 Lower Arkansas Valley Water Conservancy District, 801 Swink Ave., Rocky Ford, CO 81067. 15.6 Secretary of the Fort Lyon Canal Company, 750 Bent Ave., Las Animas, CO 81054. 15.7 Otero County Board of County Commissioners, Otero County Courthouse, 13 W. 3rd St., Room 212, La Junta, CO 80150. 15.8 East Otero School District No. R1, 1802 Colorado Ave. Ste. 200, La Junta, CO 81050. 15.9 McClave School District No. RE-2, P.O. Box 1, McClave, CO 81057. 15.10 Prowers County Board of County Commissioners, 301 South Main St., Suite 215, Lamar, CO 81052. 15.11 Lamar School District No. RE-2, 210 W. Pearl, Lamar, CO 81052. 15.12 Wiley School District No. RE-13 JT, P.O. Box 247, Wiley, CO 81092. 15.13 East Otero Conservation District, 200 South 10th St., Rocky Ford, CO 81067. 15.14 Prowers Conservation District, 1501 S. Main St., Lamar, CO 81052. 15.15 Town of Wiley Board of Trustees, P.O. Box 519, Wiley, CO 81092-0519. WHEREFORE, LAWMA respectfully requests that this Court enter a decree approving this Application and granting all such other and further relief, whether legal or equitable, as the Court may determine necessary or desirable.

CASE NO. 2026CW2; SCOTT AND KARLA BROWN, 729 Open Sky Terrace, Pueblo, CO 81006, scott@mssmco.com, 719 240 9291

Application For Finding Of Reasonable Diligence And To Make Absolute In Part
CUSTER COUNTY

2. Name and type of structure:

Name of Structure	Type	SEO ID NUMBER
Brown Spring	Spring	1202840
Wallow Pond	Reservoir	1203420
Trout Pond	Reservoir	1203421
House View Pond	Reservoir	1203422
Brown Well (161892)	Well	1208422

3. Describe conditional water right (as to each structure) including the following information from previous decree: A. Date of Original Decree: February 12, 2020, Case Number: 2019CW0004, Court: District Court, Water Division Two B. List all subsequent decrees awarding findings of diligence: None C. Legal description:

Structure	PLSS Legal Description	Easting	Northing
Brown Spring	NW ¼ NE ¼ Sec. 31, T 22 S R 69 W, 6th P.M.	487487	4216643
Wallow Pond	SW ¼, NE ¼ Sec. 31, T 22 S R 69 W, 6th P.M.	487514	4216113
Trout Pond	SW ¼, NE ¼ Sec. 31, T 22 S R 69 W, 6th P.M.	487520	4216158
House View Pond	NW ¼ NE ¼ Sec. 31, T 22 S R 69 W, 6th P.M.	487498	4216394
BrownWell (161892)	NW ¼ NE ¼ Sec. 31, T 22 S R 69 W, 6th P.M.	487521	4216631

Note: All coordinates NAD 83 Zone 13S.

Well Structure Street Location Information: Brown Well (161892), 7075 Highway 165, Wetmore, CO 81235 **D. Source of water:** Brown Spring, Wallow Pond, Trout Pond and House View Pond: unnamed tributary of South Hardscrabble Creek, tributary to Hardscrabble Creek, tributary to the Arkansas River, Brown Well: Ground water tributary to the Arkansas River. **E. Appropriation Date and Amounts:**

Structure	Date of Appropriation	Amounts
Brown Spring	4/1/1913	1.0 gallon per minute, absolute
Wallow Pond	10/2018	1.5 acre-feet, conditional
Trout Pond	10/2018	1.1 acre-feet, conditional
House View Pond	10/2018	1.3 acre-feet, conditional
Brown Well (161892)	9/16/1991	4.4 gallons per minute, absolute and conditional uses

F. Uses:

Structure	Uses
Brown Spring	Domestic use in one residence (1904) and 4,000 square feet of lawn/garden use (absolute).

Wallow Pond	Wildlife, aesthetics, livestock and piscatorial (conditional).
Trout Pond	Wildlife, aesthetics, livestock and piscatorial (conditional).
House View Pond	Wildlife, aesthetics, livestock and piscatorial (conditional).
Brown Well (161892)	Domestic use in one residence (1991) (absolute). Domestic use in two residences, livestock use, domestic animals use, one acre of lawn/garden

G. Depth: 172 feet (Brown Well 161892) **4.** Provide a detailed outline of what has been done toward completion or for completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures, during the previous diligence period: (add additional sheets if necessary). If irrigation use, mark the location of proposed area to be irrigated on a USGS topographic map and attach to this application a legible 8 ½ x 11 inch copy of the applicable portion of the map. **A.** Applicants seek to make absolute 0.33 acres of the 1.0 acres of lawn/garden irrigation use decreed conditionally to the Brown Well in Case No. 19CW004 (see paragraph 5 below). **B.** Applicants further seek a finding of continued reasonable diligence for all of the other conditional water rights and uses as decreed in Case No. 19CW004. The applicants have during the last diligence period completed construction of their residence, applied Brown Well water to grass & trees surrounding the residence, and conducted the following associated activities with associated costs regarding their pond structures: Consulting engineering fees: \$1,727, Pond dam excavation, 9/21/20: \$12,000, Pond gate valves face plate: \$1450.00, Core & main pipe for outlet valve and overflow, 6/9/20: \$654.57, Install pond dock, 8/10/20: \$1,200.00, Stock fish in ponds, 5/2/21: \$1,137.00, Stock fish in ponds, 6/15/22: \$1,287.00, Ponds aerator, 5/5/22: \$1,833.77, Pond weed control, 5/5/22: \$374.03, Pond weed rake: \$140.00, Pond weed cutter: \$230.00, Construction and install power supply to ponds aerator, 5/3/22: \$1,394.00, Use trencher for power supply construction, 5/10/22: \$290.00. **5.** If claim to make absolute in whole or in part: **A.** Date water applied to beneficial use: July 2020, Amount: 4.4 gallons per minute on up to 0.33 acres of lawn/garden. Use: The applicants have used water from the Brown Well to water grass and trees surrounding their residence during dry periods during the last diligence period. **B.** The application shall include supporting evidence that applicant diverted water in-priority and applied such water to the beneficial uses claimed in the amounts claimed. (For example, diversion records, call records, capacity tables, etcetera.). The applicants diverted water from the Brown Well for use on 0.33 acres of grass and trees surrounding his residence. Use of water from the Brown Well is exempt from priority water rights administration. **C.** Description of place of use where water is applied to beneficial use. Mark the location of area irrigated on a USGS topographic map and attach to this application a legible 8 ½ x 11 inch copy of the applicable portion of the map. See **Figure 1** 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.) **6.** If actual location of the structure is different from the location in paragraph 3.C. above, provide the actual description. Mark the actual location of the structure on a USGS topographic map and attach to this application a legible 8 ½ x 11 inch copy of the applicable portion of the map.

Structures are located as decreed in Case No. 19CW004. **7.** Names(s) and address(es) of owner(s) or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool. 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 by no later than 14 days after filing this Application. The certification form is on page 5 of this form. Applicants. **8.** Remarks or any other pertinent information:

CASE NO. 2026CW3007; JASON T ULLMANN State Engineer and Director of COLORADO DIVISION OF WATER RESOURCES, 1313 Sherman Street, 8th Floor, Denver, CO 80203 (Please address all pleadings and inquiries regarding this matter to the attorneys: Trevor D. Rogan, Assistant Attorney General, and Derek L. Turner, First Assistant Attorney General, Colorado Attorney General, Natural Resources & Environment Section, 1300 Broadway, 10th Floor, Denver, CO 80203, Telephone: 720-508-6865 (Rogan), 720-508-6926 (Turner); E-mail: trevor.rogan@coag.gov, derek.turner@coag.gov)

Rules Governing The Review Of A Substitute Water Supply Plan For The Lease, Loan, Or Trade Of A Decreed Agricultural Water Protection Water Right

BACA, BENT, CHAFFEE, COSTILLA, CROWLEY, CUSTER, FREMONT, HUERFANO, KIOWA, LAKE, LAS ANIMAS, OTERO, PARK, PROWERS, PUEBLO, SAGUACHE AND COUNTIES

TITLE The title of these rules is “Rules Governing the Review of a Substitute Water Supply Plan for the Lease, Loan, or Trade of a Decreed Agricultural Water Protection Water Right.” The short title of these rules is “Agricultural Water Protection Right Rules,” and in this document, the rules may be referred to as “Rules.” **AUTHORIZATION** In order to comply with the requirements of section 37-80-123, C.R.S., it is necessary to adopt rules governing the review of a substitute water supply plan pursuant to section 37-92-308(12), C.R.S. The State Engineer’s authority to promulgate these Rules is based on section 37-80-102(1)(g), C.R.S., which vests rulemaking authority for the Division of Water Resources in the State Engineer; section 37-80-123, C.R.S., which requires the promulgation of these rules according to the State Engineer’s own rule-making process; and section 37-92-501, C.R.S., which authorizes the State Engineer to adopt rules and regulations to assist in the performance of administration, distribution, and regulation of the waters of the state in accordance with the constitution of the State of Colorado and other applicable laws. **ORDER OF THE STATE ENGINEER IT IS ORDERED** that the following Rules governing the review of a substitute water supply plan for the lease, loan, or trade of a decreed agricultural water protection water right are adopted by the State Engineer. These Rules replace and supersede the “Rules Governing the Review of a Substitute Water Supply Plan for the Lease, Loan, or Trade of a Decreed Agricultural Water Protection Water Right” made effective by Order of the District Court for Water Division 1 on April 22, 2019 in Case No. 2017CW3152 (Consolidated Case No. 17CW3057, Div. 2). **RULE 1 SCOPE** These Rules apply to all applications for substitute water supply plans pursuant to section 37-92-308(12), C.R.S. **RULE 2 DEFINITIONS** The following definitions are applicable to these Rules: **2.1** “Agricultural Water Protection Water Right” means a water right changed by a water court decree to allow the lease,

loan, or trade of up to fifty percent of the amount of water so decreed, subject to the allowances and limitations described in section 37-92-305(19), C.R.S. The Agricultural Protection Water Right is the total amount of the water right that was changed by the water court for agricultural water protection use. A portion of the Agricultural Protection Water Right may be Lease Water, as defined in Rule 2.6. **2.2** “Change Decree” means the water court decree for the change of water right from an absolute decreed irrigation water right used for agricultural purposes to an Agricultural Water Protection Water Right. **2.3** “Criteria and Guidelines” means the document developed by the Colorado Water Conservation Board for the establishment of Agricultural Water Protection Programs pursuant to section 37-92-305(19)(b)(IV)(B), C.R.S., to assure sufficient protection and monitoring of Agricultural Water Protection Water Rights. **2.4** “Final Decision” means the approval or denial of a substitute water supply plan, as defined in Rule 2.9, which is issued after the reconsideration period, as described in Rule 6. **2.5** “Initial Decision” is the State Engineer’s initial approval or denial of a substitute water supply plan, as defined in Rule 2.9, which may be reconsidered upon request as described in Rule 6. **2.6** “Lease Water” means the portion of the historical consumptive use described in the Change Decree that is requested for lease, loan, or trade in the substitute water supply plan. The amount may be up to fifty percent of the quantified historical consumptive use portion of the Agricultural Water Protection Water Right described in the Change Decree. **2.7** “Person” means an individual, a partnership, a corporation, a municipality, the state of Colorado, the United States, or any other legal entity, public or private. See section 37-92-103(8), C.R.S. **2.8** “Point of Diversion” means either (a) the decreed location where the Lease Water will be diverted from the natural stream or (b) the decreed upstream location of a reach of the natural stream where the Lease Water will be put to beneficial use. **2.9** “Substitute water supply plan” or “SWSP” means a one-year plan for the use of Lease Water at a Point of Diversion, which is administratively approved by the State Engineer pursuant to section 37-92-308(12), C.R.S. **2.10** “SWSP Parties” means applicant, all parties commenting on the SWSP application, and all parties to the Change Decree. **RULE 3 APPLICATION REQUIREMENTS AND CRITERIA THAT THE STATE ENGINEER WILL CONSIDER IN REVIEW OF A SUBSTITUTE WATER SUPPLY PLAN APPLICATION** Rule 3 describes requirements for information to be included in any SWSP application and, as directed by section 37-80-123(1)(b)(II), C.R.S., criteria the State Engineer will consider in reviewing all applications. Much of the information included in the application will be information found in the Change Decree but will be necessary in the application to provide a complete picture of the proposed operation. Applications should be submitted no later than January 15 to allow for review prior to the irrigation season. Applications should be submitted as early as possible to allow adequate time for evaluation. **3.1** Information that must be included in the application. Rather than transcribing long sections of the Change Decree, references to the decree paragraph and/or page number may be sufficient to fulfill requirements in Rule 3.1; however, language from the Change Decree may be included in the application for clarity. **3.1.1** Applicant name and evidence that applicant is the owner of the Agricultural Water Protection Water Right. **3.1.2** Evidence of written notice to the SWSP notification list, as required by section 37-92-308(12)(b)(I)(A), C.R.S. **3.1.3** Case number for the Change Decree. **3.1.4** Person to whom the Lease Water will be leased, loaned, or traded. **3.1.5** Copy of written lease, loan, or trade with end user of water. Confidential information, which is commonly related to price, may be redacted from

application materials as long as essential information such as term, renewal/termination dates, and any special operation clauses are shown. **3.1.6 Proposed use of Lease Water:**

3.1.6.1 The amount of Lease Water as a percentage (50 percent or less) of the Agricultural Water Protection Water Right and other amount limitations described in the Change Decree. Such limitations may include volumetric limits, which may vary by the percent of the Agricultural Water Protection Water Right being used, or limits that are a result of return flow percentages. **3.1.6.2** The Point of Diversion of the Lease Water, case number and paragraph or page number where the Point of Diversion is decreed, and any WDIDs assigned by the Division of Water Resources. **3.1.6.3** For a Point of Diversion that is upstream of the decreed point of diversion of the Lease Water, identify intervening water rights and describe how the upstream diversion can occur without injury. **3.1.6.4** Type and place of use of Lease Water. If an augmentation plan allows for the temporary addition of replacement sources, Lease Water may be added only pursuant to the provisions of that augmentation plan and must be diverted at a previously decreed Point of Diversion and returned to the stream for credit. **3.1.7** Opt out of SWSP operation: If applicant desires an SWSP with the option to opt out before the irrigation season begins, describe in detail the terms and conditions applicant requests. The Division Engineer must be notified no later than March 31 and before any diversions under the SWSP occur if the applicant elects to opt out. **3.1.8** Information on dry up and ongoing irrigation: **3.1.8.1** A description of where the Agricultural Water Protection Water Right water that is not being leased, loaned, or traded will continue to be used for agricultural purposes consistent with 37-92 305(19)(b)(III). **3.1.8.1.1** If requesting to rotate irrigated/dry-up acres in year 1, year 2 (under a renewal), and year 3 (under a renewal) of SWSP operation, describe the requested irrigated and dried up lands for each year in the initial application so that terms and conditions of the SWSP approval can remain unchanged (see Rule 4.1.2). **3.1.8.1.2** If requesting alternative irrigation approaches, rather than drying up a portion of the historically irrigated land, provide a description of the request and information supporting how such an operation prevents injury. **3.1.8.2** A description of the historically irrigated land associated with the Lease Water that will not be irrigated by the Lease Water, if any, for the duration of the SWSP. **3.1.8.3** A description of the method to ensure any necessary dry up of the irrigated land associated with the Lease Water, any plans to irrigate with alternative water sources, and any additional dry up terms and conditions from the Change Decree. **3.1.9** Historical return flow obligations: **3.1.9.1** Restatement of return flow obligations by time, place, and amount from the Change Decree. Obligations are typically described as fractions of farm headgate deliveries, flow rates, or volumetric amounts. **3.1.9.2** The amount of return flow obligation associated with the Lease Water. The amount of return flow obligation may vary with the percentage of the Agricultural Water Protection Water Right exercised (50 percent or less) and other limitations described in the Change Decree. **3.1.9.3** The source(s) of water to be used to meet return flow obligations. **3.1.9.4** Documentation of permission to use replacement water (copy of lease or contract) if not owned. **3.1.9.5** The location(s) at which replacement water will be placed in the river to meet return flow obligations, and the river distance from the location water is placed in river to the location of the return flow obligation for calculating transit loss. **3.1.9.6** For the use of return flow replacement sources downstream of the historical return flow location, an explanation of how downstream replacement can prevent injury, and under what conditions available

upstream sources will be used. Explanation of any exchange or water exchange project to be used to meet return flow obligations, the exchange rate, and exchange potential.

3.1.9.7 For replacement provided through recharge accretions: **3.1.9.7.1** Description of the timing, amounts, and locations of delayed accretions to the receiving stream. **3.1.9.7.2** Table of estimated monthly deliveries, evaporation, other losses, releases, and accretions for the recharge facility. **3.1.9.8** Table of monthly return flow obligations, available replacement water from each replacement source, and transit losses associated with each replacement source. The table should include all ongoing obligations as described in the Change Decree and available replacement water from each replacement source used to meet those obligations. **3.1.10** Required Maps. All maps shall have scale, section, township, and range clearly identified. **3.1.10.1** Map 1: All water infrastructure involved in the SWSP (streams, ditches, historical return flow location, Point of Diversion, measuring structures, replacement sources, etc.). **3.1.10.2** Map 2: Lands that will not be irrigated by the Lease Water for the SWSP. **3.1.10.3** Map 3: Lands included in a conservation program or Agricultural Water Protection Program where the water decreed for agricultural water protection use but not leased, loaned, or traded will continue to be used for agricultural purposes. **3.1.11** A GIS shapefile outlining the land area that will not be irrigated by the Lease Water must be submitted to the Division of Water Resources before an approval can be issued. The shapefile shall include the Change Decree case number, the name of the SWSP application, and any accompanying metadata. In addition, the datum must be NAD83 and the UTM projection must be Zone 13. **3.1.12** Proof of permission (If permission is pending, an explanation on the status may be provided) to use any structures required for the operation of the SWSP but not owned by applicant.

3.1.13 Evidence of enrollment in a conservation program identified in section 37-92-305(19)(b)(IV)(A), C.R.S. or an Agricultural Water Protection Program for the lands identified in Map 3. **3.1.13.1** Applicant shall verify that use of the water under an SWSP does not conflict with water requirements of the conservation program or Agricultural Water Protection Program. **3.1.14** Detailed draft accounting table consistent with any applicable Division of Water Resources accounting guidance. **3.1.15** Contact information (including phone number and email address) for the party that will be submitting accounting for the SWSP and the party(ies) who will be coordinating daily operations with the water commissioner(s).

3.2 Criteria that the State Engineer will consider in reviewing an application, as directed by section 37-92-308(12)(c), C.R.S. The State Engineer must:

3.2.1 Verify that the proposed amount of Lease Water is consistent with the quantification and terms and conditions in the Change Decree and is no more than 50 percent of the historical consumptive use. **3.2.2** Verify that the Point of Diversion is subject to an existing water court decree. **3.2.3** Verify that the SWSP has correctly quantified the amount of replacement water associated with the Lease Water and that the SWSP will meet the return flow obligations in time, place, and amount to prevent material injury to other vested water rights and decreed conditional water rights in accordance with the Change Decree. **3.2.4** Verify that the operation of the SWSP does not facilitate the diversion of water between water divisions by direct diversion, exchange, replacement, or other means. **3.2.5** Consider written comments provided on the application in accordance with section 37-92-308(12)(b)(II), C.R.S. **3.2.6** Verify that, with appropriate terms and conditions, the SWSP will prevent injury to vested water rights and complies with the Change Decree

RULE 4 TERMS AND CONDITIONS THAT THE STATE ENGINEER MAY IMPOSE

THROUGH AN APPROVED SUBSTITUTE WATER SUPPLY PLAN As required by section 37-80-123(1)(b)(I), C.R.S., Rule 4 describes the terms and conditions that the State Engineer may impose on SWSP approvals pursuant to these Rules. Sections 37-92-308(12)(c)(VI) and (VII), C.R.S., specifically require SWSP terms and conditions for the use of Lease Water, including the return flow obligations in time, place, and amount, that prevent material injury to other vested water rights and decreed conditional water rights and allow delivery to the Point of Diversion. All terms and conditions of the Change Decree apply to the SWSP. All SWSP terms and conditions shall be consistent with the Change Decree to the extent the Change Decree addresses any aspect of the operation. Should a conflict arise between the Change Decree and the SWSP, the terms and conditions of the Change Decree supersede any conflicting Standard SWSP Terms and Conditions or other conflicts between the SWSP and Change Decree. **4.1** The following Standard Terms and Conditions shall be included in every SWSP approval, but can be modified by the State Engineer in an SWSP approval. Applicants may suggest modifications to Standard Terms and Conditions in the application if necessary. **4.1.1** This SWSP shall be valid for the period of one year, as specified in the Final Decision unless otherwise revoked or superseded. Any change in the use of the Lease Water, return flow replacement, or operations of the SWSP requires submittal of a new application pursuant to section 37-92-308(12), C.R.S. **4.1.2** If the terms and conditions of the SWSP remain unchanged, the applicant may renew the SWSP two times within three years of the original beginning date by notifying the State Engineer by electronic mail or first-class mail (to the State Engineer's Office) that the terms and conditions remain unchanged. The notice must describe the requested period of renewal (beginning date through end date), not to exceed one year, and a copy of the renewed lease, loan, or trade agreement, if applicable. Notice should be provided at least 35 days prior to the requested beginning date. **4.1.3** The State Engineer may revoke this SWSP or add additional restrictions to its operation if at any time the State Engineer determines that injury to other vested water rights has occurred or will likely occur as a result of the operation of this SWSP or if the applicant fails to comply with the SWSP conditions of approval. Should this SWSP expire without renewal or be revoked, all use of water under this SWSP must cease immediately. However, all ongoing obligations from operation under this SWSP, such as historical return flow replacements, must continue to be fulfilled. **4.1.4** Approval of this SWSP is contingent on the non-irrigation of the specified portion of the applicant's property as shown on Map 2. **4.1.5** This SWSP is only valid if the lands shown on Map 3 continue to participate in a program as required in section 37-92-305(19)(b)(IV), C.R.S. **4.2** Pursuant to section 37-92-308(12)(c)(VI), C.R.S., additional terms and conditions not listed in Rule 4.1 will be included in each SWSP approval to allow for administration and prevention of injury based on the specific operation of each SWSP. **4.3** The State Engineer may include terms and conditions submitted by commenting parties pursuant to section 37-92-308(12)(b)(II), C.R.S. **RULE 5 ADDITIONAL INFORMATION TO BE INCLUDED IN THE DECISION OF THE STATE ENGINEER** The decision of the State Engineer, either an approval or denial of the SWSP application, must include the following information as required by section 37-92-308(12)(f), C.R.S.: **5.1** Detailed statement of the basis and rationale for the decision. If the decision is an approval, the approval must include a complete explanation of the terms and conditions imposed to prevent injury to other water rights (see Rule 4) and why the terms and conditions are imposed. **5.2** Description of the

consideration given to any written comments that were filed by other parties **RULE 6 RECONSIDERATION AND APPEAL OF STATE ENGINEER'S DECISION** Section 37-80-123(1)(b)(IV), C.R.S., requires that the Rules provide procedures for the State Engineer to reconsider a decision and section 37-92-308(12)(h), C.R.S., describes the SWSP appeal process. Reconsideration and appeal of the State Engineer's decision shall be in accordance with the following: **6.1 Initial Decision and Reconsideration** **6.1.1** The State Engineer shall serve a copy of the Initial Decision, whether an approval or denial, on all SWSP Parties. The Initial Decision may be reconsidered within 14 days of the date of service of the Initial Decision. **6.1.2** Any party may request that the State Engineer reconsider the Initial Decision during the 14-day reconsideration period by providing information not available to the State Engineer when the Initial Decision was made, by identifying or explaining information the State Engineer failed to consider, or by identifying clerical errors in the Initial Decision. The requesting party shall serve a copy of the request on all SWSP Parties and the State Engineer. **6.1.2.1** The State Engineer will review the information provided by the party requesting reconsideration and will provide a response to all SWSP Parties within a reasonable time. **6.1.3** If no reconsideration is requested, the State Engineer will issue a Final Decision 14 days after the Initial Decision. If any party requests reconsideration, the State Engineer will issue the Final Decision after reconsideration. The State Engineer will serve a copy of the Final Decision on all SWSP Parties. The SWSP may be operated only after the State Engineer issues the Final Decision. **6.2 Appeal of State Engineer's Final Decision** **6.2.1** Any appeal of the Final Decision must be made within thirty-five days of the date of service of the Final Decision. Any appeal must be filed under the Change Decree case number. **6.2.2** Only an SWSP Party or a party that requested reconsideration under Rule 6.1 may appeal a Final Decision. This rule does not limit which parties may then participate in the Court's appeal proceeding, which follows the process described in section 37-92-308(12)(h), C.R.S.

RULE 7 AGRICULTURAL WATER PROTECTION WATER RIGHT SUBSTITUTE WATER SUPPLY PLAN DATABASE Rule 7 establishes procedures for creating a database that tracks and inventories SWSPs and for making that information available to the public as required by section 37-80-123(1)(b)(V), C.R.S. **7.1 Database creation:** **7.1.1** The existing database used to track SWSP status will be modified to include the information listed in Rule 7.2. Database information requirements: **7.2.1** Change Decree case number. **7.2.2** SWSP name. **7.2.3** Approved date of operation for the original SWSP: the date that operation may begin for the first SWSP pursuant to an application, as opposed to a request for a renewal. **7.2.4** SWSP recent renewal date: the date that operation may begin for the one-year renewal of the SWSP, as allowed by section 37-92-308(12)(d), C.R.S. **7.2.5** Status (approved, denied, pending, etc.). **7.2.6** Decreed beneficial use(s) of the Lease Water prior to the Change Decree. **7.2.7** Type of SWSP: "308(12) – Agricultural Water Protection," which also describes the decreed beneficial use of the water under the Change Decree. **7.2.8** Beneficial use of the Lease Water in the SWSP. **7.2.9** Amount of Lease Water in the SWSP. **7.2.10** Location(s) of use of the Lease Water in the SWSP including water division, water district, and section, township, and range. **7.3 Database accessibility:** **7.3.1** The public will have access to the information in Rule 7.2 through the Colorado Information Marketplace. **RULE 8 SEVERABILITY** If any portion of these rules is found to be invalid, the remaining portion of the rules shall remain in force and in effect. **IT IS FURTHER ORDERED** that these rules shall take

effect sixty days after publication in accordance with section 37-92-501, C.R.S., and will thereafter remain in effect until amended as provided by law. In the event that protests are filed with respect to these Rules pursuant to section 37-92-501, C.R.S., the effective date of these Rules is the date on which the Court enters a judgment confirming resolution of all protests to these rules. Any person desiring to protest these rules may do so in the manner provided in section 37-92-501, C.R.S. Any such protest to these rules must be filed by the end of the month following the month in which these rules are published.

CASE NO. 2026CW3008; WIDFIELD WATER AND SANITATION DISTRICT (“Widefield” or the “District”) WATER RESOURCE DEVELOPMENT COMPANY (“WRDC”) (collectively, “Applicants”) c/o Lucas Hale, Manager 8495 Fontaine Blvd.

Colorado Springs, Colorado 80925 (Please address all pleadings and inquiries regarding this matter to Applicant’s attorneys: Sarah Klahn, Ryan Mitchell, Somach Simmons & Dunn, (303) 449-2834)

Amended Application For Correction Of Established But Erroneously Described Point Of Diversion

EL PASO COUNTY, COLORADO

2. Name and Description of Structure: 2.1. Enfield Well No. 2 (“E-2”): 2.1.1. Original Decree: W-514 (June 26, 1973, as amended on August 20, 1973). 2.1.2. Subsequent Decrees Awarding Findings of Diligence and Absolute: W-514-(77) (December 14, 1978, as amended on April 6, 1979); 81CW93 (March 8, 1983). 2.1.3. Appropriation Date: May 25, 1962. 2.1.4. Depth: 34 feet. 2.1.5. Legal Description of Structure: Per the W-514 Decree, 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. 2.1.6. Source: Underground water from the alluvium of Fountain Creek, a tributary of the Arkansas River. 2.1.7. Amount: 0.044 cfs (20 gpm) absolute for domestic uses; 0.044 cfs (20 gpm) absolute for municipal uses; with a cumulative annual volumetric limit of 1.12 AF. 2.1.8. Uses: Domestic and municipal. 2.2. Enfield Well No. 2 (Enlargement) (“E-2 Enlargement”): 2.2.1. Original Decree: W-514 (June 26, 1973, as amended on August 20, 1973). 2.2.2. Subsequent Decrees Awarding Findings of Diligence and Absolute: W-514-(77) (December 14, 1978, as amended on April 6, 1979); 81CW93 (March 8, 1983). 2.2.3. Appropriation Date: March 21, 1972. 2.2.4. Depth: 45 feet. 2.2.5. Legal Description of Structure: Per the W-514 decree, 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. 2.2.6. Source: Underground water from the alluvium of Fountain Creek, a tributary of the Arkansas River. 2.2.7. Amount: 1.67 cfs (750 gpm) absolute. 2.2.8. Uses: Municipal. **3. Detailed Description of Proposed Correction:** This Application is submitted pursuant to C.R.S. § 37-92-305(3.6)(d). Applicants are required to show that the erroneously described point of diversion: (1) has been at the same physical location since the applicable decree or decrees confirmed the water right, unless it was relocated pursuant to C.R.S. § 37-86-111, or, in the case of a well, relocated according to a valid well permit; (2) that the well is not located at the location specified in the applicable decree or decrees confirming the water right; and (3) from which the diverter has diverted water with the intent to divert pursuant to the decree or decrees

confirming the water right. C.R.S. § 37-92-305(3.6)(a)(II). A “diverter” is the owner or user of a decreed water right. C.R.S. § 37-92-305(3.6)(a)(I). 3.1. The point of diversion for E-2 and E-2 Enlargement is an established but erroneously described point of diversion, as that term is defined in C.R.S. § 37-92-305(3.6)(a)(II) based on the following: 3.1.1. E-2 was constructed at its original location on June 9, 1962, pursuant to Well Permit No. 11690, which was issued on June 18, 1962. Attached to the application as **Exhibit A**, a general location map. (All exhibits mentioned herein are incorporated by reference and may be inspected at the office of the clerk of this Court.) See *also*, Summary Table of Legal Descriptions Associated with E-2. 3.1.2. On November 4, 1971, the State Engineer issued Well Permit No. 11690-A to replace and relocate E-2 from its original location. Attached as **Exhibit B**. See *also*, Summary Table of Legal Descriptions Associated with E-2. 3.1.3. On August 20, 1973, this Court issued an amended decree in W-514 that adjudicated the water rights for E-2. Attached as **Exhibit C**. The W-514 Decree identifies that the State Engineer issued Well Permit No. 11690-A for the replacement of E-2 from its original location (and replaces Well Permit No. 11690). The legal description for E-2 and E-2 Enlargement as provided in the W-514 Decree is: 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. See *also*, Summary Table of Legal Descriptions Associated with E-2. 3.1.4. Well Permit No. 11690-A expired on November 4, 1972, prior to the construction of the replacement well for E-2. 3.1.5. On October 31, 1973, the replacement well for E-2 was constructed pursuant to Well Permit No. 11690-RF (attached as **Exhibit D**). See *also*, Summary Table of Legal Descriptions Associated with E-2. 3.1.6. Despite the legal description in Well Permit No. 11690-RF, the well was actually constructed 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. 3.1.7. In Case No. 22CW3040, E-2 was decreed as an alternate point of diversion. The 22CW3040 Decree provides the legal description of E-2 at its actual and physical location: 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. Attached as **Exhibit E**. See *also*, Summary Table of Legal Descriptions Associated with E-2. 3.1.8. E-2 is physically located in excess of 200 feet from the location specified in the W-514 Decree. 3.1.9. Applicants are the current owners of E-2 and its affiliated water rights described above, and have diverted said water rights for municipal purposes with the intent to divert pursuant to W-514 Decree. Summary Table of Legal Descriptions Associated with E-2:

Name	Legal Description
Well Permit No. 11690 (Exhibit A)	NE 1/4 NE 1/4, Section 25, Township 15 South, Range 66 West, 6th P.M.
Well Permit No. 11690-A (Exhibit B)	SE 1/4 SE 1/4, Section 24, Township 15 South, Range 66 West, 6th P.M., approximately 70 feet from the South line and approximately 1,200 feet from the East line of said section.
W-514 Decree (Exhibit C)	SE 1/4 SE 1/4, Section 24, Township 15 South, Range 66 West, 6th P.M., approximately 150 feet

	from the South line and approximately 1,150 feet from the East line of said section.
Well Permit No. 11690-RF (Exhibit D)	SW 1/4 SE 1/4, Section 24, Township 15 South, Range 66 West, 6th P.M., approximately 400 feet from the South line and approximately 1,400 feet from the East line of said section.
22CW3040 Decree (Exhibit E)	SE 1/4 SE 1/4, Section 24, Township 15 South, Range 66 West, 6th P.M., approximately 550 feet from the South line and approximately 1,240 feet from the East line of said section.
Actual Current Physical/Corrected Location	SE 1/4 SE 1/4, Section 24, Township 15 South, Range 66 West, 6th P.M., approximately 550 feet from the South line and approximately 1,240 feet from the East line of said section.

WHEREFORE, Applicants respectfully request that the Water Court enter a decree pursuant to C.R.S. § 37-92-305(3.6) identifying the legal description of E-2 and E-2 Enlargement as: 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. UTM (Zone 13): Easting 523953, Northing 4286223.

CASE NO. 2026CW3009; ROUND MOUNTAIN WATER AND SANITATION DISTRICT, PO BOX 86 WESTCLIFFE, CO 81252 (Please address all pleadings and inquiries regarding this matter to Applicants' attorney: Robert F. T. Krassa, Krassa & Miller, LLC, 2300 Canyon Blvd., Ste. 2 Boulder CO 80302, 303-442-2156)

Application for Finding of Reasonable Diligence

CUSTER COUNTY

2. Names of Structures and Water Rights: The conditional rights that are the subject of this application are the water storage right for Benoni-Jarvis Reservoir and the Round Mountain DeWeese-Jarvis appropriative right of exchange. **3. Describe conditional water right** giving the following from the Referee's Ruling and Judgment and Decree: **a. Date of original decree:** November 28, 2006, District Court Water Division No. 2 Case 02CW186 **b. List all subsequent decrees** awarding findings of diligence (all in this Court): 12CW114 entered April 2, 2013 and 19CW3023 entered February 21, 2020. **c. Alternate "exchange to" location for subject exchange.** The Gravity Flow Diversion from Grape Creek for Round Mountain Reservoir No. 2 was added as an alternate exchange-to location for the subject exchange by decree entered by this Court on December 23, 2021 in Case 19CW3090. **d. Location of Benoni-Jarvis Reservoir:** Benoni-Jarvis Reservoir Alternate Location # 1 - the axis of the dam will cross the thread of Macey Creek at a point in the SE 1/4 SW 1/4 Section 8, T.23S, R.72W in Custer County at a point which is 1500 feet east of the west line, and 900 feet north of the south line, of said section 8. Alternate Location #2: the reservoir will be an offstream structure located northwest of Macey Creek, with the outlet of the dam at a point in the SE 1/4 SW 1/4 of said Section 8 at a point 1600 feet east of the west line, and 1200 feet north of the south line, of said section 8, filled by the Benoni Jarvis Reservoir Filler Ditch, with a capacity of 25 cfs, whose point of diversion will be on the North bank of Macey Creek in the SW 1/4 SW 1/4 of said

Section 8, approximately 50 feet north of the south line, and 200 feet east of the west line, of said Section 8. Said decree in case 02CW186 provides that due to the thickness of the dams and the need for geotechnical work before a final location can be determined, Applicant may place the dams anywhere within 600 feet of the described locations. **e. The location of the dam of Round Mountain Reservoir No. 2:** This reservoir will be in the SW quarter of Sec. 20, T.22S, R.72W in Custer County. The first endpoint of the dam is located in the SW 1/4 SW 1/4 Section 20, T.22S, R.72W in Custer County at a point which is 490 feet east of the west line, and 610 feet north of the south line, of said section 20. The second endpoint of the dam is located in the SW 1/4 SW 1/4 Section 20, T.22S, R.72W in Custer County at a point which is 600 feet east of the west line, and 975 feet north of the south line, of said section 20. **f. Location of exchange reach of DeWeese-Jarvis Exchange:** Grape Creek from the dam of DeWeese Reservoir (the exchange-from location) upstream along Grape Creek to the confluence with Macey Creek, thence upstream to the above described location of the Benoni-Jarvis Reservoir Filler Ditch to the above described on-stream location of Benoni-Jarvis Reservoir or to the above location of the gravity flow diversion. DeWeese Reservoir is located within Sections 20, 29 and 30, Township 21 South, Range 72 West of the 6th P.M., the axis of the dam of which intersects the thread of Grape Creek at a point in the NE 1/4 SE 1/4 Section 20, Township 21 South, Range 72 West of the 6th P.M. in Custer County, at a point whence the SE corner of said Section 20 bears South 12 degrees East 2350 feet. **g. Source of water for Benoni-Jarvis Reservoir:** Macey Creek, tributary to Grape Creek, tributary to Arkansas River. **h. Source of water for DeWeese-Jarvis Exchange:** the said Decree in Case 02CW186 provides that the source of water to be exchanged will be any water lawfully stored by Round Mountain in DeWeese Reservoir, including by way of example and not limitation, the water rights described in foregoing paragraph 3, any return flows from Round Mountain's first or successive uses thereof which are lawfully storable or reusable, and any water purchased from others provided that such water may be legally used as an exchange source. **i. Appropriation date for Benoni-Jarvis Reservoir:** May 19, 2000; **Amount:** 150 acre feet, conditional, fill rate for off-stream reservoir alternative limited to 25 c.f.s. **j. Appropriation date for DeWeese-Jarvis Exchange:** January 28, 1999. **Amount:** 25 cfs, conditional **k. Use (for reservoir and Exchange).** Irrigation, and all municipal purposes including domestic, industrial, commercial, manufacturing, agricultural, irrigation, stock watering, recreational, piscatorial, fish and wildlife, fire protection, street washing, road construction including maintenance, compaction and dust control, hydroelectric power production, for immediate application to said uses, for storage and subsequent application to said uses, for storage and subsequent application to said uses, for exchange purposes, for replacement of out of priority depletions resulting from use of water from other sources, for replacement of reservoir evaporation, for all augmentation purposes and for all other beneficial purposes. Such use shall include the right to use, re-use and successively dispose such water. **4. Provide a detailed outline of what has been done toward completion or for completion of appropriation and application of water to a beneficial use as conditionally decreed, including expenditures:** **a. The decree in said case 02CW186** provides that, "Round Mountain's water rights and each of the water rights and structures which now and in the future will provide augmentation, substitution replacement and exchange supplies under this decree collectively comprise an integrated system of water rights and structures under Sec. 37-

92-301(4) (b), C.R.S. Work performed and effort or costs expended by Round Mountain on any water rights or structures which are part of its integrated water system shall, for the purposes of demonstrating reasonable diligence in future proceedings involving all water rights described herein, be considered to be diligence on all features of Round Mountain's entire integrated water supply system." During the period from February 2020 through February 28, 2026 (the "Diligence Period"), Round Mountain has conducted the following activities. **b. Round Mountain constructed a secondary flume** downstream from the diversion point for Benoni-Jarvis Reservoir on Macey Creek as required by the Colorado Division of Water Resources - \$22,000, upgraded and repaired existing diversion gate, ditch, and flume - \$8,000, expenditures on design engineering for the new reservoir and discharge infrastructure - \$300,000. purchased additional property to contain the designed size of the new reservoir - \$20,000 and purchased water line easement to Grape Creek through adjoining property - \$20,000. **c. In regard to the water system by way of capital investment activities**, the District designed, constructed, completed and implemented District-wide water meter replacement and Smith Well upgrade project - \$2,100,000. **d. In order to protect the water rights** which are the source of water for the subject conditional water rights, Round Mountain participated as an Opposer in a number of Water Court cases. **e. The work performed** and actions taken by Round Mountain during the Diligence Period demonstrate Round Mountain's continuing intent to develop the conditional storage rights and appropriative right of exchange described in said Decree in Case 02CW186. Round Mountain has shown that it can and will divert, store or otherwise capture, possess or control and beneficially use the subject rights and that the rights can and will be completed with diligence and within a reasonable time. **5. Names and addresses of owners or reputed owners of the land** upon which any new diversion or storage structure or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool: **a. The site for Benoni-Jarvis Reservoir** and the site of the diversion structure and ditch of the Benoni Jarvis Reservoir Filler Ditch are owned by Joseph and Sheryl Kropf, 6715 Galbreth Rd, Pueblo, CO 81005. **b. Round Mountain owns storage space in DeWeese Reservoir.** The land on which DeWeese Reservoir is located is owned by the DeWeese-Dye Ditch and Reservoir Company, 1411 Walnut Street, Canon City, CO 81212. **c. The site of the above mentioned Gravity Flow Diversion** from Grape Creek for Round Mountain Reservoir No. 2 is owned by: Daniel McGuire, PO Box 764, Espanola, NM 87532, Custer County Parcel ID# 0010149800; Red Diamond Holdings, LLC., 1140 W Bella Casa, Pueblo West, CO 81007, Custer County Parcel ID# 0010140262; Steven Schultz, 56489 HWY 69 S, Westcliffe, CO 81252, Custer County Parcel ID# 0010140263; William Huber, 56489 HWY 69 S, Westcliffe, CO 81252, Custer County Parcel ID# 0010140264; Arleen DeGree, 741 County Road 140, Westcliffe, CO 81252, Custer County Parcel ID# 0010163501; **d. The District is the owner of the site of Round Mountain Reservoir No. 2.** **e. The reservoir discharge pipe location** is owned by Darell and Twila Geroux, 1100 County Road 160, Westcliffe, Custer County, CO 81252 Parcel ID# 0010173854.

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 or rules should not be granted, or why it should be granted only in part or on certain conditions. YOU ARE HEREBY NOTIFIED that any party who wishes to protest the Rules Governing The Review Of A Substitute Water Supply Plan may file with the Division 2 Water Clerk a protest to the rules setting forth facts as to why the rules should not be granted, or why it should be granted only in part or on certain conditions, such statement of opposition or protest must be filed by the last day of April 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 11th day of March 2026.

/s/ Michele M. Santistevan

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

(Court seal)
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