

DISTRICT COURT, WATER DIVISION NO. 2, COLORADO

RESUME OF CASES FILED AND/OR ORDERED PUBLISHED DURING APRIL 2026.

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TO: ALL INTERESTED PARTIES

Pursuant to C.R.S. 37-92-302, you are hereby notified that the following is a resume of applications and certain amendments filed and/or ordered published during April 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. 2026CW3014; Previous Case Nos. 11CW47, 19CW3066 – LUCAS ESCH FARMS, INC., PATRICK ESCH FARMS, INC. C/O Luke Esch and Patrick Esch, 932 Hill Street, Springfield, CO 81073

(Please address all pleadings and inquiries regarding this matter to Applicant's attorneys: Chris D. Cummins and W. James Tilton of Monson, Cummins, Shohet & Farr, LLC, 13511 Northgate Estates Dr., Ste. 250, Colorado Springs, CO 80921 (719) 471-1212)

Application for Finding of Reasonable Diligence

LINCOLN COUNTY

II. Lucas Esch Farms, Inc. and Clock Land Corporation (collectively "Applicant") seek a finding of reasonable diligence regarding the conditional water rights originally decreed in Case No. 11CW47, District Court, Water Division 2, and the subsequent findings of reasonable diligence decreed in Case No. 19CW3066, District Court, Water Division 2.

III. Esch Pond No. 4 (WDID # 1703307). Legal Description: The center of the dam is located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 17, Township 17 South, Range 58 West of the 6th P.M. UTM coordinates being Northing: 42.70179, and Easting: 13.0593742, Zone 13, NAD83, as depicted on **Exhibit A** attached to the application. (All exhibits mentioned herein are incorporated by reference and may be inspected at the office of the clerk of this Court.) Source of Water: Runoff, and natural seeps and springs tributary to Cramer Creek, tributary to Breckenridge Creek, tributary to Horse Creek, tributary to the Arkansas River. Conditional Appropriation Date: December 30, 2011. Amount: 8.47 acre feet, conditional. Surface Area: The maximum surface area is approximately 3.34 acres. Uses: Stockwater, wildlife, wetlands, recreation, and piscatorial, which uses will take place exclusively within the pond and/or on saturated land adjacent to the pond, which will be located on lands of the Applicants; and fire protection, which may take place on or off the lands of the Applicants. Date and Case No. of Original Decree: 11CW47, October 29, 2013. Court: District Court, Water Division 2. Esch Pond No. 5 (WDID # 1703308). Legal Description: The center of the dam is located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 17, Township 17 South, Range 58 West of the 6th P.M. UTM coordinates being Northing: 42.69750, and Easting: 13.0594075, Zone 13, NAD83, as depicted on attached **Exhibit A**. Source of Water: Runoff, and natural seeps and springs tributary to Cramer Creek, tributary to Breckenridge Creek, tributary to Horse Creek, tributary to the Arkansas River. Conditional Appropriation Date: December 30, 2011. Amount: 3.83 acre feet, conditional. Surface Area: The maximum surface area is approximately 2.2 acres. Uses: Stockwater,

wildlife, wetlands, recreation, and piscatorial, which uses will take place exclusively within the pond and/or on saturated land adjacent to the pond, which will be located on lands of the Applicants; and fire protection, which may take place on or off the lands of the Applicants. Date and Case No. of Original Decree: 11CW47, October 29, 2013. Court: District Court, Water Division 2. Esch Pond No. 6 (WDID # 1703309). Legal Description: The center of the dam is located in the SE¼ SW¼ of Section 17, Township 17 South, Range 58 West of the 6th P.M. UTM coordinates being Northing: 42.69576, and Easting: 13.0594293, Zone 13, NAD83, as depicted on attached **Exhibit A**. Source of Water: Runoff, and natural seeps and springs tributary to Cramer Creek, tributary to Breckenridge Creek, tributary to Horse Creek, tributary to the Arkansas River. Conditional Appropriation Date: December 30, 2011. Amount: 2.38 acre feet, conditional. Surface Area: The maximum surface area is approximately 1.88 acres. Uses: Stockwater, wildlife, wetlands, recreation, and piscatorial, which uses will take place exclusively within the pond and/or on saturated land adjacent to the pond, which will be located on lands of the Applicants; and fire protection, which may take place on or off the lands of the Applicants. Date and Case No. of Original Decree: 11CW47, October 29, 2013. Court: District Court, Water Division 2. Esch Pond No. 7 (WDID # 1703310). Legal Description: The center of the dam is located in the SW¼ SE¼ of Section 17, Township 17 South, Range 58 West of the 6th P.M. UTM coordinates being Northing: 42.69451, and Easting: 13.0594467, Zone 13, NAD83, as depicted on attached **Exhibit A**. Source of Water: Runoff, and natural seeps and springs tributary to Cramer Creek, tributary to Breckenridge Creek, tributary to Horse Creek, tributary to the Arkansas River. Conditional Appropriation Date: December 30, 2011. Amount: 3.20 acre feet, conditional. Surface Area: The maximum surface area is approximately 2.4 acres. Uses: Stockwater, wildlife, wetlands, recreation, and piscatorial, which uses will take place exclusively within the pond and/or on saturated land adjacent to the pond, which will be located on lands of the Applicants; and fire protection, which may take place on or off the lands of the Applicants. Date and Case No. of Original Decree: 11CW47, October 29, 2013. Court: District Court, Water Division 2. Esch Pond No. 8 (WDID # 17003311). Legal Description: The center of the dam is located in the SW¼ SE¼ of Section 17, Township 17 South, Range 58 West of the 6th P.M. UTM coordinates being Northing: 42.69360, and Easting: 13.0594587, Zone 13, NAD83, as depicted on attached **Exhibit A**. Source of Water: Runoff, and natural seeps and springs tributary to Cramer Creek, tributary to Breckenridge Creek, tributary to Horse Creek, tributary to the Arkansas River. Conditional Appropriation Date: December 30, 2011. Amount: 2.28 acre feet, conditional. Surface Area: The maximum surface area is approximately 1.23 acres. Uses: Stockwater, wildlife, wetlands, recreation, and piscatorial, which uses will take place exclusively within the pond and/or on saturated land adjacent to the pond, which will be located on lands of the Applicants; and fire protection, which may take place on or off the lands of the Applicants. Date and Case No. of Original Decree: 11CW47, October 29, 2013. Court: District Court, Water Division 2. Esch Pond No. 9 (WDID # 1703312). Legal Description: The center of the dam is located in the NE¼ SW¼ of Section 17, Township 17 South, Range 58 West of the 6th P.M. UTM coordinates being Northing: 42.69663, and Easting: 13.0594175, Zone 13, NAD83, as depicted on attached **Exhibit A**. Source of Water: Runoff, and natural seeps and springs tributary to Cramer Creek, tributary to Breckenridge Creek, tributary to Horse Creek, tributary to the Arkansas River. Conditional Appropriation Date: December 30, 2011. Amount: 1.66 acre

feet, conditional. Surface Area: The maximum surface area is approximately 1.3 acres. Uses: Stockwater, wildlife, wetlands, recreation, and piscatorial, which uses will take place exclusively within the pond and/or on saturated land adjacent to the pond, which will be located on lands of the Applicants; and fire protection, which may take place on or off the lands of the Applicants. Date and Case No. of Original Decree: 11CW47, October 29, 2013. Court: District Court, Water Division 2. **IV.** Per the decree entered in 11CW47 (diligence granted in 19CW3066) the above described Esch's Ponds Nos. 4-9 are conditional water rights awarded to the Applicant for various purposes outlined above. These ponds are a part of a wetlands banking project that Applicants and their partners have developed. The wetlands banking project also includes water rights acquired in companion cases 08CW91, 13CW3040, and 14CW3048. Pursuant to C.R.S. § 37-92-301(4)(b), work on one component of an integrated system shall be considered in finding that reasonable diligence has been shown for all components of the integrated system. The conditional water rights described in Case No. 11CW47 (diligence granted in 19CW3066) are part of such an integrated system, along with absolute and conditional water rights decreed in Case Nos. 08CW91 (diligence granted in 17CW3028 and 23CW3044), 13CW3040 (diligence granted in 20CW3000), and 14CW3048 (diligence granted in 22CW3019). During the subject diligence period, Applicant has outlaid the following expenditures or completed the following work related to the Esch's Ponds Nos. 4-9: Expenditures for design, engineering, construction plans, and legal expenses of Esch Ponds Nos. 4-9, including working with engineers and ecologists consulting on the matter, total more than \$12,746.00. Applicants continue to communicate with the Army Corp of Engineers regarding development of the wetlands banking project and approval of a mitigation plan, including the construction of a mitigation bank on Cramer Creek. **V.** Applicant owns the land where the Esch Ponds Nos. 4-9 are located and the beneficial use of the water from this source will be upon the Applicant's land.

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

CASE NO. 2026CW3015, Water Division 2 and CASE NO. 2026CW3056, Water Division 1 – COLORADO PUMPKIN PATCH, LLC, c/o John Chapman, 18065 Saddlewood Road, Monument, Colorado 80132 (Please address all pleadings and inquiries regarding this matter to Applicant's attorneys: Ryan W. Farr, and W. James Tilton, Monson, Cummins, Shohet & Farr, LLC, 13511 Northgate Estates Drive, Suite 250, Colorado Springs, Colorado 80921 (719) 471-1212)

Application for Adjudication of Denver Basin Groundwater and for Approval of Plan for Augmentation
EL PASO COUNTY

II. Colorado Pumpkin Patch, LLC, a Colorado limited liability company, c/o John Chapman (hereafter "Applicant") seeks to utilize its existing well for commercial uses, in addition to those it is currently permitted for. Applicant therefore seeks to quantify the Denver Basin groundwater underlying the Applicant's Property, and approval of a plan for augmentation for the use thereof. **III.** Property Description. All wells are and will be located on Applicant's approximately 40.52 acre property ("Applicant's Property") with schedule number 6116000001. Applicant's Property is depicted on the **Exhibit A** map attached to the application, (All exhibits mentioned herein are incorporated by reference and may be

inspected at the office of the clerk of this Court.) located in the E½ NW¼ and the W½ NE¼ of Section 16, Township 11 South, Range 66 West of the 6th P.M., and more particularly described as 18065 Saddlewood Road, Monument, CO 80132 Farrar Drive, Colorado Springs, CO 80908 in El Paso County, Colorado. There is an existing well with Division of Water Resources Permit No. 294665 (“Colorado Pumpkin Patch Well”), permitted as an exempt well pursuant to C.R.S. § 37-92-602(3)(b)(II)(A), being the only well on a tract thirty-five acres or larger in size. **Exhibit B.** It is a Dawson aquifer well drilled to a total depth of approximately 305 feet, and is located at UTM Easting: 518455; Northing: 4327483 (Zone 13, NAD83). Following issuance of the decree in this case Applicant will re-permit this well consistent with the terms of the decree in this case. Land Ownership. The land upon which the existing and proposed wells will be constructed is owned by Applicant, Colorado Pumpkin Patch, LLC, a Colorado limited liability company. Not-Nontributary. The ground water to be withdrawn from the Dawson and Denver aquifers underlying the Applicant’s Property is not-nontributary. Pursuant to C.R.S. § 37-90-137(9)(c.5), the augmentation requirements for wells in the Dawson and Denver aquifers will require the replacement of actual or four percent stream depletions. Nontributary. The groundwater that will be withdrawn from the Arapahoe and Laramie-Fox Hills aquifers underlying the Applicant’s Property is nontributary. Estimated Rates of Withdrawal. Pumping from the wells will not exceed 100 g.p.m. The actual pumping rates for each well will vary according to aquifer conditions and well production capabilities. The Applicant requests the right to withdraw ground water at rates of flow necessary to withdraw the entire decreed amounts. The actual depth of each well to be constructed within the respective aquifers will be determined by topography and actual aquifer conditions. Estimated Average Annual Amounts of Ground Water Available. Applicant requests a vested right for the withdrawal of all legally available groundwater in the Denver Basin aquifers underlying the Applicant’s Property. Said amounts will be withdrawn over the 100-year life of the aquifers pursuant to C.R.S. § 37-90-137(4). Applicant estimates that the following values and average annual amounts are representative of the Denver Basin aquifers underlying Applicant’s Property:

AQUIFER	NET SAND (Feet)	Total Appropriation (Acre Feet)	Annual Avg. Withdrawal 100 Years (Acre Feet)
Dawson (NNT)	433.5	3,513.08	35.13
Denver (NNT - 4%)	559.5	3,854.06	38.54
Arapahoe (NT)	258.5	1,780.65	17.8
Laramie Fox Hills (NT)	204.5	1,242.95	12.42

Decreed amounts may vary from the above to conform with the State’s Determination of

Facts. Pursuant to C.R.S. § 37-92-305(11), the Applicant further requests that the Court retain jurisdiction to finally determine the amount of water available for appropriation and withdrawal from each aquifer. Requested Uses. The Applicant requests the right to use the groundwater for beneficial uses upon the Applicant's Property consisting of domestic in up to two residences, irrigation of lawn, garden, or greenhouse, domestic animal and stock watering, commercial, equestrian facilities, agricultural, filling of a pond, fire protection, recreation, and also for storage and augmentation purposes associated with such uses. The Applicant also requests that the nontributary water may be used, reused, and successively used to extinction, both on and off the Applicant's Property subject, however, to the requirement of C.R.S. § 37-90-137(9)(b), that no more than 98% of the amount withdrawn annually shall be consumed. Applicant may use such water by immediate application or by storage and subsequent application to the beneficial uses and purposes stated herein. Provided, however, Applicant shall only be entitled to construct wells or use water from the not-nontributary Dawson aquifer pursuant to a decreed augmentation plan entered by this Court, covering the out-of-priority stream depletions caused by the use of the not-nontributary Dawson aquifer in accordance with C.R.S. § 37-90-137(9)(c.5). Well Fields. Applicant requests permission to produce the full legal entitlement from the Denver Basin aquifers underlying Applicant's Property through any combination of wells. Applicant requests that these wells be treated as a well field. Averaging of Withdrawals. Applicant requests the entitlement to withdraw an amount of groundwater in excess of the average annual amount decreed to the aquifers beneath the Applicant's Property, so long as the sum of the total withdrawals from all the wells in the aquifers does not exceed the product of the number of years since the date of issuance of the original well permit or the date of entry of a decree herein, whichever comes first, multiplied by the average annual volume of water which the Applicant is entitled to withdraw from the aquifers underlying the Applicant's Property. Owner of Land Upon Which Wells are to Be Located. The land upon which the wells are and will be located as well as the underlying groundwater is owned by the Applicant. **IV. Statement of Plan for Augmentation**. Applicant seeks approval of a plan for augmentation to allow it to utilize the not-nontributary Dawson aquifer underlying the property described herein for all requested uses. The wells to the not-nontributary Dawson aquifer will, during the pumping life of the wells, be augmented by septic return flows resulting from domestic uses, with post pumping depletions provided by pumping of the nontributary Arapahoe and Laramie-Fox Hills aquifers. Structures to be Augmented. The structures to be augmented are the Colorado Pumpkin Patch Well, along with any replacement or additional wells associated therewith, as likewise may be constructed to the Dawson aquifer of the Denver Basin underlying the Applicant's Property as requested and described herein, and a pond on Applicant's property. The pond is more particularly described as follows: Pumpkin Patch Pond: *Legal Description*: SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 16, Township 11 South, Range 66 West of the 6th P.M., at UTM E: 518629.5, N 4327377.8, (Zone 13, NAD83). *Source*: Exposed groundwater. *Surface Area*: 0.5 acres. *Date of Appropriation*: May 8, 2018. *Uses*: Irrigation, stockwatering, wildlife, firefighting, and recreation. Water Rights to be Used for Augmentation. The water rights to be used for augmentation during pumping are the return flows resulting from the pumping of the not-nontributary Dawson aquifer from the Colorado Pumpkin Patch Well, together with water rights from the nontributary Arapahoe and Laramie-Fox Hills aquifers for any

injurious post pumping depletions. Statement of Plan for Augmentation. Applicant wishes to provide for the augmentation of stream depletions caused by pumping of the non-tributary Dawson aquifer by Colorado Pumpkin Patch Well, together with water rights from the nontributary Arapahoe and Laramie-Fox Hills aquifer for any injurious post pumping depletions. Potential water use criteria and their consumptive use component for replacement of actual depletions for the lots are estimated as follows: Household Use Only: 0.26 acre-feet annually within two single-family dwellings on the property (total 0.52 acre-feet annually), with a maximum of ten percent consumptive use based on non-evaporative septic leach field disposal systems. Landscape Irrigation: 0.566 acre-feet annually per 1,000 square feet (2.18 acre feet per acre) per year, assumed to be a fully consumptive use. Horses (or equivalent livestock): 0.011 acre-feet annually (10 gallons per day) per head with a one hundred percent consumptive use component. Filling of Pumpkin Patch Pond: Surface area of approximately 0.5 acres x 10 feet deep, estimated 0.5 AF to fill once per year, presumed to be a fully consumptive use. Amounts. Colorado Pumpkin Patch Well will pump a maximum of 3.84 acre-feet from the Dawson aquifer per year. Such use shall be a combination of household use, irrigation of lawn, garden, using water to maintain the natural pond's level, and the watering of horses or equivalent livestock, and other permitted uses described in paragraph III.D., above. An example breakdown of this combination of uses, utilizing the factors described above, is 0.52 acre feet for each residence on the property, outside irrigation of lawn and garden (2.556 annual acre feet), putting water in pond (0.5 annual acre feet), and up to sixteen (16) horses or equivalent livestock boarded on the property (0.264 annual acre feet). See **Exhibit C**. Depletions. Applicant's consultant has determined that maximum stream depletions over the 100-year pumping period for the Dawson aquifer amounts to approximately 8.35% of pumping. **Exhibit D**. Maximum annual depletions for total pumping from Colorado Pumpkin Patch Well is therefore 0.320 acre-feet in year 100 (i.e. 8.35% of pumping). *Id.* Should Applicant's pumping be less than the annual 3.84 acre-feet total described herein, resulting depletions and required replacements will be correspondingly reduced, so long as depletions resulting from pumping are adequately replaced. Augmentation of Depletions During Pumping. Pursuant to C.R.S. § 37-90-137(9)(c.5), Applicant is required to replace actual stream depletions attributable to pumping of the Colorado Pumpkin Patch Well subject to this augmentation plan. Applicant's consultant has determined that depletions during pumping will be effectively replaced by residential return flows from non-evaporative septic systems. The annual consumptive use for non-evaporative septic systems is 10% per year per residence. Using a conservative in-house use rate of 0.2 acre-feet per lot per year, total of 0.36 acre-feet will be replaced to the stream system per year, utilizing non-evaporative septic systems. Thus, during pumping, stream depletions will be adequately augmented. Augmentation for Post Pumping Depletions. For the replacement of any injurious post-pumping depletions which may be associated with the use of Colorado Pumpkin Patch Well Applicant will reserve a portion of the nontributary Arapahoe aquifer (392 acre feet; 98% of 392 being 384.16 acre feet, or 3.84 annual acre feet over 100 years), accounting for actual stream depletions replaced during the planned pumping period, as necessary to replace any injurious post pumping depletions. Applicant also reserves the right to substitute other legally available augmentation sources for such post pumping depletions upon further approval of the Court under its retained jurisdiction. Even though this

reservation is made, under the Court's retained jurisdiction, Applicant reserves the right in the future to prove that post pumping depletions will be noninjurious. The reserved nontributary Arapahoe aquifer groundwater will be used to replace any injurious post-pumping depletions. Upon entry of a decree in this case, the Applicant will be entitled to apply for and receive a new well permit for Colorado Pumpkin Patch Well for the uses in accordance with this Application and otherwise in compliance with C.R.S. § 37-90-137. V. This Application was filed in both Water Divisions 1 and 2 because depletions from the pumping of the not-nontributary Dawson aquifer may occur in both the South Platte and the Arkansas River systems. The return flows set forth herein will accrue to tributaries of the South Platte River system where the majority of such depletions will occur, and it is Applicant's intent to consolidate the instant matter in Water Division 1 upon completion of publication. Applicant requests that the total amount of depletions to both the South Platte River and the Arkansas River systems be replaced to the South Platte as set forth herein, and for a finding that those replacements are sufficient. The Applicant requests a finding that it has complied with C.R.S. § 37-90-137(4), and that the ground water requested herein is legally available for withdrawal by the requested not-nontributary wells upon the entry of a decree approving an augmentation plan pursuant to C.R.S. § 37-90-137(9)(c.5). The term of this augmentation plan is for 100 years, however the length of the plan for a particular well may be extended beyond such time provided the total plan pumping allocated thereto is not exceeded. Post pumping stream depletions accrue to a particular well or wells only to the extent related to that well's actual pumping. The Court will retain jurisdiction over this matter to provide for the adjustment of the annual amount of ground water withdrawals to be allowed in order to conform to actual local aquifer characteristics from adequate information obtained from well drilling or test holes. The Applicant requests a finding that vested water rights of others will not be materially injured by the withdrawals of ground water and the proposed plan for augmentation. The wells shall be installed and metered as reasonably required by the State Engineer. Each well must be equipped with a totalizing flow meter and Applicant shall submit diversion records to the Division Engineer on an annual basis or as otherwise requested by the Division Engineer. The Applicant shall also provide accountings to the Division Engineer and Water Commissioner as required by them to demonstrate compliance under this plan of augmentation. The Applicant waives the 600 feet well spacing requirement for any wells to be located upon the Applicant's Property. Applicant will comply with the lienholder notice provisions set forth in C.R.S. § 37-92-302(2)(b) and § 37-90-137(4)(b.5)(I), and such notice will be sent within 14 days of the filing of this application.

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

CASE NO. 2026CW3016, Water Division 2 and CASE NO. 2026CW3062, Water Division 1 – PRI #2, LLC (“Applicant”), 2138 Flying Horse Club Drive, Colorado Springs, Colorado 80921 (Please address all pleadings and inquiries regarding this matter to Applicant's attorneys: Alan G. Hill; Ashley Pollock Zahedi; Nicoli R. Bowley; CURTIS, JUSTUS, & ZAHEDI, LLC, 1333 W. 120th Ave., Suite 302, Westminster, Colorado 80234; Tele: (303) 595-9441; alanh@cjzwaterlaw.com; ashleyz@cjzwaterlaw.com; nicolib@cjzwaterlaw.com)

Application For Use Of Groundwater Rights And Approval Of A Supplement To Plan For Augmentation For Use Of Nontributary Groundwater

EL PASO COUNTY

2. **Background.** a. Applicant owns certain groundwater rights underlying approximately 701 acres, more or less, located generally in Sections 30 and 31, Township 11 South, Range 65 West of the 6th P.M., in El Paso County, which were decreed in Case No. 94CW023(B), Water Division No. 1 (entered June 12, 1996), which amended an original decree in Case No. 85CW446, Water Division No. 1. b. Applicant also owns approximately 640 acres located generally in Section 36, Township 11 South, Range 66 West of the 6th P.M., in El Paso County. Applicant's predecessor-in-interest entered a Groundwater Production Lease, No. OT- 109328, with the State Board of Land Commissioners, pursuant to which Applicant leased the not nontributary and nontributary groundwater underlying the 640 acres, decreed in Case No. 04CW098, Water Division No. 1 (entered May 24, 2005) through February 27, 2048. On that date, all the groundwater rights revert to the Applicant. c. Applicant also owns certain groundwater rights underlying approximately 71 acres located in Sections 34 and 35, Township 11 South, Range 66 West of the 6th P.M., in El Paso County, which were decreed in Case No. 85CW131, Water Division No. 2 (entered May 18, 1988). The land described in paragraphs 2.a, 2.b, and this paragraph are referred to collectively as "Flying Horse North Parcels." d. The decrees entered in Case Nos. 16CW3190 and 18CW3185, Water Division No. 1, approved a plan for augmentation, and amendment to the plan for augmentation, for 283 Dawson Aquifer not nontributary wells to serve 283 single family lots, including in-house and irrigation use, located within the Flying Horse North Parcels ("Augmentation Decrees"). e. Applicant also owns certain groundwater rights underlying approximately 99.33 acres located in Section 31, Township 11 South, Range 65 West of the 6th P.M., in El Paso County, Colorado ("Way/Crisler Parcel"), which were decreed in Case No. 24CW3169, Water Division No. 1 (entered December 22, 2025) ("24CW3169 Decree"). f. The 24CW3169 Decree adjudicated: (i) 87.4 acre-feet (based on a 100-year aquifer life), or 29.1 acre-feet (based on a 300-year aquifer life) from the not nontributary Dawson Aquifer underlying the Way/Crisler Parcel; (ii) 86.11 acre-feet (based on a 100-year life) from the nontributary Denver Aquifer; (iii) 38.0 acre-feet (based on a 100-year life) from the nontributary Arapahoe Aquifer; and (iv) 28.3 acre-feet (based on a 100-year life) from the nontributary Laramie-Fox Hills Aquifer (collectively, the "Way/Crisler Adjudicated Water Rights"). g. Of the 29.1 acre-feet from the Dawson Aquifer adjudicated in the 24CW3169 Decree, 21.36 acre-feet was used to supplement the plans for augmentation approved in the Augmentation Decrees for an additional 29 Dawson Aquifer not nontributary wells to serve 28 single family lots and a horse facility located on the Way/Crisler Parcel. h. The Way/Crisler Parcel is contiguous to the Flying Horse North Parcels overlying the not nontributary and nontributary groundwater. The Way/Crisler Parcel and Flying Horse North Parcels are collectively referred to as "Applicant's Property." A map of Applicant's Property is attached to application as **Exhibit A**, and a legal description is attached as **Exhibit B**. (All exhibits mentioned herein are incorporated by reference and may be inspected at the office of the clerk of this Court.) 3. **Purpose of Application.** By this Application, Applicant seeks: a. Approval for the use of the Way/Crisler Adjudicated Water Rights anywhere on Applicant's Property, as necessary. b. To supplement the plans for augmentation approved in the Augmentation Decrees for

the use of the remaining 7.74 acre-feet of not nontributary Dawson Aquifer water adjudicated in the 24CW3169 Decree for an additional 11 Dawson Aquifer wells to provide water for up to 11 single family residential lots located on the Applicant's Property.

4. Depletions from the operation of the Dawson Aquifer wells for which approval is sought may impact both the South Platte River and Arkansas River basins. Applicant is filing this application in both Water Division No. 1 and Water Division No. 2, and will, after the time for statements of opposition to be filed has run, seek to consolidate the cases.

5. The Water Court has jurisdiction over this application pursuant to C.R.S. § 37-90-137(4) and (9).

6. Applicant owns the property described herein. To the extent that Applicant's Property is not free and clear of all liens or encumbrances, Applicant shall provide certification of its compliance with the lienholder notice provisions set forth in C.R.S. §§ 37-92-302(b) and 37-90-137(4)(b.5)(l).

APPROVAL OF USE OF THE WAY/CRISLER ADJUDICATED WATER RIGHTS ON APPLICANT'S PROPERTY

7. The 24CW3169 Decree limits Applicant's use of the Way/Crisler Adjudicated Water Rights to uses within the Way/Crisler Parcel, namely, for the individual wells for single family lots or a central water system. See 24CW3169 Decree ¶¶ 9, 19.

8. Applicant seeks approval for the use of the Way/Crisler Adjudicated Water Rights, including the 21.36 acre-feet used to serve 28 single family lots on the Way/Crisler Parcel, both on the Way/Crisler Parcels and the Flying Horse North Parcels. The Way/Crisler Parcel is contiguous to the Flying Horse North Parcels.

9. The Way/Crisler Adjudicated Water Rights will be augmented pursuant to the 24CW3169 Decree and Augmentation Decrees, including augmenting the depletions associated with the operation of not nontributary Dawson Aquifer wells through septic return flows, and providing post-pumping replacement water from nontributary Laramie-Fox Hills Aquifer and Denver Aquifer groundwater underlying the Way/Crisler Parcel and adjudicated in the 24CW3169 Decree.

10. Applicant will not construct wells located within 600 feet of any permitted or existing well in the same aquifer, except other wells included within the 24CW3169 Decree or Augmentation Decrees and except as otherwise allowed by statute or rules and regulations.

APPROVAL OF A PLAN FOR AUGMENTATION FOR THE USE OF NOT NONTRIBUTARY DAWSON AQUIFER GROUNDWATER

11. **Names of Structures to be Augmented.** a. The structures to be augmented are individual Dawson Aquifer wells to be located within the Applicant's Property for a maximum of 11 single family lots. A well into the Dawson Aquifer will be completed on each lot to serve the domestic and irrigation demands of that lot. b. Well permit applications have not been submitted at the time of this application. Applicant has not determined the specific locations for all the wells required to withdraw groundwater from the Dawson Aquifer; however, each well will be constructed within the Applicant's Property and each well will be designed so that it withdraws water from the Dawson Aquifer. Applicant requests the right to locate the wells required to withdraw its entitlement from the Dawson Aquifer at any point within the Applicant's Property without the necessity of republishing or petitioning the Court for the reopening of any decree. 2 CCR 402-7, Rule 11.

12. **Statement and Description of Plan for Augmentation.** a. **Source of Augmentation Water.** i. The augmentation sources will be the fully augmented not nontributary groundwater in the Dawson Aquifer and the nontributary groundwater in the Denver Aquifer decreed in the 24CW3169 Decree. Such sources may be available by direct discharge to the stream system, by percolation and return to the stream system after domestic use, including septic systems and irrigation return flows. b. **Augmentation**

and Replacement of Depletions. i. Stream Systems Affected. Cherry Creek and tributaries of Cherry Creek, tributary to the South Platte River, and Monument Creek and tributaries of Monument Creek, tributary to the Arkansas River. ii. Replacement of Depletions During Pumping Period. 1. Assuming that the development will achieve return flows of 90% of the water used in-house and a minimum of 10% of the water used for irrigation purposes, the total combined return flows at full build-out will exceed the required augmentation amount, including the amounts claimed herein for stock watering. 2. The domestic return flows will be adequate in quantity to replace depletions caused by the withdrawals of not nontributary groundwater from the Dawson Aquifer during the period addressed by this plan. 3. Excess Return Flows. To the extent that lawn irrigation and domestic effluent returns exceed the quantities needed to fully augment all projected stream depletions, Applicant reserves the right to apply for alluvial wells in the Cherry Creek and Monument Creek basins to recapture and reuse such excess returns. iii. Replacement of Depletions During the Post-Pumping Period. 1. Applicant reserves the right to claim and demonstrate that the impact of post-pumping depletions are wholly de minimis and non-injurious and need not be replaced under the law. C.R.S. § 37-90-137(9). 2. Assuming that such additional depletions may be determined to be injurious and replacement is required, Applicant will reserve for such purpose the nontributary groundwater in the Denver Aquifer (2,111.2 acre-feet) pursuant to the 24CW3169 Decree. Such quantity is sufficient to fully replace all water withdrawn under this supplemental plan for augmentation. c. Summary of Augmentation Plan. i. The planned development will require up to 7.74 acre-feet per year to be produced from the Dawson Aquifer. Return flows from uses of such groundwater will exceed the annual depletions and will, therefore, adequately replace all projected depletions. ii. To the extent that a “shortfall” in actual return flows occurs in any given time period during the first 300 years of operation, adequate nontributary groundwater reserves exist to compensate for such shortfall. 13. **Administration of Plan for Augmentation.** The Applicant or any successor in interest shall install and maintain such measuring devices and maintain such accounting forms as necessary to demonstrate the adequacy of Applicant’s augmentation efforts as a minimum requirement for administration of its augmentation obligations hereunder. Applicant shall make reports to the Division Engineer as required. 14. **Application Filed in Water Division No. 1 and No. 2.** This Application is being filed in Water Division No. 1 and Water Division No. 2 because depletions from the pumping of the Dawson Aquifer may occur in both the South Platte River and Arkansas River systems. The return flows set forth herein will accrue to tributaries of the South Platte River system where the majority of stream depletions will occur. Applicant requests that the total amount of depletions to both the South Platte River and the Arkansas River systems be replaced to the South Platte River as set forth herein, and for a finding that those replacements are sufficient. 15. **Retained Jurisdiction.** a. Applicant requests the Court to retain jurisdiction for a period to be determined after the entry of the decree to protect against injury to other water rights. Applicant requests that any party or entity invoking such retained jurisdiction must make a prima facie case that injury to its water rights has been actually caused by Applicant’s withdrawals or operation of this plan for augmentation. b. Further, Applicant requests that the Court retain jurisdiction to resolve any controversy which may arise with respect to well construction, well location(s), and amount, timing, and location of replacements hereunder. c. Finally,

Applicant requests the Court to retain jurisdiction to allow Applicant to file a separate application for the recapture and reuse of the excess return flows.

CASE NO. 2026CW3017; Previous Case Nos. 80CW91, 86CW76, 93CW10, 00CW7, 06CW99, 13CW5, 19CW3060 – CITY OF FLORENCE, 600 West 3rd St, Florence CO 81226, THE TOWN OF COAL CREEK, 615 Main Street, Coal Creek, CO 81221, AND THE TOWN OF WILLIAMSBURG, 1 John St Williamsburg, Florence, CO 81226

Please address all pleadings and inquiries regarding this matter to Applicant’s attorney: Robert F.T. Krassa, Krassa & Miller, LLC, 2300 Canyon Blvd, Boulder CO 80302, 303-442-2156)

Application for Finding of Reasonable Diligence

FREMONT COUNTY

2. Name of structure: Florence-Treatment Plant Diversion Works., **3. Describe conditional water right** giving the following from the Referee's Ruling and Judgment and Decree: **a. Date of Original Decree:** November 8, 1982, as amended February 11, 1985, Case No. 80CW91, District Court, Water Division No. 2. **b. List all subsequent decrees** awarding findings of diligence (all in this Court): 1986CW76 entered February 20, 1987, 1993CW10 entered January 11, 1994, 2000CW7 entered November 15, 2000, 2006CW99 entered April 16, 2007, 2013CW05 entered September 20, 2013 and 2019CW3060 entered April 29, 2020. **c. Location:** Originally decreed at NE 1/4 NW 1/4, Section 16, Township 19 South, Range 69 West of the 6th P.M. in Fremont County, Colorado; location of point of diversion changed to the diversion facilities of the Minnequa Canal in the NW 1/4 NW 1/4 Section 7, same range and township, by Decree entered by this Court on December 31, 1987, in Case 86CW120. **d. Source:** Arkansas River. **e. Date of Appropriation:** August 26, 1980. Amount: 2.2 cfs remaining conditional after 5.4 cfs of the originally decreed 7.6 cfs was made absolute in the said decree in Case 19CW3060. **f. Use:** Irrigation, domestic, municipal and all other beneficial uses. **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. Subsequent to the previous diligence determination by this Court on April 29, 2020 in Case No. 19CW3060, the following projects and improvements on Applicants’ water system have been accomplished. **a. July 2022 through December of 2023** - Florence took many steps towards a new dewatering system. Summer and fall of 2022 we pilot tested two different mechanical dewatering systems. We then completed Task Order No. 7 with Jacob's Engineering which was a pilot test analysis and conceptual design. Approximate cost: \$30,000 **b. November 2023**- level sensors installed at wash water lagoons. Sensors integrated into SCADA system to allow submersible pumps to operate more effectively and efficiently. Approximate cost: \$3,300 **c. February 2024**- Replaced backwash tank level sensor. Approximate cost: \$1,800 **d. October 2024**- Commissioned the construction of an additional static bar screen for the canal pump station intake structure. The addition of this static bar screen is to lessen the amount of debris and slush drawn in to the intake structure. Approximate cost: \$3,300 **e. October 2024**- Replaced damaged mag meter at lower airport Pump Station with a badger meter. Approximate cost: \$3,600 **f. November 2025**- Metering system improvements. The hardware at our base station radio towers was upgraded to increase reliability of customer water meter Communications/readings. Approximate cost: 80,115 **g. January 2026** – The

City of Florence formally adopts the Master Plan, emphasizing strategic investment in water treatment and distribution infrastructure, along with a strengthened commitment to long term water quality and system reliability. **h. January 2026** – City of Florence staff initiates a comprehensive Rate Study to ensure that utility fees are appropriately aligned with upcoming capital improvement needs and that adequate reserves are established to support the ongoing stability and sustainability of the water system. **i. March 2026** - installation of level sensors at South reservoirs. Approximate cost: \$8,376 **5. These projects and expenditures were necessary** in order to continue to be prepared to place the full conditional right to beneficial use. In addition, Applicants have defended their water rights by participating as Opposers in a number of Water Court cases using the services of engineers and water counsel. Applicants’ expenditures on these capital improvements and services during the diligence period exceed \$ 150,000. The subject conditional water right is part of an integrated municipal water system as described in the decree of this Court in Case 80CW93 dated August 9, 1982 and so work on the other components of the water system shall be considered in finding reasonable diligence as to the subject conditional water right. C.R.S. 37-92-301(4)(b). **6. Applicants have in all respects diligently worked** toward placing the conditional water right to the decreed beneficial uses. All structures and systems have for quite some time been ready to receive the subject water when it is in priority. **7. Names and addresses of owners** or reputed owners of the land upon which existing structures or modification to any existing diversion or storage structures are or will be constructed: **a. Applicant** City of Florence **b. CF&I Steel, L.P.**, 1612 East Abriendo Ave., P.O. Box 316, Pueblo, CO 81002 **c. Union Ditch and Water Company**, P.O. Box 71, Florence, CO 81226. **WHEREFORE**, Applicants request that the court enter a Decree finding that they have shown reasonable diligence in development of the remaining 2.2 cfs of the originally decreed conditional water right and continuing the remaining conditional water right in full force and effect.

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

CASE NO. 2026CW3018, Water Division 2 and CASE NO. 2026CW3064, Water Division 1 – KRYSTAL L. STEARNS, 1747 Redbank Drive, Colorado Springs, CO 80921 (Please address all pleadings and inquiries regarding this matter to Applicant’s attorneys: Chris D. Cummins, W. James Tilton, Monson, Cummins, Shohet & Farr, LLC, 13511 Northgate Estates Drive, Suite 250, Colorado Springs, CO 80921 (719) 471-1212) Application for Adjudication of Denver Basin Groundwater and for Approval of Plan for Augmentation

EL PASO COUNTY

II. Krystal Stearns (hereafter “Applicant”) seeks to construct up to fourteen (14) wells to the not-nontributary Dawson aquifer to provide water service to an equivalent number of lots, based on an anticipated subdivision of Applicant’s approximately 75.12 acres parcels of land. **III.** Applicant seeks a plan for augmentation utilizing the groundwater beneath Applicant’s property for the use therefore on the overlying land. Property Description. All wells will be located on Applicant’s approximately 40 acre property (“Applicant’s 40 Acres”), while the lots will be located on both this property and Applicant’s adjacent approximately 35.12 acre parcel, being a collective 75.12 acres (collectively “Applicant’s Property”) anticipated to be subdivided into up to twenty-four (24) lots total, with current

schedule number 6100000378 and 5100000504. Applicant's Property is depicted on the **EXHIBIT A** map attached to the application, (All exhibits mentioned herein are incorporated by reference and may be inspected at the office of the clerk of this Court.) located in the SE¼ NE¼ of Section 25, Township 11 South, Range 66 West of the 6th P.M., more particularly described as 0 Farrar Drive, Colorado Springs, CO 80908., and in the W½ NW¼ Section 30, Township 11 South, Range 65 West of the 6th P.M. Proposed Wells. Applicant proposes that up to fourteen (14) wells will be located on the Applicant's 40 Acres at specific locations not yet determined ("Stearns Well Nos. 1 through 14"), each to be constructed to the Dawson aquifer (one well per lot subject to this augmentation plan). Land Ownership. The land upon which the proposed wells will be constructed is owned by Applicant, Krystal Stearns, as evidenced by the Quitclaim Deed recorded with El Paso County Clerk and Recorder on June 9, 2025, at reception no. 225048418. **Exhibit B**. Applicant also owns the adjacent 35.12 acre parcel, as evidenced by the Quitclaim Deed recorded with El Paso County Clerk and Recorder on June 9, 2025, at reception no. 225048419. **Exhibit C**. Water Ownership. The groundwater beneath Applicant's 40 Acres was previously adjudicated in Water Court case 2016CW3000, and subsequently conveyed to Applicant by Special Warranty Deed recorded with El Paso County Clerk and Recorder on December 16, 2020, at reception no. 220206172. **Exhibit D**. Not-Nontributary. The ground water to be withdrawn from the Dawson aquifer underlying the Applicant's Property is not-nontributary. Pursuant to C.R.S. § 37-90-137(9)(c.5), the augmentation requirements for wells in the Dawson aquifer will require the replacement of actual stream depletions. Nontributary. The groundwater that will be withdrawn from the Denver, Arapahoe, and Laramie-Fox Hills aquifers underlying Applicant's 40 Acres is nontributary. Estimated Rates of Withdrawal. Pumping from the wells will not exceed 100 g.p.m. The actual pumping rates for each well will vary according to aquifer conditions and well production capabilities. The Applicant requests the right to withdraw ground water at rates of flow necessary to withdraw the entire decreed amounts. The actual depth of each well to be constructed within the respective aquifers will be determined by topography and actual aquifer conditions. Annual Amounts of Ground Water Available Pursuant to Decree 16CW3000. Applicant requests a vested right for the withdrawal of all legally available ground water in the Denver Basin aquifers underlying the Applicant's Property. Said amounts may be withdrawn over the 300-year life of the aquifers as required by El Paso County, Colorado Land Development Code § 8.4.7(C)(1) which is more stringent than the State of Colorado's 100-year life requirement pursuant to C.R.S. § 37-90-137(4). Based upon Water Division 2 Decree 16CW3000 Applicant owns the following average annual amounts of the Denver Basin aquifers underlying Applicant's 40 Acres:

AQUIFER	NET SAND (Feet)	Total Appropriation (Acre Feet)	Annual Avg. Withdrawal 100 Years (Acre Feet)	Annual Avg. Withdrawal 300 Years (Acre Feet)
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Dawson (NNT)	490	3,920 ¹	39.2	13.06
Denver (NT)	525	3,570	35.7	11.9
Arapahoe (NT)	230	1,560	15.6	5.3
Laramie Fox Hills (NT)	195	1,170	11.7	3.9

Pursuant to C.R.S. § 37-92-305(11), the Applicant further requests that the Court retain jurisdiction to finally determine the amount of water available for appropriation and withdrawal from each aquifer. Requested Uses. The Applicant requests the right to use the groundwater for beneficial uses upon the Applicant's Property consisting of domestic, commercial, industrial, irrigation, domestic animal and livestock watering, fire protection, equestrian facilities, and also for storage and augmentation purposes associated with such uses. The Applicant also request that the nontributary water may be used, reused, and successively used to extinction, both on and off the Applicant's Property subject, however, to the requirement of C.R.S. § 37-90-137(9)(b), that no more than 98% of the amount withdrawn annually shall be consumed. Applicant may use such water by immediate application or by storage and subsequent application to the beneficial uses and purposes stated herein. Provided, however, Applicant shall only be entitled to construct wells or use water from the not-nontributary Dawson aquifer pursuant to a decreed augmentation plan entered by this Court, covering the out-of-priority stream depletions caused by the use of the not-nontributary Dawson aquifer in accordance with C.R.S. § 37-90-137(9)(c.5). Well Fields. Applicant requests permission to produce the full legal entitlement from the Denver Basin aquifers underlying Applicant's Property through any combination of wells. Applicant requests that these wells be treated as a well field. Averaging of Withdrawals. Applicant requests the entitlement to withdraw an amount of ground water in excess of the average annual amount decreed to the aquifers beneath the Applicant's Property, so long as the sum of the total withdrawals from all the wells in the aquifers does not exceed the product of the number of years since the date of issuance of the original well permit or the date of entry of a decree herein, whichever comes first, multiplied by the average annual volume of water which the Applicant is entitled to withdraw from the aquifers underlying the Applicant's Property. Owner of Land Upon Which Wells are to Be Located. The land upon which the wells will be located as well as the underlying groundwater is owned by the Applicant. **IV. Statement of Plan for Augmentation**. Applicant seeks approval of a plan for augmentation to allow it to utilize the not-nontributary Dawson aquifer underlying the property described herein, including following potential subdivision thereof. All wells to the not-nontributary Dawson aquifer will, during the pumping life of such wells, be augmented by septic return flows resulting from domestic uses, with post pumping depletions provided by pumping of the nontributary Denver and Arapahoe aquifers. Structures to be Augmented. The structures to be augmented are the Stearns Well Nos. 1 through 14, along with any replacement or

¹ The 16CW3000 Decree reserved 400 acre feet of groundwater for a well associated with well permit no. 252500 on Applicant's Property. That well was never drilled and Applicant is including that groundwater in the calculation of available water supply for this augmentation plan.

additional wells associated therewith, as likewise may be constructed to the Dawson aquifer of the Denver Basin underlying the Applicant's 40 Acres as requested and described herein. Water Rights to be Used for Augmentation. The water rights to be used for augmentation during pumping are the return flows resulting from the pumping of the not-nontributary Dawson aquifer from the Stearns Well Nos. 1 through 14, together with water rights from the nontributary Denver and Arapahoe aquifers for any injurious post pumping depletions. Statement of Plan for Augmentation. Applicant wishes to provide for the augmentation of stream depletions caused by pumping of the not-nontributary Dawson aquifer by Stearns Well Nos. 1 through 14, together with water rights from the nontributary Denver and Arapahoe aquifer for any injurious post pumping depletions. Potential water use criteria and their consumptive use component for replacement of actual depletions for the lots are estimated as follows: Household Use Only: 0.26 acre-feet annually within single-family dwellings on up to all fourteen of the lots serviced with Dawson aquifer wells pursuant to this augmentation plan, with a maximum of ten percent consumptive use based on non-evaporative septic leach field disposal systems. Landscape Irrigation: 0.0566 acre-feet annually per 1,000 square feet (2.18 acre feet per acre) per year, presumed to be a fully consumptive use. The annual consumptive use for each 1,000 square feet of lawn and garden irrigated is therefore 0.048 acre-feet. Horses (or equivalent livestock): 0.011 acre-feet annually (10 gallons per day) per head with a one hundred percent consumptive use component. Amounts. Stearns Well Nos. 1 through 14 will each pump a maximum of 0.82 acre-feet per year per lot, or a maximum total of 11.48 acre-feet shall be withdrawn from the Dawson aquifer per year. Such use shall be a combination of household use, irrigation of lawn, garden, and greenhouse, and the watering of horses or equivalent livestock, and other permitted uses described in paragraph III.D., above. An example breakdown of this combination of use, utilizing the factors described above in paragraph IV.D.1., is 0.26 acre feet for a residence on each of the fourteen lots (total of 3.64 annual acre feet), outside irrigation of lawn, garden, and greenhouses at each lot (total of 8.05 annual acre feet), and up to twenty-eight (28) horses or equivalent livestock between the fourteen lots (0.308 annual acre feet). Depletions. Applicant has estimated, based on the State's determination on an adjacent parcel, that depletions over the 300-year pumping period for the Dawson aquifer amount to approximately 21.83% of pumping. Maximum annual depletions for total pumping from all wells are therefore 2.506 acre-feet in year 300 (i.e. 21.83% of pumping). Should Applicant's pumping be less than the 11.48 total per year described herein, resulting depletions and required replacements will be correspondingly reduced, so long as depletions resulting from pumping are adequately replaced. Augmentation of Depletions During Pumping. Pursuant to C.R.S. § 37-90-137(9)(c.5), Applicant is required to replace actual stream depletions attributable to pumping of the up to fourteen (14) residential wells subject to this augmentation plan. Applicant's consultant has determined that depletions during pumping will be effectively replaced by residential return flows from non-evaporative septic systems. The annual consumptive use for non-evaporative septic systems is 10% per year per residence. Using a conservative in-house use rate of 0.2 acre-feet per lot per year, total of 2.8 acre-feet from fourteen wells, 2.52 acre-feet is replaced to the stream system per year, utilizing non-evaporative septic systems. Thus, during pumping, stream depletions will be adequately augmented. Augmentation for Post Pumping Depletions. For the replacement of any injurious post-

pumping depletions which may be associated with the use of the Stearns Well Nos. 1 through 14 Applicant will reserve a portion of the Denver aquifer (2,344 acre feet), and the entirety of the Laramie-Fox Hills aquifer (1,170 acre feet), accounting for actual stream depletions replaced during the planned pumping period, as necessary to replace any injurious post pumping depletions. Applicant also reserves the right to substitute other legally available augmentation sources for such post pumping depletions upon further approval of the Court under its retained jurisdiction. Even though this reservation is made, under the Court's retained jurisdiction, Applicant reserves the right in the future to prove that post pumping depletions will be noninjurious. The reserved nontributary Denver and Laramie-Fox Hills aquifer groundwater will be used to replace any injurious post-pumping depletions. Upon entry of a decree in this case, the Applicant will be entitled to apply for and receive new well permits for the Stearns Well Nos. 1 through 14 for the uses in accordance with this Application and otherwise in compliance with C.R.S. § 37-90-137.

V. This Application was filed in both Water Divisions 1 and 2 because depletions from the pumping of the not-nontributary Dawson aquifer may occur in both the South Platte and the Arkansas River systems. The return flows set forth herein will accrue to tributaries of the South Platte River system where the majority of such depletions will occur, and it is Applicant's intent to consolidate the instant matter in Water Division 1 upon completion of publication. Applicant requests that the total amount of depletions to both the South Platte River and the Arkansas River systems be replaced to the South Platte as set forth herein, and for a finding that those replacements are sufficient. The Applicant requests a finding that it has complied with C.R.S. § 37-90-137(4), and that the ground water requested herein is legally available for withdrawal by the requested not-nontributary wells upon the entry of a decree approving an augmentation plan pursuant to C.R.S. § 37-90-137(9)(c.5). The term of this augmentation plan is for 300 years, however the length of the plan for a particular well may be extended beyond such time provided the total plan pumping allocated thereto is not exceeded. Post pumping stream depletions accrue to a particular well or wells only to the extent related to that well's actual pumping. The Court will retain jurisdiction over this matter to provide for the adjustment of the annual amount of ground water withdrawals to be allowed in order to conform to actual local aquifer characteristics from adequate information obtained from well drilling or test holes. The Applicant requests a finding that vested water rights of others will not be materially injured by the withdrawals of ground water and the proposed plan for augmentation. The wells shall be installed and metered as reasonably required by the State Engineer. Each well must be equipped with a totalizing flow meter and Applicant shall submit diversion records to the Division Engineer on an annual basis or as otherwise requested by the Division Engineer. The Applicant shall also provide accountings to the Division Engineer and Water Commissioner as required by them to demonstrate compliance under this plan of augmentation. The Applicant waives the 600 feet well spacing requirement for any wells to be located upon the Applicant's Property. Applicant will comply with the lienholder notice provisions set forth in C.R.S. § 37-92-302(2)(b) and § 37-90-137(4)(b.5)(I), and such notice will be sent within 14 days of the filing of this application.

CASE NO. 2026CW3019; Previous Case Nos. 19CW3067, 13CW3013, 02CW108, 95CW238, 88CW48, 84CW58, 80CW47, W-4405, CA B-53483/W-42 – THE STATE OF COLORADO, acting by and through THE COLORADO STATE BOARD OF LAND COMMISSIONERS, ATTN: JUSTIN BIERI, 1127 Sherman Street, Suite 300, Denver, CO 80203 (Please address all pleadings and inquiries regarding this matter to Applicant's attorneys: Ema I. G. Schultz, Second Assistant Attorney General, Christian Aggeler, Senior Assistant Attorney General, Colorado Department of Law, 1300 Broadway, 10th Floor Denver, CO 80203, Ema.schultz@coag.gov, 720-508-6307, christian.aggeler@coag.gov, 720-508-6303)

Application For Findings Of Reasonable Diligence, To Make Partially Absolute, And Notice Of Relinquishment

EL PASO AND PUEBLO COUNTIES, COLORADO

2. Conditional Water Right Information: A. Description of Structures: The structures identified below are collectively referred to as the "Ranch Well Water Rights" and are shown on **Exhibit A** map attached to the application. (All exhibits mentioned herein are incorporated by reference and may be inspected at the office of the clerk of this Court.)

i. Structure Name: Appelt Well No. 6. (1) Legal Description: 50' E, 2500' S of NW corner of Sec. 22, T17S, R63W, 6th P.M., El Paso County, Colorado. (2) Appropriation Date: September 21, 1964. (3) Amount: 0.02 cfs Absolute (abandoned in Case No. 21CW3078); 3.98 cfs Conditional. ii. Structure Name: Appelt Well No. 7. (1) Legal Description: 3000' E, 2500' S of NW corner of Sec. 22, T17S, R63W, 6th P.M., El Paso County, Colorado. (2) Appropriation Date: September 21, 1964. (3) Amount: 4.0 cfs Conditional. iii. Structure Name: Appelt Well No. 8. (1) Legal Description: 5200' E, 2500' S of NW corner of Sec. 22, T17S, R63W, 6th P.M., El Paso County, Colorado. (2) Appropriation Date: September 21, 1964. (3) Amount: 4.0 cfs Conditional. iv. Structure Name: Appelt Well No. 9. (1) Legal Description: 2800' E, 2500' S of NW corner of Sec. 23, T17S, R63W, 6th P.M., El Paso County, Colorado. (2) Appropriation Date: September 21, 1964. (3) Amount: 0.02 cfs Absolute (abandoned in Case No. 21CW3078); 3.98 cfs Conditional. v. Structure Name: Appelt Well No. 10. (1) Legal Description: 3000' E, 50' S of NW corner of Sec. 19, T17S, R62W, 6th P.M., El Paso County, Colorado. (2) Appropriation Date: September 21, 1964. (3) Amount: 4.0 cfs Conditional. vi. Structure Name: Appelt Well No. 11. (1) Legal Description: 50' E, 50' S of NW corner of Sec. 20, T17S, R62W, 6th P.M., El Paso County, Colorado. (2) Appropriation Date: September 21, 1964. (3) Amount: 4.0 cfs Conditional. vii. Structure Name: Appelt Well No. 12. (1) Legal Description: 2800' E, 50' S of NW corner of Sec. 20, T17S, R62W, 6th P.M., El Paso County, Colorado. (2) Appropriation Date: September 21, 1964. (3) Amount: 4.0 cfs Conditional. viii. Structure Name: Appelt Well No. 13. (1) Legal Description: 5200' E, 50' S of NW corner of Sec. 20, T17S, R62W, 6th P.M., El Paso County, Colorado. (2) Appropriation Date: September 21, 1964. (3) Amount: 4.0 cfs Conditional. ix. Structure Name: Appelt Well No. 14. (1) Legal Description: 2500' E, 5200' S of NW corner of Sec. 24, T17S, R63W, 6th P.M., El Paso County, Colorado. (2) Appropriation Date: September 21, 1964. (3) Amount: 0.02 cfs Absolute (abandoned in Case No. 21CW3078); 3.98 cfs Conditional. x. Structure Name: Appelt Well No. 15. (1) Legal Description: 50' E, 5200' S of NW corner of Sec. 30, T17S, R62W, 6th P.M., El Paso County, Colorado. (2) Appropriation Date: August 30, 1966. (3) Amount: 4.0 cfs Conditional. xi. Structure Name: Appelt Well No. 16. (1) Legal Description: 3000' E, 5200' S of the NW corner of Sec. 30, T17S, R62W, 6th P.M., El

Paso County, Colorado. (2) Appropriation Date: September 21, 1964. (3) Amount: 4.0 cfs Conditional. xii. Structure Name: Appelt Well No. 17. (1) Legal Description: 5200' E, 5200' S of NW corner of Sec. 30, T17S, R62W, 6th P.M., El Paso County, Colorado. (2) Appropriation Date: September 21, 1964. (3) Amount: 4.0 cfs Conditional. xiii. Structure Name: Appelt Well No. 18. (1) Legal Description: 1400' E, 5200' S of NW corner of Sec. 29, T17S, R62W, 6th P.M., El Paso County, Colorado. (2) Appropriation Date: April 21, 1967. (3) Amount: 2.45 cfs Absolute; 1.65 cfs Conditional. xiv. Structure Name: Appelt Well No. 19. (1) Legal Description: 3900' E, 1500' S of NW corner of Sec. 29, T17S, R62W, 6th P.M., El Paso County, Colorado. (2) Appropriation Date: September 21, 1964. (3) Amount: 1.55 cfs Absolute; 2.45 cfs Conditional. xv. Structure Name: Appelt Well No. 20 (and alternate points of diversion decreed in Case No. W-4329). (1) Legal Description: 2500' E, 3000' S of NW corner of Sec. 3, T18S, R63W, 6th P.M., Pueblo County, Colorado. (a) Alternate Point - Appelt Well No. 20-1: SW 1/4, SW 1/4 Sec. 3, T18S, R63W, 6th P.M., Pueblo County, Colorado, 1200' N and 650' E of the SW corner of Sec. 3. (b) Alternate Point - Appelt Well No. 20-2: NE 1/4, SE 1/4 Sec. 4, T18S, R63W, 6th P.M., Pueblo County, Colorado, 1700' N and 900' W of the SE corner of Sec. 4. (c) Alternate Point - Appelt Well No. 20-3: SW 1/4 NW 1/4 Sec. 10, T18S, R63W, 6th P.M., Pueblo County, Colorado, 2380' S, 500' E of NW corner of Sec. 10. (d) Alternate Point - Appelt Well No. 20-4: NE 1/4 SW 1/4 Sec. 10, T18S, R63W, 6th P.M., Pueblo County, Colorado 2400' N and 2200' E of the SW corner of Sec. 10. (2) Appropriation Date: September 21, 1964. (3) Amount: 0.02 cfs Absolute (abandoned in Case No. 01CW157); 3.98 cfs Absolute. (a) Appelt Well 20-1: 0.02 cfs Absolute (abandoned in Case No. 01CW157); 1.58 cfs Conditional. (b) Appelt Well 20-2: 1.1 cfs Conditional. (c) Appelt Well 20-3: 0.7 cfs Conditional. (d) Appelt Well 20-4: 0.6 cfs Conditional. (e) The conditional amounts for the alternate point wells were assigned from the amount decreed for Appelt Well No. 20 in Case No. W-4329. xvi. Structure Name: Appelt Well No. 21. (1) Legal Description: 1000' E, 3000' S of NW corner of Sec. 29, T18S, R62W, 6th P.M., Pueblo County, Colorado. (2) Appropriation Date: September 21, 1964. (3) Amount: 0.9 cfs Absolute; 3.1 cfs Conditional. xvii. Structure Name: Appelt Well No. 22. (1) Legal Description: 5200' E, 3000' S of NW corner of Sec. 29, T18S, R62W, 6th P.M., Pueblo County, Colorado. (2) Appropriation Date: September 21, 1964. (3) Amount: 4.0 cfs Conditional. xviii. Structure Name: Appelt Well No. 23. (1) Legal Description: 3000' E, 3000' S of NW corner of Sec. 28, T18S, R62W, 6th P.M., Pueblo County, Colorado. (2) Appropriation Date: September 21, 1964. (3) Amount: 4.0 cfs Conditional. xix. Structure Name: Quarter Corner Well. (1) Legal Description: 2640' S of the NW corner of Sec. 18, T18S, R61W, 6th P.M., Pueblo County, Colorado. (2) Appropriation Date: September 21, 1964. (3) Amount: .01 cfs Conditional. xx. Structure Name: Camp Well. (1) Legal Description: 5000' S, 150' E of NW corner of Sec. 4, T18S, R62W, 6th P.M., Pueblo County, Colorado. (2) Appropriation Date: December 31, 1920. (3) Amount: 0.13 cfs Absolute (abandoned in Case No. 01CW157); 0.04 cfs Conditional. xxi. Structure Name: Holmes Well. (1) Legal Description: 4000' S, 4250' E of NW corner of Sec. 22, T17S, R63W, 6th P.M., El Paso County, Colorado. (2) Appropriation Date: December 31, 1942. (3) Amount: 0.02 cfs Absolute (abandoned in Case No. 21CW3078); 2.00 cfs Conditional.

B. Prior Decrees. i. Date of original Decree and case number: April 28, 1972; Civil Action No. B-53483, Pueblo District Court (Consolidated with Case No. W-42, Water Division 2). ii. Subsequent decrees awarding finding of diligence: June 17, 1977, Case No. W-4405;

October 6, 1980, nunc pro tunc September 4, 1980, Case No. 80CW47; January 25, 1985, Case No. 84CW58; December 20, 1989, Case No. 88CW48; July 23, 1996, Case No. 95CW238; May 16, 2007, Case No. 02CW108; November 1, 2013, Case No. 13CW3013; April 14, 2020, Case No. 19CW3067. **C. Source for all rights:** Black Squirrel Creek. **D. Use for all Ranch Well Water Rights:** Irrigation, domestic, and mechanical. **E. Integrated Water Supply:** The Ranch Well Water Rights which are the subject of this diligence action are part of an integrated water supply system designed to provide a sufficient and reliable water supply at the Ranch, as previously decreed by this Court. **3. Claim to Make Absolute. A. Appelt Well No. 20-1, more fully described in paragraph 2.A.xv.** i. Date Water Applied to Beneficial Use: June 1, 2020. ii. Amount: 0.668 cfs. iii. Uses: Irrigation. **B. Appelt Well No. 20-2, more fully described in paragraph 2.A.xv.** i. Date Water Applied to Beneficial Use: April 30, 2022. ii. Amount: 0.058 cfs. iii. Uses: Irrigation. **C. Appelt Well No. 20-3, more fully described in paragraph 2.A.xv.** i. Date Water Applied to Beneficial Use: June 15, 2022. ii. Amount: 0.58 cfs. iii. Uses: Irrigation. **D. Comments:** The wells in this section have been augmented by the Arkansas Groundwater & Reservoir Association (“AGRA”). The flow rates claimed are based on pump and meter tests completed for the wells. The dates that each well were applied to beneficial use are estimates based on diversion records for each well. **4. Notice of Relinquishment. A.** During the diligence period, the Land Board determined that the cost of constructing and completing development of the following water right originally decreed in Civil Action B-53483 is not feasible. The Land Board has decided not to pursue continuation of the following water right and hereby notifies the court of the Land Board’s intent to relinquish the conditional water right. **B.** Quarter Corner Well. i. Amount: 0.01 cfs. ii. Uses: Irrigation, domestic, and mechanical. **5. Provide a detailed outline of what has been done toward completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures:** The following list is not intended to be exclusive and may be supplemented by additional evidence. **A.** The Land Board manages public trust land throughout Colorado for the purpose of producing revenue for the State’s public schools. These lands are commonly known as “school lands” or “school trust lands”. The Land Board owns and manages the Chico Basin Ranch (the “Ranch”) in El Paso and Pueblo Counties. The Ranch is a 90,000-acre family-run, working cattle ranch 30 miles southeast of Colorado Springs, Colorado. The Ranch is school trust land. The Ranch includes ranges of shortgrass and sand sage prairie which provides habitat for diverse populations of birds, pronghorn, antelope, mule deer, fish, prairie dogs, coyote, badgers, and other wildlife. **B.** The Land Board’s duty is to generate revenue from the Ranch and all of its properties for the benefit of public K-12 schools. To accomplish this mission, the Land Board engages lessees. At present, the Land Board has at least eight (8) lessees engaged for various purposes on the Ranch. The Land Board selects its lessees through a competitive bidding process. **C.** In 2024, the Land Board solicited proposals from entities interested in the largest agricultural lease of the Ranch. The Land Board, through a contested process, selected Flying Diamond Ranch, LLC to receive a ten (10) year agricultural lease. The lease includes seventeen (17) of the twenty-five (25) Ranch Well Water Rights. The remaining eight (8) wells are located on two other tracts within the Ranch held by two different lessees for agricultural and industrial use. **D.** During the diligence period, the Land Board and its lessee(s) have maintained and paid assessments for an augmentation contract with the Arkansas

Groundwater & Reservoir Association (“AGRA”). The contract with AGRA secures the ability for five (5) of the Ranch Well Water Rights to operate out-of-priority by supplying augmentation water. AGRA fees cost the Land Board and its lessee(s) approximately \$25,000 per year. During the diligence period, the Land Board has also had discussions with AGRA about expanding its augmentation service for the Ranch Well Water Rights.

E. During the diligence period, the Land Board and its lessee(s) expended funds toward the completion of the Ranch Well Water Rights. The Land Board and its lessee(s) have maintained the constructed system of wells and springs to continue use and operation of the integrated water supply on the ranch.

F. During the diligence period, the Land Board has conducted diligence activities in the development of these conditional water rights, and has expended funds for staff, legal, and operations in support of those activities including: hiring a full time water manager to oversee the Land Board’s water assets, including those identified in this application; reviewing water court resumes for applications potentially affecting water rights identified in this application; and routinely monitoring the leases and communicating with the lessees regarding operations on the Land Board’s property. These activities have taken place over the normal course of business for the Land Board and therefore do not give rise to specific expenditures that can be identified.

G. During the diligence period, the Land Board or its lessee(s) have ensured that those wells which are constructed of the Ranch Well Water Rights have been in compliance with the applicable well measurement rules. The flow meters have been properly tested and reported. The wells which exist but are not in use have been properly inactivated in accordance with the applicable rules. The Land Board or its lessee(s) replaced the pump for at least one of the operating wells during the diligence period.

H. Due to the change in the main agricultural lessee during this diligence period, the Land Board does not have access to information regarding the amount that its lessee expended in support of maintaining and developing the integrated water supply system on the Ranch, including the Ranch Well Water Rights. The Land Board also does not have detailed information regarding exactly what activities have been conducted to maintain the existing wells, replace failing infrastructure, or otherwise develop the Ranch Well Water Rights that were included in the prior lease.

I. During the diligence period, the Land Board’s water program manager met with the Division Engineer and Water Commissioner on multiple occasions regarding the water use and plans for the Ranch as well as the future needs of the Ranch. These conversations included the development of the Ranch Well Water Rights as well as the absolute water rights on the Ranch.

J. During the diligence period, the Land Board actively sought additional augmentation sources that could be used to augment the Ranch Well Water Rights and facilitate their development. The Land Board made at least one valid offer for such water rights and was outbid in the transaction. The Land Board’s water program manager is actively pursuing other options to acquire augmentation water that will be used in whole or in part to augment the Ranch Well Water Rights.

K. The Land Board has performed monthly reviews of the water court resume to determine whether to file statements of opposition to protect its water rights in Water Division 2, including the Ranch Well Water Rights. Land Board staff has also met internally to plan future development of the Ranch Well Water Rights in conjunction with continued leasing of the parcels the water rights serve.

6. Name and address of owners of the land on which structures are or will be located, upon which water is or will be stored, or upon which water is or will be placed to beneficial use: All structures

listed above are located on land owned by the Applicant. WHEREFORE, the Land Board prays that this Court enter a decree finding that the Land Board has exercised reasonable diligence in the development of the conditional water rights and to continue the rights in full force and effect, that the Land Board has made certain of the Ranch Well Water Rights absolute, take notice that the Land Board has relinquished its conditional water right for the Quarter Corner Well, and for such other and further relief as this Court deems necessary.

CASE NO. 2026CW3020; Previous Case Nos. (2019CW3075) (13CW3019) (02CW152) (96CW45) (89CW73) (85CW106) (79CW72) (W-143-(73)) (W-143) – ACADEMY WATER AND SANITATION DISTRICT, (“Applicant” and/or “District”), c/o President, 1755 Spring Valley Drive, Colorado Springs, CO 80921 (Please address all pleadings and inquiries regarding this matter to Applicant’s attorneys: Alperstein & Covell, P.C., Andrea L. Benson, #33176, Gilbert Y. Marchand, Jr., #19870, 2299 Pearl Street, Suite 400-C, Boulder, CO 80302, phone: 303-894-8191, alb@alpersteincovell.com; gym@alpersteincovell.com.

Application To Make Absolute And/Or In The Alternative For A Finding Of Reasonable Diligence

EL PASO COUNTY

2. Names of structures: **2.A.** Well No. 1 (also known as Well No. 1R) (Permit No. 68062-F, formerly Permit No. 6790-F). The WDID is 1005839; the UTM coordinates (NAD83) are 518111 Easting and 4322631 Northing; and the WDID of the augmentation plan for this well is 1007801. **2.B.** Well No. 2 (also known as Well No. 2R) (Permit No. 10532-F-R). The WDID is 1005840; the UTM coordinates (NAD83) are 517747 Easting 4322456 Northing; and the WDID of the augmentation plan for this well is 1007801. **3. Description of conditional water rights:** **3.A.** Decree: The original decree was entered in Case No. W-143 by the District Court, Water Division No. 2, on June 22, 1971. Pursuant to the decree entered by the same Court in Case No. 81CW124, the decreed location of Well No. 2 was changed to conform to its actual location. **3.B.** Subsequent decrees finding diligence were entered by the same Court in Case No. W-143-(73) on May 16, 1975; Case No. 79CW72 on December 23, 1981, *nunc pro tunc*, November 18, 1981; Case No. 85CW106 on September 5, 1986; Case No. 89CW73 on April 4, 1990; Case No. 96CW45 on October 30, 1996; Case No. 02CW152 on June 5, 2007; Case No. 13CW3019 on November 22, 2013; and most recently in Case No. 19CW3075 on April 14, 2020. **3.C.** Legal description: **3.C.(1)** Well No. 1: The presently permitted, actual location of Well No. 1 is in the southwest quarter of the northwest quarter of section 33, Township 11 South, Range 66 West, 6th P.M., El Paso County, Colorado, approximately 1,410 feet from the north section line and 950 feet from the west section line. The decreed location (per Case No. W-143) is described as being in the northwest quarter of the northwest quarter of Section 33, Township 11 South, Range 66 West, 6th Principal Meridian, El Paso County, Colorado, beginning at the southwest corner of Lot 2, Block 2, Filing No. 2 of Pleasant View Estates, El Paso County, Colorado, thence 244 feet east, thence 577 feet south. The actual location is depicted on the Well Location Map that has been filed with the Court with this application and that is incorporated herein by reference (see “1R”). **3.C.(2)** Well No. 2: The presently permitted, actual location of Well No. 2 is in the southeast quarter of the northeast quarter of section 32, Township 11 South, Range 66 West, 6th P.M., El

Paso County, Colorado, approximately 1,770 feet from the north section line and 220 feet from the east section line. The decreed location (per Case No. 81CW124) is described as being in that portion of the northeast quarter of Section 32 and the northwest quarter of section 33, all in Township 11 South, Range 66 West, 6th Principal Meridian, in El Paso County, Colorado, beginning at the northeasterly corner of Lot 1, Block 4, Filing No. 2 of Pleasant View Estates, El Paso County, Colorado, thence north 35 degrees, 28 minutes, 35 seconds, east, on Spring Valley Drive R.O.W. line 70.00 feet; thence south 54 degrees, 31 minutes, 25 seconds, east, 80.00 feet, thence south 35 degrees, 28 minutes, 35 seconds, west, 70.00 feet; thence south 71 degrees, 27 minutes, 02 seconds, west, 69.55 feet to a point on the easterly line of said Lot 1, Block 4, Pleasant View Estates, Filing No. 2; thence north 00 degrees, 39 minutes, 39 seconds, east, 68.56 feet to the point of beginning. The actual location is depicted on the Well Location Map (see "2R"). **3.D.** Source: The source is described in the decree in Case No. W-143 as "[g]roundwater from the underground aquifer in the drainage area of Smith Creek which is tributary to Fountain Creek, which is tributary to the Arkansas River." The source for Well No. 1 is also described as the alluvium of Smith Creek, tributary to Monument Creek, tributary to Fountain Creek, tributary to the Arkansas River. The source for Well 2 is also described as ground water from the Dawson and Denver aquifers, tributary to Smith Creek, tributary to Monument Creek, tributary to Fountain Creek, tributary to the Arkansas River. **3.E.** Appropriation date: Well No. 1: February 25, 1965; Well No. 2: January 31, 1966. **3.F.** Amount: Well No. 1: 50 gallons per minute ("gpm") / 0.11cfs; Well No. 2: 200 gpm / 0.45 cfs. Well No. 1 was re-permitted to pump at a rate of up to 100 gallons per minute under the augmentation plan decreed in Case No. 98CW110. **3.G.** Use: Municipal. **3.H.** Depth: Well No. 1: approximately 55 feet; Well No. 2: approximately 1,038 feet. **4. Detailed outline of what has been done toward completion of the appropriation, including expenditures:** During the subject diligence period (from April 15, 2020 through the time of filing this application), Applicant has undertaken the following actions toward completion of the appropriations associated with the water rights for Well No. 1 and Well No. 2. Well No. 1 and Well No. 2 - as well as Applicant's entire water system, including Well No. 3 (Permit No. 6892-F) - have been consistently operated and maintained during the entire diligence period. The operation of the wells has been in compliance with the augmentation plan decreed in Case No. 98CW110. Applicant provides accounting of such operations on a regular basis to the Division Engineer. The wells have provided a municipal water supply to Applicant's customers during the entire diligence period. During the diligence period, Applicant expended the following sums on operation, repair, and maintenance of its water distribution system associated with the wells: 2020 - \$72,117.24; 2021 - \$91,018.49; 2022 - \$63,636.52; 2023 - \$51,333.62; 2024 - \$104,462.93; 2025 - \$103,481.35; 2026 through March - \$16,527.22. Applicant incurred related, additional expenses on lab testing, electric, engineering, legal, well pump replacement and maintenance, and water automation and repair. Applicant also incurred the following expenses related to capital improvements during the diligence period: \$10,276.00 in 2020; \$2,946.02 in 2021; \$34,565.80 in 2022; \$44,205.22 in 2023; \$51,032.58 in 2024; \$615,339.33 in 2025; and \$71,027 through March of 2026. The capital improvements on which such expenses were incurred included: curb stops, water meters, monitoring system, data system, replacement of wiring and modem box for Well Nos. 1 and 3, pipeline replacement, water meters, filter plant upgrades, refurbishment of

water filters, plant upgrade, and pump replacement. During the diligence period, Applicant obtained a decree from this Court in Case No. 22CW3005 finding diligence on the remaining 0.07 cfs conditional portion and making absolute 0.13 cfs of its appropriative right of substitution and exchange whereby depletions from pumping of Applicant's wells, including the subject wells, are replaced. Applicant incurred legal and engineering expenses in connection with obtaining the 22CW3005 decree. Applicant incurred expenses of approximately \$17,120 during the subject diligence period related to work performed by its water resource engineering consultants. The work is described as: general water rights engineering work including augmentation plan accounting review and updates; exchange analysis; GIS mapping and figure preparation; and assistance with the preparation of water court applications. **5. If claim to make absolute in whole or in part: 5.A. Date water applied to beneficial use, including amount and use:** Well No. 1: pumped at rate of 82.6 gpm on July 8, 2025, during a well meter verification test. This water was pumped into the District's storage tank for distribution and use within the District's system. This well pumping was augmented in full pursuant to the District's augmentation plan decreed in Case No. 98CW110. Based on such diversion and beneficial use of the water right pursuant to procedures prescribed by law, consistent with the State Engineer's Written Instruction 2020-01, the following amount of the water right for Well No. 1 should be made absolute: all 50 gpm/0.11 cfs, meaning that the full amount of the water right for Well No. 1 should be made absolute with no portion remaining conditional. Well No. 2: pumped at rate greater than 200 gpm on January 12, 2024, during a well meter verification test. This water was pumped into the District's storage tank for distribution and use within the District's system. This well pumping was augmented in full pursuant to the District's augmentation plan decreed in Case No. 98CW110. Based on such diversion and beneficial use of the water right pursuant to procedures prescribed by law, consistent with the State Engineer's Written Instruction 2020-01, the following amount of the water right for Well No. 2 should be made absolute: 200 gpm/0.45 cfs absolute, meaning that the full amount of the water right for Well No. 2 should be made absolute with no portion remaining conditional. **5.B. Description of place of use where water is or was applied to beneficial use:** Water was applied to beneficial use within the District's service area, whose location is in the north half of Sections 32 and 33, Township 11 South, Range 66 West, of the 6th P.M. The service area is depicted on the Well Location Map. **6. Name(s) and address(es) of owner(s) or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure, is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool:** Not applicable. **WHEREFORE**, Applicant requests the Court to grant this application and to enter a decree making absolute the water rights for Well Nos. 1 and 2 described herein; in the alternative, if for some reason any portion of the water rights for Well Nos. 1 and 2 are not made absolute, Applicant requests the Court to enter a decree finding diligence toward the completion of the appropriations associated with any such remaining conditional portions of the water rights for Well No. 1 and Well No. 2, and continuing them in full force and effect.

CASE NO. 2026CW3021; Donala Water and Sanitation District, 15850 Holbein Drive, Colorado Springs CO 80921 (Please address all pleadings and inquiries regarding this matter to Applicant’s attorneys: Matthew S. Poznanovic, John D. Buchanan, Hayes Poznanovic Korver LLC, 700 17th Street, Suite 1800, Denver, CO 80202, (719) 488-3603)

Application to Make Absolute

LAKE AND CHAFFEE COUNTIES

2. Description of Conditional Right of Exchange (the “Clear Creek Exchange”): 2.1 Original and Subsequent Decrees: The Clear Creek Exchange was originally adjudicated in Case No. 09CW73 entered on November 15, 2011 (“09CW73 Decree”). Findings of diligence were made, and the Clear Creek Exchange continued for additional six-year diligence periods, in the decrees entered in Case No. 17CW3060 on May 22, 2018, and in Case No. 24CW3019 on March 5, 2026, all by the District Court, Water Division 2. Points of Diversion: From the confluence of the Arkansas River and Clear Creek to Clear Creek Reservoir, in Chaffee County. Clear Creek Reservoir, WDID number 1103504, is located at UTM 392180E, 4319897E. The approximate location of the confluence of the Arkansas River and Clear Creek is in the NE1/4 of Section 8, Township 12 South, Range 79 West of the 6th P.M. As set forth in the 09CW73 Decree, Clear Creek Reservoir is located in all or part of Sections 7 and 8, Township 12 South, Range 79 West of the 6th P.M. The Clear Creek Reservoir Dam axis and the centerline of Clear Creek intersect at a point whence the S. Corner of Section 8, Township 12 South, Range 79 West of the 6th P.M. bears S 27°W a distance of 2,255 feet. Priority date: May 26, 2009. Amount: 3.66 cfs, conditional, less transit loss from the points of measurement on the Willow Creek Ranch, the location of which is described in the 09CW73 Decree, to the point from which water is exchanged. The exchange rates for individual water rights shall be limited as shown below, less transit loss assessed from the Willow Creek Ranch to the point of exchange. **Maximum Exchange Rates (cfs)**

Ditch	May	June	July	August
Abbott Placer Ditch	0.82	0.96	0.75	0.71
Abott Placer Ditch 1 st Enlargement	0.43	0.50	0.43	0.38
Willow Creek Ditch	0.60	0.81	0.71	0.41
Mitchell Ditch Nos. 1-4	0.52	0.65	0.56	0.50
Sites Ditch No. 1	0.29	0.31	0.24	0.18
Sites Ditch No. 2	0.49	0.43	0.27	0.15
Total	3.15	3.66	2.96	2.33

Uses: All municipal uses, including domestic, irrigation, commercial, industrial, mechanical, fire protection, maintenance and replacement of storage losses, and disposition of return flows. The sources of substitute supply, described below, may be fully consumed and may be used, reused, successively used or disposed of to extinction, after satisfaction of return flow obligations. Source of substitute supply: the water rights formerly used on the Willow Creek Ranch, originally decreed in CA 1127, Chaffee County District Court on June 19, 1890, changed to municipal use in the 09CW73 Decree (amounts, changed uses, and terms and conditions described in more detail in the 09CW73 Decree) (the “WCR Rights”), and summarized as follows:

<u>Ditch</u>	<u>Priority</u>	<u>Source</u>
Abbott Placer Ditch (WDID 1100745)	3/10/1881	Willow Creek

Abbott Placer 1 st Enlargement	11/30/1881	Willow Creek
Willow Creek Ditch (WDID 1100746)	4/15/1881	Willow Creek
Mitchell Ditches Nos. 1-4 (WDID 1100749)	5/31/1881	Willow Creek
Sites Ditch No. 1 (WDID 1100747)	4/30/1881	Little Willow Creek
Sites Ditch No. 2 (WDID 1100809)	4/30/1882	Little Willow Creek.

CLAIM TO MAKE ABSOLUTE. 3. Donala operated the Clear Creek Exchange pursuant to and in compliance with the 09CW73 Decree on June 5 and 6, 2025 at a rate of 3.65 cfs on each day, less transit loss from the point of measurement on the Willow Creek Ranch to the point from which water is exchanged at the confluence of the Arkansas River and Clear Creek to Clear Creek Reservoir. Exchanged water was physically stored in Pueblo Water’s storage space in Clear Creek Reservoir, and then traded by contract exchange for water in Pueblo Reservoir, resulting in a storage credit to Donala’s account of 14.30 acre-feet (7.15 acre-feet for each day the exchange operated). The 14.30 acre-feet of water stored in Donala’s account was transferred to Colorado Springs Utilities’ account in Pueblo Reservoir, which was subsequently delivered via Colorado Springs Utilities’ North Gate Interconnect system for use in Donala’s water delivery system by Donala’s customers. Accordingly, Donala seeks to make the Clear Creek Exchange absolute to the full extent of 3.65 cfs for all decreed uses. Names and addresses of owners of land upon which any new diversion or storage structure or modification to any existing diversion or storage structure or existing storage pool is or will be constructed or upon which water is or will be stored: Clear Creek Reservoir: Pueblo Reservoir: Board of Water Works of Pueblo, c/o Seth Clayton, P.O. Box 400, Pueblo, CO 81002-0400. Pueblo Reservoir: United States of America, Department of Interior, Bureau of Reclamation, Eastern Colorado Area Office, 11056 W. County 18-E, Loveland, CO 80537. WHEREFORE, Applicant requests that this Court enter a decree finding that Applicant has made the Clear Creek Exchange absolute for all uses at a rate of 3.65 cfs or at a lesser rate as the Court may determine, and for such other and further relief as this Court deems just and proper in the premises.

CASE NO. 2026CW3022; Previous Case No. 98CW142 – RANDALL WELSCH AND LOUELLEN WELSCH, 11525 Howells Drive, Colorado Springs, CO 80908 (Please direct all pleadings and documents to Ryan W. Farr, Monson, Cummins, Shohet & Farr, LLC, 13511 Northgate Estates Drive, Suite 250, Colorado Springs, CO 80921 (719) 471-1212)

Application for Amendment of Plan for Augmentation

EL PASO COUNTY

II. Applicants seek to amend the plan for augmentation decreed in Case No. 98CW142, District Court, Water Division 2 (“Original Augmentation Plan”). The Original Augmentation Plan allowed for the use of a Dawson aquifer well to provide up to 0.65 acre-feet of water per year for the Applicants’ Property, as described below. The Original Augmentation Plan found during-pumping replacement from the non-evaporative septic system return flows sufficient to meet during-pumping replacement obligations and reserved water in the Laramie-Fox Hills aquifer to meet post pumping replacement obligations. Applicants seek to amend the Original Augmentation Plan in order to subdivide the Applicants’ Property into two lots. Such amendment would terminate the use of the Dawson aquifer, allow for the construction of Denver aquifer wells to serve the two new lots, utilize the return flows from the Denver wells to meet replacement

obligations for the Dawson aquifer well post-pumping depletions along with the during-pumping replacement obligations for the Denver aquifer wells, and re-reserve the Laramie-Fox Hills aquifer to provide post-pumping replacement for when the Denver aquifer wells cease pumping. **III. Property Description.** Applicants own an approximately 5-acre property that is depicted on the **Exhibit A** map attached to the application, (All exhibits mentioned herein are incorporated by reference and may be inspected at the office of the clerk of this Court.) located in the S1/2 of the SW1/4 of Section 14, Township 12 South, Range 66 West of the 6th P.M., El Paso County, Colorado specifically described as follows: TRACT IN S2SW4 SEC 14-12-66 AS FOLS, COM AT NW COR OF SD S2SW4, TH SLY 770 FT, ELY 610 FT, NLY 100 FT, ELY 824.02 FT, TH SLY 325.08 FT PARA WITH W LN OF SD SW4 FOR POB, CONT SLY ON LAST MENT COURSE 325.31 FT, WLY 670.0 FT, NLY 325.74 FT, TH ELY 670.0 FT TO POB “Applicants’ Property” Structures to be Augmented. The structures to be augmented are two Denver aquifer wells to be constructed to serve two lots within a proposed subdivision on the Applicants’ Property, along with any replacement or additional wells as needed that are constructed to the Denver aquifer underlying the Applicants’ Property (“Welsch Wells”). Water Source. A prior Denver Basin groundwater adjudication was prosecuted along with a plan for augmentation and a decree was issued that included a quantification of all Denver Basin groundwater underlying the Applicants’ Property in Case No. 98CW142, District Court, Water Division 2 (“98CW142 Decree”). The 98CW142 Decree adjudicated the following underlying Denver Basin groundwater amounts:

Aquifer	Net Sand (ft)	Total Appropriation (Acre-feet)	Annual Avg. Withdrawal 100 Years (Acre-feet)
Dawson (NNT)	65	650	0.65
Denver (NNT)	430	366	3.66
Arapahoe	275	234	2.34
Laramie-Fox Hills (NT)	190	142	1.42

Water Rights to be Used for Augmentation. The water rights to be used for augmentation during-pumping are the return flows resulting from the pumping of the not-nontributary Denver wells, together with water rights from the nontributary Laramie-Fox Hills aquifer for any injurious post pumping depletions. Statement of Plan for Augmentation. Applicants wish to provide for the augmentation of stream depletions caused by pumping of the not-nontributary Denver aquifer. Uses. Pumping from the Denver aquifer will be a maximum of 0.52 acre-feet of water per year combined for the Welsch Wells, with each lot pumping a maximum of 0.26 acre-feet per year. Such uses shall be for domestic use within a single-family dwelling, structure and equipment washing, irrigation (indoor and outdoor), commercial, stock water, recreation, wildlife, fire protection, and for storage and augmentation purposes associated with such uses. Depletions. Pursuant to C.R.S. § 37-90-137(9)(c.5), the Denver aquifer underlying the Applicants’ Property requires replacement of actual stream depletions. As such, pumping from the Denver aquifer will require the replacement of 11.14% of the water withdrawn annually, or 0.058 acre-feet. Should annual pumping be less than the 0.52 acre-feet total described herein, resulting depletions and required replacements will be correspondingly reduced. Augmentation of Depletions During Pumping. Depletions during pumping will be effectively replaced by residential return flows from non-evaporative septic systems. The annual consumptive use for non-evaporative septic systems is 10% per year per residence. At a conservative

household use rate of 0.20 acre-feet per residence per year from two residences, 0.36 acre-feet is replaced to the stream system per year with the use of a non-evaporative septic systems. Thus, during pumping, stream depletions will be adequately augmented. Augmentation for Post Pumping Depletions. For the replacement of post pumping depletions which may be associated with the use of the Welsch Wells, Applicants will reserve the entirety of the Laramie-Fox Hills aquifer along with additional supplies from underlying the western adjoining property owned by the Dorothy Williams Trust and subject of the pending Denver Basin aquifer adjudication in Case No. 25CW3054, District Court, Water Division 2, subject to credit for during-pumping replacement. As such, the Laramie-Fox Hills water reserved in the 98CW142 Decree will be changed to a post pumping replacement source for the Welsch Wells along with any needed additional post pumping replacement for the Dawson aquifer well subject of the Original Augmentation Plan. The Dawson well subject of the Original Augmentation Plan would cease operations pursuant to this amended plan for augmentation and thereby trigger the need for post pumping replacement obligations. Such post pumping replacement obligations will be met by the excess non-evaporative septic system return flows not needed to meet during-pumping replacement obligations for the Welsch Wells. Any additional post pumping replacement obligations for the Dawson well that may exist after the cessation of pumping of the Welsh Wells after the 300-year term of the herein plan for augmentation will be met by additional post pumping replacement from the reserved Laramie-Fox Hills aquifer water. The amount of nontributary Laramie-Fox Hills aquifer groundwater reserved may be reduced as may be determined through this Court's retained jurisdiction as described in any decree. If the Court, by order, reduces the Applicant's obligation to account for and replace such post pumping depletions for any reason, it may also reduce the amount of Laramie-Fox Hills aquifer groundwater reserved for such purposes, as described herein. Applicant also reserves the right to substitute other legally available augmentation sources for such post pumping depletions upon further approval of the Court under its retained jurisdiction. Even though this reservation is made, under the Court's retained jurisdiction, Applicants reserve the right in the future to prove that post pumping depletions will be noninjurious. Pursuant to C.R.S. § 37-90-137(9)(b), no more than 98% of water withdrawn annually from a nontributary aquifer shall be consumed. **V.** Applicants request a finding that they have complied with C.R.S. § 37-90-137(4), and that the groundwater requested herein is legally available for withdrawal by the requested nontributary wells upon the entry of a decree approving a plan for augmentation pursuant to C.R.S. § 37-90-137(9)(c.5). The term of this augmentation plan is for 300 years, however the length of the plan for a particular well may be extended beyond such time provided the total plan pumping allocated thereto is not exceeded. Post pumping stream depletions accrue to a particular well or wells only to the extent related to that well's actual pumping. The Court will retain jurisdiction over this matter to provide for the adjustment of the annual amount of groundwater withdrawals to be allowed in order to conform to actual local aquifer characteristics from adequate information obtained from well drilling or test holes. The Applicant requests a finding that vested water rights of others will not be materially injured by the withdrawals of groundwater and the proposed plan for augmentation. All wells shall be installed and metered as reasonably required by the State and Division Engineer. The wells will be equipped with a totalizing flow meters and Applicant, or its successors and assigns, shall submit diversion records to the Division

Engineer on an annual basis or as otherwise requested by the Division Engineer. Applicants, or their successors and assigns, shall also provide accountings to the Division Engineer and Water Commissioner as required by them to demonstrate compliance under this plan of augmentation. Applicants will comply with any landowner and lienholder notice provisions set forth in C.R.S. §§ 37-92-302(2)(b) and 37-90-137(4)(b.5)(I), C.R.S., and such notice will be sent within 14 days of the filing of this application.

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

CASE NO. 2026CW3023, Water Division 2 and CASE NO. 2026CW3070, Water Division 1 – HOME RUN RESTORATIONS, INC, a Nevada corporation c/o Shawn Shaffer, 710 Blaney Road, Colorado Springs, CO 80929 (Please address all

pleadings and inquiries regarding this matter to Applicant's attorneys: Chris D. Cummins, W. James Tilton, Monson, Cummins, Shohet & Farr, LLC, 13511 Northgate Estates Drive, Suite 250, Colorado Springs, CO 80921 (719) 471-1212)

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

EL PASO COUNTY

II. Home Run Restorations, d/b/a Home Run Residential, in the care of Shawn Shaffer (hereafter "Applicant") seeks to construct up to two wells, including an existing exempt well to the not-nontributary Dawson aquifer to provide water service to an equivalent number of lots, based on an anticipated minor subdivision of Applicant's approximately 10 acre parcel of land. Applicant therefore seeks to quantify the Denver Basin groundwater underlying the Applicant's Property, and approval of a plan for augmentation for the use thereof. **III. Property Description.** All wells are and will be located on Applicant's approximately ten (10) acre property ("Applicant's Property") anticipated to be subdivided into two (2) lots, with current schedule number 5115003006. Applicant's Property is depicted on the **Exhibit A** map attached to the application, (All exhibits mentioned herein are incorporated by reference and may be inspected at the office of the clerk of this Court.) located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 15, Township 11 South, Range 65 West of the 6th P.M., and more particularly described as 18050 Quarterhorse Lane, Colorado Springs, CO 80908. **Existing Well.** There is an existing exempt domestic well with Division of Water Resources Permit No. 210961 ("Home Run Restorations Well No. 1") located on Applicant's property that provides water to the existing residence. It is a Dawson aquifer well drilled to a total depth of approximately 500 feet, and is located at UTM Easting: 529284; Northing: 4327166 (Zone 13, NAD83). Applicant is in the process of updating the Division of Water Resources' records to correct the location for this well. Applicant intends for this well to be re-permitted following the issuance of a decree in this case. **Proposed Wells.** Applicant proposes that one additional well will be located on the Applicant's Property at a specific location not yet determined, to be constructed to the Dawson aquifer ("Home Run Restorations Well No. 2"). **Land Ownership.** The land upon which the existing and proposed wells will be constructed is owned by Applicant, Home Run Restorations, Inc. Applicant acquired the property on March 27, 2026, pursuant to the Warranty Deed recorded with El Paso County Clerk and Recorder at instrument no. 226028543. **Exhibit B. Not-Nontributary.** The ground water to be withdrawn from the

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

AQUIFER	NET SAND (Feet)	Total Appropriation (Acre Feet)	Annual Avg. Withdrawal 100 Years (Acre Feet)	Annual Avg. Withdrawal 300 Years (Acre Feet)
Dawson (NNT)	466.7	933.4	9.33	3.11
Denver (NNT)	398.7	677.79	6.78	2.26
Arapahoe (NT)	266	452.2	4.52	1.51
Laramie Fox Hills (NT)	189.2	283.8	2.84	0.95

Decreed amounts may vary from the above to conform with the State's Determination of Facts. Pursuant to C.R.S. § 37-92-305(11), the Applicant further requests that the Court retain jurisdiction to finally determine the amount of water available for appropriation and withdrawal from each aquifer. Requested Uses. The Applicant requests the right to use the ground water for beneficial uses upon the Applicant's Property consisting of domestic, irrigation, domestic animal and stock watering, equestrian facilities, agricultural, commercial, filling of a swimming pool and/or hot tub, fire protection, recreation, and also for storage and augmentation purposes associated with such uses. The Applicant also request that the nontributary water may be used, reused, and successively used to extinction, both on and off the Applicant's Property subject, however, to the requirement of C.R.S. §37-90-137(9)(b), that no more than 98% of the amount withdrawn annually shall be consumed. Applicant may use such water by immediate application or by storage and subsequent application to the beneficial uses and purposes stated herein. Provided, however, Applicant shall only be entitled to construct wells or use water from the not-nontributary Dawson aquifer pursuant to a decreed augmentation plan entered by this Court, covering the out-of-priority stream depletions caused by the use of the not-

nontributary Dawson aquifer in accordance with C.R.S. § 37-90-137(9)(c.5). Well Fields. Applicant requests permission to produce the full legal entitlement from the Denver Basin aquifers underlying Applicant's Property through any combination of wells. Applicant requests that these wells be treated as a well field. Averaging of Withdrawals. Applicant requests the entitlement to withdraw an amount of ground water in excess of the average annual amount decreed to the aquifers beneath the Applicant's Property, so long as the sum of the total withdrawals from all the wells in the aquifers does not exceed the product of the number of years since the date of issuance of the original well permit or the date of entry of a decree herein, whichever comes first, multiplied by the average annual volume of water which the Applicant is entitled to withdraw from the aquifers underlying the Applicant's Property. Owner of Land Upon Which Wells are to Be Located. The land upon which the wells are and will be located as well as the underlying groundwater is owned by the Applicant. **IV. Statement of Plan for Augmentation.** Applicant seeks approval of a plan for augmentation to allow it to utilize the not-nontributary Dawson aquifer underlying the property described herein, including following potential subdivision thereof. All wells to the not-nontributary Dawson aquifer will, during the pumping life of such wells, be augmented by septic return flows resulting from domestic uses, with post pumping depletions provided by pumping of the nontributary Denver aquifer. Structures to be Augmented. The structures to be augmented are the Home Run Restorations Well Nos. 1 and 2, along with any replacement or additional wells associated therewith, as likewise may be constructed to the Dawson aquifer of the Denver Basin underlying the Applicant's Property as requested and described herein. Water Rights to be Used for Augmentation. The water rights to be used for augmentation during pumping are the return flows resulting from the pumping of the not-nontributary Dawson aquifer from the Home Run Restorations Well Nos. 1 and 2, together with water rights from the nontributary Arapahoe and Laramie-Fox Hills aquifers for any injurious post pumping depletions. Statement of Plan for Augmentation. Applicant wishes to provide for the augmentation of stream depletions caused by pumping of the not-nontributary Dawson aquifer by Home Run Restorations Well Nos. 1 and 2, together with water rights from the nontributary Arapahoe and Laramie-Fox Hills aquifers for any injurious post pumping depletions. Potential water use criteria and their consumptive use component for replacement of actual depletions for the lots are estimated as follows: Household Use Only: 0.26 acre-feet annually within single-family dwellings on each of the two lots, with a maximum of ten percent consumptive use based on non-evaporative septic leach field disposal systems. Landscape Irrigation: 0.0566 acre-feet annually per 1,000 square feet (2.18 acre feet per acre) per year, with an assumed 100% consumptive use rate. Horses (or equivalent livestock): 0.011 acre-feet annually (10 gallons per day) per head with a one hundred percent consumptive use component. Amounts. Home Run Restorations Well Nos. 1 and 2 will each pump a maximum of 0.927 acre-feet per year, or a maximum total of 1.85 acre-feet shall be withdrawn from the Dawson aquifer per year. Such use shall be a combination of household use, irrigation of lawn, garden, and greenhouse, and the watering of horses or equivalent livestock, and other permitted uses described in paragraph III.D., above. An example breakdown of this combination of use, utilizing the factors described above, for each lot, is in-house use of 0.26 acre-feet of water per year, with the additional 0.667 acre-feet per year available for irrigation of lawn, garden, and greenhouse, and the watering of horses or equivalent livestock and poultry

on each lot. Depletions. Applicant's consultant has determined that maximum stream depletions over the 300-year pumping period for the Dawson aquifer amounts to approximately 18.84% of pumping. **Exhibit C.** Maximum annual depletions for total pumping from both wells are therefore 0.349 acre-feet in year 300 (i.e. 18.84% of pumping). *Id.* Should Applicant's pumping be less than the 1.85 total per year described herein, resulting depletions and required replacements will be correspondingly reduced, so long as depletions resulting from pumping are adequately replaced. Augmentation of Depletions During Pumping. Pursuant to C.R.S. § 37-90-137(9)(c.5), Applicant is required to replace actual stream depletions attributable to pumping of the two (2) residential wells subject to this augmentation plan. Applicant's consultant has determined that depletions during pumping will be effectively replaced by residential return flows from non-evaporative septic systems. The annual consumptive use for non-evaporative septic systems is 10% per year per residence. Using a conservative in-house use rate of 0.2 acre-feet per lot per year, being 0.18 acre-feet annually from each residence, 0.36 acre-feet is replaced to the stream system per year, utilizing non-evaporative septic systems. The 0.36 annual acre feet replaced is greater than the maximum annual depletion for total pumping in year 300. Thus, during pumping, stream depletions will be adequately augmented. Augmentation for Post Pumping Depletions. (NEED 555 arefeet of Nontrib) For the replacement of any injurious post-pumping depletions which may be associated with the use of the Home Run Restorations Well Nos. 1 and 2 Applicant will reserve the entirety of the nontributary Laramie-Fox Hills aquifer, and a portion of the nontributary Arapahoe aquifer, accounting for actual stream depletions replaced during the planned pumping period, as necessary to replace any injurious post pumping depletions. Applicant also reserves the right to substitute other legally available augmentation sources for such post pumping depletions upon further approval of the Court under its retained jurisdiction. Even though this reservation is made, under the Court's retained jurisdiction, Applicant reserves the right in the future to prove that post pumping depletions will be noninjurious. The reserved nontributary Arapaoe and Laramie-Fox Hills aquifer groundwater will be used to replace any injurious post-pumping depletions. Upon entry of a decree in this case, the Applicant will be entitled to apply for and receive a new well permits for Home Run Restorations Well Nos. 1 and 2 for the uses in accordance with this Application and otherwise in compliance with C.R.S. § 37-90-137. **V.** This Application was filed in both Water Divisions 1 and 2 because depletions from the pumping of the not-nontributary Dawson aquifer may occur in both the South Platte and the Arkansas River systems. The return flows set forth herein will accrue to tributaries of the South Platte River system where the majority of such depletions will occur, and it is Applicant's intent to consolidate the instant matter in Water Division 1 upon completion of publication. Applicant requests that the total amount of depletions to both the South Platte River and the Arkansas River systems be replaced to the South Platte as set forth herein, and for a finding that those replacements are sufficient. The Applicant requests a finding that it has complied with C.R.S. § 37-90-137(4), and that the ground water requested herein is legally available for withdrawal by the requested not-nontributary wells upon the entry of a decree approving an augmentation plan pursuant to C.R.S. § 37-90-137(9)(c.5). The term of this augmentation plan is for 300 years, however the length of the plan for a particular well may be extended beyond such time provided the total plan pumping allocated thereto is not exceeded. Post pumping stream depletions accrue to a particular

well or wells only to the extent related to that well's actual pumping. The Court will retain jurisdiction over this matter to provide for the adjustment of the annual amount of ground water withdrawals to be allowed in order to conform to actual local aquifer characteristics from adequate information obtained from well drilling or test holes. The Applicant requests a finding that vested water rights of others will not be materially injured by the withdrawals of ground water and the proposed plan for augmentation. The wells shall be installed and metered as reasonably required by the State Engineer. Each well must be equipped with a totalizing flow meter and Applicant shall submit diversion records to the Division Engineer on an annual basis or as otherwise requested by the Division Engineer. The Applicant shall also provide accountings to the Division Engineer and Water Commissioner as required by them to demonstrate compliance under this plan of augmentation. The Applicant waives the 600 feet well spacing requirement for any wells to be located upon the Applicant's Property. There is a lien on Applicant's property. Applicant will provide the lien holder with notice of this application pursuant to C.R.S. § 37-92-302(2)(b) and § 37-90-137(4)(b.5)(l) within fourteen (14) days of submitting this application.

CASE NO. 2026CW3024; Previous Case Nos. (86CW118(a), 99CW62, 11CW62, 19CW3026) – CITY OF COLORADO SPRINGS, COLORADO SPRINGS UTILITIES c/o Kim Gortz, 1521 Hancock Expressway, Mail Code 1825, Colorado Springs, CO 80903 (Please address all pleadings and inquiries regarding this matter to Applicant's attorneys: Michael J. Gustafson, Senior Attorney, Nathan Endersbee, Senior Attorney, City Attorney's Office-Utilities Division, 30 South Nevada Ave., MC 510, Colorado Springs, CO 80903, michael.gustafson@coloradosprings.gov, nathan.endersbee@coloradosprings.gov (719) 385-5909

Application for a Finding of reasonable Diligence

LAKE, CHAFFEE, FREMONT, PUEBLO, TELLER AND EL PASO COUNTIES

2. Summary of Application. This is an Application for a Sexennial Finding of Reasonable Diligence for the conditional appropriative rights of exchange of the City of Colorado Springs, acting by and through its enterprise, Colorado Springs Utilities ("Applicant"), originally decreed in Case No. 86CW118(A) (the "Decree"). The Decree adjudicated issues and claims of use, reuse, and successive use by exchange of sewerer return flows (the Reusable Sewerer Return Flows") from the Applicant's interest in the Colorado Canal Company, the Lake Meredith Reservoir Company, and the Lake Henry Reservoir Company ("Colorado Canal Companies"). The Decree excluded all issues and claims of use, reuse, and successive use by exchange of non-sewerer return flows from the Applicant's ownership interest in the Colorado Canal Companies. The Applicant's right of reuse and exchange of non-sewerer return flows decreed on July 17, 1991, in Consolidated Case Nos. 84CW202, 84CW203, 86CW118(B), and 89CW36 are not the subject of the Application in this matter. **3. Description of Conditional Rights of Substitution and Exchange:** Colorado Springs Utilities' Reusable Sewerer Return Flows Exchange. A. Date of Original Decree: March 15, 1993 Case No. 86CW118(A) (the "Decree") Court: Water Division No. 2. Priority Date: March 20, 1985. B. Subsequent decrees awarding findings of diligence: Water Court, Division 2, Case Nos. 99CW062, entered September 5, 2005, 11CW62, entered April 22, 2013, and 19CW3026, entered April 29, 2020. C. Decreed Uses: All beneficial uses for which the waters to be exchanged

and reused are decreed, including those uses set forth in the Decree. D. Place of use where water is applied to beneficial use: The service area of the Colorado Springs municipal water supply utility, and Colorado Springs Utilities Reservoirs. **4. Sources of Substituted Water Used in the Exchanges.** The sources of water for the appropriative rights of exchange herein are: reusable sewer return flows; and the reuse and successive use of such return flows, derived from the Applicant's use of its ownership interest in the Colorado Canal Companies, as follows: A. The Colorado Canal (WDID: 1700540). The Colorado Canal water rights are the right to divert 756.28 cubic feet of water per second of time from the Arkansas River for direct flow irrigation use with a priority date of June 9, 1890. By decree dated October 21, 1985, in Case No. 84CW62, District Court, Water Division No. 2, the use of the Colorado Canal water rights was changed to include use and total consumption for municipal, commercial, industrial, and all other beneficial uses at any location. Applicant has the right to take its pro rata share of the water diverted and stored by the Colorado Canal Company, pursuant to the decree in Case No. 84CW62, by exchange or by pipeline for use and total consumption in Applicant's municipal water system or elsewhere. UTM (NAD83)(GPS): Easting: 560241.3, Northing: 4233243.3. B. Lake Meredith Reservoir (WDID: 1703525). Lake Meredith Reservoir's decreed water rights authorize the storage of 26,028.4 acre-feet with diversions from the Arkansas River through the Colorado Canal at a rate of 756.28 c.f.s. under priority of March 9, 1898, and authorize the release of waters stored in Lake Meredith Reservoir and the exchange of such released waters for waters diverted at the Colorado Canal headgate for irrigation purposes with an exchange priority of March 9, 1898. The active storage capacity of Lake Meredith Reservoir is 41,413 acre-feet. Each stockholder in the Lake Meredith Reservoir Company is entitled to a pro rata portion of the waters realized from the operation of Lake Meredith Reservoir and the use of a pro rata portion of Lake Meredith Reservoir storage space. By decree dated October 21, 1985, Case No. 84CW63, District Court, Water Division No. 2, the use of Lake Meredith water rights was changed to include use and total consumption for municipal, commercial, industrial, and all other beneficial uses at any location. Applicant has the right to take its pro rata share of the water diverted and stored by the Lake Meredith Reservoir Company, pursuant to the decree in Case No. 84CW63, by exchange or by pipeline for use and total consumption in Applicant's municipal water system or elsewhere. UTM (NAD83)(GPS): Easting: 609728.0, Northing: 4222978.0. C. Lake Henry Reservoir (WDID: 1703524). Lake Henry Reservoir has decreed water storage rights of 11,916 acre-feet and a decreed rate of diversion of 756.28 c.f.s. through the Colorado Canal. By decree dated October 21, 1985, in Case No. 84CW64, District Court, Water Division No. 2, the use of Lake Henry water rights was changed to include use and total consumption for municipal, commercial, industrial, and all other beneficial uses at any location. Applicant has the right to take its pro rata share of the water diverted and stored by the Lake Henry Reservoir Company, pursuant to the decree in Case No. 84CW64, by exchange or by pipeline for use and total consumption in Applicant's municipal water system or elsewhere. UTM (NAD83)(GPS): Easting: 611994.1, Northing: 4234990.1. **5. Structures involved in the Exchanges.** The decreed legal description, PLSS description, and WDID numbers of the structures are as

follows¹:

A. Structures used to deliver Reusable Sewered Return Flows: 1. The Las Vegas Street Waste Water Treatment Plant Outfall (WDID: 1000870): Located in El Paso County, Colorado in the SE 1/4 of the SW 1/4 of Section 20, T. 14 S, R. 66 W of the 6th P.M. Said outfall discharges to the Fountain Mutual Ditch and then to Fountain Creek through the Fountain Mutual Ditch wasteway which is above the measuring flume for the Fountain Mutual Ditch, in the NW 1/4 of the NE 1/4 of Section 29, T. 14 S, R. 66 W of the 6th P.M. UTM (NAD83)(GPS): Easting: 516895.0, Northing: 4295954.0. 2. The Air Force Academy Waste Water Treatment Facility Outfall (WDID: 1000919): Located in El Paso County, Colorado in the SW 1/4 of the SW 1/4 of Section 19, T. 12 S, R. 66 W of the 6th P.M. Said outfall discharges to Monument Creek, a tributary of Fountain Creek, in the NW 1/4 of the NW 1/4 of Section 30, T. 12 S, R. 66 W of the 6th P.M. UTM (NAD83)(GPS): Easting: 514717.0, Northing: 4314897.0. 3. The Northern Water Reclamation Facility Outfall (a/k/a the J.D. Phillips Water Reclamation Facility) (WDID: 1000920): Located in El Paso County, Colorado in the SE 1/4 of the NW 1/4 of Section 30, T. 13 S, R. 66 W of the 6th P.M. Said outfall discharges to Monument Creek. UTM (NAD83)(GPS): Easting: 515242.1, Northing: 4304859.9. 4. Any other supplemental or replacement wastewater treatment facility outfall located within the drainages of Fountain Creek or the Arkansas River above its confluence with Fountain Creek and hereafter utilized by Applicant, including any terminal storage facilities hereafter constructed and located to receive Applicant's wastewater facility discharges. A map depicting the location of the structures used to deliver reusable return flows is attached as **Exhibit A** to the Application. (All exhibits mentioned herein are incorporated by reference and may be inspected at the office of the clerk of this Court.)

B. Structures Used to Divert, Store, and/or Subsequently Release Exchanged Reusable Sewered Return Flows: 1. Ruxton Creek System (WDIDs: 1002805, 1000581, 1000627). i. Sheep Creek Intake (WDID: 1000581): A point on the South bank of Sheep Creek whence the Southwest corner of Section 11, Township 14 South, Range 68 West of the 6th Principal Meridian bears South 21° West a distance of 600 feet. **PLSS**: In the SE 1/4 of the SE 1/4 of Section 10, T. 14 S, R. 68 W of the 6th P.M. at a point 205 feet from the West Section line and 573 feet from the South Section line. UTM (NAD83)(GPS): Easting: 502118.0, Northing: 4299236.0. ii. South Ruxton Creek Intake No. 1 (WDID: 1000581): A point on the West bank of South Ruxton Creek whence the Northwest corner of Section 14, Township 14 South, Range 68 West of the 6th Principal Meridian bears North 49° West a distance of 2,555 feet. **PLSS**: In the SE 1/4 of the NW 1/4 of Section 14, T. 14 S, R. 68 W of the 6th P.M. at a point 1,938 feet from the West Section line and 1,557 feet from the North Section line. UTM (NAD83)(GPS): Easting: 502643.0, Northing: 4298565.0. iii. South Ruxton Creek Intake No. 2 (WDID: 1000581): A point on the West bank of South Ruxton Creek whence the Northwest corner of Section 14, Township 14 South, Range 68 West of the 6th Principal Meridian bears North 51°40' West a distance of 2,385 feet.

¹ All of the structures set forth below are active structures except for the Cabin Creek Intake described in subparagraph 5.B.1.iv., the Intake No. 1 described in subparagraph 5.B.3.i., Intake No. 3 described in subparagraph 5.B.3.iii., Stanley Canyon Reservoir described in subparagraph 5.B.3.VII., and Bear Creek Intake described in subparagraph 5.B.6.i.. Although these structures are currently inactive, Colorado Springs does not intend to abandon any water rights associated with the structures.

PLSS: In the SE 1/4 of the NW 1/4 of Section 14, T.14 S, R. 68 W of the 6th P.M. at a point 1,880 feet from the West Section line and 1,363 feet from the North Section line. UTM (NAD83)(GPS): Easting: 502626.0, Northing: 4298565.0. iv. Cabin Creek Intake (WDID: 1000581): A point on the North bank of Cabin Creek whence the Southwest corner of Section 11, Township 14 South, Range 68 West of the 6th Principal Meridian bears South 7° 55' West a distance of 3,020 feet. **PLSS:** In the SE 1/4 of NE 1/4 of Section 10, T. 14 S, R. 68 W of the 6th P.M. at a point 421 feet from the West Section line and 1,919 feet from the North Section line. UTM (NAD83)(GPS): Easting: 502181.0, Northing: 4299984.0. v. Ruxton Creek Intake at Lake Moraine (WDID: 1000581): A point on the East bank of Ruxton Creek at Lake Moraine Reservoir whence the Southwest corner of Section 22, Township 14 South, Range 68 West of the 6th Principal Meridian bears South 27°10' West a distance of 1,070 feet. **PLSS:** In the NW1/4 of the SW1/4 of Section 22, T. 14S, R. 68 W of the 6th P.M. at a point 954 feet from the South Section line and 495 feet from the West Section line. UTM (NAD83)(GPS): Easting: 500590.0, Northing: 4296320.0. vi. Dark Canyon Intake (WDID: 1000655): A point on South Ruxton Creek whence the Northwest corner of Section 14, Township 14 South, Range 68 West of the 6th Principal Meridian bears North 23°50' West a distance of 4,330 feet. **PLSS:** In the NE 1/4 of the SW 1/4 of Section 14, T. 14 S, R. 68 W of the 6th P.M. at a point 1,776 feet from the West Section line and 1,214 feet from the South Section line. UTM (NAD83)(GPS): Easting: 502740.4, Northing: 4297993.2. vii. Lion Creek Intake (WDID: 1000627): A point at the junction of Ruxton and Lion Creeks whence the Northeast corner of Section 15, Township 14 South, Range 68 West of the 6th Principal Meridian bears North 9°50' East a distance of 1,600 feet. **PLSS:** In the SE 1/4 of the NE 1/4 of Section 15, T. 14 S, R. 68 W of the 6th P.M. at a point 264 feet from the East Section line and 1,595 feet from the North Section line. UTM (NAD83)(GPS): Easting: 501970.0, Northing: 4298594.0. viii. Lake Moraine Reservoir (WDID: 1003654): An on-channel reservoir located in the SE 1/4 of Section 21 and the SW 1/4 of Section 22, the NW 1/4 of Section 27, and the NE 1/4 of Section 28, T. 14 S, R. 68 W of the 6th P.M., in El Paso County, CO, with the outlet at a point whence the southwest corner of Section 22 is South 27 degrees 10 minutes West 1,070 feet. UTM (NAD83)(GPS): Easting: 500620.0, Northing: 4296314.0. ix. Big Tooth Reservoir (WDID: 1003668): An on-channel reservoir located in the South Ruxton Creek channel in the SW 1/4 of Section 14 and the NW 1/4 of Section 23, T. 14 S, R. 68 W of the 6th P.M., in El Paso County, CO, with the outlet at a point whence the southwest corner of Section 14, T. 14 S, R. 67 W of the 6th P.M. bears East 11 degrees South a distance of 8,975 feet. UTM (NAD83)(GPS): Easting: 502500.0, Northing: 4297864.0. 2. North Slope System (Fountain Creek) (WDIDs: 1002802, 1000884). i. French Creek Intake (WDID: 1000574): A point on French Creek whence the Southeast corner of Section 26, Township 13 South, Range 68 West of the 6th Principal Meridian bears South 80°43' East a distance of 1,953 feet. **PLSS:** In the SW 1/4 of the SE 1/4 of Section 26, T. 13 S, R. 68 W of the 6th P.M. at a point 140 feet from the South Section line and 1,948 feet from the East Section line. UTM (NAD83)(GPS): Easting: 503251.0, Northing: 4303840.0. ii. Cascade Creek Intake (WDID: 1000572): A point on Cascade Creek whence the Northwest corner of Section 27, Township 13 South, Range 68 West of the 6th Principal Meridian bears North 70°11' West a distance of 1,322 feet. **PLSS:** In the NE 1/4 of the NW 1/4 of Section 27, T. 13 S, R. 68 W of the 6th P.M. at a point 412 feet from the North Section line and 1,279 feet from the West Section line.

UTMs (NAD83)(GPS): Easting: 501178.0, Northing: 4305332.0. iii. Crystal Creek Intake (WDID: 1000573): A point on Crystal Creek whence the Northwest corner of Section 17, Township 13 South, Range 68 West of the 6th Principal Meridian bears North 23°12' West a distance of 2,735 feet. **PLSS**: In the SW 1/4 of the NW 1/4 of Section 17, T. 13 S, R. 68 W of the 6th P.M. at a point 2,549 feet from the North Section line and 1,148 feet from the West Section line. UTM (NAD83)(GPS): Easting: 497959.0, Northing: 4307967.0. iv. South Catamount Creek Intake (WDID: 1000576): A point on South Catamount Creek whence the Southeast corner of Section 12, Township 13 South, Range 69 West of the 6th Principal Meridian bears South 37° East a distance of 645 feet. **PLSS**: In the SE 1/4 of the SE 1/4 of Section 12, T. 13 S, R. 69 W of the 6th P.M. at a point 387 feet from the East Section line and 480 feet from the South Section line. UTM (NAD83)(GPS): Easting: 495920.0, Northing: 4308685.0. v. North Catamount Creek Intake (WDID: 1000575): A point on North Catamount Creek whence the South quarter corner of Section 12, Township 13 South, Range 69 West of the 6th Principal Meridian bears South 47°45' West a distance of 1,535 feet. **PLSS**: In the NW 1/4 of the SE 1/4 of Section 12, T. 13 S, R. 68 W of the 6th P.M. at a point 1,524 feet from the East Section line and 1,135 feet from the South Section line. UTM (NAD83)(GPS): Easting: 495506.0, Northing: 4309054.0. vi. Crystal Creek Reservoir (WDID: 1003667): An on-channel reservoir located in Crystal Creek channel in the SW 1/4 of Section 17, the SE 1/4 of Section 18 and the NW 1/4 of Section 19, T. 13 S, R. 68 W of the 6th P.M., in El Paso County, CO. The outlet is located at a point whence the Northwest corner of Section 17 is North 23 degrees 12 minutes West a distance of 2,735 feet. UTM (NAD83)(GPS): Easting: 497913.0, Northing: 4307929.0. vii. South Catamount Reservoir (WDID: 1003644): An on-channel reservoir located in the South Catamount Creek channel in the NW 1/4 of Section 18, T. 13 S, R. 68 W of the 6th P.M. and the SE 1/4 of Section 12 and the N 1/2 of Section 13, T. 13 S, R. 69 W of the 6th P.M., in Teller County, CO. The east end of the dam is located at a point from which the Southeast corner of Section 12 lies South 33 degrees 23 minutes East a distance of 380 feet. UTM (NAD83)(GPS): Easting: 495917.0, Northing: 4308626.0. viii. North Catamount Reservoir (WDID: 1003673): An on-channel reservoir located in the North Catamount Creek channel in Sections 11, 12, 13, and 14, T. 13 S, R. 69 W of the 6th P.M., in Teller County, CO. The outlet is located at a point whence the Southeast corner of Section 12 lies South 61 degrees 33 minutes East a distance of 2,613 feet. UTM (NAD83)(GPS): Easting: 495419.0, Northing: 4309045.0. 3. Northfield Collection System (West Monument Creek) (WDID: 1002803). i. Intake No. 1 (WDID: 1000659): A point on West Monument Creek whence the South quarter corner of Section 28, Township 12 South, Range 67 West of the 6th Principal Meridian bears South 80°23' East a distance of 2,060 feet. **PLSS**: In the NW 1/4 of the NE 1/4 of Section 28, T. 12 S, R. 67 W of the 6th P.M. at a point 234 feet from the West Section line and 418 feet from the South Section line. UTM (NAD83)(GPS)(DIGITIZED): Easting: 509163.0, Northing: 4314673.0. ii. Intake No. 2 (WDID: 1000659): A point on West Monument Creek whence the South quarter corner of Section 28, Township 12 South, Range 67 West of the 6th Principal Meridian bears South 49°50' East a distance of 1,255 feet. **PLSS**: In the SE 1/4 of the SW 1/4 of Section 28, T. 12 S, R. 67 W of the 6th P.M. at a point 1,351 feet from the West Section line and 844 feet from the South Section line. UTM (NAD83)(GPS): Easting: 508824.0, Northing: 4313654.0. iii. Intake No. 3 (WDID: 100659): A point on the North Fork of West Monument Creek whence the

South quarter corner of Section 28, Township 12 South, Range 67 West of the 6th Principal Meridian bears South 9°10' West a distance of 4,288 feet. **PLSS**: In the SW 1/4 of the SW 1/4 of Section 28, T. 12 S, R. 67 W of the 6th P.M. at a point 1,036 feet from the North Section line and 1,914 feet from the East Section line. UTM (NAD83)(GPS)(DIGITIZED): Easting: 508543.0, Northing: 4313698.0. iv. Northfield Reservoir (WDID: 1003671): An on-channel reservoir located in the West Monument Creek channel in the SE 1/4 of Section 25, T. 12 S, R. 68 W of the 6th P.M., in El Paso County, CO, from whence the common corner of Sections 22, 26, 35 and 36 of Township 12 South bears South 67 degrees 9 minutes West 3,480.1 feet. UTM (NAD83)(GPS): Easting: 505085.0, Northing: 4313832.0. v. Nichols Reservoir (WDID:1003674): An on-channel reservoir located in the West Monument Creek channel in the SW 1/4 of Section 25 and the SE 1/4 of Section 26 and the NW 1/4 of Section 36, T. 12 S, R. 68 W of the 6th P.M., in El Paso County, CO. The center of the dam is located at a point approximately 1,380 feet from the South line and 1,630 feet from the East line of said Section 25. UTM (NAD83)(GPS): Easting: 504484.0, Northing: 4313413.0. vi. Rampart Reservoir (WDID: 1003670): An on-channel reservoir located in the West Monument Creek channel in Sections 22, 23, 26 and 27, T. 12 S, R. 68 W of the 6th P.M., in El Paso County, CO. The center of the dam is located at a point approximately 1,925 feet from the South line and 2,325 feet from the East line of said Section 26. UTM (NAD83)(GPS): Easting: 503395.0, Northing: 4313994.0. vii. Stanley Canyon Reservoir (WDID: 1003610): Located in Section 19, T. 12 S, R. 67 W of the 6th P.M. UTM (NAD83)(GPS)(DIGITIZED): Easting: 506157.0, Northing: 4315682.0. 4. Pikeview System (Monument Creek) (WDID: 1002804). i. Pikeview Intake (also known as Monument Creek Pipeline) (WDID: 1000506): A point on Monument Creek just upstream from the point where the Garden of the Gods Road crosses Monument Creek, in north Colorado Springs, whence the North quarter corner of Section 19, Township 13 South, Range 66 West of the 6th Principal Meridian bears North 8°15' East a distance of 3,189.8 feet. This intake delivers water to Pikeview Reservoir. **PLSS**: In the NE 1/4 of the SW 1/4 of Section 19, T. 13 S, R. 66 W of the 6th P.M. at a point 2,208 feet from the West Section line and 2,124 feet from the South Section line. UTM (NAD83)(GPS): Easting: 515313.0, Northing: 4305978.0. ii. Pikeview Reservoir (WDID: 1003615): An off-channel reservoir located adjacent to and on the west side of Monument Creek, at a point just downstream from the point where the Garden of the Gods Road crosses Monument Creek, in north Colorado Springs, in the NE 1/4 of the NW 1/4 and in the NW 1/4 of the NE 1/4 of Section 30, T. 13 S, R. 66 W of the 6th P.M., in El Paso County, CO. Station "0" of the dam being at a point where the North quarter corner of Section 30 bears North 20 degrees 40 minutes East, 987.4 feet. The capacity of Pikeview Reservoir is 151.7 acre-feet. UTM (NAD83)(GPS): Easting: 515324.0, Northing: 4305083.0. 5. 33rd Street Diversion Intake (Fountain Creek) (WDID: 1002800). i. 33rd Street Diversion Intake (WDID: 1000883): The 33rd Street Diversion Intake is located on Fountain Creek at 33rd Street in west Colorado Springs, whence the South quarter corner of Section 3, Township 14 South, Range 67 West of the 6th Principal Meridian bears South 12° East² a distance of 535 feet. **PLSS**: In the SW 1/4 of the SE 1/4 of Section 3, T. 14 S, R. 67 W of the 6th P.M. at a point 523 feet from the South

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

Section line and 2,535 feet from the East Section line. UTM (NAD83)(GPS): Easting: 510617.0, Northing: 4300647.0. ii. 33rd Street Diversion Alternate Point of Diversion (WDID: 1000601): An alternate point of diversion for the 33rd Street Intake is located at a point on the North bank of Fountain Creek in the Southwest quarter of Section 3, Township 14 South, Range 67 West of the 6th Principal Meridian, approximately 153 feet upstream of the original point of diversion. The alternate point of diversion was adjudicated on February 21, 1991, in Case No. 90CW29, Water Division No. 2. **PLSS**: In the NE 1/4 of the NE 1/4 of Section 10, T. 14 S, R. 67 W of the 6th P.M. at a point 570 feet from the South Section line and 2,612 feet from the West Section line. UTM (NAD83)(GPS): Easting: 511159.0, Northing: 4300310.0. 6. Bear Creek System (Bear Creek) (WDID: 1002801). i. Bear Creek Intake (WDID: 1000535): The Bear Creek Intake was originally located on Bear Creek just south of the intersection of Gold Camp Road and Bear Creek Canyon Road in El Paso County, at a point whence the Southwest corner of Section 15, Township 14 South, Range 67 West of the 6th Principal Meridian bears North 43°14' East a distance of 2,280 feet. **PLSS**: In the SW 1/4 of the NE 1/4 of Section 21, T. 14 S, R. 67 W of the 6th P.M. at a point 1,484 feet from the East Section line and 1,656 feet from the North Section line. In Case No. 15CW3008, District Court, Water Division 2, the point of diversion for the Bear Creek System was changed to the NE 1/4 of the NE 1/4 of Section 23, T. 14 S, R. 67 W of the 6th P.M., 1,019 feet from the North section line and 694 feet from the East section line. UTM (NAD83)(GPS)(DIGITIZED): Easting: 512823.7, Northing: 4297116.4. 7. South Suburban System (Cheyenne Creek) (WDID: 1002806). i. South Cheyenne Creek Intake (WDID: 1000537): Located on South Cheyenne Creek at a point just west of the intersection of Mesa Avenue and South Cheyenne Road, in southwest Colorado Springs, whence the quarter corner common to Sections 34 and 35, Township 14 South, Range 67 West of the 6th Principal Meridian bears North 35°16' East a distance of 1,329.7 feet. This intake delivers water to South Suburban Reservoir and Gold Camp Reservoir. **PLSS**: In the NE 1/4 of the SE 1/4 of Section 34, T. 14 S, R. 67 W of the 6th P.M. at a point 795 feet from the East Section line and 1,537 feet from the South Section line. UTM (NAD83)(GPS): Easting: 511204.0, Northing: 4292997.0. ii. North Cheyenne Creek Intake (WDID: 1000609): Located on North Cheyenne Creek at a point approximately one mile west of the intersection of North and South Cheyenne Canyon Roads, in southwest Colorado Springs, whence the Northeast corner of Section 34, Township 14 South, Range 67 West of the 6th Principal Meridian bears North 70°29' East a distance of 4,419.2 feet. This intake delivers water to South Suburban Reservoir and Gold Camp Reservoir. **PLSS**: In the SW 1/4 of the NW 1/4 of Section 34, T. 14 S, R. 67 W of the 6th P.M. at a point 910 feet from the West Section line and 1,460 feet from the North Section line. UTM (NAD83)(GPS): Easting: 510161.0, Northing: 4293693.0. iii. South Suburban Reservoir (WDID: 1003645): An off-channel reservoir located just north of the intersection of North and South Cheyenne Canyon Roads, in southwest Colorado Springs, in Sections 26 and 35, T. 14 S, R. 67 W of the 6th P.M. UTM (NAD83)(GPS): Easting: 511776.0, Northing: 4294040.0. iv. Gold Camp Reservoir (WDID: 1003646): An off-channel reservoir located just north of the intersection of North and South Cheyenne Canyon Roads, in southwest Colorado Springs, in Sections 27 and 34, T. 14 S, R. 67 W of the 6th P.M. UTM (NAD83)(GPS): Easting: 511273.0, Northing: 4293888.0. 8. Pueblo Reservoir (WDID: 1403526): The point of diversion of Pueblo Reservoir is at a point at the intersection of Pueblo Dam axis

and the Arkansas River whence the Northeast corner of Section 36, Township 20 South, Range 66 West of the 6th Principal Meridian, 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, Township 20 South, Range 66 West of the 6th Principal Meridian, Sections 1, 2, 3, 4, 5, 9, 10, and 11, Township 21 South Range 66 West of the 6th Principal Meridian, and Section 5, 8, 9, 13, 14, 15, 16, 22, 23, and 25, Township 20 South, Range 67 West of the 6th Principal Meridian. UTM (NAD83)(GPS): Easting: 524024.0, Northing 4235675.0. 9. Twin Lakes Reservoir (WDID: 1103503): Twin Lakes Reservoir is formed by a dam across Lake Creek in Lake County in Section 23, Township 11 South, Range 80 West of the 6th Principal Meridian, as described in the decree in Case No. 80CW6 (District Court, Water Division No. 2), dated October 23, 1980. UTM (NAD83)(GPS): Easting: 387249.0, Northing: 4326318.0. 10. Turquoise Reservoir (WDID: 1103500): Turquoise Reservoir is formed by a dam across Lake Fork Creek in Lake County in Section 19, Township 9 South, Range 80 West of the 6th Principal Meridian as described in the decree in Case No. 80CW6 (District Court, Water Division No. 2), as dated October 23, 1980. UTM (NAD83)(GPS): Easting: 381722.0, Northing: 4345669.0. 11. Clear Creek Reservoir (WDID: 1103504): Clear Creek Reservoir is located on Clear Creek in Sections 7 and 8, Township 12 South, Range 79 West, and Section 12, Township 12 South, Range 80 West of the 6th Principal Meridian, Chaffee County. UTM (NAD83)(GPS): Easting: 392231.0, Northing: 4319918.0. 12. Fountain Valley Conduit (WDID: 1400560): The Fountain Valley Conduit is a series of pipelines, pumping stations and other water-conveyance facilities in Pueblo and El Paso Counties that together convey water from the outlet works of Pueblo Reservoir to the Fountain Valley Authority's water users, including the City of Colorado Springs. The Fountain Valley Conduit is a part of the Fryingpan-Arkansas Project which is described in more detail in Paragraphs 3 and 5, and Exhibit 2, of Contract Number 9-07-70-W0315, dated July 10, 1979, between the United States and the Southeastern Colorado Water Conservancy District. Colorado Springs is authorized to utilize a portion of the capacity of the Fountain Valley Conduit to transport water, pursuant to a Subcontract dated July 10, 1979, between the Southeastern Colorado Water Conservancy District, the Fountain Valley Authority, the City of Colorado Springs, and various other parties. UTM (NAD83)(DIGITIZED): Easting: 524071.0, Northing: 4235776.0. 13. Otero Pump Station (a.k.a. Otero Diversion Structure) (WDID: 1100529): The Otero Pump Station diverts water from the Arkansas River in Chaffee County, approximately at the point that bears North 30° West a distance of 6,180 feet to the Northeast corner of Section 6, Township 12 South, Range 79 West of the 6th Principal Meridian. **PLSS**: In the SW¼ of the SE¼ of Section 5, T. 12 S., R. 79 W. of the 6th P. M. at a point 35 feet from the South Section line and 2256 feet from the East Section line. UTM (NAD83)(GPS): Easting: 393090.0, Northing: 4319215.0. 14. Pikes Peak Collection System - South Slope (WDID: 1203545). The Pikes Peak Collection System-South Slope is a system of five reservoirs and connected diversion structures, pipelines and tunnels in Teller and El Paso Counties consisting of the following: i. Big Horn Reservoir (Reservoir Number 7) (WDID: 1203816): Located on a branch of the East Fork of West Beaver Creek in the Southeast quarter of Section 13 and the Northeast quarter of Section 24, Township 14 South, Range 69 West of the 6th Principal Meridian. A point located at the intersection of the creek and the dam axis bears South 19 West 2,896 feet to a point, thence South 66° West 1,598 feet to the Northwest corner of Section

26, Township 14 South, Range 69 West of the 6th Principal Meridian. UTM (NAD83)(GPS): Easting: 494633.0, Northing: 4297227.0. ii. Wilson Reservoir (Reservoir Number 8) (WDID: 1203817): Located on the East Fork of West Beaver Creek in the Southeast quarter and the Southeast quarter of the Northeast quarter of Section 23, the West half of the Southwest quarter and the Southwest quarter of the Northwest quarter of Section 24, Township 14 South, Range 69 West of the 6th Principal Meridian. Station 65 near the dam bears South 53° East a distance of 19,280 feet to the Southeast corner of Section 32, Township 14 South, Range 68 West of the 6th Principal Meridian. UTM (NAD83)(GPS): Easting: 493961.0, Northing: 4296143.0. iii. Boehmer Reservoir (Reservoir Number 2) (WDID: 1203813): Located on the Main Fork of Middle Beaver (Boehmer) Creek in the South half of Section 19 and the North half of Section 30, Township 14 South, Range 68 West of the 6th Principal Meridian. UTM (NAD83)(GPS): Easting: 496638.0, Northing: 4295465.0. iv. Mason Reservoir (Reservoir Number 4) (WDID: 1203814): Located on Middle Beaver Creek in Sections 32 and 33 of Township 14 South, Range 68 West of the 6th Principal Meridian, and Sections 4 and 5 of Township 15 South, Range 68 West of the 6th Principal Meridian in Teller County. Station 0 of the dam bears North 6° 49' West a distance of 950.62 feet to the Southeast Corner of Section 32, Township 14 South, Range 68 West of the 6th Principal Meridian. UTM (NAD83)(GPS): Easting: 498820.0, Northing: 4292362.0. v. McReynolds Reservoir (Reservoir Number 5) (WDID: 1203815): Located on a tributary of Middle Beaver Creek in Section 4, Township 15 South, Range 68 West of the 6th Principal Meridian in Teller County. Station 0 of the dam bears North 34° 35' West a distance of 2,166.2 feet to the Southeast corner of Section 32, Township 14 South, Range 69 West of the 6th Principal Meridian. UTM (NAD83)(GPS): Easting: 499245.0, Northing: 4291971.0. 15. Rosemont Collection System (WDID: 1203820): The Rosemont Collection System consists of Rosemont Reservoir and connected diversion structures, pipelines and tunnels in Teller and El Paso Counties. The reservoir is located on East Beaver Creek in the Southeast quarter and the Southeast quarter of the Northeast quarter of Section 23, Township 15 South, Range 68 West of the 6th Principal Meridian, and the system diverts waters from East Beaver Creek and its tributaries, as described in the decree in Case No. 6193, District Court of Fremont County. UTM (NAD83)(GPS): Easting: 503103.0, Northing: 4286560.0. 16. Brush Hollow Reservoir (WDID: 1203779): Brush Hollow Reservoir is located on Brush Hollow Creek in Sections 24, 25, Township 18 South, Range 69 West of the 6th Principal Meridian and Sections 19, 30, Township 18 South, Range 68 West of the 6th Principal Meridian. The dam is located in the Northeast quarter of Section 25, Township 18 South, Range 69 West of the 6th Principal Meridian, and the Northwest quarter of Section 30, Township 18 South, Range 68 West of the 6th Principal Meridian. UTM (NAD83)(GPS): Easting: 495518.0, Northing: 4256612.0. The structures described in Paragraphs 5.B.1. through 5.B.7. above are located in the Fountain Creek Basin, while the structures described in Paragraphs 5.B.8. through 5.B.16. above are located in the Arkansas River Basin, but outside the Fountain Creek Basin. A map depicting the location of the structures used to divert, store, and/or subsequently release exchanged reusable sewer return flows is attached as Exhibit B to this Application. **6. Description of Conditional Exchange Rights.** A. Structures involved: The structures utilized in the conditional exchange rights are described in paragraph 5 above. B. Description of Appropriative Rights of Exchange: Pursuant to the conditions of the Decree, Applicant

may exchange its Reusable Sewered Return Flows that accrue to Fountain Creek to points upstream within the Fountain Creek Basin ("Local Exchange"). In addition, Applicant may exchange its Reusable Sewered Return Flows, after transport to the Arkansas River, to points upstream in the Arkansas River Basin for diversion, storage, or subsequent exchange ("Arkansas River Exchange"). Applicant may also choose to use its Reusable Sewered Return Flows directly in its municipal water system for all municipal purposes, including irrigation and industrial uses; in plans for augmentation; by sale to other water users; or in such other ways as may be allowed by law.

1. Local Exchange: Subject to the conditions of the Decree, Applicant may divert or store an amount of water equivalent to the amount of Reusable Sewered Return Flows then reaching Fountain Creek in excess of its augmentation requirements at one or more of the structures described in Paragraphs 5.B.1. through 5.B.7. above.

2. Arkansas River Exchange: Subject to the conditions of the Decree, Applicant may divert or store an amount of water equivalent to the Reusable Sewered Return Flows then reaching the Arkansas River at one of the following structures, described in more detail in Paragraphs 5.B.8. through 5.B.16. above.

3. Inter-Facility Exchanges: Applicant may also release previously stored Reusable Sewered Return Flows from one of the reservoirs described in Paragraph 5.B. and an equivalent amount may be stored or diverted by exchange in one or more of the structures described in Paragraph 5.B.

4. Exchange Reaches: The facilities described in Paragraphs 5.A. and 5.B. above define the stream reaches within which Applicant may conduct exchanges. Pursuant to the Decree, Applicant may operate these exchanges from other yet-to-be-constructed facilities as described in Paragraph 8(c) of the Decree, within these defined stream reaches. A listing of WDIDs and UTMs for the lower terminus of each exchange set forth in Exhibit C attached hereto.

C. River Flow Exchanges and Contract Exchanges Compared: Pursuant to the Decree, Applicant's exchanges of water may be accomplished in several ways. An actual upstream flow may be diverted while Reusable Return Flows are discharged or Reusable Return Flows already reduced to storage in another reservoir are released (a "River Flow Exchange"); or, a volume of water already in storage in an upstream reservoir that would otherwise be conveyed downstream, may be traded, with the consent of the owners of that stored water, for Applicant's Reusable Return Flows then returning to the stream or already reduced to storage in another reservoir (a "Contract Exchange").

D. Claim to make absolute in whole or in part: The Applicant has operated the decreed exchanges that are the subject of this application to divert and beneficially use additional amounts of water beyond the amounts previously made absolute so as to make absolute additional incremental amounts of the decreed exchanges, as follows:

1. Date water applied to beneficial use: During the Due Diligence Period as documented on the attached Exhibit D (CS-U Data Sheets-Sewered Return Flow Exchanges).
2. Amounts claimed absolute: As set forth in the Table below based upon exchanges of Reusable Sewered Return Flows between 2019-2026.

E. Amounts: The amounts Applicant has previously made absolute, including the quantities made absolute since entry of the decree in Case No. 86CW118A, (e.g. by the decrees in Case Nos. 99CW062, 11CW62 and 19CW3026), the additional amounts Applicant is claiming absolute, and the remaining conditional appropriative rights of exchange are as set forth in the Table below.

ABSOLUTE AND CONDITIONAL EXCHANGES OF REUSABLE SEWERED RETURN FLOWS

Point of Delivery of Return Flow	For Exchange to:	Remaining Conditional Amount	Total Amount Previously Made Absolute	Additional Amount Claimed Absolute	New Total Amount Claimed Absolute
Sewered Return Flows to Fountain Creek	Ruxton Creek System:				
	A. Intake Structures	25.19 cfs	9.51 cfs	0.00 cfs	9.51 cfs
	B. Storage Reservoirs	1,564.20 a/f	25.80 a/f	0.00 a/f	25.80 a/f
	North Slope System:				
	A. Intake Structures	37.28 cfs	19.52 cfs	0.00 cfs	9.51 cfs
	B. Storage Reservoirs	17,275.00 a/f	155.00 a/f	0.00 a/f	25.80 a/f
	Northfield System:				
	A. Intake Structures	8.90 cfs	0.00 cfs	0.00 cfs	0.00 cfs
	B. Storage Reservoirs	41,729.96 a/f	40.04 a/f	0.00 a/f	40.04 a/f
	Pikeview System:				
	A. Intake Structures	11.00 cfs	0.00 cfs	0.00 cfs	0.00 cfs
	B. Storage Reservoirs	190.85 a/f	13.65 a/f	0.00 a/f	13.65 a/f
	33 rd Street System	13.90 cfs	0.00 cfs	0.00 cfs	0.00 cfs
	Bear Creek System	3.10 cfs	0.00 cfs	0.00 cfs	0.00 cfs
	South Suburban System:				
	A. Intake Structures	21.13 cfs	4.37 cfs	0.00 cfs	4.37 cfs
	B. Storage Reservoirs	481.81 a/f	118.19 a/f	0.00 a/f	118.19 a/f
Fountain Creek (Direct Municipal Effluent)	Pueblo Reservoir	122.88 cfs	55.00 cfs	0.00 cfs	55.00 cfs
	Twin Lakes Reservoir	164.00 cfs	0.00	0.00 cfs	0.00 cfs
	Fountain Valley Conduit	164.00 cfs	0.00	0.00 cfs	0.00 cfs
	Otero Pump Station	164.00 cfs	0.00	0.00 cfs	0.00 cfs
	South Slope System	164.00 cfs	0.00	0.00 cfs	0.00 cfs
	Brush Hollow Reservoir	164.00 cfs	0.00	0.00 cfs	0.00 cfs
	Turquoise Reservoir	164.00 cfs	0.00	0.00 cfs	0.00 cfs
	Clear Creek Reservoir	164.00 cfs	0.00	0.00 cfs	0.00 cfs
	Rosemont System	164.00 cfs	0.00	0.00 cfs	0.00 cfs
Fountain Creek (Storage in Terminal Storage Reservoir, i.e., effluent storage)	Pueblo Reservoir	1,000.00 cfs	0.00 cfs	0.00 cfs	0.00 cfs
	Twin Lakes Reservoir	1,000.00 cfs	0.00 cfs	0.00 cfs	0.00 cfs
	Fountain Valley Conduit	1,000.00 cfs	0.00 cfs	0.00 cfs	0.00 cfs
	Otero Pump Station	1,000.00 cfs	0.00 cfs	0.00 cfs	0.00 cfs
	South Slope System	1,000.00 cfs	0.00 cfs	0.00 cfs	0.00 cfs
	Brush Hollow Reservoir	1,000.00 cfs	0.00 cfs	0.00 cfs	0.00 cfs
	Turquoise Reservoir	1,000.00 cfs	0.00 cfs	0.00 cfs	0.00 cfs
	Clear Creek Reservoir	1,000.00 cfs	0.00 cfs	0.00 cfs	0.00 cfs
	Rosemont System	1,000.00 cfs	0.00 cfs	0.00 cfs	0.00 cfs

Pueblo Reservoir	Twin Lakes Reservoir	Flow**	475.43 cfs	0.00 cfs	475.43 cfs
	Otero Pump Station		0.00 cfs	0.00 cfs	0.00 cfs
	Brush Hollow Reservoir		0.00 cfs	0.00 cfs	0.00 cfs
	South Slope System		5.51 cfs	0.00 cfs	5.51 cfs
	Turquoise Reservoir		0.00 cfs	300 cfs	300 cfs
	Clear Creek Reservoir		50.00 cfs	0.00 cfs	50.00 cfs
	Rosemont System		0.00 cfs	0.00 cfs	0.00 cfs
Rosemont System	Twin Lakes Reservoir	Flow**	0.00 cfs	0.00 cfs	0.00 cfs
	Turquoise Reservoir		0.00 cfs	0.00 cfs	0.00 cfs
	Otero Pump Station		0.00 cfs	0.00 cfs	0.00 cfs
	South Slope System		0.00 cfs	0.00 cfs	0.00 cfs
	Clear Creek Reservoir		0.00 cfs	0.00 cfs	0.00 cfs
	Brush Hollow Reservoir		0.00 cfs	0.00 cfs	0.00 cfs
Brush Hollow Reservoir	South Slope System	Flow**	0.00 cfs	0.00 cfs	0.00 cfs
	Rosemont System		0.00 cfs	0.00 cfs	0.00 cfs
	Twin Lakes Reservoir		0.00 cfs	0.00 cfs	0.00 cfs
	Turquoise Reservoir		0.00 cfs	0.00 cfs	0.00 cfs
	Otero Pump Station		0.00 cfs	0.00 cfs	0.00 cfs
	Clear Creek Reservoir		0.00 cfs	0.00 cfs	0.00 cfs
South Slope System	Twin Lakes Reservoir	Flow**	0.00 cfs	0.00 cfs	0.00 cfs
	Turquoise Reservoir		0.00 cfs	0.00 cfs	0.00 cfs
	Otero Pump Station		0.00 cfs	0.00 cfs	0.00 cfs
	Clear Creek Reservoir		0.00 cfs	0.00 cfs	0.00 cfs
	Rosemont System		0.00 cfs	0.00 cfs	0.00 cfs
	Brush Hollow Reservoir		0.00 cfs	0.00 cfs	0.00 cfs
Turquoise Reservoir	Twin Lakes Reservoir	Flow**	0.00 cfs	0.00 cfs	0.00 cfs
	Clear Creek Reservoir		0.00 cfs	0.00 cfs	0.00 cfs
	South Slope System		0.00 cfs	0.00 cfs	0.00 cfs
	Rosemont System		0.00 cfs	0.00 cfs	0.00 cfs
	Brush Hollow Reservoir		0.00 cfs	0.00 cfs	0.00 cfs
Twin Lakes Reservoir	Turquoise Reservoir	Flow**	80.00 cfs	0.00 cfs	80.00 cfs
	Clear Creek Reservoir		0.00 cfs	0.00 cfs	0.00 cfs
	South Slope System		0.00 cfs	0.00 cfs	0.00 cfs
	Rosemont System		0.00 cfs	0.00 cfs	0.00 cfs
	Brush Hollow Reservoir		0.00 cfs	0.00 cfs	0.00 cfs
Clear Creek Reservoir	Turquoise Reservoir	Flow**	0.00 cfs	0.00 cfs	0.00 cfs
	Twin Lakes Reservoir		50.00 cfs	0.00 cfs	50.00 cfs
	Clear Creek Reservoir		0.00 cfs	0.00 cfs	0.00 cfs
	South Slope System		0.00 cfs	0.00 cfs	0.00 cfs
	Rosemont System		0.00 cfs	0.00 cfs	0.00 cfs
	Brush Hollow Reservoir		0.00 cfs	0.00 cfs	0.00 cfs

** The maximum rate of flow that would have been released from the receiving storage reservoir had no exchange been made (including inadvertent storage) and had no storage right junior to the exchange been exercised to store water in the receiving reservoir, except that Contract Exchanges shall have no rate of flow limitation and direct flow exchanges shall be limited to the physical capacity of the existing or future diversion system. **7. Diligence:** Applicant seeks a finding of reasonable diligence for the full amount

of all conditional portions of the Subject Exchanges as set forth in the Decree. A. Integrated System. Applicant owns and operates an integrated system for water diversions, transmission, storage, treatment, and distribution, as well as collection and treatment of the resultant wastewater for release, exchange, and reuse. The conditional water rights described herein are a part of this integrated water system comprising all water rights decreed and used for development and operation of the City of Colorado Springs' municipal water supply system which also comprises and includes other absolute and conditional water rights, and collection, storage, and diversion and delivery systems including, but not limited to, the structures (and/or interests therein) described in paragraphs 2 - 4 above. Reasonable diligence in the development of one component of the system comprises reasonable diligence in the development of all components. B. Diligence Activities. Provide a detailed outline of what has been done toward completion or for completion of the appropriation and application of water to beneficial use as conditionally decreed, including expenditures. 1. During the period from April 29, 2020 (date of the original decree) through April 30, 2026 (the "Diligence Period"), Applicant acquired fee interests in at least two parcels and entered into at least two easements across other parcels that are necessary for the siting, design, construction and operation of Upper Williams Creek Reservoir. Utilities also performed asbestos abatement, hazardous waste management, demolition and removal of existing structures, removal of septic systems, and well abandonment on at least one of the parcels it acquired or obtained interests in during the diligence period. In addition, Applicant has also undertaken numerous projects and activities for the improvement and enlargement of its water supply and distribution systems in order to facilitate the completion of the appropriation of the conditionally decreed rights of storage, substitution and exchange that are the subject of this Application including, but not limited to: improvements to the raw water pipeline between Pikeview Reservoir and the Tollefson (Mesa) water treatment plant, improvements to the Pikeview intake; improvements to the Northfield Reservoir dam and spillway; completion of upgrades to the 33rd Street Pump Station; completion of upgrades to the Manitou Intake diversion structure on Ruxton Creek; improvements to the Sheep Creek intake; improvements to the Lion Creek intake; improvements to the French Creek Intake diversion structure; improvements to South Suburban Reservoir; investigations into seepage from Rampart Reservoir dam; investigations regarding system water losses; install water quality improvements on its Northfield and Pikeview Systems, replacement of the South Catamount transfer pipeline, Crystal Creek Reservoir dam face rehabilitation; improvements to the Nichols Reservoir dam and spillway; South Catamount Reservoir dam face rehabilitation; pipeline repair and replacement of certain sections of the Homestake Pipeline; operation and development of its Arkansas River exchange program and its Colorado Canal reuse program; continued pursuit of development of a joint project(s) as contemplated by the 1998 MOU between the cities of Aurora and Colorado Springs, Vail Associates, Upper Eagle River Regional Water Authority, Eagle River Water and Sanitation District, Cypress Climax Mining Company, and the Colorado River Water Conservation District; and pursuit of a project to maximize the yield of the Blue River System. Applicant also purchased shares in the Lower Arkansas Water Management Association and the Fort Lyon Canal Company; development and modification of Colorado Springs accounting forms related to cases 15CW3001, 15CW3002, 16CW3036, 19CW3052, and 19CW3053 related to the use of

water available to Applicant's FMIC Shares and Chilcott Ditch Shares. 2. During the Diligence Period, Applicant also filed applications for, prosecuted and completed several adjudications of water rights that comprise portions of Applicant's integrated municipal water supply system. These activities include, but are not limited to, filing of applications in Water Division 2 (Arkansas River Basin) and/or pursuit of adjudication of decrees in: Case No. 19CW3052 (Water Division No. 2) involving an augmentation plan, replacement plan, and appropriative rights of exchange on Fountain Creek (Decree entered April 26, 2022); Case No. 19CW3053 (Water Division No. 2) involving an augmentation plan, and appropriative rights of exchange (decree entered October 4, 2022); Case No. 20CW3033 (Water Division No. 2) involving claims for diligence related to Applicant's appropriative rights of substitution and exchange in the Fountain Creek watershed originally decreed in Case No. 1984CW202 (decree entered on August 5, 2021); Case No. 20CW3047 (Water Division No. 2) involving claims for diligence for the Quail Lake conditional storage right decreed in Case No. 07CW122 (Water Division No. 2) (decree entered on February 17, 2021; Case No. 20CW3048 (Water Division 2) involving claims for diligence related to Applicants water rights decreed in Case No. 07CW121 for the Fountain Creek Recovery Project (decree entered May 18, 2022); Case No. 20CW3056 (Water Division 2) involving a change in legal description of a portion of the Fountain Creek Recovery Project (decree entered March 22, 2021); Case No. 21CW3009 (Water Division 2) involving claims for diligence related to Applicant's Denver Basin groundwater exchange program decreed in Case No. 04CW132 (decree entered on March 3, 2022); Case No. 21CW3015 (Water Division 2) involving a claim for appropriative rights of exchange associated with water available under Applicant's shares in the Lower Arkansas Water Management Association (pending); Case No. 21CW3055 (Water Division 2) involving claims for diligence related to Applicant's water rights decreed in Case No. 12CW31 for Upper Williams Creek Reservoir (decree entered on April 4, 2022); Case No. 23CW3087 (Water Division 5) involving claims for diligence related to Applicant's water rights decreed in Case No. 98CW270 for the Homestake Project (pending); Case No. 23CW3138 involving claims for diligence related to Applicant's water rights decreed in Case No. 88CW449 for the Homestake Project (pending); Case No. 23CW3052 (Water Division 2) involving a claim for appropriative rights of substitution and exchange associated with water available under Applicant's shares in the Fort Lyon Canal Company (pending); Case No. 24CW3010 (Water Division 2) involving claims for diligence related to Applicant's appropriative rights of exchange of Applicant's non sewerred reusable return flows decreed in cases 84CW202, 84CW203, 86CW118(B) (pending), and 89CW36; Case No 24CW3116(Water Division 5) involving a change of water rights for Lower Blue Lake Reservoir (decree entered April 21, 2025); 25CW3010 (Water Division 2) involving claims for diligence related to Applicant's conditional storage rights known as the Upper Sugar Loaf Reservoir and Sugar Loaf Reservoir Enlargement and Amendment (pending); Case No. 25CW3015 (Water Division 2) involving a change in the type and place of use of Applicant's shares in the Fort Lyon Canal Company (pending); and Case No. 26CW3004 (Water Division 2) involving a claim for diligence for conditional rights of substitution and exchange related to Applicant's FMIC and Chilcott ditch shares (pending). 3. Applicant has also acted to preserve and protect all its water rights by filing statements of opposition to, and participating in, many judicial and administrative proceedings. For example, Applicant has consistently opposed water court applications that seek approval of plans

for augmentation that operate on Fountain Creek. Applicant has participated in these cases to ensure that the out-of-priority depletions are replaced in time, amount, and location, and that the Division Engineer assesses transit losses on the replacement water supply. Applicant has undertaken endeavors to improve the accuracy of the Fountain Creek Transit Loss Model. 4. Expenditures. Applicant's total capital expenditures in connection with the activities described above and on its integrated system during the Due Diligence Period have exceeded \$488,974,945. Applicant reserves the right to identify additional relevant efforts that may be later discovered or to make upward adjustments to amounts expended on certain projects. Applicant made diligent efforts regarding this Application to determine and quantify all efforts made toward completion of the appropriations and application of the water rights decreed in Case No. 2019CW3026 to beneficial use. However, it is reasonably possible that relevant efforts or expenditures may have been overlooked or need further upward adjustment. **8. Names and addresses of owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool (you must notify these persons that you are applying for this water right, and certify to the Court that you have done so by no later than ten days after filing the Application):** A. City of Colorado Springs Colorado Springs Utilities, P.O. Box 1103, Mail Code 930, Colorado Springs, CO 80903 (Las Vegas Street Wastewater Treatment Facility Outfall; Ruxton Creek System; North Slope System; Intake No. 1, Intake No. 2, Northfield Reservoir, Stanley Canyon Reservoir, Nichols Reservoir, and Rampart Reservoir, of the Northfield Collection System; Pikeview Reservoir of the Pikeview System; 33rd Street Diversion Intake and Alternate Point of Diversion; Bear Creek System Intake; North Cheyenne Creek Intake, South Suburban Reservoir, and Gold Camp Reservoir of the South Suburban System; Pikes Peak Collection System; and Rosemont Collection System) B. Air Force Academy, Attn: Real Estate Office, 8120 Edgerton Drive, Suite 40, USAF Academy, CO 80840 (Air Force Academy Wastewater Treatment Facility Outfall; Intake No. 3 of the Northfield Collection System) C. Pike National Forest 2840 Kachina Drive, Pueblo, CO 81008 (Crystal Reservoir, South Catamount Reservoir, and North Catamount Reservoir of the North Slope System (with Applicant); Nichols Reservoir, Rampart Reservoir of the Northfield Collection System (with Applicant)) D. Crestline MHC LLC, c/o Continental Communities, 2015 Spring Road, Suite 600, Oak Brook, IL 60523 (South Cheyenne Creek intake) E. United States of America Department of Interior Bureau of Reclamation Eastern Colorado Area Office 11056 W. County 18-E Loveland, CO 80537. (Pueblo Reservoir; Twin Lakes Reservoir; Turquoise Reservoir; Fountain Valley Conduit) F. Board of Water Works of Pueblo, C/o Alan Hamel, P.O. Box 400, Pueblo, CO 81002-0400 (Clear Creek Reservoir) G. Homestake Partners (Cities of Colorado Springs and Aurora, acting through the Homestake Steering Committee) Otero Pump Station, 37200 North Highway 24, P.O. Box 1821, Buena Vista, CO 81211 (Otero Pump Station) H. Beaver Park Water, Inc., Box 286, Penrose, CO 81240-0286 (Brush Hollow Reservoir) **9. Remarks or other pertinent information:** A. The description of or reference to structures and water rights herein is not intended to amend or limit the decrees for those structures and water rights in any way, and omissions in such descriptions and references shall in no way prejudice the owners of those structures and water rights. B. PLSS Descriptions and UTM Coordinates.

PLSS descriptions and UTM Coordinates are included herein in compliance with Water Court forms. In the event of a discrepancy between the decreed location and the PLSS descriptions and UTM Coordinates herein, the decreed location is controlling. C. Any person reading this Application should rely on the Terms of the 86CW118(A) Decree adjudicating the conditional water rights herein. D. The WDIDs included in this Decree are for administration purposes only. In the event of a discrepancy between a legal description herein and a WDID number herein, the legal description shall control. WHEREFORE, Applicant requests (1) that a finding of reasonable diligence be entered, and the conditional water rights that are the subject of this application be continued in force; (2) that the conditional water rights be made partially absolute in the additional amount set forth in Paragraph 4 above; and (3) that the Court confirm that Applicant maintains an integrated water system and that diligence on any feature of that system shall be considered in finding reasonable diligence for the conditional exchange rights that are the subject of this Application.

THE WATER RIGHTS CLAIMED BY THE FOREGOING APPLICATION(S) MAY AFFECT IN PRIORITY ANY WATER RIGHTS CLAIMED OR HERETOFORE ADJUDICATED WITHIN THIS DIVISION AND OWNERS OF AFFECTED RIGHTS MUST APPEAR TO OBJECT AND PROTEST WITHIN THE TIME PROVIDED BY STATUTE, OR BE FOREVER BARRED.

YOU ARE HEREBY NOTIFIED that any party who wishes to oppose an application, or application as amended, may file with the Water Clerk a verified statement of opposition setting forth facts as to why the application should not be granted, or why it should be granted only in part or on certain conditions, such statement of opposition must be filed by the last day of June 2026, (forms available at Clerk's office or at www.coloradojudicial.gov, after serving parties and attaching a certificate of mailing, filing fee \$192.00). The foregoing are resumes and the entire application, amendments, exhibits, maps and any other attachments filed in each case may be examined in the office of the Clerk for Water Division No. 2, at the address shown below.

Witness my hand and the seal of this Court this 13th day of May 2026.



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



(Court seal)
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