DISTRICT COURT, WATER DIVISION NO. 2, COLORADO

RESUME OF CASES FILED AND/OR ORDERED PUBLISHED DURING JUNE 2026.
(This publication can be viewed in its entirety on the state court website at: www.coloradojudicial.gov)

TO: ALL INTERESTED PARTIES

Pursuant to C.R.S. 37-92-302, you are hereby notified that the following is a resume of applications and certain amendments filed and/or ordered published during June 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:

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

CASE NO. 2026CW3030, Water Division 2 and CASE NO. 2026CW3088, Water Division 1; Previous Case No. 94CW198 - NORTH RANCH, LLC, c/o Robert L. Myers, 944 Cheyenne Blvd, Colorado Springs, CO 80905 (Please address all pleadings and inquiries regarding this matter to Applicant's attorneys: Ryan W. Farr, Sedona E. Chavez, 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

Applicant seeks to amend the plan for augmentation decreed in Case No. 94CW198, District Court, Water Division 1 ("Original Augmentation Plan"), only as it concerns what was defined therein as the "Herbertson Parcel", which is now owned by Applicant, as further described below ("Applicant's Property" or "Herbertson Parcel"). The Original Augmentation Plan for the Herbertson Parcel allowed for the use of up to five individual Dawson aquifer wells on five individual lots, to provide up to 3 acre-feet of water per year, per lot for 100 years (up to 15 acre-feet of water per year) on the Herbertson Parcel. The Original Augmentation Plan found during-pumping replacement from the septic system return flows sufficient to meet during-pumping replacement obligations and reserved water in the nontributary Arapahoe and Laramie-Fox Hills aquifers to meet post-pumping replacement obligations. In 2007 one well was constructed pursuant to the Original Augmentation Plan, well permit no. 65108-F ("North Ranch Well No. 1"). This is the only well that has been constructed pursuant to the Original Augmentation Plan. Applicant seeks to amend the Original Augmentation Plan for the Herbertson Parcel to subdivide said property into 15 lots. Such amendment would allow for the construction of up to 13 new Dawson aquifer wells to serve 13 of the 15 lots within the subdivision. The North Ranch Well No. 1 would continue to serve one of the remaining lots and would be re-permitted according to the amended augmentation plan requested herein. The remaining lot would continue to be served by an existing exempt well, permit no. 49840-A. The amended augmentation plan would utilize return flows from the Dawson aquifer wells to meet during-pumping replacement obligations and would re-reserve the entirety of the Laramie-Fox Hills aquifer groundwater and a portion of the Arapahoe aquifer groundwater to provide for post-pumping replacement for when the augmented Dawson aquifer wells

cease pumping. Property Description. Applicant owns an approximately 47.55-acre property that is depicted on **Exhibit A** map attached to the application, (All exhibits mentioned herein are incorporated by reference and may be inspected at the office of the clerk of this Court.) located in the SE1/4 SW1/4 of Section 15 and the E1/2 NW1/4 of Section 22, Township 11 South, Range 66 West of the 6th P.M., El Paso County, Colorado, specifically described in attached **Exhibit B**. Also known as 17675 State Highway 83, Colorado Springs, CO 80908, to which the El Paso County assessor has assigned Parcel ID No. 6100000369 ("Applicant's Property"). Structures to be Augmented. The structures to be augmented are 14 Dawson aquifer wells, North Ranch Well Nos. 1-14, along with any replacement or additional wells as needed that are constructed to the Dawson aquifer underlying the Applicant's Property. North Ranch Well No. 1 was constructed in 2007 and is currently operating under the Original Augmentation Plan. Upon approval of an amended plan for augmentation requested herein, Applicant will re-permit North Ranch Well No. 1 according to the amended plan. North Ranch Well Nos. 2-14 will be constructed to the Dawson aquifer to serve 13 lots within a proposed subdivision on the Applicant's Property. Water Source. A prior Denver Basin groundwater adjudication was prosecuted along with the Original Augmentation Plan and a decree was issued that included a quantification of all Denver Basin groundwater underlying the Applicant's Property in Case No. 94CW198, District Court, Water Division 1 ("94CW198 Decree"). The 94CW198 Decree adjudicated the following underlying Denver Basin groundwater amounts underlying the Applicant's Property (as identified in the 94CW198 Decree as the "Herbertson Parcel"):

Aquifer	Saturated Thickness (ft)	Total Appropriation (Acre-feet)	Annual Avg. Withdrawal 100 Years (Acre-feet)
Dawson (NNT)	442	3,960	39.6[1]
Denver (NNT)	560	4,590	45.9
Arapahoe (NT)	248	2,030	20.3
Laramie-Fox Hills (NT)	202	1,460	14.6

North Ranch Well No. 1 has presumably been operating under the Original Plan for Augmentation since 2007 when it was constructed, or approximately 19 years. Since that time, North Ranch Well No. 1 has diverted approximately 57 acre-feet of Dawson aquifer groundwater. As such, the approximate remaining amount of Dawson aquifer groundwater available is 3,903 acre-feet total. The approximate 300-year annual average water supply from each of the not-nontributary aquifers is as follows:

Aquifer	Annual Avg. Withdrawal 300 Years (Acre-feet)
Dawson (NNT)	13.01
Denver (NNT)	15.3

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 wells, 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

[1] The total amount available was reduced by 3 acre-feet annually for protection of an existing exempt well, identified by well permit number 49840-A.

caused by pumping of the not-nontributary Dawson aquifer. Uses. Pumping from the Dawson aquifer will be a maximum of 10.71 acre-feet of water per year combined for North Ranch Well Nos. 1-14, with each lot pumping a maximum of 0.765 acre-feet per year. Such uses shall be for municipal, domestic, industrial, commercial, irrigation, stock watering, recreational, fish and wildlife, and any other beneficial purpose, both on and off the Applicant's Property, by immediate application or for storage and subsequent application, and for replacement of depletions resulting from use of water from other sources, and for augmentation purposes, as established in the 94CW198 Decree. Depletions. Pursuant to C.R.S. § 37-90-137(9)(c.5), withdrawals from the Dawson aquifer require replacement of actual stream depletions. As such, pumping from the Dawson aquifer will require the replacement of 23.29% of the water withdrawn annually, or 2.49 acre-feet. Should annual pumping be less than the 10.71 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 14 residences, 2.52 acre-feet is replaced to the stream system per year with the use of a non-evaporative septic systems. Thus, during pumping, stream depletions (2.49 acre-feet) 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 North Ranch Well Nos. 1-14 and to account for post-pumping depletions associated with use of the North Ranch Well No. 1 since 2007 as may be required, Applicant will reserve the entirety of the Laramie-Fox Hills aquifer (1,460 acre-feet) and 1,810 acre-feet of the Arapahoe aquifer underlying the Applicant's Property. The amount of nontributary Arapahoe and 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 Arapahoe and 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, Applicant reserves 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. This Application was filed in both Water Divisions 1 and 2 because depletions from the pumping of the Dawson aquifer may occur in both the South Platte and 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 River as set forth herein, and for a finding that those replacements are sufficient. Applicant requests a finding that it has complied with C.R.S. § 37-90-137(4), and that the groundwater requested herein is legally available for withdrawal by the requested not-nontributary wells upon the entry of

a decree approving an amended 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. Applicant requests a finding that vested water rights of others will not be materially injured by the withdrawals of groundwater and the proposed amended 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 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. Applicant, or its successors and assigns, shall also provide accountings to the Division Engineer and Water Commissioner as required by them to demonstrate compliance under this amended plan for augmentation. Applicant 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), and such notice will be sent within 14 days of the filing of this application.

CASE NO. 2026CW3031; Previous Case Nos. 13CW3040, 20CW3000 - LUCAS ESCH FARMS, INC., PATRICK ESCH FARMS, INC., AND CLOCK LAND CORPORATION, c/o Patrick Esch, 932 Hill Street, Springfield, Colorado 81073 (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, Colorado 80921 (719) 471-1212.)

Application for Finding of Reasonable Diligence

LINCOLN AND CROWLEY COUNTIES

II. Lucas Esch Farms, Inc., Patrick 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. 13CW3040, District Court, Water Division 2, and the subsequent findings of reasonable diligence decreed in Case No. 20CW3000, District Court, Water Division 2. **III.** The following conditional surface water rights previously decreed are a part of Applicant's Application for Finding of Reasonable Diligence: Name of Structure: West Side Pond No. 1 (WDID # 1703302). *Legal Description*: The center of the dam is located in the NE¼ NE¼ of Section 20, Township 17 South, Range 58 West of the 6th P.M. UTM coordinates being Northing: 42.68881, and Easting: 1300594882, 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 or obtained by contacting counsel of record.) *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. *Date of Original Appropriate/Decree*: December 30, 2008; decreed in Case No. 08CW91 by decree dated May 10, 2011. *Amount initially Decreed*: 0.7 acre-feet, absolute. 8.47 acre-feet, conditional. *Date of Additional Appropriation/Decree*: August 30, 2013; decreed conditional in Case No. 13CW3040 by decree dated January 30, 2014;

finding of reasonable diligence for conditional water rights in Case No. 20CW3000 by decree dated June 18, 2020. *Court*: District Court, Water Division 2. *Additional Amounts of Water Decreed*: 3.5 acre-feet, conditional, through additional fil and re-fills of the pond. *Surface Area*: The maximum surface area is approximately 0.7 acres and the berm is approximately 10 feet. *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. *Remarks*: West Side Pond No. 1 was decreed in Case No. 08CW91 as a subsurface and above surface berm for the collection and impoundment of 0.7 acre feet, absolute, of runoff and shallow spring water which would naturally accrue to Cramer Creek at any given time. The decree in Case No. 13CW3040 added an additional 3.5 annual acre feet, conditional, to the original decreed amount, for a total of 4.2 annual acre feet to be used for fill and refill of the pond. Uses conditionally decreed to West Side Pond No. 1 includes components for wetlands uses which may result in the use of up to 4.2 annual acre feet of water in West Side Pond No. 1, in particular for wetlands uses decreed in Case No. 13CW3040 in combination with the prior decreed water rights and uses for this structure in Case No. 08CW91. Name of Structure: Lucas Pond No. 1 (WDID # 1703305). *Legal Description*: In the NW¼ SW¼ of Section 17, Township 17 South, Range 58 West of the 6th P.M. UTM coordinates being Northing: 4269881, and Easting: 593885, 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. *Date of Original Appropriation/Decree*: December 10, 2008; decreed in Case No. 08CW91 by decree dated May 10, 2011. *Amount Initially Decreed*: 2.6 acre feet, conditional. *Date of Additional Appropriation/Decree*: August 30, 2013; decreed conditional in Case No. 13CW3040 by decree dated January 30, 2014; finding of reasonable diligence for conditional water rights in Case No. 20CW3000 by decree dated June 18, 2020. *Court*: District Court, Water Division 2. *Additional Amount of Water Decreed*: 6.7 acre feet, conditional, through additional fills and re-fills of the pond. *Surface Area*: The maximum surface area is approximately 1.4 acres, for a maximum impoundment of 2.6 acre feet of water at any given time. The height of the dam is approximately 10 feet. *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. *Remarks*: Case No. 08CW91 decreed a right of 2.6 acre feet, conditional, through a single annual fill. The decree in Case No. 13CW3040 added an additional 6.7 annual acre feet, conditional, to the original decreed amount for a total of 9.3 acre feet to be used for fill and refill of the pond. The uses conditionally decreed to Lucas Pond No. 1 include components of wetlands uses which may result in the use of up to 9.3 annual acre feet of water in Lucas Pond No. 1. As such, Lucas Pond No. 1 is decreed for the use of 9.3 annual acre feet of total diversions, conditional, with 2.6 acre feet being stored in Lucas Pond No. 1 at any one time. The 6.7 acre foot difference between the maximum 9.3 annual acre feet of diversions and the 2.6 acre feet of storage at any one time was affirmed and decreed by the Water Court, Division 2, in Case No. 13CW3040. Name of Structure: Lucas Pond No. 2 (WDID # 1703301). *Legal Description*: In the SW¼ SE¼ of Section 17, Township 17

South, Range 58 West of the 6th P.M., approximately 50 feet from the south line ad approximately 1,650 feet from the east line of said Section 17. UTM Coordinates being UTM coordinates being Northing: 4269267, Easting: 594739, 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. *Date of Original Appropriation/Decree*: December 10, 2008; decreed in Case No. 08CW91 by decree dated May 10, 2011. *Amount Initially Decreed*: 0.9 acre feet, absolute. *Date of Additional Appropriation/Decree*: August 30, 2013; decreed conditional in Case No. 13CW3040 by decree dated January 30, 2014; finding of reasonable diligence for conditional water rights in Case No. 20CW3000 by decree dated June 18, 2020. *Court*: District Court, Water Division 2. *Additional Amount of Water Decreed:* 3.5 acre feet, conditional, through additional fill and re-fills of the pond. *Surface Area*: The maximum surface area is approximately 0.7 acres and impoundment of approximately 0.9 acre feet at any given time. The height of the dam is approximately 10 feet. *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. *Remarks:* Case No. 08CW91 decreed a right of 0.9 acre feet, absolute, of capacity through a single fill. The decree in Case No. 13CW3040 added an additional 3.5 annual acre feet, conditional, to the original decreed amount for a total of 4.4 acre feet to be used for fill and refill of the pond. The uses decreed to Lucas Pond No. 2 include components for wetlands uses which may result in the use of up to 4.4 annual acre feet of water in Lucas Pond No. 2, in particular for the wetlands uses decreed herein in combination with the prior decreed water rights and uses for this structure in Case No. 08CW91. As such, Lucas Pond No. 2 is decreed for the use of 4.4 annual acre feet of total diversions, conditional, with 0.9 acre feet being stored in Lucas Pond No. 2 at any one time. Name of Structure: Lucas Pond No. 3 (WDID # 1703306). *Legal Description*: In the NE¼ NE¼ of Section 20, Township 17 South, Range 58 West of the 6th P.M., approximately 940 feet from the North section line and approximately 820 feet from the East section line of said Section 20. UTM coordinates being Northing: 4268964, Easting: 594990, Zone 13, NAD 83 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. *Date of Original Appropriation/Decree*: December 10, 2008; decreed in Case No. 08CW91 by decree dated May 10, 2011. *Amount Initially Decreed*: 2.1 acre feet, conditional. *Date of Additional Appropriation/Decree*: August 30, 2013; decreed conditional in Case No. 13CW3040 by decree dated January 30, 2014; finding of reasonable diligence for conditional water rights in Case No. 20CW3000 by decree dated June 18, 2020. *Court*: District Court, Water Division 2. *Additional Amount of Water Decreed*: 5.4 acre feet, conditional, through additional fill and re-fills of the pond. *Surface Area*: The maximum surface area is approximately 1.1 acres and impoundment of approximately 2.1 acre feet of water at any given time. The height of the dam is approximately 10 feet. *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. *Remarks*: The uses conditionally decreed to Lucas Pond No. 3

include components of wetlands uses which may result in the use of up to 7.5 annual acre feet of water in Lucas Pond No. 3. As such, Lucas Pond No. 3 is decreed for the use of 7.5 annual acre feet of total diversions, conditional, with 2.1 acre feet being stored in Lucas Pond No. 3 at any one time. The 5.4 acre foot difference between the maximum 7.5 annual acre feet of diversions and the 2.1 acre feet of storage at any one time was affirmed and decreed by the Water Court, Division 2, in Case No. 13CW3040. Name of Structure: Esch Stock Pond No. 1 (WDID # 1703303). *Legal Description*: In the NE¼ SW¼ of Section 21, Township 17 South, Range 58 West of the 6th P.M., approximately 2,210 feet from the South section line and approximately 1,520 feet from the West section line of said Section 21. UTM Coordinates being Northing: 4268303, Easting: 595713, 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. *Date of Original Appropriation/Decree*: December 10, 2008; decreed in Case No. 08CW91 by decree dated May 10, 2011. *Amount Initially Decreed*: 0.7 acre feet, absolute. *Date of Additional Appropriation/Decree*: August 30, 2013; decreed conditional in Case No. 13CW3040 by decree dated January 30, 2014; finding of reasonable diligence for conditional water rights in Case No. 20CW3000 by decree dated June 18, 2020. *Court*: District Court, Water Division 2. *Additional Amount of Water Decreed*: 2.5 acre feet, conditional, through additional fills and re-fills of the pond. *Surface Area*: The maximum surface area is approximately 0.5 acres and impoundment of 0.7 acre feet of water at any given time. The height of the dam is approximately 10 feet. *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. *Remarks*: Case No. 08CW91 decreed a right of 0.7 acre feet, absolute, of capacity through a single fill. The decree in Case No. 13CW3040 added an additional 2.5 annual acre feet, conditional, to the original decreed amount for a total of 3.2 acre feet to be used for fill and refill of the pond. The uses decreed to Esch Stock Pond No. 1 include components for wetlands uses which may result in the use of up to 3.2 annual acre feet of water in Esch Stock Pond No. 1, in particular for the wetlands uses decreed in Case No. 13CW3040 in combination with the prior decreed water rights and uses for this structure in Case No. 08CW91. As such, Esch Stock Pond No. 1 is decreed for the use of 3.2 annual acre feet of total diversions, conditional, with 0.7 acre feet being stored in Esch Stock Pond No. 1 at any one time. Name of Structure: Esch Stock Pond No. 2 (WDID # 1703304). *Legal Description*: In the SW¼ SE¼ of Section 21, Township 17 South, Range 58 West of the 6th P.M. UTM coordinates being Northing: 4267976, and Easting: 596147, Zone 13, NAD83, as depicted on attached **Exhibit A**. *Source of Water*: Runoff, natural seeps and springs tributary to Cramer Creek, tributary to Breckenridge Creek, tributary to Horse Creek, tributary to the Arkansas River. *Date of Original Appropriation/ Decree:* December 10, 2008; decreed in Case No. 08CW91 by decree dated May 10, 2011. *Capacity/Amount Initially Decreed:* 1.7 acre feet, absolute. *Date of Additional Appropriation/Decree*: August 30, 2013; decreed conditional in Case No. 13CW3040 by decree dated January 30, 2014; finding of reasonable diligence for conditional water rights in Case No. 20CW3000 by decree dated June 18, 2020. *Court*: District Court, Water Division 2. *Additional Amount of Water Decreed*: 3.5 acre feet, conditional, through

additional fill and re-fills of the pond. *Surface Area*: The maximum surface area is approximately 0.8 acres and impoundment of approximately 1.7 acre feet of water at any given time. The height of the dam is approximately 10 feet. *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. *Remarks*: Case No. 08CW91 decreed a right of 1.7 acre feet, absolute, of capacity through a single fill. The decree in Case No. 13CW3040 added an additional 3.5 annual acre feet, conditional, to the original decreed amount for a total of 5.2 acre feet to be used for fill and refill of the pond. The uses decreed to Esch Stock Pond No. 2 include components for wetlands uses which may result in the use of up to 5.2 annual acre feet of water in Esch Stock Pond No. 2, in particular for the wetlands uses decreed herein in combination with the prior decreed water rights and uses for this structure in Case No. 08CW91. As such, Esch Stock Pond No. 2 is decreed for the use of 5.2 annual acre feet of total diversions, conditional, with 1.7 acre feet being stored in Esch Stock Pond No. 2 at any one time. Name of Structure: Esch Pond No. 4 (WDID # 1703307). *Legal Description*: In the SW¼ NW¼ of Section 17, Township 17 South, Range 58 West of the 6th P.M. UTM coordinates being Northing: 4270179, and Easting: 593742, Zone 13, NAD83, as depicted on attached **Exhibit A**. *Source of Water*: Runoff, natural seeps and springs tributary to Cramer Creek, tributary to Breckenridge Creek, tributary to Horse Creek, tributary to the Arkansas River. *Date of Original Appropriation/ Decree:* December 30, 2011; decreed in Case No. 11CW47 by decree dated October 29, 2013. *Capacity/Amount Initially Decreed:* 8.47 acre feet, conditional. *Date of Additional Appropriation/Decree*: August 30, 2013; decreed conditional in Case No. 13CW3040 by decree dated January 30, 2014; finding of reasonable diligence for conditional water rights in Case No. 20CW3000 by decree dated June 18, 2020. *Court*: District Court, Water Division 2. *Additional Amount of Water Decreed*: 14.09 acre feet, conditional, through additional fill and re-fills of the pond. *Surface Area*: The maximum surface area is approximately 3.34 acres and impoundment of approximately 8.47 acre feet of water at any given time. The height of the dam is approximately 6 feet, and the length is approximately 473 feet. *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. *Remarks*: Case No. 11CW47 decreed a right of 8.47 acre feet, conditional, of capacity through a single fill. The decree in Case No. 13CW3040 added an additional 14.09 annual acre feet, conditional, to the original decreed amount for a total of 22.56 acre feet to be used for fill and refill of the pond. The uses decreed to Esch Pond No. 4 include components for wetlands uses which may result in the use of up to 22.56 annual acre feet of water in Esch Pond No. 4, in particular for the wetlands uses decreed herein in combination with the prior decreed water rights and uses for this structure in Case No. 11CW47. As such, Esch Pond No. 4 is decreed for the use of 22.56 annual acre feet of total diversions, conditional, with 8.47 acre feet being stored in Esch Pond No. 4 at any one time. Name of Structure: Esch Pond No. 5 (WDID # 1703308). *Legal Description*: In the NE¼ SW¼ of Section 17, Township 17 South, Range 58 West of the 6th P.M. UTM coordinates being Northing: 4269750, and Easting: 594075, 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. *Date of Original Appropriation/Decree*: December 30, 2011; decreed in Case No. 11CW47 by decree dated October 29, 2013. *Capacity/Amount Initially Decreed*: 3.83 acre feet, conditional. *Date of Additional Appropriation/Decree*: August 30, 2013; decreed conditional in Case No. 13CW3040 by decree dated January 30, 2014; finding of reasonable diligence for conditional water rights in Case No. 20CW3000 by decree dated June 18, 2020. *Court*: District Court, Water Division 2. *Additional Amount of Water Decreed*: 10.05 acre feet, conditional, through additional fill and re-fills of the pond. *Surface Area*: The maximum surface area is approximately 2.2 acres and impoundment of approximately 3.83 acre feet of water at any given time. The height of the dam is approximately 5.1 feet, and the length is approximately 224 feet. *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. *Remarks*: Case No. 11CW47 decreed a right of 3.83 acre feet, conditional, of capacity through a single fill. The decree in Case No. 13CW3040 added an additional 10.05 conditional annual acre feet to the original decreed amount for a total of 13.88 acre feet to be used for fill and refill of the pond. The uses decreed to Esch Pond No. 5 include components for wetlands uses which may result in the use of up to 13.88 annual acre feet of water in Esch Pond No. 5, in particular for the wetlands uses decreed herein in combination with the prior decreed water rights and uses for this structure in Case No. 11CW47. As such, Esch Pond No. 5 is decreed for the use of 13.88 annual acre feet of total diversions, conditional, with 3.83 acre feet being stored in Esch Pond No. 5 at any one time. Name of Structure: Esch Pond No. 6 (WDID # 1703309). *Legal Description*: In the SE¼ SW¼ of Section 17, Township 17 South, Range 58 West of the 6th P.M. UTM coordinates being Northing: 4269576, and Easting: 594293, 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. *Date of Original Appropriation/Decree*: December 30, 2011; decreed in Case No. 11CW47 by decree dated October 29, 2013. *Capacity/Amount Initially Decreed*: 2.38 acre feet, conditional. *Date of Additional Appropriation/Decree*: August 30, 2013; decreed conditional in Case No. 13CW3040 by decree dated January 30, 2014; finding of reasonable diligence for conditional water rights in Case No. 20CW3000 by decree dated June 18, 2020. *Court*: District Court, Water Division 2. *Additional Amount of Water Decreed*: 8.42 acre feet, conditional, through additional fill and re-fills of the pond. *Surface Area*: The maximum surface area is approximately 1.88 acres and impoundment of approximately 2.83 acre feet of water at any given time. The height of the dam is approximately 3.5 feet, and the length is approximately 311 feet. *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. *Remarks*: Case No. 11CW47 decreed a right of 2.38 annual acre feet, conditional, of capacity through a single fill. The decree in Case No. 13CW3040 added an additional 8.42 conditional annual acre feet to the original decreed amount for a total of 10.8 acre feet to be used for fill and refill of the pond. The uses decreed to Esch Pond No. 6 include components for wetlands uses which

may result in the use of up to 10.8 annual acre feet of water in Esch Pond No. 6, in particular for the wetlands uses decreed herein in combination with the prior decreed water rights and uses for this structure in Case No. 11CW47. As such, Esch Pond No. 6 is decreed for the use of 10.8 annual acre feet of total diversions, conditional, with 2.38 acre feet being stored in Esch Pond No. 6 at any one time. Name of Structure: Esch Pond No. 7 (WDID # 1703310). *Legal Description*: In the SW¼ SE¼ of Section 17, Township 17 South, Range 58 West of the 6th P.M. UTM coordinates being Northing: 4269451, and Easting: 594467, 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. *Date of Original Appropriation/Decree*: December 30, 2011; decreed in Case No. 11CW47 by decree dated October 29, 2013. *Capacity/Amount Initially Decreed*: 3.2 acre feet, conditional. *Date of Additional Appropriation/Decree*: August 30, 2013; decreed conditional in Case No. 13CW3040 by decree dated January 30, 2014; finding of reasonable diligence for conditional water rights in Case No. 20CW3000 by decree dated June 18, 2020. *Court*: District Court, Water Division 2. *Additional Amount of Water Decreed*: 10.6 acre feet, conditional, through additional fill and re-fills of the pond. *Surface Area*: The maximum surface area is approximately 2.4 acres and impoundment of approximately 3.2 acre feet of water at any given time. The height of the dam is approximately 5.2 feet, and the length is approximately 270 feet. *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. *Remarks*: Case No. 11CW47 decreed a right of 3.2 acre feet, conditional, of capacity through a single fill. The decree in Case No. 13CW3040 added 10.6 annual acre feet, conditional, to the original decreed amount for a total of 13.8 acre feet to be used for fill and refill of the pond. The uses decreed to Esch Pond No. 7 include components for wetlands uses which may result in the use of up to 13.8 annual acre feet of water in Esch Pond No. 7, in particular for the wetlands uses decreed herein in combination with the prior decreed water rights and uses for this structure in Case No. 11CW47. As such, Esch Pond No. 7 is decreed for the use of 13.8 annual acre feet of total diversions, conditional, with 3.2 acre feet being stored in Esch Pond No. 7 at any one time. Name of Structure: Esch Pond No. 8 (WDID # 1703311). *Legal Description*: In the SW¼ SE¼ of Section 17, Township 17 South, Range 58 West of the 6th P.M. UTM coordinates being Northing: 4269360, and Easting: 594587, 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. *Date of Original Appropriation/Decree*: December 30, 2011; decreed in Case No. 11CW47 by decree dated October 29, 2013. *Capacity/Amount Initially Decreed*: 2.28 acre feet, conditional. *Date of Additional Appropriation/Decree*: August 30, 2013; decreed conditional in Case No. 13CW3040 by decree dated January 30, 2014; finding of reasonable diligence for conditional water rights in Case No. 20CW3000 by decree dated June 18, 2020. *Court*: District Court, Water Division 2. *Additional Amount of Water Decreed*: 5.52 acre feet, conditional, through additional fill and re-fills of the pond. *Surface Area*: The maximum surface area is approximately 1.23 acres and impoundment of approximately 2.28 acre feet of water at any given time. The height of the dam is approximately 5.3 feet, and the length is

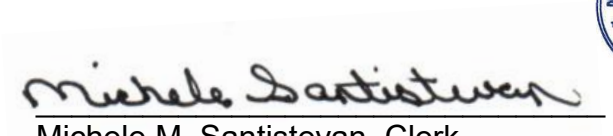
approximately 444 feet. *Uses*: Stockwater, wildlife, wetlands, recreation, and piscatorial, which uses will take place exclusively within the pond and/or on saturated land adjacent to the pond, which will be located on lands of the Applicants; and fire protection, which may take place on or off the lands of the Applicants. *Remarks*: Case No. 11CW47 decreed a right of 2.28 acre feet, conditional, of capacity through a single fill. The decree in Case No. 13CW3040 added a conditional 5.52 annual acre feet to the original decreed amount for a total of 7.8 acre feet to be used for fill and refill of the pond. The uses decreed to Esch Pond No. 8 include components for wetlands uses which may result in the use of up to 7.8 annual acre feet of water in Esch Pond No. 8, in particular for the wetlands uses decreed herein in combination with the prior decreed water rights and uses for this structure in Case No. 11CW47. As such, Esch Pond No. 8 is decreed for the use of 7.8 annual acre feet of total diversions, conditional, with 2.28 acre feet being stored in Esch Pond No. 8 at any one time. Name of Structure: 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: 4269663, Easting: 594175, 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. *Date of Original Appropriation/Decree*: December 30, 2011; decreed in Case No. 11CW47 by decree dated October 29, 2013. *Capacity/Amount Initially Decreed*: 1.66 acre feet, conditional. *Date of Additional Appropriation/Decree*: August 30, 2013; decreed conditional in Case No. 13CW3040 by decree dated January 30, 2014; finding of reasonable diligence for conditional water rights in Case No. 20CW3000 by decree dated June 18, 2020. *Court*: District Court, Water Division 2. *Additional Amount of Water Decreed:* 5.74 acre feet, conditional, through additional fill and re-fills of the pond. *Surface Area*: The maximum surface area is approximately 1.3 acres and impoundment of approximately 1.66 acre feet of water at any given time. The height of the dam is approximately 3.9 feet, and the length is approximately 228 feet. *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. *Remarks*: Case No. 11CW47 decreed a right of 1.66 acre feet, conditional, of capacity through a single fill. The decree in Case No. 13CW3040 added 5.74 annual acre feet, conditional, to the original decreed amount for a total of 7.4 acre feet to be used for fill and refill of the pond. The uses decreed to Esch Pond No. 9 include components for wetlands uses which may result in the use of up to 7.4 annual acre feet of water in Esch Pond No. 9, in particular for the wetlands uses decreed herein in combination with the prior decreed water rights and uses for this structure in Case No. 11CW47. As such, Esch Pond No. 9 is decreed for the use of 7.4 annual acre feet of total diversions, conditional, with 1.66 acre feet being stored in Esch Pond No. 9 at any one time. The appropriation dates of the conditional water rights decreed herein establishes such water rights' relative priority among all other water rights or conditional water rights awarded on applications filed in Water Division 2 in the original years of filing for such conditional water rights, but such conditional water right shall be junior to all water rights and conditional water rights awarded on applications filed in previous calendar years. This Application for Findings of Reasonable Diligence was filed with the Water Clerk for Water Division 2 pursuant to C.R.S. §37-92-302(1)(a). The Applicant's

request for findings of reasonable diligence as to the conditional water rights described in Paragraphs 1(A)-(L), above, is contemplated and authorized by law, and this Court and the Water Referee have exclusive jurisdiction over these proceedings. C.R.S. §§37-92-302(1)(a), 37-92-203, 37-92-305. **IV.** Per the decree entered in 13CW3040 (diligence granted in 20CW3000) the above described surface water rights for West Side Pond No. 1, Lucas Pond No. 1-3, Esch Stock Pond Nos. 1 & 2, and Esch Pond 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, 11CW0047, 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. 13CW3040 (diligence granted in 20CW3000) 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), 11CW0047 (diligence granted in 19CW3066, with a subsequent application for diligence pending in Water Division 2 case 26CW3014), and 14CW3048 (diligence granted in 22CW3019). During the subject diligence period, Applicant has outlaid the following expenditures or completed the following work related to West Side Pond No. 1, Lucas Pond Nos. 1, 2 & 3, Esch Stock Pond No. 1 & 2, and Esch Pond Nos. 4 through 9: the Esch's Ponds Nos. 4-9: Expenditures for design, engineering, construction plans, and legal expenses of West Side Pond No. 1, Lucas Pond Nos. 1, 2 & 3, Esch Stock Pond No. 1 & 2, and Esch Pond Nos. 4 through 9: the Esch's Ponds Nos. 4-9, including working with engineers and ecologists consulting on the matter, total more than $14,000.00. 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 West Side Pond No. 1, Lucas Pond Nos. 1, 2 & 3, Esch Stock Pond No. 1 & 2, and Esch Pond Nos. 4 through 9 are located and the beneficial use of the water from this source will be upon the Applicant's land.

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 August 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 9th day of July 2026.



Michele M. Santistevan, Clerk
District Court, Water Div. 2
Pueblo Judicial Building
501 N. Elizabeth Street, Suite 116
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