DISTRICT COURT, WATER DIVISION NO. 2, COLORADO

RESUME OF CASES FILED AND/OR ORDERED PUBLISHED DURING July 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 July 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:

**Application inadvertently filed in Water Division 1 Case No. 2026CW3107 (Change of Venue to Water Division 2)

CASE NO. 2026CW7; COLORADO DIVISION OF PARKS AND WILDLIFE AND THE PARKS AND WILDLIFE COMMISSION ("CPW"), Attn: Pete Conovitz, Water Rights Program Administrator, 6060 Broadway, Denver, Colorado 80216 (Please address all pleadings and inquiries regarding this matter to Applicant's attorneys: Ema I. G. Schultz, Second Assistant Attorney General; Elizabeth M. Joyce, Senior Assistant Attorney General; 1300 Broadway, 10th Floor Denver, CO 80203; ema.schultz@coag.gov, 720-508-6307; elizabeth.joyce@coag.gov, 720-508-6761)

Application For Change Of Water Right

CHAFFEE COUNTY

2. Decreed water right for which change is sought: A. Name of Water Right: South Arkansas Water Works and Irrigation Company Ditch ("SAWWICD") B. Date of Original and Relevant Subsequent Decrees: 1. Original Decree: Priority No. 78 1/2, adjudicated June 19, 1890 by the District Court of Chaffee County in Civil Action 1127, B**.** Decree Changing Point of Diversion: On April 17, 1961, the District Court of Chaffee County adjudicated a change of point of diversion for 4.0 c.f.s. of Priority 78 1/2 in Civil Action 4995. C. Legal Description of Structure: SAWWICD is diverted at the Harrington Ditch. The headgate of the Harrington Ditch, pursuant to the decree in CA 7995 is located at a point in the NW1/4 of SE1/4 of Section 10, Township 49 North, Range 8 East of the N.M. P.M. in Chaffee County, Colorado on the north bank of the South Arkansas River from whence the SW1/4 of Section 10 bears south 64° 6' west a distance of 3,969 feet. The point of diversion is shown on the map attached to the Application as **Exhibit A**. (All exhibits mentioned herein are incorporated by reference and may be inspected at the office of the clerk of this Court.) D**.** Source: South Arkansas River. E. Appropriation Date: July 17, 1880 F. Decreed Amount: 8 c.f.s. (4 c.f.s. owned by CPW) G. Uses: Irrigation H. Amount Intended to Change: 4 c.f.s. **3. Detailed description of proposed change:** A. Place of Use: CPW seeks a change of place of use to allow irrigation on lands adjacent to the historically irrigated acreage. CPW's portion of the SAWWICD right irrigates 200 acres, consistent with the duty of water adjudicated in Civil Action 1127 (i.e. 50 acres per c.f.s.). 1. Historically Irrigated Acres: The 200 acres irrigated under the Harrington Ditch pursuant to the decree in Civil Action 4995 are located in the S1/2 of Section 25 and the N1/2 of Section 36, Township 50 North, Range 8 East, N.M.P.M. 2. Changed Irrigated

Acres: CPW seeks a decree allowing the SAWWICD right to irrigate acreage in the Mt. Ouray State Wildlife Area immediately adjacent to the historically irrigated acreage. The Mt. Ouray State Wildlife Area is comprised of approximately 150 acres of irrigable lands("Mt. Ouray SWA Lands") located in the NE1/4 of Section 35, SE1/4 of Section 26, and the W1/2 of Section 25 all in Township 50 North, Range 8 East, N.M.P.M. Because the new irrigated acreage will not require CPW's entire portion of the SAWWICD right, CPW proposes to add the Mt. Ouray SWA Lands and dry up equivalent acreage of historically irrigated land. The SAWWICD right will continue to be used on the remaining allowable historically irrigated acreage. The historically irrigated lands and Mt. Ouray SWA Lands are shown on the map attached as Exhibit A. 3. Protective Terms and Conditions on Change of Irrigated Lands: To ensure no expansion of use will occur as a result of the changed irrigated acres, CPW will not exceed decreed duty of water on the Mt. Ouray SWA Lands. The SAWWICD right will continue to be diverted through the Harrington Ditch. The irrigation deliveries to the Mt. Ouray SWA Lands will not exceed the amount of water diverted at the Harrington Ditch headgate less ditch loss. Any water in excess of this amount that is present in the ditch via seepage, inflow, or unused diversions from other ditch users will be turned out to the Arkansas River. The SAWWICD right not delivered to irrigation on the Mt. Ouray SWA Lands may continue to be used to irrigate the historically irrigated lands consistent with historical practice so long as the combined total irrigated acreage on Mt. Ouray SWA Lands and historically irrigated lands does not exceed 200 acres. In addition to measurement at the Harrington Ditch headgate shared with other ditch owners, CPW will measure deliveries of its SAWWICD right at a reasonable location below the last Harrington Ditch user. All measurement locations and devices will be approved by the Division of Water Resources. CPW will report its diversions on a form approved by the Division of Water Resources. B. Type of Use: 1. Additional Uses: Augmentation, replacement, recharge, storage, use by exchange, hatchery uses, fish rearing, wildlife watering, and fire protection. 2. Historical Consumptive Use Quantification: If CPW elects to use the SAWWICD rights for any use other than irrigation (as changed herein), the changed use will be limited to the historical consumptive use quantification adjudicated in this case and all relevant terms and conditions on such changed use. The following statements regarding the SAWWICD quantification are meant to provide interested parties with sufficient information to understand CPW's expectations and intent in quantifying the SAWWICD right. The engineering factors and assumptions are not absolute and may be changed during the pendency of the case to reflect additional information and analyses that become available during the course of the case. All assumed quantification metrics presented in this application are subject to change during the pendency of this case. a. Portion of SAWWICD right being quantified: CPW seeks only to quantify its 4 c.f.s. ownership of the SAWWICD right. This application does not seek to quantify any other portion of the SAWWICD right or any other water rights diverted at the Harrington Ditch. b. Study Period: CPW selected a thirty-two year study period beginning in 1988 and ending in 2019. The study period reflects CPW's ownership and historical use of the SAWWICD right as well as use of the right during wet, dry, and average years. The study period represents actual historical use of the right to allow quantification without causing any expansion of use. c. Diversion Records: CPW's historical consumptive use analysis will utilize available diversion records for the SAWWICD right and the Harrington Ditch. The

farm headgate diversions of the SAWWICD right are estimated based on CPW's ownership of the SAWWICD right, the historical administration of the Harrington Ditch headgate, the SAWWICD priority, and the historical pattern of use. Estimated annual river headgate diversions of the SAWWICD right are approximately 1,237 acre-feet. Estimated annual farm headgate deliveries are approximately 1,115 acre-feet. d. Ditch Loss: The Harrington Ditch is a gaining ditch system in some locations. However, some locations on the ditch suffer conveyance loss. To prevent injury to other water rights diverted in the Harrington Ditch, CPW will assume ditch losses based on monthly rates. Ditch losses average approximately 179 acre-feet per year, or an effective annual ditch loss rate of 9.9%. e. Application Efficiency: CPW's portion of the SAWWICD right has historically been used primarily to flood irrigate the historically irrigated acreage through contour ditches. The application efficiency is assumed to be 60% in accordance with published general recommendations for flood irrigation at elevations greater than 6,500 feet. The application efficiency is assumed to be 85% for acreage that is sprinkler irrigated. f. Climate Data: CPW used climate data from the SALIDA climate station as the primary source of data and filled gaps with data from the BUENA VISTA climate station, approximately 20 miles north. g. Crop Mix: The historically irrigated acreage was historically planted with a mix of alfalfa and pasture grass that was both flood and sprinkler irrigated. h. Crop Coefficients and Soils: The historically irrigated acreage is at a high altitude of 7,100 feet. CPW will rely on published high-altitude calibrated crop coefficients for pasture grass for the historical consumptive use analysis. High altitude crop coefficients for alfalfa have not been published, therefore CPW will rely on standard published crop coefficients for acres planted with alfalfa. CPW obtained soil data through Natural Resource Conservation Service soil surveys. The dominant soil type is clay loam which is assumed to hold water at a capacity of 1.5 inches per foot. i. Irrigation Water Requirement and Subirrigation: CPW calculated effective precipitation based on Soil Conservation Service methodology. When insufficient crop demand existed to consume effective precipitation, the remainder was directed to the soil moisture reservoir capacity. The irrigation water requirement for the historically irrigated lands averaged 378 acre-feet per year during the study period. CPW evaluated the groundwater level at the historically irrigated lands to determine whether subirrigation contributed to satisfying the irrigation water requirement of the crops and concluded that all groundwater in the vicinity is sufficiently deep that it did not contribute subirrigation to the irrigation water requirement. j. Historical Consumptive Use: Using the data, assumptions, and methods briefly described herein, the average annual historical consumptive use of the SAWWICD right is currently estimated to be approximately 365 acre-feet. 3. Terms and Conditions on Change of Type of Use: CPW will include, at a minimum, the following terms and conditions in any final decree in this matter to ensure that the change of type of use will not injuriously affect the owner of or persons entitled to use water under a vested water right or a decreed conditional water right. a. The SAWWICD right will only be diverted during the historical irrigation season and at times when the right is in priority. b. The SAWWICD right will be diverted at the decreed point of diversion at the Harrington Ditch headgate. If the SAWWICD right is returned after measurement to the South Arkansas River, historical ditch losses will be left in the Harrington Ditch to prevent injury to other ditch owners. c. CPW will measure diversions and deliveries in accordance with direction from the Division Engineer. CPW will submit such accounting and reporting as required

by the Division Engineer. d. No plan for augmentation or exchange is claimed by this application. CPW shall not place the changed SAWWICD right to any use for augmentation, replacement, recharge, or exchange without a properly authorized substitute water supply plan or water court decree detailing all terms and conditions of such plan. e. Before placing any portion of the historical consumptive use of the SAWWICD right to any use other than irrigation, CPW shall dry up a corresponding amount of irrigated acreage to ensure no expansion of use. f. CPW will maintain the historical pattern of return flows from historical irrigation to the Arkansas River. g. The SAWWICD right's historical consumptive use will be calculated on a monthly basis to ensure no expansion of use results from the change adjudicated herein. **4. Names of owners of land upon which new diversion or storage structures or modification to any existing diversion or storage structure is or will be constructed:** A. CPW is not proposing new diversion or storage structures or modifications to any existing diversion or storage structure as part of this application. B. CPW owns the Mt. Ouray State Wildlife Area where the new irrigated lands are located. C. Timber Creek Ranch, c/o Mr. Walt Harder owns the historically irrigated land. Timber Creek Ranch, Walt Harder, 130 W. 2nd St. #1, Salida, CO 81201. WHEREFORE, CPW respectfully requests this Court enter a decree adjudicating the change of water right described herein and for such other relief as this Court deems just and proper.

CASE NO. 2026CW3032; Previous Case Nos. 20CW3003, 13CW3008, 97CW83 – EMPIRE LODGE HOMEOWNER'S ASSOCIATION, INC. c/o Tim Ratterman, President, 585 Empire Valley Drive, Leadville, CO 80461 (Please address all pleadings and inquiries regarding this matter to Applicant's attorney: David M. Shohet, Monson, Cummins, Shohet & Farr, LLC, 13511 Northgate Estates Drive, Suite 250, Colorado Springs, CO 80921 (719) 471-1212)

Application for Continuing Diligence

CHAFFEE AND LAKE COUNTIES

II. Names of Structures: Empire Lodge HOA Exchange. **III.** Description of Conditional Exchange: Original Decree. The original decree was entered on April 17, 2007, in Case No. 97CW83, Water Division 2. Subsequent Decrees Awarding Findings of Diligence. Subsequent decree awarding diligence was entered on February 10, 2014, in Case No. 13CW3008, Water Division 2, and on July 20, 2020, in Case No. 20CW3003, Water Division 2. Amount of Conditional Exchange. The Decree entered in Case No. 97CW83 awarded the Applicant a conditional appropriative right exchange for 50 annual acre feet, at a maximum exchange rate of 2.5 c.f.s. Applicant, in Case No. 13CW3008, made 25 acre feet, at a rate of 1.32 c.f.s., absolute. An additional 25 acre feet, at an additional rate of 0.08 c.f.s., were made absolute in Case No. 20CW3003. Accordingly, 1.11 c.f.s. remains conditional of the originally decreed conditional amounts in Case No. 97CW83. Sources of Exchange Water. Fully consumable water rights owned by the Board of Water Works of Pueblo ("Board"), leased to the Applicant under a Water Lease Agreement dated July 21, 2000. The Applicant's lease with the Board is a long term lease for thirty years ("Leased Water Rights"). The Leased Water Rights consist of, without limitation, the Board's transmountain water, fully consumable water, or other water reusable under Colorado law including, but not limited to, return flows of transmountain water and water reusable by exchange, all under the Board's decrees. Such leased water rights are of a

legal nature that, upon delivery to Applicant, are fully consumable. The Board may make actual delivery of water from the Board's stored water at Clear Creek Reservoir, Turquoise Reservoir, Twin Lakes Reservoir, and Pueblo Reservoir, and/or from direct flow transmountain water or from any other location from which the Board may legally deliver water from storage, return flows or by exchange, all according to the Board's water rights decrees. Water leased from the Board does not include any right to use, lease, purchase or receive an allocation of Frying Pan Arkansas Project water or return flows therefrom. Priority Date of the Conditional Exchange. September 29, 2000. Uses of the Exchange Water. Augmentation purposes in accordance with the Applicant's decreed plan for augmentation in Case No. 97CW83. Exchange Reach. The exchange reaches are from the confluence of Clear Creek and the Arkansas River in Section 8, Township 12 South, Range 79 West, 6th P.M., and from the confluence of the Lake Creek and the Arkansas River located in Section 24, Township 11 South, Range 80 West, 6th P.M., up the mainstem of the Arkansas River to an initial terminus at the confluence of the Arkansas River and Empire Creek located in Section 22, Township 10 South, Range 80 West, 6th P.M., and from the confluence of the Empire Creek and the Arkansas River up Empire Creek to the terminus of the exchange at the headgate of the Beaver Lakes Ditch in Section 7, Township 10 South, Range 79 West, 6th P.M. A map of the exchange reach is attached to the application as **Exhibit A**. (All exhibits mentioned herein are incorporated by reference and may be inspected at the office of the clerk of this Court.) **IV.** Outline of Work Done for Completion of Appropriation and Application of Water to Beneficial Use. In Case No. 97CW83, Applicant was awarded a plan for augmentation to replace Applicant's out of priority depletions to the Arkansas River and Empire Creek caused by Beaver Lakes Ditch, Beaver Lake No. 1 and Beaver Lake No. 2. The water rights used for augmentation are the Leased Water Rights. In order to implement the plan for augmentation, Applicant was awarded an exchange of the Leased Water Rights from the confluence of Clear Creek and the Arkansas River and from the confluence of Lake Creek and the Arkansas River up the Arkansas River to the confluence of the Arkansas River and Empire Creek, and up Empire Creek to the headgate of the Beaver Lakes Ditch. During this diligence period, the Applicant has continued to operate the Empire Lodge HOA Exchange for the purposes of fill, refill, and augmentation of out of priority depletions caused by the Beaver Lakes Ditch, Beaver Lake No. 1 and Beaver Lake No. 2. During the subject diligence period, Applicant has also continued to expend substantial time, effort, and financial resources toward the maintenance, repair, reconstruction, and improvement of the water infrastructure necessary for the future diversion, conveyance, storage, and beneficial use of water associated with the Empire Lodge HOA Exchange and related remaining conditional water rights. Throughout the diligence period, Applicant undertook numerous projects to maintain and improve the Beaver Lakes water system and associated diversion facilities. In 2021, Applicant rebuilt and relined a significant section of the ditch extending from Empire Valley Drive to the campground culvert, removed accumulated sediment from the upper lake inlet area, cleaned silt from the headgate and diverter catch basins, and removed debris accumulations from the ditch between Beaver Lake No. 1 and Beaver Lake No. 2. Applicant continued these efforts in 2022 through additional ditch maintenance and ice removal, reconstruction and relining of the ditch from the campground culvert to the upper lake, replacement of a culvert at the headgate access crossing, repair of the lower lake outlet pipe together with installation

of an anchor and cable stabilization system, and continued removal of sediment from headgate and diverter structures. During 2023, Applicant continued operation and maintenance of the ditch and diversion system, including annual ditch maintenance and ice removal, construction of a new ditch and diverter system extending from Rainbow Road to the lower lake, cleaning and removal of sediment from headgate and diverter catch basins, and removal of debris and damage caused by beaver activity in and around the upper lake and associated conveyance facilities. Applicant's maintenance and improvement efforts continued in 2024 with the reconstruction and rerouting of the ditch between the campground and the lower lake, repairs to the recently constructed Rainbow Road-to-lower-lake ditch resulting from beaver damage, installation of protective boulders, construction of new stop boards for the lower lake outlet structure, continued cleaning of headgate and diverter catch basins, removal of debris from the lower lake outlet tower, and clearing of brush and vegetation from lake overflow pipe facilities. During 2025, Applicant continued to maintain the system through removal of accumulated sediment and debris from the lower lake, repair of ditch sections located above the upper lake, repair of a damaged lower lake outlet pipe, and reconstruction of the diverter pond located near Rainbow Road following damage caused by beaver activity. These ongoing maintenance, repair, and reconstruction efforts were necessary to preserve the integrity and operational capability of the diversion, conveyance, and storage facilities associated with the water system. Collectively, Applicant expended more than $178,000, including 500 community volunteer hours, during the diligence period on construction, maintenance, repair, and improvement of the water infrastructure necessary for the future exercise of the Empire Lodge HOA Exchange and associated conditional water right. Applicant has also devoted considerable Board, management, and volunteer time to planning, supervising, and carrying out these projects. In addition to the above-described physical improvements and maintenance activities, Applicant devoted significant time, effort, and resources toward securing a long-term and reliable water supply through the acquisition and dedication of additional water rights. During the diligence period, Applicant retained water resources engineers and other consultants to evaluate the availability and adequacy of water rights that could be acquired and dedicated to Pueblo Water for purposes of securing a permanent augmentation and exchange source. Applicant's efforts included numerous meetings with engineers, consultants, water providers, and potential sellers; review and analysis of water rights and historical diversion records; field inspections and site visits to assess the suitability and reliability of potential water supplies; and negotiation of terms and conditions for the acquisition and dedication of such water rights. These efforts required substantial expenditures of time and money and demonstrate Applicant's continued commitment to securing the water resources necessary to serve the subdivision and ultimately place the subject conditional water rights to beneficial use. The foregoing activities demonstrate Applicant's continuing intent to develop the subject conditional water rights and constitute reasonable diligence toward placing such rights to beneficial use. During this diligence period, the Applicant has, therefore, devoted substantial efforts toward the development of the remaining conditional right of the Empire Lodge HOA Exchange. **V.** Claim to Make Absolute. None. **VI.** Names And Address of Owner or Reputed Owners of the Land Upon Which Any Structures are Located. The headgate for Beaver Lakes Ditch, and the Beaver Lake No. 1 and Beaver Lake No. 2, are all located on common lands owned by the Applicant. Applicant requests

the Court continue diligence on the remaining conditional water right and for such other and further relief as the Court deems appropriate.

CASE NO. 2026CW3033; Previous Case No. 2019CW3032 – SANGRE DE CRISTO RANCH, LLC c/o Stephanie Stolba, 44301 E Iliff Trail, Bennett, CO 80102 (Please address all pleadings and inquiries regarding this matter to Applicant's attorney: Jennifer M. DiLalla, #40319, Moses, Wittemyer, Harrison and Woodruff, P.C., 2595 Canyon Blvd., Suite 240, Boulder, CO 80302, (303) 443-8782)
Application For Findings Of Reasonable Diligence
CHAFFEE AND FREMONT COUNTIES

2. Description of Application: Applicant is the owner and user of the wells added to the City of Salida's augmentation plan by the decree entered on July 17, 2020, in Case No. 19CW3032 ("19CW3032 Decree"). Under the 19CW3032 Decree, Salida delivers the augmentation supply to the confluence of the Arkansas River and Hamilton Creek, from which it is exchanged up Hamilton Creek to the point of depletion for the wells. This Application seeks a finding of reasonable diligence for the conditional water exchange project by which that augmentation occurs ("Exchange Project"), and which is used by Applicant. See C.R.S. § 37-92-301(4(a)(1). **3. Exchange Project:** 3.1 Original decree: The 19CW3032 Decree. 3.2 Exchange reach: As shown 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.) 3.2.1 Exchange-from point: Confluence of the Arkansas River and Hamilton Creek, located in the NE1/4 SE1/4 of Section 29, T48N, R11E, N.M.P.M. 3.2.2 Exchange-to point: The point at which depletions from the wells described below impact Hamilton Creek, located in the SE1/4 NW1/4 of Section 29, T48N, R11E of the N.M.P.M. The wells are included in the City of Salida's plan for augmentation as amended in Case No. 19CW3032. 3.2.2.1 Sangre De Cristo Ranch Well 1 (WDID 1205090), located in the SE1/4 NW1/4 of Section 29, T48N, R11E, N.M.P.M. Permit pending (Receipt No. 3691276). 3.2.2.2 Sangre De Cristo Ranch Well 2 (WDID 1205091), located in the SE1/4 NW1/4 of Section 29, T48N, R11E, N.M.P.M. Permit pending (Receipt No. 3691995). 3.3 Sources of substitute supply: Those water rights and other sources of water decreed for use within the City of Salida's augmentation plan, as identified in paragraph 16 of the decree entered in Case No. 84CW158 on November 5, 1987; paragraph 11 of the decree entered in Case No. 04CW125 on June 30, 2009; and paragraph 18 of the decree entered in Case No. 18CW3008 on March 14, 2019; all in the District Court for Water Division No. 2 ("Salida Augmentation Supplies"). The Salida Augmentation Supplies are summarized on attached Exhibit B. 3.4 Amount: 0.11 cubic feet per second and 25 acre-feet per year, CONDITIONAL. 3.5 Appropriation date: May 29, 2019. 3.6 Use: Augmentation of out-of-priority depletions attributable to pumping of Sangre De Cristo Ranch Wells 1 and 2 for irrigation purposes. The location of the irrigated acreage is shown on the map attached to the Application as **Exhibit A**. (All exhibits mentioned herein are incorporated by reference and may be inspected at the office of the clerk of this Court.) **4. Outline of work and expenditures during the diligence period towards completion of the appropriations and application of water to beneficial use:** The diligence period for the Exchange Project is July 2020 through July 2026 ("Diligence Period"). During the Diligence Period, Applicant worked diligently to develop the Exchange Project, complete the appropriation, and place the water to

beneficial use, as demonstrated by the following representative but non-exhaustive list of activities and expenditures: 4.1 Applicant hired a caretaker for the property to be irrigated with Sangre De Cristo Ranch Wells 1 and 2 ("Coaldale Property"). 4.2 Applicant worked with the caretaker to plan for the planting of 4,000 trees to be irrigated with Sangre De Cristo Ranch Wells 1 and 2. As of the date of this Application, Applicant has dug 400 holes for planting of the trees on the Coaldale Property. 4.3 Applicant worked with the Division of Water Resources to finalize permitting of Sangre De Cristo Ranch Wells 1 and 2, including by completing a site inspection and executing Form No. GWS-80, Well Permit Applicant 600 Foot Spacing Verification Affidavit. 4.4 Based on the change in irrigated crop to trees, which require less water than the originally contemplated crop, Applicant initiated discussions with the City of Salida regarding potential modification of the volume of augmentation supply provided under the Long-Term Lease of Augmentation Credits that was Exhibit E to the 19CW3032 Decree. **5. Names and addresses of owner(s) 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:** Applicant. WHEREFORE, Applicant requests that the Court enter a decree finding that Applicant has exercised reasonable diligence in working to develop the Exchange Project, complete the appropriation, and place the water to beneficial use; and continuing the Exchange Project in full force and effect for an additional diligence period.

CASE NO. 2026CW3034; (2017CW3075); CUCHARAS SANITATION & WATER DISTRICT, 16925 Highway 12, Cucharas, Colorado 81055 ("CSWD"); Huerfano County Water Conservancy District, c/o/ Administrator, P.O. Pox 442, La Veta, Colorado 81055 ("Huerfano"); Town of La Veta, P.O. Box 174, La Veta, CO 81055, ("La Veta") (Please address all pleadings and inquiries regarding this matter to Applicant's attorneys: Stuart B. Corbridge, Berg Hill Greenleaf Ruscitti, LLLP, 1712 Pearl Street, Boulder, Colorado 80302, (303) 402-1600 for CSWD; Ryan W. Farr, Sedona E. Chavez, Monson, Cummins & Shohet, LLC, 13511 Northgate Estates Drive, Suite 250, Colorado Springs, Colorado 80921, (719) 471-1212 (Huerfano); Alan E. Curtis, Nicoli R. Bowley, Curtis, Justus, & Zahedi, LLC, 1333 W. 120th Ave., Suite 302, Westminster, CO 80234, (303) 595-9441 for La Veta)

Application for Findings of Reasonable Diligence and to Make Conditional Water Rights Absolute in Part

HUERFANO AND PUEBLO COUNTIES

II. Summary of Application. The Applicants seek findings of reasonable diligence for the conditional water storage rights (collectively "Water Storage Rights") and findings of reasonable diligence and to make absolute, in part, the conditional appropriative rights of exchange (collectively "Exchange Water Rights") decreed in Case No. 17CW3075, District Court, Water Division 2, on July 13, 2020 ("17CW3075 Decree"). **III. Description of Conditional Water Storage Rights**. A. Name of Structure. Maria Stevens Reservoir – Existing Storage Space and Enlargement (WDID 1603718) ("Maria Stevens Reservoir Enlargement"). i. *Legal Description of Structure*. The center of the dam is located in the SW1/4 of the NW1/4 of Section 28, Township 27 South, Range 65 West of the 6th P.M., at a point located at NAD83 UTM, Zone 13S, 528333m East, 4169042m North. ii. *Source*. The source for the filling of the Maria Stevens Reservoir Enlargement is the Cucharas

River by means of the Duran Ditch, tributary to the Huerfano River, tributary to the Arkansas River. iii. *Appropriation Date*. July 18, 2017. iv. *Amount of Water*. 602 acre-feet in the existing storage space, with the right to 602 acre-feet of fill and 602 acre-feet of one refill at a rate of 37 cubic feet per second ("c.f.s."), conditional; and 642 acre-feet for the enlargement, with the right to 642 acre-feet of fill and 642 acre-feet of one refill at a rate of 37 c.f.s., conditional. v. *Uses*. Municipal, augmentation, domestic, industrial, commercial, irrigation, stock watering, recreation, fish and wildlife preservation and propagation, fire protection and suppression, substitution, exchange, and replacement, including use, reuse, successive use, and full consumption and disposition to extinction. However, reuse and successive use shall only be pursuant to subsequent water court decree. vi. *Places of Use*. Within the Cucharas River basin and including the Huerfano River basin from the confluence of the Huerfano River and Cucharas River to the confluence of the Huerfano River and Arkansas River. vii. *Ownership*. The owner of the land containing Maria Stevens Reservoir and the Maria Stevens Enlargement is the Maria Lake Grazing Association, LLC, 7343 South Alton Way, Suite 100, Centennial, Colorado 80112-2342. B. Name of Structure. The La Veta Town Reservoir Enlargement (WDID 1603717). i. *Legal Description of Structure*. The center of the dam is located in the NW1/4 of the SE1/4 of Section 28, Township 29 South, Range 68 West of the 6th P.M., at a point located at NAD83 UTM, Zone 13S, 499555m East, 4149552m North. ii. *Source*. The source for the filling of the La Veta Town Reservoir Enlargement is the Cucharas River by means of the La Veta Pipeline Inlet, tributary to the Huerfano River, tributary to the Arkansas River. iii. *Appropriation Date*. July 18, 2017. iv. *Amount of Water*. 150 acre-feet with the right to 150 acre-feet of fill and 150 acre-feet of one refill at a rate of 8 c.f.s., conditional. v. *Uses*. Municipal, augmentation, domestic, industrial, commercial, irrigation, stock watering, recreation, fish and wildlife preservation and propagation, fire protection and suppression, substitution, exchange, and replacement, including use, reuse, successive use, and full consumption and disposition to extinction. However, any reuse and successive use shall only be pursuant to subsequent water court decree. vi. *Places of Use*. Within the Cucharas River basin and including the Huerfano River basin from the confluence of the Huerfano River and Cucharas River to the confluence of the Huerfano River and Arkansas River. vii. *Ownership*. The owner of the property where the La Veta Town Reservoir and the La Veta Town Reservoir Enlargement are located is the Town of La Veta, P.O. Box 174, La Veta, Colorado 81055. C. Name of Structure. Bruce Canyon Reservoir (WDID 1603866). i. *Legal Description of Structure*. The center of the dam is located in the SE1/4 of the NW1/4 of Section 5, Township 30 South, Range 68 West of the 6th P.M., at a point located at NAD83 UTM, Zone 13S, 497394m East, 4147036m North. ii. *Source*. The source for the filling of Bruce Canyon Reservoir is the Cucharas River by means of the Butte Ditch, tributary to the Huerfano River, tributary to the Arkansas River. iii. *Appropriation Date*. July 18, 2017. iv. *Amount of Water*. 1,406 acre-feet with the right to 1,406 acre-feet of fill and 1,406 acre-feet of one refill at a rate of 50 c.f.s., conditional. v. *Uses*. Municipal, augmentation, domestic, industrial, commercial, irrigation, stock watering, recreation, fish and wildlife preservation and propagation, fire protection and suppression, substitution, exchange, and replacement, including use, reuse, successive use, and full consumption and disposition to extinction. However, any reuse and successive use shall only be pursuant to subsequent water court decree. vi. *Places of Use*. Within the Cucharas River basin and including the Huerfano River basin

from the confluence of the Huerfano River and Cucharas River to the confluence of the Huerfano River and Arkansas River. vii. *Ownership*. The owner of the property where the Bruce Canyon Reservoir is to be constructed is William Goemmer, P.O. Box 185, La Veta, Colorado 81055. D. Name of Structure. South Baker Creek Reservoir (WDID 1603864). i. *Legal Description of Structure*. The center of the dam is located in the SW1/4 of the NE1/4 of Section 16, Township 31 South, Range 69 West of the 6th P.M., at a point located at NAD83 UTM, Zone 13S, 490452m East, 4133683m North. ii. *Source*. The sources for the filling of South Baker Creek Reservoir are South Baker Creek directly and Baker Creek by means of the Baker Creek Inlet to South Baker Creek Reservoir, tributary to the Cucharas River, tributary to the Huerfano River, tributary to the Arkansas River. iii. *Appropriation Date*. July 18, 2017. iv. *Amount of Water*. 122 acre-feet with the right to 122 acre-feet of fill and 122 acre-feet of one refill at a rate for the Baker Creek Inlet of 13 c.f.s., conditional. v. *Uses*. Municipal, augmentation, domestic, industrial, commercial, irrigation, stock watering, recreation, fish and wildlife preservation and propagation, fire protection and suppression, substitution, exchange, and replacement, including use, reuse, successive use, and full consumption and disposition to extinction. However, any reuse and successive use shall only be pursuant to subsequent water court decree. vi. *Places of Use*. Within the Cucharas River basin and including the Huerfano River basin from the confluence of the Huerfano River and Cucharas River to the confluence of the Huerfano River and Arkansas River. vii. *Ownership.* The owner of the property where the South Baker Creek Reservoir is to be located is Cuchara Investments, LLC, 144 Aspen Road, Cuchara, CO 81055. E. Name of Structure. Britton Reservoirs Enlargement (WDID 1603865). i. *Legal Description of Structure*. The center of the dam is located in the SW1/4 of the NE1/4 of Section 22, Township 31 South, Range 69 West of the 6th P.M., at a point located at NAD83 UTM, Zone 13S, 491938m East, 4131986m North. ii. *Source*. The source for the filling of Britton Reservoirs Enlargement is the South Fork of the Cucharas River, tributary to the Cucharas River, tributary to the Huerfano River, tributary to the Arkansas River. iii. *Appropriation Date*. July 18, 2017. iv. *Amount of Water*. 42 acre-feet with the right to 42 acre-feet of fill and 42 acre-feet of one refill, conditional. v. *Uses*. Municipal, augmentation, domestic, industrial, commercial, irrigation, stock watering, recreation, fish and wildlife preservation and propagation, fire protection and suppression, substitution, exchange, and replacement, including use, reuse, successive use, and full consumption and disposition to extinction. However, any reuse and successive use shall only be pursuant to subsequent water court decree. vi. *Places of Use*. Within the Cucharas River basin and including the Huerfano River basin from the confluence of the Huerfano River and Cucharas River to the confluence of the Huerfano River and Arkansas River. vii. *Ownership*. The owners of the property where the Britton Ponds are located and where the Britton Reservoirs Enlargement is to be located are Cucharas Sanitation & Water District, 16925 Highway 12, Cuchara, Colorado 81055, and Crossvine Properties LLC, 2405 Kell Blvd, Suite 200, Wichita Falls, Texas 76308. F. Locations. The approximate locations of all the above listed structures are as shown 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.) **IV. Description of Conditional Exchange Water Rights**. A. Exchange-From Points (approx. locations).

Name	Q40	Q160	Section	Town	Range	UTM Coordinates

Confluence of Huerfano River and Arkansas River	NW	SW	8	21S	61W	565196 Easting 4231892 Northing
Confluence of Huerfano River and Cucharas River	SW	NW	35	24S	64W	541152 Easting 4196790 Northing
Confluence of Cucharas River and Maria Stevens Reservoir Outlet	SW	NW	28	27S	65W	528381 Easting 4168906 Northing
La Veta Mexican Ditch Augmentation Station #1 at Cucharas River	NE	SW	31	27S	65W	525288 Easting 4167307 Northing
La Veta Augmentation Station #2 at Cucharas River	SE	SW	29	27S	65W	526926 Easting 4168354 Northing
Confluence of Cucharas River and Ballejos Ditch Headgate	SE	NE	2	28S	66W	522894 Easting 4165877 Northing
Lake Miriam Ditch Outlet Outfall to Cucharas River	SE	NW	17	28S	66W	517240 Easting 4162743 Northing
Coler Reservoir Outlet Ditch Outfall	NE	SW	17	28S	66W	516904 Easting 4162387 Northing
Town of La Veta Lagoons Discharge at Cucharas River	NW	SW	15	29S	68W	500406 Easting 4152742 Northing
Town of La Veta WWTP Discharge at Cucharas River	NE	SE	16	29S	68W	500230 Easting 4152716 Northing
Confluence of Cucharas River and La Veta Town Lakes Outlet	NE	SE	29	29S	68W	498537 Easting 4149756 Northing
Confluence of Cucharas River and Bruce Canyon Reservoir Outlet	NW	NE	5	30S	68W	497898 Easting 4147272 Northing
Confluence of Cucharas River and Baker Creek	NE	NE	16	31S	69W	490690 Easting 4134049 Northing

Confluence of Cucharas River and White Creek	NW	NE	35	30S	69W	493220 Easting 4139438 Northing
Confluence of Cucharas River and Dotson Creek (aka Dodgeton Creek and Dodston Creek)		L12	3	31S	69W	491228 Easting 4136957 Northing
Confluence of Cucharas River and South Fork of Cucharas River	NE	NW	22	31S	69W	491716 Easting 4132525 Northing

B. Exchange-To Points (approx. locations).

Name	Q40	Q160	Section	Town	Range	UTM Coordinates
Cucharas River at Duran Ditch, inlet to Maria Stevens Reservoir	SW	SW	29	27S	65W	526471 Easting 4168280 Northing
Cucharas River at City Lake Inlet			25, 26, 27, 28, 32, 33	28S	67W	
Cucharas River at Lake Miriam Ditch	NW	SE	32	28S	67W	508063 Easting 4157930 Northing
Cucharas River at Walsenburg Pipeline	SW	SW	28	29S	68W	498637 Easting 4149150 Northing
Cucharas River at Pipeline Inlet to La Veta Town Lake	SW	NE	5	30S	68W	497771 Easting 4146702 Northing
Cucharas River at Butte Ditch, inlet to Bruce Canyon Reservoir	NW	NW	8	30S	68W	497147 Easting 4145740 Northing
Intake to Cucharas Sanitation & Water District WTP on Dotson Creek (aka Dodgeton Creek and Dodston Creek)	SW	NE	4	31S	69W	490280 Easting 4137319 Northing
Baker Creek at inlet to South Baker Creek Reservoir	SE	NE	17	31S	69W	489410 Easting 4133609 Northing
South Baker Creek at South Baker Creek Dam	SW	NE	16	31S	69W	490398 Easting 4133630 Northing

Intake to Cucharas Sanitation & Water District WTP on Cucharas River	NW	SW	22	31S	69W	491335 Easting 4131546 Northing
Intake to Cucharas Sanitation & Water District WTP on Baker Creek	SW	NE	17	31S	69W	488983 Easting 4133625 Northing
White Creek Reservoir Storage Facility	N/A	N/A	14, 15 22, 23	31S	69W	492413 Easting 4132589 Northing
South Fork of Cucharas River at Britton Reservoirs Enlargement Dam	SW	NE	22	31S	69W	491938 Easting 4131986 Northing
Britton Reservoir No. 1	SW	NE	22	31S	69W	492110 Easting 4131691 Northing
Britton Reservoir No. 2 and Britton Reservoir No. 3 – Deadman Creek Feeder	NW	SE	22	31S	69W	491943 Easting 4131621 Northing
Britton Reservoir No. 2 and Britton Reservoir No. 3 – South Fork Feeder	SW	NE	22	31S	69W	492147 Easting 4131670 Northing

C. Locations. The locations of the above exchange-from and exchange-to points are as shown on the attached **Exhibit B**. D. Date of Original Decree. The 17CW3075 Decree was entered on July 13, 2020. E. Sources of Substitute Supply for Exchanges. i. *CSWD Water Rights*. CSWD is the owner of 0.375 c.f.s. of Priority No. 8 and 0.375 c.f.s. of Priority No. 13 originally decreed for diversion at the Ballejos Ditch by the Huerfano County District Court on June 12, 1889, in what is commonly known as the "Read" decree for former Water District No. 16. The headgate of the Ballejos Ditch is located approximately two miles east of the Town of Walsenburg on the north bank of the Cucharas River in the SE1/4 of the NE1/4 of Section 2, Township 28 South, Range 66 West, 6th P.M. (WDID 1600571: UTM 522468 Easting, 4165610 Northing). The point of diversion and type and place of use of CSWD's interest in the Priority No. 8 and Priority No. 13 water rights were changed in Water Division 2 Case No. 82CW215, entered September 29, 1984, and Water Division 2 Case No. 85CW136, entered June 19, 1987. ii. *Huerfano's Water Rights*. 1. *William Craig Ditch*. The William Craig Ditch ("Wm. Craig Ditch") was decreed on June 12, 1889, by the original adjudication of the District Court of Huerfano County for irrigation as local Priority No. 7 for 2.4 c.f.s. Huerfano owns a six-sevenths (6/7th) interest, or 2.06 c.f.s, in the Wm. Craig Ditch, which interest was changed in Case No. 13CW3062, District Court, Water Division 2 ("Wm. Craig Ditch Water Right"). The headgate for the Wm. Craig Ditch is located in Section 31, Township 26 South, Range 67 West, 6th P.M. on the north bank of the Huerfano River (WDID 7900511; UTM: 505376.6 Easting, 4177221.1

Northing). Water from the Wm. Craig Ditch Water Right will be run down the Huerfano River to the exchange-from point of the confluence of the Huerfano River and Cucharas River. 2. *Jose Maria Ditch*. The Jose Maria Ditch was decreed on June 12, 1889, for 0.24 c.f.s. by the original adjudication of the District Court of Huerfano County for irrigation as local Priority No. 51. Huerfano owns a one-third (1/3rd) interest, or 0.08 c.f.s. in the Jose Maria Ditch. The point of diversion for the Jose Maria Ditch is in the NW1/4 of the SE1/4 of Section 3, Township 27 South, Range 68 West, 6th P.M. on the north bank of the Huerfano River (WDID 7900537; UTM 503399.6 Easting, 4176331.1 Northing). Water from the Jose Maria Ditch will be run down the Huerfano River to the exchange-from point of the confluence of the Huerfano River and Cucharas River. iii. *La Veta's Water Rights*. The Mexican Ditch water right was originally decreed on June 12, 1889, for 4.9 c.f.s. by the original adjudication of the District Court of Huerfano County for irrigation as local Priority No. 14. La Veta owns a 2.0 c.f.s. interest in the Mexican Ditch water right. Pursuant to the February 3, 2026, decree in Case No. 25CW3048, District Court, Water Division 2 ("25CW3048 Decree"), the point of diversion for La Veta's Mexican Ditch water rights is in the NE1/4 of the SE1/4 of Section 36, Township 27 South, Range 66 West, 6th P.M. The historical consumptive use of La Veta's 2.0 c.f.s. interest in the Mexican Ditch was quantified in Case No. 00CW130, District Court, Water Division 2, on July 19, 2010. iv. *Other Water Rights*. 1. *Pueblo Board of Water Works*. Pueblo Board of Water Works ("PBWW") leases direct source and augmentation water from its water rights to water users. Applicants have leased and intend to continue to lease such water rights for use in the exchanges described in this application. Water available for lease by PBWW includes PBWW's water stored in Clear Creek Reservoir, Turquoise Reservoir, Twin Lakes Reservoir, from direct flow transmountain water or from any other reservoir or place from which PBWW may deliver water, the sources of which are at the option of PBWW, as long as they are legally available for their requested purposes. Water deliveries may include, without limitation, water stored in Twin Lakes Reservoir (located in all or portions of Sections 14, 15, 16, 17, 18, 19, 20, 21, 22, 23 and 30 in Township 11 South, Range 81 West, 6th P.M., in Lake County), Turquoise Reservoir (located on Lake Fork Creek in Sections 7, 8, 17, 18, 19, and 20, Township 9 South, Range 80 West, 6th P.M. and Sections 10, 11, 12, 13, 14, and 15, Township 9 South, Range 81 West, 6th P.M., in Lake County), Clear Creek Reservoir (located in Sections 7 and 8, Township 12 South, Range 79 West, and Section 12, Township 12 South, Range 80 West, 6th P.M. in Chaffee County), and reusable return flows. The sources of such water may include, but are not limited to, the water rights decreed in Case Nos. 84CW177, District Court, Water Div. No. 2; 84CW177(B), District Court, Water Div. No. 2; 90CW340, District Court, Water Div. No. 5; W-1901, District Court, Water Div. No. 5; 95CW321, District Court, Water Div. No. 5; 90CW55, District Court, Water Div. No. 2; and 04CW130, District Court, Water Div. No. 2. 2. *Applicants' Water Storage Rights*. The Water Storage Rights identified in Section III above. F. Appropriation Date. The Exchange Water Rights are subject to one of two appropriation dates: July 18, 2017, and December 28, 2017, as set forth in the attached **Exhibit C.** G. Exchange Rates. The exchange rates for the above exchange-from and exchange-to points are as set forth in the attached **Exhibit C**. H. Uses. The Applicants will use the fully consumable water diverted by exchange for the beneficial uses allowed under their respective existing and future decrees. The use of the term "fully consumable" does not alter the requirements of the 17CW3075 Decree concerning such reuse and

successive use. I. Ewing Homestead. Any final decree in this case will create no right to utilize Ewing Homestead, L.L.C.'s property, upon which La Veta's diversion structure from the Cucharas River is located, and such use is limited by, and pursuant to, the existing written Easement dated April 6, 2009, the Deed of Right of Way dated September 16, 1955, and any future written agreements or easements between La Veta and Ewing Homestead, L.L.C., it successors and assigns. **V**. **Detailed outline of what has been done toward completion or for completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures**. In the 17CW3075 Decree, the Applicants were awarded the Water Storage Rights and Exchange Water Rights. The Water Storage Rights and Exchange Water Rights are component parts of each of the Applicant's integrated water supply systems, which consist of storage water rights, plans for augmentation, appropriative rights of exchange, and direct flow surface water rights. Pursuant to C.R.S. § 37-92-301(4)(B), each Applicant's work on one component of their integrated system shall be considered in finding that reasonable diligence has been shown for all components of the integrated system. The information provided below reflects a summary of the diligence activities and related costs of the Applicants during the applicable diligence period running from December 30, 2017, through the date of filing this application ("Diligence Period"). This information is not all-inclusive, and Applicants reserve the right to provide additional information during the proceedings for this case. CSWD. During the Diligence Period, CSWD completed activities and incurred costs in the development of structures related to the Water Storage Rights and Exchange Water Rights. In addition, CSWD completed activities and incurred costs related to its other water rights and integrated water diversion and delivery system. These activities are relevant to CSWD's ongoing work to protect, utilize, and develop its water rights and water service operations. These activities and expenditures confirm CSWD's steady and diligent efforts to complete the appropriation of the conditional water rights described in this application and include: A. Work on Structures included in the 17CW3075 Decree and Water Rights. i. CSWD updated its water treatment plant located on Baker Creek. This work included an upgrade to the diversion and measuring infrastructure on Baker Creek that is included as an exchange-to point in the table in Section IV.B, above. ii. CSWD updated the diversion infrastructure for the Britton Reservoirs located on the South Fork of the Cucharas River that is included as an exchange-to point in the table in Section IV.B, above. B. Water Court Applications. i. On May 28, 2020, CSWD filed a water court application in Case No. 20CW3025 seeking entry of a decree making findings of reasonable diligence for the water rights originally decreed in Case No. 85CW136. These rights include diversion locations at the Deadman Creek Feeder and the South Fork Feeder that are included as exchange-to points in the table in Section IV.B, above, which are tied to the storage of water in Britton Reservoir No. 2 and Britton Reservoir No. 3. CSWD pursued its application to completion during the Diligence Period. ii. On July 30, 2020, CSWD filed a water court application in Case No. 20CW3037 seeking entry of a decree making findings of reasonable diligence for the appropriative rights of exchange decreed in Case No. 97CW166. CSWD pursued its application to completion during the Diligence Period. iii. On June 29, 2022, CSWD filed a water court application in Case No. 22CW3046 seeking entry of a decree making findings of reasonable diligence for the water storage rights originally decreed in Case No. W-4542 and Case No. 84CW183. These rights include diversions at the South Fork

Feeder that is included as an exchange-to point in the table in Section IV.B, above, which is tied to the storage of water in Britton Reservoir No. 1. CSWD pursued its application to completion during the Diligence Period. C. Water Court Opposition. i. On January 31, 2018, CSWD filed a statement of opposition in Case No. 17CW3063, District Court, Water Division 2, concerning the application of the City of Walsenburg for appropriative rights of exchange, approval of an intersystem substitution, and quantification of reusable return flows. CSWD pursued its statement of opposition to completion during the Diligence Period. ii. On January 31, 2020, CSWD filed a statement of opposition in Case No. 19CW3070, District Court, Water Division 2, concerning the application of the City of Walsenburg for a conditional water storage right for the enlargement of Walsenburg City Lake. CSWD pursued its statement of opposition to completion during the Diligence Period. iii. On May 26, 2021, CSWD filed a statement of opposition in Case No. 21CW3012, District Court, Water Division 2, concerning the application of Samuel N. Knight, Jr. to make water rights on the Cucharas River absolute and for findings of reasonable diligence. CSWD pursued its statement of opposition to completion during the Diligence Period. iv. On May 26, 2021, CSWD filed a statement of opposition in Case No. 21CW3019, District Court, Water Division 2, concerning the application of Deborah Blouin to make water rights tributary to the Cucharas River absolute, for new absolute and conditional water rights, for approval of a plan for augmentation, and for appropriative rights of exchange. CSWD pursued its statement of opposition to completion during the Diligence Period. v. On February 28, 2022, CSWD filed a statement of opposition in Case No. 21CW3084, District Court, Water Division 2, concerning the application of Huajatolla Valley Estates for changes of water rights, amendment of a plan for augmentation, appropriative rights of exchange on the Cucharas River and certain tributaries, and new groundwater rights. CSWD pursued its statement of opposition to completion during the Diligence Period. vi. On November 26, 2025, CSWD filed a statement of opposition in Case No. 25CW3052 concerning the application of the City of Walsenburg to change water rights associated with its shares in the Walsenburg Ditch Company, decree an additional change of the water rights associated with the Gomez Ditch, and amend the plan for augmentation decreed in Case No. 11CW56. vii. CSWD monitored the Division 2 Water Court Resumes and Substitute Water Supply Plan (SWSP) notices for new water right applications to determine if such applications could result in injury to CSWD's water rights and required CSWD's participation. D. Other Diligence Period Work. i. CSWD has been a participant in a collective operations group that also includes Huerfano, La Veta, and the City of Walsenburg (collectively the "Storage Group") and has monitored and participated in work done by consultants for the Storage Group concerning technical analyses for the storage locations described in Section III of this application. This work included CSWD staff and Director time and time and costs for monitoring and review of the project by CSWD's legal counsel. ii. CSWD's participation in the Storage Group has included participation in the development of agreements that relate to use of storage capacity in the storage locations described in Section III and operation of the exchanges described in Section IV. This work included CSWD staff and Director time and time for work on the agreements by CSWD's legal counsel. E. Costs. During the Diligence Period, CSWD incurred the following costs related to the activities described above: i. ***Work on Structures included in the 17CW3075 Decree and Water Rights***. Costs incurred for the work described in Section V.A were approximately $1.6 million, including approximately:

i) $1.5 million for work on the Baker Creek water treatment plant; ii) $40,000 for upgrades to the Baker Creek diversion and measuring structures; iii) $53,000 for a new pipeline between the Baker Creek diversion structure and the water treatment plant; and iv) $4,000 for upgrades to the diversion infrastructure on the South Fork of the Cucharas River. ii. *Water Court Applications, Water Court Opposition, and Other Diligence Period Work*. Costs incurred for the work described in Sections V.B, V.C, and V.D were at least $227,000.00. HUERFANO. During the diligence period, Huerfano completed activities and incurred costs in the development of structures related to the Water Storage Rights and Exchange Water Rights. In addition, Huerfano completed activities and incurred costs related to its other water rights and integrated water diversion and delivery system. These activities are relevant to Huerfano's ongoing work to protect, utilize, and develop its water rights and augmentation water service operations. These activities and expenditures confirm Huerfano's steady and diligent efforts to complete the appropriation of its Water Storage Rights and Exchange Water Rights and include: F. Work on Structures included in the 17CW3075 Decree and Water Rights. i. In June of 2021, Huerfano operated exchanges to Maria Stevens Reservoir, La Veta Town Lakes, and Britton Ponds as set forth in Section VI. below. ii. Huerfano has diligently pursued funding for the construction of Bruce Canyon Reservoir through the Watershed Protection and Flood Prevention Act by means of the Natural Resource Conservation Service ("NRCS") Watershed Program by completing the application seeking a Preliminary Investigation Feasibility Report, which was accepted by NRCS and is now awaiting congressionally approved funding. G. Water Court Applications. On November 30, 2022, Huerfano filed an application in Case No. 22CW3081, District Court, Water Division 2 for findings of reasonable diligence and to make partially absolute for the exchanges decreed in Case No. 13CW3062, District Court, Water Division 2, on November 14, 2016. The court approved this application by decree entered on May 24, 2023. H. Water Court Opposition. i. On January 30, 2020, Huerfano filed a statement of opposition in Case No. 19CW3070, District Court, Water Division 2 for the City of Walsenburg's application for a conditional water storage right for the enlargement of the Walsenburg City Lake. Huerfano pursued its statement of opposition to completion in the Diligence Period. ii. On February 22, 2024, Huerfano filed a statement opposition in Case No. 23CW3051, District Court, Water Division 2 for the Welton Land & Water Company's application to change the location of diversion and location of use of its water rights in the Pryor Ditch. iii. On November 12, 2025, Huerfano filed a statement of opposition in Case No. 25CW3052 for the City of Walsenburg's application to: (a) change water rights associated with its shares in the Walsenburg Ditch Company; (b) a subsequent change of the water rights associated with the Gomez Ditch; and (c) amendment of the plan for augmentation. iv. Huerfano monitored the Division 2 Water Court Resumes and SWSP notices for new water right applications to determine if such applications would result in injury to Huerfano's water rights. I. Other Diligence Period Work. i. Huerfano pursued the construction of the Sheep Mountain Augmentation Facility ("SMAF") beginning in 2017 and completed it in 2022 in order to better supply water resources to all locations within Huerfano's service area. Since 2025, Huerfano has been working to repair ballast and lining issues with a portion of the pond and has completed the proposed bid to be published to obtain a contractor to complete the work by fall of 2026. SMAF is continually utilized by Huerfano to provide augmentation water as a component of its plan for augmentation operations and is subject to ongoing

maintenance and updating. ii. Huerfano has maintained, repaired, updated, and continues to utilize the recharge facility subject of the decree in Case No. 13CW3062, District Court, Water Division 2 in order to provide delayed return augmentation credits to the Huerfano River. iii. Since the entry of the decree in Case No. 13CW3062, District Court, Water Division 2, which adjudicated a change of water right for a portion of the William Craig Ditch and a blanket plan for augmentation, and during the Diligence Period, Huerfano has been operating the plan for augmentation providing water to participants throughout the Huerfano River Basin. Currently, Huerfano has twelve participants in the blanket plan for augmentation whose uses are being augmented by Huerfano, five of which were included during the Diligence Period. Additionally, Huerfano entered into a contract with the County of Huerfano through the Huerfano County Asset Management Corporation dated March 6, 2026, for the purchase of additional senior water rights on the Huerfano River in order to have additional sources of augmentation supply for Huerfano with the intent to utilize portions of these additional water rights within the Cucharas River Basin. J. Costs. During the Diligence Period, Huerfano incurred the following costs related to the activities described above: $1,804,000.00. LA VETA. During the Diligence Period, La Veta completed activities and incurred costs in the development of structures related to the Water Storage Rights and Exchange Water Rights. In addition, La Veta completed activities and incurred costs related to its other water rights and integrated water diversion and delivery system. These activities are relevant to La Veta's ongoing work to protect, utilize, and develop its water rights and augmentation water service operations. These activities and expenditures confirm La Veta's steady and diligent efforts to complete the appropriation of its Water Storage Rights and Exchange Water Rights and include: K. Dry-Up of Irrigated Lands to Allow Exchange to La Veta Town Reservoir. La Veta's water engineer continued work on identifying lands irrigated by La Veta's changed Mexican Ditch water rights that will be dried up so the water can be exchanged to the La Veta Town Reservoir and La Veta Town Reservoir Enlargement. L. Water Court Applications. i. On November 30, 2023, La Veta filed an application in District Court, Water Division 2, Case No. 23CW3052, for findings of reasonable diligence for the La Veta Town Reservoir Enlargement conditional water right decreed in Case No. 00CW149, Water Division 2. The court approved this application by decree entered on June 7, 2024. ii.On October 31, 2024, La Veta filed an application in District Court, Water Division 2, Case No. 23CW3050, for findings of reasonable diligence for the conditional water right for the La Veta Mexican Ditch appropriative right of exchange as decreed in Case No. 00CW130, Water Division 2. The court approved this application by decree entered on May 12, 2025. iii. On August 29, 2025, La Veta filed an application in District Court, Water Division 2, which resulted in entry of the 25CW3048 Decree, correcting the established but erroneously described point of diversion for La Veta's Mexican Ditch water rights. M. Water Court Opposition. i. On November 21, 2025, La Veta filed a statement of opposition in Case No. 25CW3052 for the City of Walsenburg's application to: (a) change water rights associated with its shares in the Walsenburg Ditch Company; (b) a subsequent change of the water rights associated with the Gomez Ditch; and (c) amendment of the plan for augmentation. ii. On January 31, 2020, La Veta filed a statement of opposition in Case No. 19CW3070, District Court, Water Division 2 for the City of Walsenburg's application for a conditional water storage right for the enlargement of the Walsenburg City Lake. La Veta pursued its statement of opposition to completion

in the Diligence Period. iii. La Veta monitored the Division 2 Water Court resumes and SWSP notices for new water right applications to determine if such applications would result in injury to La Veta's water rights. N. Other Diligence Period Work. i. La Veta conducted maintenance activities to ensure continued water deliveries under La Veta's portfolio of water rights, including: (a) weed removal at the La Veta Town Reservoir, the La Veta Town Reservoir Enlargement, and La Veta's other storage facilities; (b) replacement of filter media and turbidity meters at La Veta's water treatment plant; (c) installation of radio read meters for La Veta's entire water supply system; (d) construction of a main line extension to new facilities annexed into La Veta; and (e) engineering for and construction of a new water treatment plant. ii. The La Veta School District RE-2 (the "School District") requested a SWSP December 15, 2020 ("School District SWSP"). La Veta provided comments in opposition to the School District SWSP. La Veta and the School District subsequently reached a permanent water supply agreement. As part of this agreement, La Veta acquired certain School District water rights as originally proposed to be used to supply the School District facilities. iii. Beginning in 2024, La Veta's water resource engineer worked to quantify La Veta's reusable municipal return flows for subsequent exchange and reuse. The reusable municipal return flows may serve as a source for the Exchange Water Rights and exchanges pursuant to the 17CW3075 Decree. iv. La Veta actively managed its water rights portfolio to maximize long-term beneficial use, including dealing with: (a) annexation issues and (b) water treatment plant permitting issues. O. Costs. During the Diligence Period, La Veta incurred the following costs related to the activities described above: $297,600. **VI. Claim to make Conditional Exchange Water Rights absolute in part.** Huerfano operated the exchanges shown below using water rights leased from the PBWW. After storage, such water was utilized as augmentation source water in Huerfano's plan for augmentation decreed in Case No. 13CW3062, District Court, Water Division 2:

Date	Exchange from Arkansas/Huerfano to Huerfano/Cucharas	Exchange rate from Huerfano/Cucharas to:		
		Maria Stevens Reservoir	La Veta Town Lakes	Britton Ponds
6/24/2021	4.0 cfs	1.5 cfs	1.5 cfs	1 cfs
Total Vol (AF)	7.9	3.0	3.0	1.9

*Exchange Dashboard is attached hereto as **Exhibit D** showing the completion of such exchanges. WHEREFORE, the Applicants request the Court find Applicants have maintained diligence for the Water Storage Rights, made the Exchange Water Rights partially absolute in the amounts and exchange reaches described in Section VI, and maintained diligence for the remaining portions of the Exchange Water Rights decreed in the 17CW3075 Decree and described in this Application.

CASE NO. 2026CW3035; GUM FAMILY TRUST AND JACOB GUM, TRUSTEE AND INDIVIDUALLY, 8580 Forest Line Point, Colorado Springs, CO, 80908 (Please address all pleadings and inquiries regarding this matter to Applicant's attorneys: Philip E. Lopez, Eric K. Trout, Fairfield and Woods, P.C., 1801 California Street, Suite 2600, Denver, CO, 80202, (303) 894-4440)

Application For Approval Of Plan For Augmentation In The Nontributary Laramie-Fox Hills Aquifer And The Not-Nontributary Denver Aquifer

EL PASO COUNTY

Subject Property: A parcel totaling approximately 3.79 acres generally located in the NE1/4 of the NE1/4 of Section 28, Township 12 South, Range 65 West of the 6th P.M., also known as 8580 Forest Line Point, Colorado Springs, CO, 80908, El Paso County, as shown on **Exhibit A** ("Subject Property"). (All exhibits mentioned herein are incorporated by reference and may be inspected at the office of the clerk of this Court.) Lien Holder Certification: Applicant has provided notice to all mortgage or lien holders as required under C.R.S. § 37-92-302(2)(b). A copy of the vesting and water deeds are attached as **Exhibit B**. Well Permits: There is one augmented not-nontributary Dawson Aquifer well on the Subject Property under Well Permit Number 86386-F. This well will continue operating under its existing permit. There is also one Denver Aquifer monitoring hole under Well Permit Number 343810, which is not in production and is used for Denver Aquifer monitoring and testing. Additional well permits will be applied for prior to construction of additional wells. Source of Water Rights: The Dawson and Denver Aquifers is not-nontributary as defined in C.R.S. § 37-90-103(10.7), and the Laramie-Fox Hills Aquifer is nontributary as defined in C.R.S. § 37-90-103(10.5). Owned Volumes: The volumes below were decreed in Case No. 2017CW3002 on May 31, 2017, and in the augmentation plan approved in Case No. 2018CW3005 on July 18, 2018, both in District Court, Water Division 2. Applicant owns the following volumes of groundwater underlying the Subject Property:

Aquifer	Decree	Annual Volume 100 Years (acre-feet)	Annual Volume 300 Years (acre-feet)	Total Volume (acre-feet)
Dawson (NNT Actual)	17CW3002/18CW3005	0.96	0.32	96
Denver (NNT 4%)	17CW3002	1	0.33	100
Laramie-Fox Hills (NT)	17CW3002/18CW3005	0.96	0.32	96

Decreed Uses: The ground water shall be used for beneficial uses on or off the respective properties consisting of domestic, commercial, irrigation, stock water, recreation, wildlife, wetlands, fire protection, piscatorial, and for storage and augmentation associated with such uses. The nontributary groundwater, may be used, reused, and successively used to extinction, both on and off the Applicants' respective properties subject, however, to the relinquishment of the right to consume two percent of such nontributary water withdrawn. Applicants may use such water by immediate application or by storage and subsequent application to the beneficial uses and purposes stated herein. Jurisdiction: The Court has jurisdiction over the subject matter of this application pursuant to C.R.S. §§ 37-90-137(6), 37-92-203(1), 37-92-302(2). Summary of Plan for Augmentation: Groundwater to be Augmented: 1 acre-foot per year of not-nontributary 4% Denver Aquifer groundwater for 100 years. Water Rights to be Used for Augmentation: Return flows from the use of not-nontributary and direct discharge of not-nontributary groundwater or nontributary groundwater. Statement of Plan for Augmentation: The not-nontributary 4% Denver Aquifer groundwater will be used in one well to provide in-house use in one (1) single-family dwelling (0.3 acre-feet per year), outdoor irrigation of up to 12,000 square-feet, watering of up to 8 large domestic animals, fire protection, and

storage before use anywhere on the Subject Property. Applicants reserve the right to amend the amount and uses without amending the application or republishing the same. Sewage treatment for in-house use will be provided by non-evaporative septic systems. Return flow from in-house use will be approximately 90% of that use and return flow from irrigation use will be approximately 15% of that use. During pumping Applicants will replace actual depletions pursuant to C.R.S. § 37-90-137(9)(c.5). Depletions occur to the Arkansas stream system and return flows accrue to that stream system and are sufficient to replace actual depletions while the subject groundwater is being pumped. Applicants will reserve an equal amount of nontributary groundwater to meet post-pumping augmentation requirements. Applicants request the Court approve the above augmentation plan, find that Applicants have complied with C.R.S. § 37-90-137(4) and water is legally available for withdrawal, find there will be no material injury to the owners of or persons entitled to use water under any vested water right or decreed conditional water right, and grant such other and further relief as is appropriate.

CASE NO. 2026CW3036; Previous Case No. 2017CW3009 – SILOAM WELL ASSOCIATION, 46 Glenroyal Dr., Pueblo, CO 81005 (Please address all pleadings and inquiries regarding this matter to Applicant's attorney: Steven L. Jasnssen, Esq., 1937 Juniper St., Longmont, CO 80501, Telephone: 303-717-7667, Email: stevenljanssen@cs.com)

Application To Amend Plan For Augmentation To Add Covered Wells

PUEBLO COUNTY

2. Description of Applicant: Applicant, Siloam Well Association ("SWA") is a Colorado Nonprofit Corporation organized exclusively for the nonprofit use of its members, a group of well users in the Siloam Road –Highway 96 area, southwest of Pueblo Reservoir ("Pueblo Complex Area") in Pueblo County. SWA was established, among other purposes, to obtain replacement water through a group lease from the Board of Water Works of Pueblo, Colorado (Pueblo Water) and pursue an Augmentation Plan Decree for SWA Member wells. **3.** Prior Decree: On July 18, 2018, in case no. 2017 CW 3009, this Court entered its Findings of Fact, Conclusions of Law, Amended Ruling of Referee, Judgment and Decree ("2017CW3009 Decree") approving a Plan for Augmentation for SWA Member wells, utilizing replacement water provided by SWA's Water Lease with Pueblo Water and establishing terms and conditions for administration of SWA Member wells and accounting of replacement water derived from the Pueblo Water Lease. **4.** Purpose of Application: Applicant has two new members whose names are TBN. LLC (TBN) and Next1 Labs, LLC (Next1). TBN owns approximately 35 acres in Lot 17, Pope Valley Ranch, in Pueblo County, at 2190 Pope Valley Ranch Rd., Beulah, CO 80123 and also an existing tributary irrigation well located on such property known as Green Grow Group Well #1, which was previously subject to the 2017CW3009 Decree, at the time when the property and well were owned by Green Grow Group (John Bowen). Grow Green Group (John Bowen) ceased to be a member of the Applicant on November 1, 2022, and Applicant's Notice of Termination

of Member Green Grow Group (John Bowen) was filed with this Court on November 8, 2022; however pursuant to the 2017CW3009 Decree, Applicant has continued to cover and replace all delayed pumping stream depletions resulting from such pumping of such well which occurred while Green Grow Group (John Bowen) was an active member of Applicant. The property at 2190 Pope Valley Ranch and its Green Grow Group Well #1 has now been sold to TBN. Thus, TBN has joined the Applicant as a member and the Applicant and TBN now seek to add Green Grow Group Well #1 as a "Covered Well" under the 2017 CW 3009 Decree and agree that thereafter Green Grow Group Well #1shall be operated and used, and its out-of-priority depletions replaced pursuant to the terms and conditions of the 2017 CW 3009 Decree, so as to allow renewed pumping of this well under the Decree sought herein. Next1 owns approximately 20 acres in the NE ¼ of Section 15, Township 21 South, Range 68 West of the 6th P.M. in Pueblo County, at 1660 Siloam Road, Pueblo, CO 81005 and also two existing tributary irrigation wells located on such property known as Potco Well #1 and Potco Well #2. Both Potco Well #1 and Potco Well #2 were previously owned by SPH Investments, LLC d/b/a Potco and were subject to this Court's Decree in 2019 CW 3073, approving a Plan of Augmentation with their depletions to the Arkansas River being calculated based on the parameters set forth therein. Next1 has now purchased the property and its Potco Well #1 and Potco Well #2. Thus, Next1 has joined the Applicant as a member and the Applicant and Nest1 now seek to add Potco Well #1 and Potco Well #2 each as a "Covered Well" under the 2017 CW 3009 Decree and agree that thereafter Potco Well #1 and Potco Well #2 shall be operated and used, and their out-of-priority depletions replaced pursuant to the terms and conditions of the 2017 CW 3009 Decree, so as to allow continued pumping of this well under the Decree sought herein. **5.** Name of Structures to be Augmented: Green Grow Group Well #1, Potco Well #1, and Potco Well #2: 5.1 Green Grow Group Well #1 (Well Permit No. 81260-F & WDID: 1406637): 5.1.1 Green Grow Group Well #1 is not decreed. 5.1.2 Green Grow Group Well #1 is located within the SE/4 of the NW/4 of Section 23, Township 21 South, Range 68 West of the 6th P.M. 5.1.3 Point of diversion of Green Grow Group Well #1 is located at UTM Coordinates (Meters, Zone:13, NAD83) Easting: 502915.0, Northing: 4229237.0. 5.1.4. The location of Green Grow Group Well #1 and the location of Use of Green Grow Group Well #1 is shown on Exhibit A.1 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.) 5.1.5. The water source for Green Grow Group Well #1 is the Dakota aquifer, tributary to the Arkansas River. 5.2 Potco Well #1 (Well Permit No. 81420-F & WDID: 1406622): 5.2.1 Potco Well #1 was decreed in Case No. 2019 CW 3073 under its previous Well Permit No 80291-F. 5.2.2 Potco Well #1 is located within the SE/4 of the NE/4 of Section 15, Township 21 South, Range 68 West of the 6th P.M. 5.2.3. Point of diversion of Potco Well #1 is located at UTM Coordinates (Meters, Zone:13, NAD83) Easting: 501999.0, Northing: 4230756.0.

5.2.4. The location of Potco Well #1 and the location of Use of Potco Well #1 is shown on attached Exhibit A.2. 5.2.5. The water source for Potco Well #1 is the Dakota aquifer, tributary to the Arkansas River. 5.3 Potco Well #2 (Well Permit No. 81419-F & WDID: 1406670): 5.3.1 Potco Well #2 was decreed in Case No. 2019 CW 3073 under its previous Well Permit No 84126-F. 5.3.2. Potco Well #2 is located within the SE/4 of the NE/4 of Section 15, Township 21 South, Range 68 West of the 6th P.M. 5.3.3. Point of diversion of Potco Well #2 is located at UTM Coordinates (Meters, Zone:13, NAD83) Easting: 501840.0, Northing: 4230641.0. 5.3.4. The location of Potco Well #2 and the location of Use of Potco Well #2 is shown on attached Exhibit A.2. 5.3.5. The water source for Potco Well #2 is the Dakota aquifer, tributary to the Arkansas River. **6.** Quantity of Depletions for Each Well Sought to be Added to Augmentation Plan: not more than 20 acre feet per year, depending upon amount of replacement water available. **7.** Water right(s) to be used for Augmentation: Fully consumable replacement water owned or controlled by Pueblo Water and available under the Pueblo Water Lease. 7.1. Pueblo Water Lease. Applicant has entered a Water Lease Agreement dated August 18, 2025 ("Pueblo Water Lease") with Pueblo Water for supplying fully consumable replacement water for augmentation of depletions from Green Grow Group Well #1, Potco Well #1, and Potco Well #2 and the other SWA Member wells authorized under the 2017CW3009 Decree. Said Pueblo Water Lease is attached as Exhibit B. 7.2. Amount of Augmentation Water. The Pueblo Water Lease is for a specific amount of fully consumable replacement water annually, however such amount may be modified annually upon request of SWA and in the discretion of Pueblo Water. This amount may be increased or decreased for subsequent water years, depending upon demand from SWA Members and upon Pueblo Water's approval. The amount of replacement water currently leased by SWA from Pueblo Water is 10 acre feet for Water Year 2026 through October 31, 2026. It is anticipated that Applicant shall request an increased amount of replacement water for Water Year 2027, commencing November 1, 2026. 7.3. Legally Available Replacement Water. All replacement water to be used by Applicant in the 2017CW3009 Decree, including the Decree sought by this Application, and provided by Pueblo Water under the Pueblo Water Lease must be decreed or otherwise legally available for augmentation purposes and deliverable upstream of the point of replacement, the Pueblo Reservoir. The sources of such water are unspecified in the Pueblo Water Lease, which sources are at the option of Pueblo Water, as long as they are legally available for augmentation purposes at the point of replacement, but such sources do not currently include Fryingpan-Arkansas Project Water. Fully consumable water available for use in the 2017CW3009 Decree, including the Decree sought by this Application, may include, without limitation: 7.3.1. Water stored in Twin Lakes Reservoir in Lake County, if allowed hereafter by the Bureau of Reclamation; 7.3.2. Water stored in Turquoise Reservoir in Lake County, if allowed hereafter by the Bureau of Reclamation; 7.3.3. Water stored in Clear Creek Reservoir

in Chaffee County. Currently, Pueblo Water anticipates making all deliveries of replacement water to Applicant from Clear Creek Reservoir; however, in the event Pueblo Water determines to make any deliveries of replacement water from sources other than Clear Creek Reservoir, the Division Engineer will be notified; 7.3.4. The sources of such replacement water may also include, but are not limited to, the water rights decreed in: Case Nos. 84-CW-177 & 84-CW-177(B), District Court, Water Division 2, including the reusable return flows decreed therein; Case Nos. 90-CW-340, W-1901, & 95-CW-321, District Court, Water Division 5; and Case Nos. 90-CW-55 & 04-CW-130, District Court, Water Division 2. **8.** Annual Water Report. Pursuant to the 2017CW3009 Decree, SWA files an Annual Water Report with the Water Court by October 1st of each year, which includes: 8.1. the total amount of proposed SWA Member withdrawals and depletions to occur in the following water year; 8.2. the source and quantity of replacement water available to replace these depletions (attaching a current copy of the Pueblo Water Letter demonstrating the amount of water leased by SWA for the following water year); 8.3. a current table of SWA's members showing the amount of water allocated to each SWA Member for the following water year; 8.4. the amount of allowable pumping for all SWA Members based on the quantity and source of available replacement water to replace current depletions and lagged depletions resulting from all previous pumping; and 8.5. the projected total stream depletions from projected pumping in the following water year and previously authorized pumping and identifying the entities responsible for replacement of said depletions. Pursuant to the 2017CW3009 Decree, the Division Engineer shall review the Annual Water Report during the month of October so that approval will be complete before the following water year commences. In the event the Division Engineer does not approve the Annual Notice due to a determination that injury to other water rights will occur, then SWA Members, including Veritas, will not be allowed to withdraw water from any SWA Member Wells, including Green Grow Group Well #1, Potco Well #1, and Potco Well #2, during the following water year until and unless acceptable modifications have been made. **9.** Applicant does not intend to change a water right to provide a source of augmentation. **10.** The plan for augmentation does not include an exchange of water right(s). 11. Complete Statement of Plan for Augmentation: **11.**1. Purpose: This Application seeks to add Green Grow Group Well #1, Potco Well #1, and Potco Well #2 each as "Covered Well" under the 2017CW3009 Decree and provide for the augmentation of lagged stream depletions to the Arkansas River, in time, location and amount, as caused by the pumping of Green Grow Group Well #1, Potco Well #1; Potco Well #2. 11.2. Diversions: Green Grow Group Well #1, Potco Well #1, and Potco Well #2 will make out-of-priority withdrawals of ground water from the Dakota aquifer which is tributary to the Arkansas River. 11.3. Uses: The entirety of the diversions from Green Grow Group Well #1, Potco Well #1, and Potco Well #2 will be used for supply of hemp or marijuana grow operations, including beneficial use for indoor and outdoor irrigation,

greenhouse operations and cooling, processing facilities, and related commercial, drinking, sanitary, domestic or residential purposes. 11.4. Depletions: Ground water diversions from Green Grow Group Well #1, Potco Well #1, and Potco Well #2, and their corresponding out-of-priority depletions, are considered to be one hundred percent (100%) consumptive. 11.5. Point of Depletion: Green Grow Group Well #1, Potco Well #1, and Potco Well #2 are each located within Zone 1 of the SWA Inclusion Area as shown on Exhibit B, attached hereto. The pumping of Green Grow Group Well #1, Potco Well #1, and Potco Well #2, result in depletions to the Arkansas River at the Pueblo Reservoir in Section 36, Township 20 South, Range 66 West of the 6th P.M., Pueblo County, Colorado. 11.6. Timing of Depletions: Timing of all depletions caused by pumping of Green Grow Group Well #1, Potco Well #1, and Potco Well #2 was previously determined in Case No. 2017 CW 3009 and are based upon the following aquifer parameters: 11.6.1. Distance to Stream Depletion Point: 72,189.7 feet; 11.6.2. Distance from No-Flow Boundary to Well: 12,347.5 feet; 11.6.3. Distance from No-Flow Boundary to Stream: 84,537.2 feet; 11.6.4. Transmissivity: 1,077 gallons per day per foot; and 11.7.5. Storage Coefficient: 0.00005. Replacement timing for all lagged depletions caused by pumping of Green Grow Group Well #1, Potco Well #1, and Potco Well #2 was based on a Glover method analysis which was used to create a unit response function ("URF") for the centroid of Green Grow Group Well #1, Potco Well #1, and Potco Well #2 each of which are located within Zone 1 of the SWA Inclusion Area. When developing the URF, lagged depletions were determined by using the wrapped URF, which was calculated by proportionally wrapping the last 10% of depletions into the first 90% of the depletions. The resulting URF table, as approved by the Decree in Case No. 2017 CW 3009, is attached hereto as Exhibit D. 11.7. Replacement of Depletions: Replacement of depletions from all SWA Member Wells, including Green Grow Group Well #1, Potco Well #1, and Potco Well #2, during pumping and post-pumping, is achieved pursuant to the Pueblo Water Lease, as amended and supplemented from time to time and subject to the terms thereof. Replacement water is provided by fully consumable water owned or controlled by Pueblo Water that is decreed or otherwise legally available for augmentation purposes and further described in paragraph 6.3 above. 11.8. Point of Replacement: Replacement water is delivered to the Arkansas River at the Pueblo Reservoir at or above Section 36, Township 20 South, Range 66 West of the 6th P.M., Pueblo County, Colorado. 11.9. Limitation of Pumping: Withdrawals from Green Grow Group Well #1, Potco Well #1, and Potco Well #2, shall be limited so that monthly depletions do not exceed the replacement water delivered to the Arkansas River at or above the point of depletion, taking into account transit losses on deliveries of replacement water and that the total amount of annual depletions of all SWA Members, including Veritas, do not exceed the total amount of annual replacement water available to Applicant under the Pueblo Water Lease. 11.10. Transit Losses: Any replacement water that is released to

the Arkansas River upstream of the point of depletion shall be subject to river transit losses on delivery to the point of depletions, as determined by the Division Engineer and assessed in accordance with the standard administrative procedures used by the Division Engineer. 11.11. Credit for Replacement Water: Applicant will only claim credit for its fully consumable replacement water at the point of depletion, after assessment of transit losses. The Division Engineer's Office and the State Engineer's Office will administer the replacement water decreed herein from the points it enters the river system to the point of depletion less the above transit losses. The replacement water will not be considered native water available for diversion by other water rights until it reaches the point of depletion. Applicant shall not seek any credits, off-sets, reductions in obligations, etc. for transit losses when Pueblo Water supplied replacement water is released from whatever source Pueblo Water determines it will release from. 11.12. Single Credit: Applicant shall only claim a single credit for the augmentation use of fully consumable replacement water made available under the 2017CW3009 Decree. 11.13. Measurement: Applicant requires all SWA Members to install and maintain totalizing flow meters on all Covered Wells, including Green Grow Group Well #1, Potco Well #1, and Potco Well #2, or any additional or replacement wells associated therewith, and thereafter maintain records and provide reports to the State Engineer or Division Engineer for Water Division 2 by the 10th day of the month following the month of pumping. 11.14. Accounting: Applicant has established an on-line data base (**http://siloam-data.com/ depletions_accounting**) accessible to the State and Division Engineers and Opposers, containing all required reporting information required by the 2017CW3009 Decree. Applicant will prepare and provide accounting forms subject to approval and revision at the direction of the Division Engineer. The accounting form or format will adhere to all applicable policy, guidelines, and protocol established by the State and Division Engineers for such accounting as long as consistent with the terms of the 2017CW3009 Decree and Colorado law. All accounting shall be submitted monthly, unless required more often at the request of the Division Engineer or Water Commissioner. 11.15. Administration: Applicant's use of the water provided by Pueblo Water under the Pueblo Water Lease, and any amendment(s) and supplement(s) thereto, pursuant to the 2017CW3009 Decree, including this Decree, for replacement of depletions of Green Grow Group Well #1, Potco Well #1, and Potco Well #2 will ensure that the Applicant has provided replacement water necessary to meet the lawful requirements of senior diverters at the time and location and to the extent that seniors would otherwise be deprived of their lawful entitlement by the Applicant. **12.** 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: Green Grow Group Well #1, Potco Well #1, and Potco Well #2 are each existing

wells; no new diversion or storage structure or modification to existing diversion or storage structure is sought by this Application. 12.1. The owner of the property on which Green Grow Group Well #1 is located is: TBN, LLC, Attn: Ronald A. Guariente, Managing Member, P. O. Box 3246, Pueblo, CO 81005 12.2. The owner of the property on which Potco Well #1 and Potco Well #2 are located is: Next1 Labs, LLC, Attn: Andre' Largente', Managing Member, 1312 17th St., Ste. 1651, Denver, CO 80202.

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 September 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 14th day of August 2026.

Michele Santistevan

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

(Court seal)
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