

DISTRICT COURT, WATER DIVISION NO. 2, COLORADO

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

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TO: ALL INTERESTED PARTIES

Pursuant to C.R.S. 37-92-302, you are hereby notified that the following is a resume of applications and certain amendments filed and/or ordered published during August 2026, in Water Division No. 2. The names and addresses of applicants, description of water rights or conditional water rights involved, and description of ruling sought as reflected by said applications, or amendments, are as follows:

CASE NO. 2025CW3012; TITAN AU, INC., 8480 E. Orchard Rd., Suite 4900, Greenwood Village, CO 80111

(Please address all pleadings and inquiries regarding this matter to Applicant's attorney: John T. Howe, Hoskin, Farina & Kampf, P.C., 200 Grand Avenue, Suite 400, Post Office Box 40, Grand Junction, Colorado 81502, Telephone: (970) 986-3400, email: jhowe@hfak.com)

Second Amended Application for Groundwater Right and Approval of Plan for Augmentation Including a Water Exchange Right

LAKE, CHAFFEE, PARK AND PITKIN COUNTIES

2. Summary of Second Amended Application: Applicant operates a gold placer mine known as the Box Creek Placer Mine in Lake County, Colorado, approximately 8.5 miles south-southwest of Leadville, Colorado. In addition to the current gold placer mining operations, Applicant intends to mine and export gravel from the site when required permits are obtained. Corske Creek enters the site from the southwest corner, and during low flows, terminates within the central portions of the 950-acre permit area. Box Creek enters from the northwest, and terminates in the northern central most portion of the site. The Box Creek Placer Mine includes up to two gold mining areas and processing plants with secondary gravel mining and processing at any given time. There will be no ongoing groundwater depletions following completion of Applicant's placer mining and gravel mining operations except for lagged depletions that are addressed in the plan for augmentation. Applicant seeks: (a) an underground water right for the Box Creek Placer Mine that will deplete groundwater tributary to Box Creek and Corske Creek, tributary to the Arkansas River; (c) approval of a plan for augmentation for depletions that result from the Box Creek Placer Mine; and (c) in connection with the plan for augmentation, a water exchange project for the exchange reaches between the Box Creek Placer Mine and the points of replacement. **3. Claim for groundwater right:** **3.1 Name of structure:** Box Creek Placer Mine. An aerial photograph of the site is attached to the Second Amended Application as Exhibit A (All exhibits and tables referred to in this resume notice are incorporated by reference and available for inspection at the office of the Division 2 Water Clerk). **3.2 Permit Number:** Well Permit No. 89622-F. **3.3 Location:** The well permit location for the Box Creek Placer mine is in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 4, T 11 S, R 80 W of the 6th P.M. UTM Coordinates: 383970.4 Easting, 4330922.5 Northing, Zone 13, NAD83. The Box Creek Placer Mine site is located in Section 33, T 10 S, R 80 W of the 6th P.M. and Sections 3, 4 and 5, T 11 S, R 80 W of the 6th P.M. A map of the location of

the site is attached to the Second Amended Application as Exhibit B. 3.4 Source of Water: groundwater tributary to Box Creek and Corske Creek, tributary to the Arkansas River. 3.5 Depth of Ponds: approximately 20 feet. 3.6 Surface Area of Ponds: up to 9.7 acres. Note – previous placer mining severely modified the Box Creek Placer Mine permit area; ponds and exposed groundwater associated with historic mining, historical dredge piles and included as part of Box Creek are not included in this surface area amount. 3.7 Appropriation date: October 11, 2018. 3.8 How appropriation initiated: by filing an application for the Box Creek Placer Mine with the Colorado Division of Reclamation, Mining and Safety (Permit No. M-2018-053) The application was noticed by posting a sign at the Box Creek Placer Mine location in accordance with Rule 1.6.2(1)(b) of the Minerals Rules and Regulations of the Colorado Mined Land Reclamation Board for Hard Rock, Metal and Designated Mining Operations. 3.9 Date water applied to beneficial use: May 1, 2020. Applicant's north processing plant commenced operations on May 1, 2020 under an SWSP covering the period from May 1, 2020 to April 30, 2021. 3.10 Amount claimed: 2.228 c.f.s. (1,000 gpm) maximum pumping rate; 36.48 acre feet annually; absolute in the amount of 32.08 acre feet annually for evaporation and industrial, including processing pond evaporation, first fill inflow, material processing and dust suppression in connection with Applicant's placer mine operation and conditional in the amount of 4.4 acre feet annually for gravel export losses in connection with Applicant's gravel operation. There will be no ongoing groundwater depletions following completion of Applicant's placer mining and gravel mining operations except for lagged depletions that are addressed in the augmentation plan. 3.11 Uses: evaporation and industrial, including processing pond evaporation, first fill inflow, material processing, dust suppression and gravel export losses. 3.12 Plan for Augmentation: the Box Creek Placer Mine will be operated according to a plan for augmentation, approval for which is sought in this Application. 3.13 Additional Information: the Box Creek Placer Mine has operated under a series of substitute water supply plans ("SWSP"), including sitewide SWSPs beginning in 2023, approved pursuant to C.R.S. §37-92-308(5). The current SWSP for the Box Creek Placer Mine is SWSP ID 9464 approved February 9, 2026. On October 31, 2025, Applicant filed a request for approval of an SWSP pursuant to C.R.S. §37-92-308(4) for the time period from January 1, 2026 through December 31, 2026. The District Court for Water Division 2 issued an order approving operation of the Box Creek Placer Mine past the time periods specified in C.R.S. §37-92-308(4)(b) on January 16, 2026. **4. Owner of Land on Which Structures are Located:** the City of Aurora, Colorado and the Colorado State Land Board are the owners of the real property on which the Box Creek Place Mine located. Applicant leases the site from the City of Aurora and the Colorado State Land Board. **5. Request for Approval of Plan for Augmentation:** 5.1 Name of Structure to be Augmented: Box Creek Placer Mine. 5.2 Water Rights to be Used for Augmentation: 37 acre-feet of fully consumable water leased from the Board of Water Works of Pueblo, Colorado ("Pueblo Water"). Applicant entered into a Water Lease Agreement dated April 16, 2025 with Pueblo Water with a term commencing May 1, 2025 and ending April 30, 2030 ("Lease"). A copy of the Lease is attached as Exhibit C to the Application. The water rights or sources of water that may be used for augmentation in this augmentation plan include the following: Fully consumable water owned or controlled by Pueblo Water. All water to be used in this augmentation plan provided by Pueblo Water must be decreed or otherwise legally available for augmentation purposes. The source of such water is not

specifically identified in the Lease, but may include Pueblo Water's water stored in Clear Creek Reservoir, Turquoise Reservoir, Twin Lakes Reservoir, or from direct flow transmountain water or from any other reservoir or place from which Pueblo Water may deliver water, the sources of which are at the option of Pueblo Water, as long as they are legally available for augmentation 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 T 11 S, R 80 W, 6th P.M., in Lake County), Turquoise Reservoir (located on Lake Fork Creek in Sections 7, 8, 17, 18, 19, and 20, T 9 S, R 80 W, 6th P.M. and Sections 10, 11, 12, 13, 14, and 15, T 9 S, R 81 W, 6th P.M., in Lake County), Clear Creek Reservoir (located in Sections 7 and 8, T 12 S, R 79 W, and Section 12, T 12 S, R 80 W, 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. 1984CW177, District Court, Water Division 2; 1984CW177(B), District Court, Water Division 2; 1990CW340, District Court, Water Division 5; W-1901, District Court, Water Division 5; 1995CW321, District Court, Water Division 5; 1990CW55, District Court, Water Division 2; and 2004CW130, District Court, Water Division 2. Applicant requests that the Court retain perpetual jurisdiction over the plan for augmentation for the sole purpose to add new or additional sources of augmentation to this requested plan for augmentation pursuant to C.R.S. § 37-92-305(8)(c). Accordingly, Applicant may utilize other fully consumable water rights for augmentation purposes under this plan.

5.3 Statement of Plan for Augmentation.

5.3.1 Operation of Box Creek Placer Mine: Gold bearing gravel will be loaded into trucks with heavy equipment and deposited adjacent to the wash plant. A front end loader will pick up the material and load it into a grizzly screen to separate large (typically greater than 4 inch) material. Smaller material will continue into the hopper that feeds a trommel. A trommel is a large steel cylinder with a sequence of round holes along the side of fairly small diameter (typically less than 3/4 inch). Here, water sprays are used to wash the material and break it up. All finer material falls through the holes and ends up in the sluice box. This device is a metal trough of approximately 20 feet length and 8 feet width that is tilted downward at an angle. At the bottom of the metal sluice is a carpet-like astroturf termed "miner's moss" that collects denser gold particles as they pass across the sluice. Approximately 2000 gallons per minute of water is used to wash the gravel over the sluice. The sluice is capable of passing 100 to 150 cubic yards per hour of gold bearing alluvium. No chemicals are used in any of the processing operation. Gravels previously processed for gold may be further processed for construction materials. Heavy equipment will be used to transport and load gravel into a portable crushing and screening plant. Water sprays may be used, as needed, to mitigate fugitive dust during the crushing process.

5.3.2 Water Depletions: The depletions associated with the placer mining operation will be: exposed groundwater evaporation; processing pond evaporation; first pit inflow; material processing; dust suppression; and gravel export. There will be no ongoing groundwater depletions following completion of Applicant's placer mining and gravel mining operations except for lagged depletions that are addressed in the plan for augmentation. Applicant intends to export gravel material when required permits are obtained, therefore, gravel export is now included in the plan as groundwater depletion from wet material. All calculations show in this section are annual estimates for each source of depletion. Table 3 shows month-by-month calculations.

5.3.2.1 Evaporation: For the purpose of calculations, it is assumed that the

pond area is exposed over the course of a whole season. Evaporation is only applicable in the months with average temperatures above 32° F (May-Oct). There are three ponds where evaporation will cause depletions per mining and processing plant location (with up to two mining and plant locations): the groundwater exposed in the pump pit and the two plant settling ponds. At the DWR's request, this plan for augmentation accounts for all groundwater ponds exposed at the site that resulted from modern mining efforts from 2018 through this filing. ●*Plant Settling Ponds*: The plant settling ponds receive sediment laden water from the output of placer processing for the purpose of settling out said sediment. As a pond, consumptive use is based on the evaporation rate, effective precipitation rate, and surface area. These calculations include depletions for the pump pits for each mining location. Two 1.0 acre ponds result in 5.54 acre-feet annual depletions. ●*Exposed Groundwater*: Groundwater exposed as of September 26, 2024 totals 6.13 acres across the entire site. Note, ponds and exposed groundwater associated with historic mining, historical dredge piles, and that are included as part of Box Creek are not included in the exposed groundwater calculation. Exposed groundwater of 6.13 acres results in 7.0 acre-feet annual depletions. ●*Pond Surface Total*: 17.0 acre-feet (exposed groundwater) + 5.54 acre-feet (settling ponds) = 22.54 acre-feet annual depletions. 5.3.2.2 Dust Suppression: Water used for dust suppression is usually 100 percent depleted with no measurable return flows to the river. Dust from the haul road and active mining areas (i.e., disturbed areas not in any phase of reclamation) will be controlled by water. Water will only be applied when needed at this elevation, since cold conditions on site for much of the year result in little evaporation. Based on experience with similar operations in Colorado, roughly 0.15 acre-feet of water will be needed per acre of disturbance for dust control. 30 acres are anticipated to be disturbed at any given time. Areas that are in the reclamation process result in 4.5 acre-feet annual depletion. 5.3.2.3 Processing: Processing plant water consumption is detailed below. Due to the small size of the piles and equipment, precipitation is ignored in the following calculations. Placer processing incorporates a large flow of water; therefore, additional water will not be needed for dust suppression in placer processing equipment. ●*Grizzly overflow pile*: Material larger than 4-inches in diameter is placed in an overflow pile prior to being used to refill the pit. Consumptive use is evaporation of water in the grizzly overflow pile and is calculated the same way as water surface area. 706 square feet grizzly overflow pile area results in 0.04 acre-feet annual depletions. ●*Trommel*: Consumptive use within the trommel is calculated based on the surface area of the trommel (over which water flows) and the frequency of the plant operation (hours/day). This value is then doubled to account for the turbulence of the flow, the use of sprays, and to maintain a conservative estimate of the consumptive use. 64 square feet trommel area operated 7 hours/24 hours results 0.002 acre-feet annual depletion. ●*Trommel overflow pile*: Material between 3/4-inch and 4-inches in diameter is placed in a trommel overflow pile prior to being used to refill the pit. Water evaporation in this pile is a consumptive use and is calculated the same way as water surface area. 706 square feet trommel overflow pile area results in 0.04 acre-feet annual depletion. ●*Sluice*: Consumptive use within the sluice is calculated based on the surface area of the trommel (over which water flows) and the frequency of the plant operation (hours/day). This value is then doubled to account for the turbulence of the flow, and to maintain a conservative estimate of the consumptive use. 160 square feet sluice area operated 7 hours/24 hours results in 0.006 acre-feet annual depletion.

● **Total Processing Water Consumption:** 0.04 acre-feet (grizzly pile) + 0.002 acre-feet (trommel) + 0.04 acre-feet (trommel pile) + 0.006 acre-feet (sluice) = 0.088 acre-feet; 0.088 acre-feet x 2 mining and processing areas = 0.18 acre-feet annual depletions.

5.3.2.4 First Fill Inflow: The first fill inflow is calculated based on the volume and porosity of material removed below the water table and occurs once annually per mining and processing location. The pump pit is the only location that will see first fill inflow at the start of the season. It has a volume of 2.38 acre-feet; 2.38 ac-ft x 2 mining and processing areas results in 4.8 acre-feet annual depletion.

5.3.2.5 Gravel Export: Gravel export consumptive use values are calculated in accordance with the Division of Water Resource's "General Guidelines for Substitute Water Supply Plans for Sand and Gravel Pits" updated July 26, 2024. As the gravel material is excavated below the groundwater table and may be washed, a 4% moisture content is used in the calculations below. Maximum gravel exports will not exceed 150,000 tons. In the event that additional export volumes are needed, additional replacement water will be obtained. 150,000 tons of gravel mined per year result in 4.4 acre-feet annual depletion.

Total Consumptive Uses: The consumptive uses from the entire operation are summarized below. See Table 3 for a monthly breakdown.

Activity	Consumptive Use	Use (acre-feet/year)	Comments
Placer Mining	Pond Evaporation	22.54	Settling ponds + groundwater exposure
	Dust Suppression	4.50	
	Processing	0.18	
	First Pit Inflow	4.80	Only occurs at the start of each season
Gravel Mining	Gravel Export	4.40	Based on 150,000 annual tons exported
Total		36.42	Instantaneous Depletions

5.3.3 Lagged Depletions: Monthly groundwater lagged depletions were calculated using the Alluvial Water Accounting System (AWAS) program. Aquifer hydrologic properties are: Distance from the gravel pit centroid to the river (X) = 830 feet; Alluvial aquifer width (W) = 3,930 feet; Specific yield (S) = 24%; Transmissivity (T) = 119,276 gallons per day per foot. The groundwater consumptive use totals from Table 3 were inputted to the AWAS program to calculate the lagged depletions that must be replaced in the stream system by augmentation water. The results of this analysis are shown in Table 4.

5.4 Water Supply and Augmentation Releases: Applicant has obtained a water lease from Pueblo Water in the amount of 37.0 acre feet per year to cover out-of-priority depletions to the Arkansas River. Table 5 shows the month-by-month balance of depletions, water rights and required reservoir releases. Water will be released by Pueblo Water as directed in accordance with this augmentation plan. Applicant shall be responsible for any transit losses imposed on the released replacement water to the point of replacement, as determined by the Division Engineer. Applicant will submit diversion records to the Division Engineer on a monthly basis or as otherwise requested by the Division Engineer. Applicant will also provide accountings to the Division Engineer to demonstrate compliance under this augmentation plan. Applicant may obtain additional replacement

water as needed if, under future conditions, the potential out-of-priority depletions exceed 37.0 acre feet per year. The engineering values used in this Application are those currently used by or calculated by Applicant's consultants but may be subject to change during the course of this proceeding without the need to amend or republish this application. **6. Water Exchange Project:** 6.1 Description of Water Exchange Project: Applicant claims a water exchange project right pursuant to C.R.S. §§ 37-92-103(9), 37-92-302(1)(a), 37-92-302(5), 37-92-305(3), 37-92-305(5), and 37-92-305(8)(a), C.R.S., to replace depletions associated with the Box Creek Placer Mine that will occur upstream of the point of introduction of the augmentation supplies to the Arkansas River: at the confluence of Box Creek with the Arkansas River; at the confluence of Lake Creek with the Arkansas River; and at the confluence of Clear Creek and the Arkansas River ("Water Exchange Project"). The Water Exchange Project right will operate to replace out of priority depletions to the flow of water in the Arkansas River as the depletions occur. The exchange reaches, as well as the exchange to and exchange from points, are shown on Exhibit D to the Second Amended Application. 6.1.1 Exchange from Points 6.1.1.1 Confluence of Box Creek and the Arkansas River (WDID 1120112): NW¼ SE¼ Section 11, T 11 S, R 80 W of the 6th P.M. UTM Coordinates 387719 Easting, 4329433 Northing, Zone 12, NAD83. 6.1.1.2 Confluence of Lake Creek and the Arkansas River (WDID 1120112): NW¼ SE¼ Section 24, T 11 S, R 80 W of the 6th P.M. UTM Coordinates 389182.5 Easting, 4326182.6 Northing, Zone 13, NAD83. 6.1.1.3 Confluence of Clear Creek and the Arkansas River (WDID 1120033): SE¼ NE¼ Section 8, T 12 S, R 79 W of the 6th P.M. UTM Coordinates 392558 Easting, 4319999 Northing, Zone 13, NAD83. 6.1.2 Exchange to Point – Box Creek Placer Mine: SE¼ SE¼ Section 33, T 10 S, R 80 W of the 6th P.M. UTM Coordinates 385130.6 Easting, 4332016.8 Northing, Zone 13, NAD83. 6.1.3 Substitute Supplies for the Water Exchange Project Right: The water leased from Pueblo Water described in Section 5.2 above. In the event that Pueblo Water augmentation water is unavailable from the proposed replacement point or a location upstream of the replacement point, the Applicant will purchase temporary replacement water from an available source for that season of the needed quantity. 6.1.4 Appropriation Date/Amount: The Water Exchange Project right will be operated and administered with a priority date of December 12, 2025, at a maximum flow rate of 0.20 c.f.s. conditional. The maximum instantaneous consumptive use rate of 0.20 c.f.s. represents the peak concurrent demand during high-use periods of the operating season when multiple water uses occur simultaneously. The operating season extends from April 1 through October 31 (214 days), during which water consumptive uses occur on different schedules: continuous uses including pond evaporation (driven by temperature and occurring 24 hours per day) and first fill inflow (passive groundwater seepage into the pump pit, concentrated in April when excavations are first exposed and pit pumps begin continuous operation), and operational uses including dust suppression, processing, and gravel export (occurring 10 hours per day, Monday through Saturday). The maximum rate is determined by analyzing peak concurrent activities during April when first fill inflow coincides with seasonal evaporation and operational activities, and during July when peak evaporation coincides with maximum operational activities. The claimed maximum of 0.20 cubic feet per second provides approximately 20% margin above the calculated peak concurrent rates of 0.158 c.f.s. in April and 0.162 c.f.s. in July, providing for fluctuations in water consumption. 6.2 Operation of Exchange: The Water Exchange Project will

operate to cover all lagged depletions arising from placer mining and gravel mining operations, including evaporation from exposed groundwater ponds, evaporation from process ponds, water used for dust suppression, first-fill inflows at the beginning of each mining season, processing losses, and moisture content in exported gravel. Replacement water will be delivered by Pueblo Water to an “Exchange From Point” under the Division Engineer’s direction. Applicant will bear all transit losses between the release and depletion locations. The exchange will operate only when all senior rights within the reach are satisfied or otherwise unable to divert, and operation will be curtailed if adequate replacement water is not available. The exchange program will also continue for 26 months beyond the last month of depletions to account for the lagged depletions of the last month of depletions. If less than 26 months remain on the active water lease, mining operations will cease. 6.3 Administration and Reporting: The Water Exchange Project shall at all times operate so that the net replacement water delivered equals or exceeds the lagged depletions calculated for each period. If intervening senior calls prevent operation of the exchange, Applicant will coordinate with Pueblo Water to deliver replacement water upstream of the call or through another method acceptable to the Division Engineer. **7. Relief Requested:** Applicant requests that the Court enter a decree for the underground water right and approve the plan for augmentation including the water exchange project requested in this Application, and grant such other relief as the Court deems appropriate.

CASE NO. 2025CW3036; THE CITY OF AURORA, COLORADO, acting by and through its Utility Enterprise (“Aurora” and “Applicant”), 15151 East Alameda Parkway, Suite 3600, Aurora, Colorado 80012-1555 (Please address all pleadings and inquires regarding this matter to Applicant’s attorneys: Austin Hamre and Teri L. Pettitt, 188 Inverness Drive West, Suite 430, Englewood, Colorado 80112-5204, (303) 779-0200, mail@prowtlaw.com, ahamre@prowtlaw.com, tpettitt@prowtlaw.com; and Stephen C. Cann and Ian J. Best, 15151 E. Alameda Parkway, Aurora, CO 80012-1555, (303) 517-6252, scann@auroragov.org, ibest@auroragov.org)

Second Amended Application for Conditional Appropriative Rights of Substitution and Exchange

PUEBLO, CROWLEY, OTERO AND BENT COUNTIES

2. Introduction. Aurora claims conditional appropriative rights of substitution and exchange, under which the water attributable to the Shares will be delivered to the Arkansas River or its tributaries at various locations and will operate exchanges from and to numerous points extending from John Martin Reservoir upstream to Pueblo Reservoir. Aurora will divert by exchange an amount equivalent to the amount provided as substitute supply after accounting for transportation losses occurring between the points Aurora releases the substitute supply and the Exchange-From points. Aurora may exchange to Pueblo Reservoir directly or by stepped, intermediate and successive exchanges. Aurora intends to utilize the Shares intermittently for municipal purposes pursuant to an administrative approval (e.g. an IWSA) and/or a decree quantifying the historical use of the Shares and establishing the terms and conditions to prevent injury from intermittent use of the Shares on an interruptible, rotational following basis comparable to an IWSA and in accordance with Colorado statutes. **3. Exchange-From Points and Exchange-**

To Points. The exchange points set forth below, and resulting exchange reaches, are depicted on **Figure 1** attached to this application. (All exhibits/Figures mentioned herein are incorporated by reference and may be inspected at the office of the clerk of this Court.)

3.1. Exchange-From Points. Locations from which substitute supplies will be exchanged:

3.1.1. Stonewall Springs South Reservoir Outlet Confluence with the Arkansas River (WDID 1400802). The SSRC South Reservoir will discharge water to the Arkansas River at a point just upstream of the Nyberg Road bridge over the Arkansas River, which is likewise the location of the Avondale Gage approximately at UTM coordinates (NAD83 datum, Zone 13, meters) 552572.75 Easting, 4233604.46 Northing in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 1, Township 21 South, Range 63 West of the 6th P.M. The SSRC South Reservoir currently discharges water to the Arkansas River via a column pump station located in its southeast corner, with flows being delivered to the Arkansas River at approximately (NAD83 datum, Zone 13, meters) UTM x: 551682.14, UTM y: 4233932.03 in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 2, Township 21 South, Range 63 West of the 6th P.M. The SSRC South Reservoir Column Pump Outlet was approved by the Division Engineer prior to its use in 2023. Such Division Engineer approval does not change any provision of the 16CW3093 Decree.

3.1.2. Stonewall Springs Central Reservoir Outlet Confluence with the Arkansas River (WDID 1400803). The SSRC Central Reservoir will discharge water to the Arkansas River at a point upstream of the Avondale Gage in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 1, Township 21 South, Range 63 West of the 6th P.M., at a point coincident with the outlet of the South Reservoir described above.

3.1.3. Stonewall Springs East Reservoir Outlet Confluence with the Arkansas River (WDID 1400804). The SSRC East Reservoir will discharge water to the Arkansas River a point downstream of the Avondale Gage at approximately (NAD83 datum, Zone 13, meters) UTM x: 554572.34, UTM y: 4233224.11, in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 6, Township 21 South, Range 62 West of the 6th P.M.

3.1.4. Haynes Creek Reservoir Outlet Confluence with the Arkansas River (WDID not assigned yet). The outlet of a proposed future Haynes Creek Reservoir is expected to discharge to the north bank of the Arkansas River in the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 8, Township 21 South, Range 61 West of the 6th P.M., Pueblo County, Colorado, at the following approximate location: UTM x: 565998, UTM y: 4231967, UTM Zone 13. (Haynes Creek Reservoir WDID: 1403621).

3.1.5. Apishapa River Confluence with the Arkansas River (WDID 1709502). The confluence of the Apishapa and Arkansas Rivers is located in the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 18, Township 22 South, Range 58 West of the 6th P.M., Otero County, Colorado, UTM x: 592338.2, UTM y: 4220459.6, UTM Zone 13.

3.1.6. Smith Hollow Confluence with the Arkansas River (WDID not assigned yet). The confluence of Smith Hollow and the Arkansas River is located in the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 22, Township 22 South, Range 58 West of the 6th P.M., Otero County, Colorado, at the following approximate location: UTM x: 597625.8, UTM y: 4220297.8, UTM Zone 13.

3.1.7. Patterson Hollow Confluence with the Arkansas River (WDID 1729072). This confluence is located in the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 27, Township 22 South, Range 57 West of the 6th P.M., Otero County, Colorado, UTM x: 607047, UTM y: 4217656, UTM Zone 13.

3.1.8. Lake Meredith Outlet Confluence with the Arkansas River (WDID 1729073). The outlet

discharges to the north bank of the Arkansas River in the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 27, Township 22 South, Range 57 West of the 6th P.M., Otero County, Colorado, UTM x: 607449, UTM y: 4218104, UTM Zone 13. 3.1.9. Dye Reservoir Outlet Confluence with the Arkansas River (WDID 1729074). The outlet discharges to the north bank of the Arkansas River in the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 5, Township 23 South, Range 56 West of the 6th P.M., Otero County, Colorado, UTM x: 614100, UTM y: 4214901, UTM Zone 13. 3.1.10. Timpas Creek Confluence with the Arkansas River (WDID 1729075). The confluence of Timpas Creek and the Arkansas River is located in the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 15, Township 23 South, Range 56 West of the 6th P.M., Otero County, Colorado, UTM x: 620015.6, UTM y: 4209489, UTM Zone 13. 3.1.11. Holbrook Reservoir Outlet Confluence with the Arkansas River (WDID 1729076). The outlet discharges to the north bank of the Arkansas River in the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 24, Township 23 South, Range 56 West of the 6th P.M., Otero County, Colorado, UTM x: 621138, UTM y: 4210001, UTM Zone 13. 3.1.12. Crooked Arroyo Confluence with the Arkansas River (WDID 1729077). The confluence of Crooked Arroyo and the Arkansas River is located in the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 33, Township 23 South, Range 55 West of the 6th P.M., Otero County, Colorado, UTM x: 624874.1, UTM y: 4207023.7, UTM Zone 13. 3.1.13. Swink Drainage Ditch Confluence with the Arkansas River (No WDID). This confluence is located in the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 30, Township 23 South, Range 55 West of the 6th P.M., Otero County, Colorado, UTM x: 622424, UTM y: 4208447, UTM Zone 13. 3.1.14. Section 32 Drainage Ditch Confluence with the Arkansas River (No WDID). This confluence is located in the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 32, Township 23 South, Range 55 West of the 6th P.M., Otero County, Colorado, UTM x: 624360, UTM y: 4207541, UTM Zone 13. 3.1.15. The confluence of Adobe Creek and the Arkansas River (No WDID). The confluence of Adobe Creek and the Arkansas River is located in the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 6, Township 23 South, Range 52 West of the 6th P.M., Otero County, Colorado, UTM x: 650725.0, UTM y: 4215862.8, UTM Zone 13. 3.1.16 John Martin Reservoir Outlet (WDID 6703512). The outlet discharges to the Arkansas River in the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 8, Township 23 South, Range 49 West of the 6th P.M. in Bent County, Colorado, UTM x: 680969.5, UTM y: 4215276.3, UTM Zone 13. 3.2. **Exchange-To Points.** Locations to which substitute supplies will be exchanged: 3.2.1. Pueblo Reservoir (WDID: 1403526). Pueblo Reservoir is located in all or portions of Sections 7, 18, 19, 20, 21, 22, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35 and 36 in Township 20 South, Range 66 West of the 6th P.M., and Sections 1, 2, 3, 4, 5, 9, 10 and 11, in Township 21 South, Range 66 West of the 6th P.M., and Sections 5, 8, 9, 13, 14, 15, 16, 22, 23, 24 and 25, in Township 20 South, Range 67 West of the 6th P.M.. in Pueblo County, Colorado. The Pueblo Reservoir Dam axis and the center line of the Arkansas River intersect at a point in Section 36, Township 20 South, Range 66 West of the 6th P.M., from which the Northeast corner of said Section 36 bears North 61° 21' 20" East, a distance of 2,511.05 feet, all more particularly described in the decree in Case No. B-42135, District Court, Pueblo County, Colorado, as corrected in Case No. 02CW37. UTM x: 524034, UTM y: 4235773, UTM Zone 13. 3.2.2. Excelsior Ditch Headgate (WDID 1400539). The Excelsior Ditch headgate is located on the north bank of the Arkansas

River in the SE ¼ SE ¼ of Section 36, Township 20 South, Range 64 West of the 6th P.M., Pueblo County, Colorado. UTM x: 543882.9, UTM y: 4234751.3, UTM Zone 13. Water exchanged to this location will be subsequently stored in the Stonewall Springs Reservoir Complex. 3.2.3. Colorado Canal Headgate (WDID 1700540). The present location of the Colorado Canal is located on the north bank of the Arkansas River in the NW ¼ of the NW ¼ Section 11, Township 21 South, Range 62 West of the 6th P.M., Pueblo County, Colorado, UTM x: 560241.3, UTM y: 4233243.3, UTM Zone 13. Water exchanged to this location will be subsequently stored in Haynes Creek Reservoir, Lake Henry, and/or Lake Meredith. 3.2.4. Otero Ditch Headgate (WDID 1700557). The Otero Ditch headgate is located on the south bank of the Arkansas River in the NE ¼ of the NE ¼ Section 18, Township 22 South, Range 59 West of the 6th P.M., Otero County, Colorado, UTM x: 583695.6, UTM y: 4221914, UTM Zone 13. 3.2.5. Catlin Canal Headgate (WDID 1700552). The Catlin Canal headgate is located on the south bank of the Arkansas River in the NE ¼ of the NW ¼ Section 19, Township 22 South, Range 58 West of the 6th P.M., Otero County, Colorado, UTM x: 592537, UTM y: 4220318, UTM Zone 13. 3.2.6. Holbrook Canal Headgate (a.k.a. Lake Canal Headgate) (WDID 1700554). The point of diversion is on the north bank of the Arkansas River in the SW ¼ of the NE ¼ of Section 24, Township 22 South, Range 58 West of the 6th P.M., in Crowley County, Colorado, UTM x: 601202.8, UTM y: 4220086.1, UTM Zone 13. Water exchanged to this location will be subsequently stored in Dye Reservoir and/or Holbrook Reservoir. 3.2.7. Rocky Ford Ditch Headgate (WDID 1700558). The Rocky Ford Ditch headgate is located on the south bank of the Arkansas River in the NW¼ NE¼, Section 30, Township 22 South, Range 57 West, 6th P.M., in Otero County, Colorado, UTM x: 602903.3, UTM y: 4218898.5, UTM Zone 13. 3.2.8. Fort Lyon Canal Headgate (WDID 1700553). On the north bank of the Arkansas River in the SW¼, SE¼ of Section 29, Township 23 South, Range 55 West of the 6th P.M., in Otero County, Colorado. UTM x: 623904.0, UTM y: 4208020.2, UTM Zone 13. Water exchanged to this location will be subsequently stored in 4T Ranch Reservoir. 3.2.9. 4T Ranch Diversion (WDID not yet assigned). The 4T Ranch Diversion will be located on the north bank of the Arkansas River in the NW¼, SW¼, Section 1, Township 23 South, Range 53 West, 6th P.M., in Bent County, UTM x: 648711.7 UTM y: 4215515.2, UTM Zone 13. Water exchanged to this location will be subsequently stored in 4T Ranch Reservoir. **4. Appropriation.** 4.1. **Date of initiation of appropriation.** June 30, 2025. 4.2. **How appropriation was initiated.** By formation of intent to appropriate supported by, among other actions, the following. 4.2.1. Approval of a resolution by the Aurora City Council approving the purchase of the Shares and directing the filing of this Application dated March 11, 2024. 4.2.2. Purchase of the majority of the substitute supplies identified in this application on April 12, 2024. 4.2.3. Filing the original Application in this matter with the Division 2 Water Court on June 30, 2025. 4.3. **Date water applied to beneficial use.** Not applicable. **5. Sources of substitute supply.** 5.1. The substitute supply for the appropriative rights of exchange confirmed herein will be derived from mutual ditch company shares described below. These shares are not being changed in this case, but the exchange appropriations confirmed herein will only be operated after the historical consumptive use and return flow

obligations have been quantified in an appropriate administrative proceeding such as an IWSA as authorized by C.R.S. § 37-92-309 or a future change decree authorizing intermittent non-agricultural uses of the water. 5.2. **Catlin shares.** Water derived from the historical consumptive use and delayed return flow component of the water rights represented by 5,458.688 shares (subject to paragraph 9.3 below) of the capital stock of the Catlin Canal Company, which are owned by Aurora, or in which Aurora has a contractual right to purchase or right to lease, as of the date of the Decree entered in this case. The water rights decreed to the Catlin Canal are: 5.2.1. 22 cfs of the water right assigned priority no. 2 by the Decree entered April 8, 1905, Bent County District Court, with an appropriation date of April 10, 1875, and as transferred by the decree entered August 21, 1905, Bent County District Court, and as interpreted in *Reorganized Catlin Consolidated Canal Co. v. Hinderlider*, 80 Colo. 522, 253 P. 389 (1927). 5.2.2. 226 cfs of the water right assigned priority no. 5 by the Decree entered April 8, 1905, Bent County District Court, with an appropriation date of December 3, 1884. 5.2.3. 97 cfs assigned priority no. 7 by the Decree entered April 8, 1905, Bent County District Court, with an appropriation date of November 14, 1887. 5.3. **Otero shares.** Water derived from the historical consumptive use and delayed return flow component of the water rights represented by 622.5 shares (subject to paragraph 9.3 below) of the capital stock of the Otero Ditch Company, which are owned by Aurora, or in which Aurora has a contractual right to purchase or right to lease, as of the date of the Decree entered in this case. The water rights decreed to the Otero Ditch are: 5.3.1. 123 cfs in the water right assigned priority no. 13, with an appropriation date of March 3, 1890, as decreed by the Bent County District Court, on April 08, 1905. 5.3.2. 334.92 cfs in the water right assigned priority no. 62, with an appropriation date of February 2, 1903, as decreed by the Bent County District Court, on August 30, 1922. 6. **Amount claimed.** The maximum rates of release of substitute supply, maximum rates of diversion by exchange, and maximum instantaneous rate of exchange for each conditional, exchange described herein are set forth in the following table:

		EXCHANGE-TO POINT:								
		Pueblo Res	Excelsior or D HG	Colo Canal HG	Otero Canal HG	Catlin Canal HG	Holbrook Can HG	Rocky Ford D HG	Ft. Lyon Canal HG	4T Ranch HG
(LOCATION on ARKANSAS R)	rate (cfs)	500	60	756	123	245	600	116	50	50
Stonewall Spgs S. Res Outlet	32	32	xxx	xxx	xxx	xxx	xxx	xxx	xxx	xxx
Stonewall Spgs Cent. Res Outlet	32	32	xxx	xxx	xxx	xxx	xxx	xxx	xxx	xxx
Stonewall Spgs E. Res Outlet	32	32	xxx	xxx	xxx	xxx	xxx	xxx	xxx	xxx
Haynes Cr Res Outlet	100	100	60	xxx	xxx	xxx	xxx	xxx	xxx	xxx
Apishapa River	55	55	55	55	55	xxx	xxx	xxx	xxx	xxx
Smith Hollow	90	90	60	90	90	90	xxx	xxx	xxx	xxx

Patterson Hollow	40	40	40	40	40	40	40	40	xxx	xxx
Lake Meredith Outlet	400	400	60	xxx	123	245	xxx	116	xxx	xxx
Dye Res Outlet	132	132	60	132	123	132	xxx	116	xxx	xxx
Timpas Creek	145	145	60	145	123	145	145	116	xxx	xxx
Holbrook Res Outlet	200	200	60	200	123	200	200	116	xxx	xxx
Swink Drainage Ditch Section 32	75	75	60	75	75	75	75	75	xxx	xxx
Drainage Ditch	20	20	20	20	20	20	20	20	xxx	xxx
Crooked Arroyo	145	145	60	145	123	145	145	116	xxx	xxx
Adobe Creek	150	150	60	150	123	150	150	116	xxx	xxx
J. Martin Res	400	400	60	400	123	245	400	116	50	50

7. Proposed uses and places of use. No change of water rights is sought in this case; the exchanges sought herein will not be operated absent an administrative or judicial quantification of the historical use of the Shares. The types of use and places of use of the water diverted by exchange will be limited to those allowed by the applicable administrative or judicial authorization for non-irrigation uses of the water under which the exchange is operated. Similarly, authorization for Storage of water derived from the Shares will be obtained in the applicable future administrative or judicial proceedings. **8. Names and addresses of owners of land upon which any new or modified diversion structures are or will be located, or upon which water is or will be stored.** 8.1. 4T Ranch Reservoirs & 4T Ranch Headgate (Arkansas River mainstem): AV Farms, LP, 385 Inverness Pkwy Ste 140, Englewood, CO 80112. 8.2. Holbrook Reservoir No. 1: Holbrook Mutual Irrigation Company, P.O. Box 34, Cheraw, Colorado 81030. Richard & J Carolyn Case, 180 E Costilla Ave, Centennial, CO 80122. Holbrook Drainage District, La Junta, CO 81050. Colorado Water Protective and Development Association, 205 S Main St, Fowler, CO 81039. State of Colorado, 1313 Sherman St, Ste 621, Denver, CO 80203. 8.3. Dye Reservoir: Holbrook Mutual Irrigation Company, 26334 Highway 266, Rocky Ford, Colorado 81067, with separate mailing address: P.O. Box 34, Cheraw, Colorado 81030. Quarter Circle LT Inc, 2475 County Lane 16, Ordway, CO 81603. 8.4. Lake Henry: Colorado Canal Company, 331 Main Street, Ordway, Colorado 81063, with separate mailing address: P.O. Box 8, Ordway, CO 81063. 8.5. Lake Meredith: Colorado Canal Company, 331 Main Street, Ordway, Colorado 81063, with separate mailing address: P.O. Box 8, Ordway, CO 81063. 8.6. Haynes Creek Reservoir: Recovery of Yield Water Authority, 319 West Fourth Street, Pueblo, Colorado 81003. 8.7. Stonewall Springs Reservoir Complex (South, Central & East): Triview Metropolitan District, 16055 Old Forest Pt, Ste 302, Monument, CO 80132. 8.8. Pueblo Reservoir: US Department of the Interior, Bureau of Reclamation, Eastern Colorado Area Office, 11056 West County Road 18-E, Loveland, Colorado 805379711. **9. Remarks.** 9.1. Additional Exchange-From and Exchange-To Points: Aurora reserves the right to include additional Exchange-From and/or Exchange-To Points located within the reach currently defined by the upper most Exchange-To Point and the lowest Exchange-From Point in this application, provided Aurora does so prior to the Court's entry of a decree in this matter. 9.2. Points

of release of substitute supply. The points from which substitute supplies will be released will be defined in the administrative or judicial proceeding(s) allowing the use of those substitute supplies for non-irrigation uses. 9.3. Additional sources of substitute supply: Aurora reserves the right to include additional shares of the Catlin Canal Company and/or the Otero Ditch Company to the shares referenced in Paragraph 5 above for use as substitute supply in the exchanges decreed in this case, provided Aurora has acquired ownership, a leasehold, or contractual right to purchase the shares prior to the Court's entry of a decree in this matter. 9.4. Relation Back: Aurora asserts that the modified claims stated in this Second Amended Applications relate back to the June 30, 2025 date of appropriation. 9.5. Aurora claims the right to also exchange the substitute supplies described in this application pursuant to the appropriative rights of exchange decreed in Case Nos. 84CW62, 84CW63, and 84CW64 to the extent doing so is determined to be lawful and appropriate by the Water Court. 9.6. Aurora acknowledges that various intergovernmental agreements to which it is a party impose obligations and limitations on its use of the substitute supplies described herein for municipal purposes, and Aurora intends to comply with such obligations and limitations. 9.7. Aurora asserts that the exchange appropriations that are the subject of this application are part of an integrated system for water diversion, transmission, storage, treatment, and distribution withing the meaning of C.R.S. § 37-92-301. WHEREFORE, Applicant requests that the Court enter a decree approving the conditional appropriative rights of substitution and exchange as requested herein and for other and further relief as the Court deems appropriate.

CASE NO. 2026CW3037; MARIA LAKES GRAZING ASSOCIATION, LLC, c/o Donald E. Siecke, Manager, 7343 S. Alton Way, Ste. 100, Centennial, CO 80122 (Please address all pleadings and inquiries regarding this matter to Applicant's attorneys: Karl D. Ohlsen, Beth Ann J. Parsons, and Sarah B. Wiedemann, Carlson, Hammond & Paddock, L.L.C., 1900 N. Grant Street, Suite 1200, Denver, CO 80203-4539; Phone Number: (303) 861-9000, Fax Number: (303) 861-9026; E-mail: kohlsen@chp-law.com, baparsons@chp-law.com, swiedemann@chp-law.com)

Amended Application For Change Of Water Rights

HUERFANO COUNTY, COLORADO

2. Decreed water right for which change is sought: Applicant owns an undivided eleven-one hundred twentieths (11/120ths) interest (68.75% of 4/30th) ("Applicant's Subject Water Rights") out of an undivided 4/30th interest pursuant to contract with the City of Walsenburg, Colorado, in and to the Coler Ditch and Reservoir System Water Rights. The Coler Ditch and Reservoir System Water Rights are defined and described by the Stipulation between the City of Walsenburg and George Habib and others, Civil Action No. 4468, District Court of Huerfano County, Colorado, dated February 5, 1975 (and other agreements). In Case No. 03CV80, District Court, Huerfano County, the court entered a decree quieting title to certain water rights, including an undivided 4/30ths interest in the Coler Ditch and Reservoir System Water Rights then held by Colorado East Bank & Trust, Custodian for the David Wallerstein IRA. The undivided 4/30ths interest is referred to herein as the Wallerstein 4/30ths Interest. Applicant's Subject Water Rights are a portion of the Wallerstein 4/30ths Interest. **A. Name and original decrees of water rights to be changed:** i. Lake Miriam Ditch: a. Legal descriptions of structure: i. Legal

description of structure as described in the original decree entered by the District Court of the Third Judicial District, Huerfano County, on June 12, 1889: The Southeast quarter of the Southeast quarter of Section 32, Township 28 South, Range 67 West of the 6th P.M. Huerfano County, Colorado. ii. Legal description of structure as described by the Stipulation between the City of Walsenburg and George Habib and others, Civil Action No. 4468, District Court of Huerfano County, Colorado, dated February 5, 1975, and decrees described in Section 2(B) of this Application: The headgate of the Lake Miriam Ditch, which diverts from the Cucharas River, is located in the Northwest quarter of the Southeast quarter of Section 32, Township 28 South, Range 67 West of the 6th P.M. Huerfano County, Colorado. The Lake Miriam Ditch is the feeder canal for Lake Miriam Reservoir, Lake Oehm Reservoir, and the Coler Seepage Reservoir. iii. Actual physical location of structure: The headgate of the Lake Miriam Ditch, which diverts from the Cucharas River, is located in the Southeast quarter of the Northeast quarter of Section 32, Township 28 South, Range 67 West of the 6th P.M. Huerfano County, Colorado. UTM Coordinates NAD83 13 S; Easting: 508063 Northing: 4157930; Source: CDSS MapViewer. B. Lake Miriam Ditch was awarded a decree for a 20 cfs direct flow water right from the Cucharas River, with an appropriation date of March 1, 1884, Priority No. 61, by the District Court of the Third Judicial District, Huerfano County, on June 12, 1889.

ii. Lake Miriam Reservoir (a/k/a Horeshoe Reservoir): a. Legal descriptions of structure: i. Legal description of structure as described by the original decree by the decree in CA1414 (“Atwood Decree”), dated October 3, 1921, Matter of the Adjudication of Priorities of Right to the Use of Water in Water District No. 16, State of Colorado: Lake Miriam Reservoir is located in the West Half of Section 13, Township 28 South, Range 67 West, 6th P.M. Huerfano County, Colorado. ii. Legal description of structure as described by the Stipulation between the City of Walsenburg and George Habib and others, Civil Action No. 4468, District Court of Huerfano County, Colorado, dated February 5, 1975, and decrees described in Section 2(B) of this Application: The Lake Miriam Reservoir is located in the West 1/2 of Section 13 and the Northwest 1/4 of Section 24, Township 28 South, Range 67 West of the 6th P.M. Huerfano County, Colorado. iii. Actual physical location of the structure: The dam (above the outlet) is in the Southeast 1/4 of the Southwest 1/4 of Section 13, Township 28 South, Range 67 West, 6th P.M. Huerfano County, Colorado. UTM Coordinates NAD83 13 S; Easting: 513799.4 Northing: 4162034.0; Source: CDSS MapViewer. B. Lake Miriam Reservoir was awarded a storage decree for 50,000,000 cubic feet (1,148 acre-feet) of water from the Cucharas River with an appropriation date of April 14, 1901, by the Huerfano County District Court, Water District 16, on October 3, 1921. iii. Lake Oehm Reservoir (a/k/a Martin Lake): a. Legal descriptions of structure: i. Legal description of structure as described by the original decree by the decree in CA1414 (“Atwood Decree”), dated October 3, 1921, Matter of the Adjudication of Priorities of Right to the Use of Water in Water District No. 16, State of Colorado: Lake Oehm Reservoir is situated in the East Half of Section 13, Township 28 South, Range 67 West, 6th P.M. Huerfano County, Colorado. ii. Legal description of structure as described by the Stipulation between the City of Walsenburg and George Habib and others, Civil Action No. 4468, District Court of Huerfano County, Colorado,

dated February 5, 1975, and decrees described in Section 2(B) of this Application: Lake Oehm Reservoir is located in the East 1/2 of Section 13, Township 28 South, Range 67 West of the 6th P.M. and the West 1/2 of Section 18, Township 28 South, Range 66 West of the 6th P.M., Huerfano County, Colorado. iii. Actual physical location of the structure: The dam (above the outlet) is in the Northwest 1/4 of the Southwest 1/4 of Section 18, Township 28 South, Range 66 West, 6th P.M. Huerfano County, Colorado. UTM Coordinates NAD83 13 S; Easting: 515052.3 Northing: 4162261.0; Source: CDSS MapViewer. b. Lake Oehm Reservoir was awarded a storage decree for 100,000,000 cubic feet (2,296 acre-feet) of water from the Cucharas River with an appropriation date of April 30, 1901, by the Huerfano County District Court, Water District 16, on October 3, 1921. In addition, the Lake Oehm Reservoir Enlargement was decreed for 12,070,000 cubic feet (277 acre-feet) with an appropriation date of November 25, 1905, by the Huerfano County District Court, Water District 16, on October 3, 1921. iv. The Coler Reservoir System Cucharas Delivery Flume: a. Water released to the Cucharas River from storage in the above-described reservoirs is delivered through the Coler Reservoir System Cucharas Delivery Flume, which is located in the NE 1/4 of the SW 1/4 of Section 17, Township 28 South, Range 66 West of the 6th P.M., Huerfano County, Colorado at a point approximately 1,350 feet from the West line and 2,400 feet from the South line of said Section 17 and from this point to the confluence of the Coler Reservoir System outlet channel and the Cucharas River, which confluence is located in the NE 1/4 of the SW 1/4 of Section 17, Township 28 South, Range 66 West of the 6th P.M., Huerfano County, Colorado at a point approximately 1,600 feet from the West line and 2,150 feet from the South line of said Section 17. A map depicting the approximate locations of the structures of the Coler Ditch and Reservoir System 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.) **B. All relevant subsequent decrees:** The Wallerstein 4/30ths Interest, which includes Applicant's Subject Water Rights, has been the subject of the following decrees: i. Civil Action Nos. 3266 and 3848: On December 30, 1966, in Civil Action Nos. 3266 and 3848, the Huerfano County District Court, Water District 16, entered a decree changing the Coler Ditch and Reservoir System Water Rights to allow their use as follows: Not only for irrigation, but also for domestic and culinary use, for fire protection, for sewer flushing, for street sprinkling and flushing, for generation of steam and electricity, for manufacturing, for recreation, and for such other purposes and uses as are usual or customary for municipal purposes and for the welfare of the inhabitants of a municipality; PROVIDED, HOWEVER, that "irrigation" as used herein shall mean lawn and garden, park and other municipal irrigation and shall not mean rental or leasing by the City to farmers and ranches for irrigation of crops. ii. Case Nos. 02CW121: A portion of the Wallerstein 4/30ths Interest was changed to allow use for augmentation by decree entered in Case No. 02CW121, Water Division No. 2, dated March 18, 2005. iii. Case No. 10CW35: A change of a portion of Wallerstein's 4/30ths Interest in the Coler System was approved for use for augmentation, including augmentation by exchange, by decree in Case No. 10CW35, Water Division No. 2, dated August 6, 2013. iv. Case No. 97CW108(C): A 1/120th interest in the Wallerstein 4/30ths Interest was changed to allow

use for augmentation, including augmentation by exchange, by decree entered in Case No. 97CW108(C), Water Division No. 2, dated October 17, 2016. This included a change in the location of storage of the 1/120th interest for use pursuant to the plan for augmentation. v. Case No. 10CW61: A portion of the Wallerstein 4/30ths Interest was changed by decree entered in Case No. 10CW61, Water Division No. 2, dated December 26, 2013, to allow use for oil and gas exploration and operations in Huerfano County including, without limitation, industrial, commercial, irrigation, replacement, and augmentation, including storage and exchange for said beneficial uses. vi. Cases Nos. 97CW108(C), 02CW121, 10CW35, and 10CW61 resulted in a determination that total diversions under the Wallerstein 4/30ths Interest were 50% consumptive. Those decrees require that 50% of the total diversions be released into the Cucharas River to replace historical return flows when the Wallerstein 4/30ths Interest was applied to the changed uses. **C. Decreed source of water:** Cucharas River. **D. Appropriation Dates:** See paragraph A, above. **E. Total Amount Decreed to Structure:** See subparagraphs 2.A. i.b., ii.b., and iii.b., above. **F. Decreed use:** Applicant's Subject Water Rights were originally decreed for irrigation and domestic uses and changed in subsequent decrees as enumerated in paragraph 2.B, above. **G. Amount of water that applicant intends to change:** The entirety of Applicant's Subject Water Rights. **3. Detailed description of proposed change:** **A. Summary of proposed change:** Applicant seeks to change the Subject Water Rights to add an alternate place of storage and an alternate point of diversion and to change the place of use for the same. Nothing in this application modifies, amends, or nullifies the Applicant's augmentation plan decreed in Case Nos. 03CW031 and 03CW097. (Pursuant to the decrees in Case Nos. 03CW031 and 03CW097, both dated June 30, 2006, those two cases were consolidated.) **B. Change in place of use:** Applicant seeks to change the place of use of Applicant's Subject Water Rights to allow use within its service area, the approximate location of which is shown on Exhibit B, as that service area exists or may exist in the future. i. Place of storage: Applicant will store the Subject Water in the alternate point of storage located as described below and shown in Exhibit B. 1. Maria Stevens Reservoir, WDID #1603718. The high-water line is at the continuous contour elevation of 5,748 in portions of the E1/4 SE1/4 of Section 20; the W1/2 of Section 21; the E1/2 NE1/4 of Section 29; and the NW1/4 of Section 28, all in Township 27 South, Range 65 West of the 6th P.M. in Huerfano County, Colorado. The location can also be described as UTM (NAD83) 528333 Easting and 41609042 Northing. ii. Change in the point of diversion: Applicant seeks to use an alternate point of diversion for the storage right changed herein, at the Duran Ditch, as described in Case No. 03CW31, the Duran Ditch diverts from the North bank of the Cucharas River in the SE1/4SW1/4 of Section 29, Township 27 South, Range 65 West of the 6th P.M. The approximate location of the alternate point of diversion is shown in Exhibit B. **C. Change in the type of use:** Applicant seeks to change the type of use of Applicant's Subject Water Rights to include domestic water service to 72 residential units and irrigation not to exceed 6 acres of landscape amenities adjacent to those units. Applicant's Subject Water Rights will be stored for subsequent application to such uses. In addition, Applicant's Subject Water Rights may be stored for purposes of reaching and maintaining an optimal surface

water level for recreation uses and fish protection as described in Paragraph 18 of the decree in Case No. 03CW097. Since the uses of Applicant's Subject Water Rights are limited to the historical consumptive use proposed herein, that water may be used for fully consumptive uses. Applicant reserves the right to use and reuse Applicant's Subject Water Rights successively to extinction, as adjudicated in a future application. Applicant also reserves the right to apply for additional uses and/or additional places of use in a future adjudication. **D. Historical Use:** i. Historical Diversions: A summary of diversion records for the Coler System water rights for the study period of 2008 through 2025 is attached hereto as Exhibit C. The average annual historical diversions of Applicant's Subject Water Rights is 205.19 a.f., with a maximum diversion of 647.65 a.f. in 2017 and a minimum of 14.81 a.f. in 2018. ii. Historical Consumptive Use: Applicant will apply the determination from Cases No. 97CW108(C), 10CW35, and 10CW61, allocating 50% of historical diversions of the Wallerstein 4/30ths Interest as transferrable consumptive use. Applicant calculates its average annual historical transferrable consumptive use for Applicant's Subject Water Rights as 102 a.f., with a maximum in any one year of 323.82 a.f. iii. Historical Return Flows: Applicant adopts the determination in Case Nos. 97CW108(C), 10CW35, and 10CW61 requiring the release of 50% of the total annual diversions of Applicant's Subject Water Rights to the Cucharas River from the Coler System as replacement of historical return flows. iv. Applicant will continue to divert Applicant's Subject Water Rights into the Coler System, and to measure and account for the same prior to release and re-diversion at the Duran Ditch headgate to storage in Maria Stevens Reservoir for subsequent use in Applicant's service area. **4. Name(s) and address(es) of owner(s) of land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool. The applicant must notify these persons that the applicant is applying for this water right, and certify to the Court that the applicant has done so.** The Maria Stevens Reservoir is an existing storage structure owned by the Applicant. As a result, no additional notice is required under § 37-92-302(2)(b), C.R.S., in this instance.

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

CASE NO. 2026CW3038, Water Division 2 and CASE NO. 2026CW3119, Water Division 1; SHARON AND MARK WEATHERFORD, 12328 S. State Hwy 83, Franktown, CO 80116 (Please address all pleadings and inquiries regarding this matter to Applicant's attorneys: Chris D. Cummins and Sedona E. Chavez, Monson, Cummins, Shohet & Farr, LLC, 13511 Northgate Estates Dr., Ste. 250, Colorado Springs, CO 80921 (719) 471-1212)

Application For Change of Water Right, Adjudication of Well, Water Storage Right and Plan for Augmentation

DOUGLAS COUNTY

II. Applicants own an approximately 62-acre parcel of land in Douglas County, Colorado. The Denver Basin groundwater underlying this property was adjudicated in Water Division

1 Case No. 05CW135. Applicants seek to change the decreed uses of the Denver Basin groundwater underlying the property, adjudication of a well and water storage right, and approval of a plan for augmentation for the use of a not-nontributary Dawson aquifer well for provision of water to the property, including a lined pond. **III.** Applicants' 62-acre property lies in the N½ SW¼ of Section 13, Township 10 South, Range 66 West of the 6th P.M., Douglas County, Colorado ("Applicants' Property"), as approximately shown on the Exhibit A map attached to the application, (All exhibits mentioned herein are incorporated by reference and may be inspected at the office of the clerk of this Court.) and as more specifically described as follows: Northeast Quarter Southwest Quarter and that part of the Northwest Quarter Southwest Quarter lying east of Colorado State Highway No. 83, all in Section 13, Township 10 South, Range 66 West of the Sixth Principal Meridian, County of Douglas, State of Colorado. Also known as 12328 S State Hwy 83, Franktown, CO 80116, to which the Douglas County Assessor has assigned parcel I.D. number 2773-133-00-004. The Denver Basin groundwater underlying Applicants' Property was adjudicated by Decree of the Division 1 Water Court in Case No. 05CW135 dated December 28, 2005, which is summarized below ("Water Rights"). Applicants seek to change the decreed uses of the Water Rights, which were specifically decreed as follows:

AQUIFER / CHARACTER	SATURATED THICKNESS (Feet)	TOTAL APPROPRIATION (Acre-Feet)	ANNUAL AVG. WITHDRAWAL 100 YEARS (Acre-Feet)
Dawson / NNT	380	3,780	37.8 ¹
Denver / NT	360	3,790	37.9
Arapahoe / NT	320	3,370	33.7
Laramie-Fox Hills / NT	195	1,810	18.1

The Water Rights are decreed for the following beneficial uses upon the Applicants' Property: domestic, commercial, irrigation, stock water, recreation, fisheries and wildlife, fire protection, central water supply for such uses, exchange and augmentation purposes, and also for storage for such uses. Applicants seek a decree changing the decreed uses of the Water Rights to add "filling of ponds, pools, hot tubs, and other water features," in addition to all other beneficial uses decreed in Water Division 1 Case No. 05CW135. This proposed change will apply to the entirety of the Water Rights decreed in Case No. 05CW135, as described above. Applicants do not request any other changes. **IV.** Big Pine Well No. 1. 288814-A, to be re-permitted upon approval of the plan for augmentation requested herein. Big Pine Well No. 1 is located in Douglas County, Colorado in the NE¼ SW¼ of Section 13, Township 10 South, Range 66 West of the 6th P.M. (UTM coordinates: NAD83, Zone 13 523449 Easting, 4336629 Northing). Dawson aquifer underlying Applicants' Property. Up to 1.687 annual acre-feet. Domestic, commercial, irrigation, stock water, recreation, fisheries and wildlife, fire protection, filling of ponds, pools, hot tubs, and other water features, central water supply for such uses, exchange and augmentation purposes, and also for storage for such uses. **V.** Ponderosa Pond ("Pond"). The center of the Pond is located in the NE¼ SW¼ of Section 13, Township 10 South, Range 66 West of the 6th P.M., approximately 2,014 feet from the West Section

¹ This amount reflects a reservation of 5.3 acre-feet from the Dawson aquifer, sufficient to supply exempt wells on the above tract pursuant to C.R.S. § 37-92-602.

line and 2,134 feet from the South Section line (UTM Coordinates: X 523312.71583, Y 4336693.70862, Zone 13, NAD83), as approximately depicted in the attached Exhibit A map. All structures described in this Application are located in Douglas County, Colorado. 0.49 acres 8 feet. Dawson aquifer groundwater from Big Pine Well No. 1, as augmented according to the plan for augmentation requested herein. 1.96 acre-feet. Irrigation, stock water, recreation, fisheries and wildlife, and fire protection. Applicants will fill and refill the Pond with fully augmented Dawson aquifer groundwater diverted from the Big Pine Well No. 1, as re-permitted according to the plan for augmentation requested herein. It is anticipated that the Pond will be lined so as not to intercept groundwater. **VI.** The structure to be augmented is Big Pine Well No. 1, along with any replacement or additional wells associated therewith, which is currently permitted as an exempt structure under well permit number 288814-A. Big Pine Well No. 1 is constructed to the Dawson aquifer on Applicants' Property and will be re-permitted according to the plan for augmentation requested herein once approved and decreed by the Water Court. The current well permit is attached as Exhibit B to this Application, as well as an approximate map of the Applicants' Property showing the approximate location of Big Pine Well No. 1, attached as Exhibit A. The water rights to be used for augmentation during pumping of Big Pine Well No. 1 are the return flows resulting from the pumping of the not-nontributary Dawson aquifer from Big Pine Well No. 1, together with water rights from the nontributary Laramie-Fox Hills aquifer for any injurious post-pumping depletions, as adjudicated and decreed in Case No. 05CW135. Applicants seek to provide for the augmentation of stream depletions caused by pumping of the not-nontributary Dawson aquifer by Big Pine Well No. 1 constructed on Applicants' Property described herein. Water use criteria and their consumptive use component for replacement of actual depletions for the Applicants' Property are estimated as follows: Pumping from the Dawson aquifer by Big Pine Well No. 1 will be a maximum of 1.687 acre-feet of water per year. Such uses shall be for domestic, commercial, irrigation, stock water, recreation, fisheries and wildlife, fire protection, filling of ponds, pools, hot tubs, and other water features, central water supply for such uses, exchange and augmentation purposes, and also for storage for such uses. Big Pine Well No. 1 will pump a maximum of 1.687 acre-feet from the Dawson aquifer annually, for the uses described above. An example breakdown of this combination of use is in-house use of 0.20 acre-feet of water per year for in-door domestic uses on Applicants' Property, with the additional 1.487 acre-feet per year available for any other remaining uses, including filling and refilling the Pond. It is estimated that maximum stream depletions over the 100-year pumping period for the Dawson aquifer amounts to approximately 10.67% of pumping. Maximum annual depletions for total pumping from the Big Pine Well No. 1 is therefore 0.18 acre-feet in year 100 (i.e. 10.67% of pumping). Should Applicants' pumping be less than the 1.687 acre-feet total per year described herein, resulting depletions and required replacements will be correspondingly reduced, so long as depletions resulting from pumping are adequately replaced. Pursuant to C.R.S. § 37-90-137(9)(c.5), Applicants are required to replace actual stream depletions attributable to pumping of a well completed to the Dawson aquifer. Depletions during pumping will be effectively replaced by residential return flows from a non-evaporative septic system. The annual consumptive use for non-evaporative septic systems is 10%. At a household rate of 0.20 acre-feet per residence per year, 0.18 acre-feet is replaced to the stream per year from a primary residence on Applicants' Property, assuming the

use of a non-evaporative septic system. Thus, during pumping, stream depletions (0.18 acre-feet) will be adequately augmented. For the replacement of any injurious post-pumping depletions that may be associated with the use of Big Pine Well No. 1, Applicants will reserve up to 168.7 acre-feet of the water from the underlying nontributary Laramie-Fox Hills aquifer, accounting for actual stream depletions replaced during the pumping period, as necessary to replace any injurious post-pumping depletions. Applicants also reserve the right to substitute other legally available augmentation sources for such post-pumping depletions upon further approval of the Court under its retained jurisdiction. Even though this reservation is made, under the Court's retained jurisdiction, Applicants reserve the right in the future to prove that post-pumping depletions will be noninjurious. The reserved nontributary Laramie-Fox Hills groundwater will be used to replace any injurious post-pumping depletions. Upon entry of a decree in this case, the Applicants will be entitled to apply for and receive a new well permit for the Big Pine Well No. 1, and any replacement or additional wells, for the uses in accordance with this Application and otherwise in compliance with C.R.S. § 37-90-137.

CASE NO. 2026CW3039; STATE ENGINEER AND WATER DIV 2 ENGINEER vs. ANDREW STOREY – Verified Complaint for Injunctive Relief, Penalties, and Costs. This case is being listed in the resume to account for the case number in consecutive order.

CASE NO. 2026CW3040, Water Division 2 and CASE NO. 2026CW3135, Water Division 1; JANICE L DUNCAN, 6440 Highline Place, Colorado Springs, CO, 80908

(Please address all pleadings and inquiries regarding this matter to Applicant's attorney: Philip E. Lopez, Eric K. Trout, Fairfield & Woods, P.C., 1801 California St, Denver, CO, 80202)

Application for Underground Water Rights from Nontributary and Not-Nontributary Sources and Approval of a Plan For Augmentation, in the Nontributary Denver, Arapahoe and Laramie-Fox Hills Aquifers and the Not-Nontributary Dawson Aquifer

EL PASO COUNTY

Subject Property: A parcel totaling approximately 18.65 acres generally located in the SW1/4 of the NE1/4 of Section 7, Township 12 South, Range 65 West of the 6th P.M., also known as 6440 Highline Place, Colorado Springs, CO, 80908, 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 will provide notice within ten (10) days of filing this application to all mortgage or lien holders as required under C.R.S. § 37-92-302(2)(b), as follows: The El Paso Mortgage Company, 4779 North Academy Boulevard, Colorado Springs, CO, 80918. **Concurrent Filing:** For purposes of notice, this Application is being filed concurrently in Water Division 1 and Water Division 2, as depletions from pumping under the proposed augmentation plan will affect both Divisions. The Applicant anticipates that the two cases will be consolidated in Water Division 2 following the close of the objection period. **Well Permits:** There is an existing unregistered well on the Subject Property ("Unregistered Well"). The Unregistered Well will be registered and permitted under the plan for augmentation requested in this application. Additional well permits will be applied for prior to construction of additional wells. **Source of Water Rights:** The Dawson Aquifer is not-nontributary as defined in C.R.S. § 37-90-103(10.7), and the Lower Dawson, Denver,

Arapahoe, and Laramie-Fox Hills aquifers are nontributary as defined in C.R.S. § 37-90-103(10.5). Estimated Volumes: Applicant desires to leave no groundwater adjudicated. Applicant estimates the following volumes may be available for withdrawal:

Aquifer	Estimated Annual Volume 100 Years (acre-feet)	Estimated Annual Volume 300 Years (acre-feet)	Estimated Total Volume (acre-feet)
Dawson (NNT)	12.01	4.00	1,201
Denver (NT)	14.37	4.79	1,437
Arapahoe (NT)	7.75	2.58	775
Laramie-Fox Hills (NT)	5.28	1.76	528

Proposed Uses: Groundwater withdrawn from the not-nontributary and nontributary aquifers underlying the Subject Property will be used, reused, and successively used to extinction for all allowable beneficial uses, including, but not limited to, domestic, including in-house use, commercial, irrigation, stock watering, fire protection, recreational, fish and wildlife, and augmentation purposes, including storage. The water may be immediately used or stored for subsequent use, used for exchange purposes, for direct replacement of depletions, and for other augmentation purposes, including taking credit for all return flows resulting from the use of such water for augmentation of, or as an offset against, any out-of-priority depletions. The water may be leased, sold, or otherwise disposed of for all the above uses both on and off the Subject Property. 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: 1.7 acre-feet per year of not-nontributary Dawson Aquifer groundwater for 300 years. Water Rights to be Used for Augmentation: Return flows from the use of not-nontributary and nontributary groundwater and direct discharge of nontributary groundwater. Statement of Plan for Augmentation: The not-nontributary Dawson Aquifer groundwater will be used in up to two (2) wells. Each well will provide the following uses: Well No. 1: In-house use in up to two (2) single-family dwellings (0.6 acre-feet per year), outdoor irrigation of up to 2,000 square-feet (0.1 acre-feet per year), water of up to 4 large domestic animals (0.05 acre-feet per year) fire protection, and storage anywhere on the Subject Property. Total use of 0.75 acre-feet per year. Well No. 2: In-house use in up to two (2) single-family dwellings (0.6 acre-feet per year), outdoor irrigation of up to 6,000 square-feet (0.3 acre-feet per year), water of up to 4 large domestic animals (0.05 acre-feet per year) fire protection, and storage anywhere on the Subject Property. Total use of 0.95 acre-feet per year. Applicant reserves 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 Applicant will replace actual depletions pursuant to C.R.S. § 37-90-137(9)(c.5). Depletions occur to the South Platte River and Arkansas River stream systems and return flows accrue to those stream systems and are sufficient to replace actual depletions while the subject groundwater is being pumped. Applicant will reserve an equal amount of nontributary groundwater underlying the Subject Property to meet post-pumping augmentation requirements. Applicant requests

the Court approve the above underground water rights and 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.

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 October 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 September 2026.



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



(Court seal)
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