DISTRICT COURT, WATER DIVISION NO. 2, COLORADO

RESUME OF CASES FILED AND/OR ORDERED PUBLISHED DURING October 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 October 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. 2026CW3027; Previous Case No. 21CW3042 – CABIN CREEK CONSTRUCTION, c/o Donman Hart, 10760 Chiming Bell Circle, Peyton, CO 80831

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

Amended Application for Amendment of Decree Adjudicating Denver Basin Groundwater

EL PASO COUNTY

II. Applicant submitted its original Application for Amendment of Decree Adjudicating Denver Basin Groundwater on May 27, 2026. The Consultation Report submitted in this case identified where the Arapahoe (NNT) and Arapahoe (NNT-4%) groundwater underlying the subject property are located and specified where each may be withdrawn. Based on these findings Applicant herein submits this Amended Application to Amend Decree to further detail its request regarding the Arapahoe (NNT) and Arapahoe (NNT-4%) groundwater. Applicant seeks to amend the decree entered in Case No. 21CW3042, District Court, Water Division 2, dated February 11, 2022 ("21CW3042 Decree") to remove a combined total of eight (8) annual acre-feet of the adjudicated Arapahoe aquifer groundwater Applicant was conveyed with the land described herein in order to supply up to eight (8) exempt wells on the property. The 21CW3042 Decree adjudicated groundwater rights underlying approximately 850 acres of land. This included land in the E½ SW¼, NW¼ SW¼, and N½ of Section 17, the S½ NE¼, SE¼ NW¼, and the NE¼ SW¼ of Section 19, and the W½ SE¼ of Section 20, all in Township 13 South, Range 60 West of the 6th P.M., located in El Paso County, Colorado, and labeled as Parcels A-F, as shown on **Exhibit A** attached to the application ("Decree Property"). (All exhibits mentioned herein are incorporated by reference and may be inspected at the office of the clerk of this Court.) The 21CW3042 Decree adjudicated all of the Arapahoe and Laramie-Fox Hills aquifer water underlying the Decree Property. The adjudication of the Arapahoe aquifer eliminated the ability to utilize any of the Arapahoe aquifer groundwater for exempt well permits pursuant to § 37-92-602, C.R.S. On November 13, 2025, Applicant purchased approximately 440 acres of land that was a part of the Decree Property, being Parcel A on the attached **Exhibit A**. This parcel is located in the E½ SW¼, NW¼ SW¼, and N½ of Section 17, Township 13 South, Range 60 West of the 6th P.M., El Paso County, Colorado, also known as n/a N. Ramah Highway, Yoder, CO 80864 and Ramah Hwy, Yoder, CO 80864, as described in **Exhibit B**, recorded at El Paso County Reception

No. 225098981 ("Applicant's Property"). Included with the purchase of Applicant's Property was a portion of the groundwater rights in the not-nontributary Arapahoe, the not-nontributary 4% Arapahoe, and the nontributary Laramie-Fox Hills aquifers subject of the 21CW3042 Decree, including the following:

Aquifer	Net Sand (ft)	Total Withdrawal (Acre-Feet)	Annual Average Withdrawal Over 100 Years (Acre-Feet)
Arapahoe (NNT)	90	4,180	41.8
Arapahoe (NNT – 4%)	90	2,560	25.6
Laramie-Fox Hills (NT)	200	13,200	132

All of these groundwater rights were transferred to Applicant with the purchase of Applicant's Property as detailed in the Corrective Quitclaim Deed recorded at El Paso County Reception No. 226042894. **Exhibit C**. **III.** Requested Amendment to 21CW3042 Decree. Applicant seeks to remove and vacate a total of 500 acre feet, or five (5) annual acre-feet, of not-nontributary Arapahoe aquifer water underlying the Applicant's Property from the 41.8 annual acre-feet of Arapahoe (NNT) groundwater adjudicated for Applicant's Property in the 21CW3042 Decree so that exempt well permits may be issued for Applicant's Property pursuant to § 37-92-602(1)(b), C.R.S. Applicant also seeks to remove and vacate a total of 300 acre-feet, or three (3) annual acre-feet, of not-nontributary 4% Arapahoe aquifer water underlying Applicant's Property from the 25.5 annual acre-feet of Arapahoe (NNT-4%) groundwater adjudicated for Applicant's Property in the 21CW3042 Decree so that exempt well permits may be issued for Applicant's Property pursuant to § 37-92-602(1)(b), C.R.S. In order for an exempt well permit to be issued, sufficient water has to be made available to supply such well. As all the water is currently locked up in the adjudication of the 21CW3042 Decree, Applicant seeks to remove five annual acre-feet of the Arapahoe (NNT) groundwater and three annual acre-feet of the Arapahoe (NNT-4%) groundwater so that it may be used to supply exempt wells on Applicant's Property. Pursuant to C.R.C.P. 121, Section 1-15(8), the undersigned counsel certifies that there were no opposers to the underlying Case No. 21CW3042. Applicant seeks no other amendments to the 21CW3042 Decree. **IV.** Applicant hereby certifies and affirms that there are no lienholders on this property, rendering the lienholder notice provisions set forth in § 37-92-302(2)(b) and § 37-90-137(4)(b.5)(I), C.R.S., inapplicable to this application.

CASE NO. 2026CW3049; Previous Case Nos. (19CW3085, 13CW3026, 06CW88, 00CW9, 92CW99, 86CW70,82CW127, W-2694(78), W-2694); COLORADO CENTRE METROPOLITAN DISTRICT, Al Testa, Manager, 9686 Flagstone Street, Colorado Springs, CO 80925 (Please address all pleadings and inquiries regarding this matter to Applicant's attorneys: Madoline Wallace-Gross, Casey J. Weaver, Lyons Gaddis, PC, PO Box 978, Longmont, CO 80502-0978, (303)776-9900; *mwg@lyonsgaddis.com; cweaver@lyonsgaddis.com)*

Application for Findings of Reasonable Diligence

EL PASO COUNTY

2. **Names of structures**: 200 Series Wells (a/k/a Janitell Well Nos. 201, 204, 214, and 217) **3. Description of conditional water rights for the 200 Series Wells**: 3.1. **Original decree**: Case No. W-2694, Division Court, Water Division No. 2, entered on June 21,

1976. 3.2. **Subsequent diligence decrees**: Case No. W-2694(78), entered on March 19, 1981; Case No. 82CW127, entered on June 9, 1983; Case No. 86CW70, entered on December 4, 1986; Case No. 92CW99, entered on December 21, 1993; Case No. 00CW9, entered on August 25, 2000; Case No. 06CW88, entered on July 16, 2007; Case No. 13CW3026, entered on December 17, 2013; and Case No. 19CW3085, entered on October 1, 2020. 3.3. **Locations**: A map showing the general locations of the structures 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.) 3.3.1. *Well No. 201*: The decreed location of the well is the SW1/4 SE1/4 of Section 10, T. 15 S., R. 65 W., 6th P.M., whence the SW corner of said Section 10 bears S.69°55' W., 3,265 feet; WDID 1005330. The Division Engineer has assigned it a location of UTM (NAD83) easting 530099 and northing 4289652. 3.3.2. *Well No. 204:* The decreed location of the well is the NW1/4 NE1/4 of Section 10, T. 15 S., R. 65 W., 6th P.M., whence the NW corner of said Section 10 bears N.73°24' W., 2,958.9 feet; WDID 1005333. The Division Engineer has assigned it a location of UTM (NAD83) easting 530169.3 and northing 4290713.8. 3.3.3. *Well No. 214:* The decreed location of the well is the SE1/4 SE1/4 of Section 3, T. 15 S., R. 65 W., 6th P.M., whence the SW corner of said Section 3 bears S.72°32' W., 4,688 feet; WDID 1005344. The Division Engineer has assigned it a location of UTM (NAD83) easting 530477 and northing 4291380.3. 3.3.4. *Well No. 217:* The decreed location of the well is the SW1/4 SE1/4 of Section 3, T. 15 S., R. 65 W., 6th P.M., at a point approximately 4,960 feet from the north line and 3,900 feet from the west line of said Section 3; WDID 1005347. The Division Engineer has assigned it a location of UTM (NAD83) easting 530425 and northing 4291030.5. 3.4. **Source:** Groundwater from the Jimmy Camp Creek Aquifer 3.5. **Appropriation dates, remaining conditional uses, and amounts:** 3.5.1. *Well No. 201*: June 29, 1972, for municipal use; 450 gpm, conditional. 3.5.2. *Well No. 204*: 3.5.2.1. March 20, 1930, for irrigation use; 140 gpm of the 360 gpm, conditional. 3.5.2.2. February 18, 1955, for municipal use; 140 gpm of the 360 gpm, conditional. 3.5.3. *Well No. 214*: 3.5.3.1. May 1, 1952, for irrigation use; 110 gpm of the 490 gpm, conditional. 3.5.3.2. February 18, 1955, for municipal use; 110 gpm of the 490 gpm, conditional. 3.5.4. *Well No. 217*: 3.5.4.1. March 20, 1930, for irrigation; 125 gpm of the 375 gpm, conditional. 3.5.4.2. February 18, 1955, for municipal use; 125 gpm of the 375 gpm, conditional. **4. Amount claimed absolute:** Not applicable. **5. Claim for reasonable diligence, including expenditures:** The 200 Series Wells are part of an integrated system for supplying the water demands of Applicant's service area. The following is a summary of specific projects and work undertaken during the diligence period in furtherance of the development of these conditional water rights and Applicant's integrated water system: 5.1. Applicant spent over $398,000 on maintenance, repairs, and capital improvements to its water infrastructure, which is necessary for the treatment and delivery of water diverted pursuant to the water rights. 5.2. Applicant spent over $458,000 on ditch company share assessments for water rights used in decreed augmentation plans used to replace depletions from the 200 Series Wells and other water rights that are part of its integrated water supply system. 5.3. Applicant spent over $486,000 on legal, engineering, and other consultant expenses associated with developing, operating, maintaining, and protecting its water rights and water infrastructure, including: 5.3.1. Opposing applications to protect these water rights in Case Nos. 22CW3040,

23CW3039, 23CW3053, 24CW3008, 24CW3021, and 24CW3034. 5.3.2. Prosecuting applications related to these water rights, including Case No. 20CW3053 (a change of ten Fountain Mutual Irrigation Company shares for use as an augmentation source to replace out-of-priority pumping of the 200 Series Wells) and 24CW3037 (diligence on the conditional groundwater right for the 200 Series Wells 1st Enlargement). **6. Owners of land upon which the structures are or will be located**: 6.1. *Well No. 201*: BLH No. 2, LLC, 111 S. Tejon St., Ste. 222, Colorado Springs, CO 80903-2246. 6.2. *Well No. 204*: Tristan R. Lewis, 9308 Jackrabbit Ln., Colorado Springs, CO 80925-8510. 6.3. *Well No. 214*: Applicant. 6.4. *Well No. 217*: Applicant. WHEREFORE, Applicant respectfully requests the Court enter a decree finding that Applicant has been reasonably diligent in perfecting the remaining conditional portions of the water rights and granting any other relief that the Court deems just and proper.

CASE NO. 2026CW3050; Previous Case Nos. 90CW34, 2013CW3049 and 2020CW 3014 – FERNANDO SALAZAR, P.O. Box 126, Gardner, CO 81040 (Please address all pleadings and inquiries regarding this matter to Applicant's attorney: Linda McMillan, Kwitek McMillan, P.C., 601 N. Main St., Ste. 200, Pueblo, CO 81003, 719-544-5081)
Application for Finding of Reasonable Diligence
HUERFANO COUNTY
Applicant seeks a finding of reasonable diligence for the following conditional water right: **2. Name of Structure**: S&P Ditch **3. Description of Conditional Water Rights:** A. Date of Original Decree:. October 10, 2007, Case No. 1990 CW 34, Court: Water Division 2 B. Subsequent decrees awarding findings and diligence: March 10, 2014, Case No. 2013 CW 3049, Court: Water Division 2 and October 20, 2020, Case No. 2020 CW 3014, Court: Water Division 2. C. Legal Description: SW ¼ NE ¼ Section 28, Township 26 South, Range 70 West, 6th P.M., Huerfano County, Colorado, being 2500 feet west of the east line and 1870 feet south of the north line of Section 28. See general location map attached to the application. (All attachments mentioned herein are incorporated by reference and may be inspected at the office of the clerk of this Court.) D. Source of water: Huerfano River. E. Appropriation Date: July 30, 1990. Amount: 2.0 cfs conditional. F. Use: Irrigation. **4. Provide a detailed outline of what has been done toward completion of the appropriation.** The previously installed headgate is still in place and operational; a weir has been installed. Water is currently being applied as decreed. **7. Names and addresses of owners or reputed owners of the land upon which any structure exists:** None other than applicant.

CASE NO. 2026CW3051; Previous Case Nos. 2020CW3007 and 2001CW108 – CITY OF FOUNTAIN, COLORADO, c/o Utilities Director, 101 N. Main Street, Fountain, CO 80817 (719) 322-2010 (Please address all pleadings and inquiries regarding this matter to Applicant's attorneys: Andrea L. Benson and Gilbert Y. Marchand, Jr., Alperstein & Covell P.C., 2299 Pearl Street, Suite 400-C, Boulder, CO 80302, (303) 894-8191)
Application for Finding of Reasonable Diligence
EL PASO AND PUEBLO COUNTIES
2. Name of Water Right: Fountain Pueblo Reservoir Exchange. **3.** Description of conditional water rights, with required information from prior decree. Date of original decree: March 4, 2014; Case No: 2001CW108 ("Original Decree"); Court: Water Court,

Water Division No. 2. **4.** Subsequent decrees awarding diligence: Date of decree: October 21, 2020; Case No: 2020CW3007 ("First Diligence Decree"); Court: Water Court, Water Division No. 2. **5.** Decreed exchange reach. The decreed downstream terminus of the exchange reach is the confluence of Fountain Creek and the Arkansas River, in the NE 1/4 of Section 6, Township 21 South, Range 64 West of the 6th P.M. in Pueblo County, Colorado. The decreed upstream terminus of the exchange reach is located on the Arkansas River at Pueblo Reservoir, which is located at the intersection of Pueblo Dam axis and the Arkansas River, whence the NE corner of Section 36, Township 20 South, Range 66 West of the 6th P.M. bears North 61 degrees 21' 20" East a distance of 2,511.05 feet. Said reservoir inundates all or portions of Sections 7, 18, 19, 20, 21, 22, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35 and 36, Township 20 South, Range 66 West of the 6th P.M., Sections 1, 2, 3, 4, 5, 9, 10 and 11, 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, Township 20 South, Range 67 West of the 6th P.M., and has an existing capacity of approximately 357,678 acre-feet. See location map attached hereto as Figure 1. **6.** Source of Water. 6.1. Fountain Mutual Irrigation Company shares. The Original Decree authorizes exchange of fully-consumable water available from 358 shares of Fountain Mutual Irrigation Company ("FMIC") which were quantified and changed in Case Nos. W-4396 and W-4559 (consolidated) ("Augmentation Plan I"), Case No. 85CW110 ("Augmentation Plan II"), and Case No. 91CW21 (which incorporates an additional well into Augmentation Plan II and is herein included in references to Augmentation Plan II.)

FMIC water rights are decreed as follows: FMIC Direct Flow Rights (FN1)

Fountain Creek Priority Number	Priority Date	Decree Date	Total Decree (cfs)
4	9/21/1861	3/6/1882	9.84 (5.38) (FN2)
7	4/1/1862	3/6/1882	1.125
11	2/1/1863	3/6/1882	16.69
21	12/31/1864	3/6/1882	4.65
28	12/31/1866	3/6/1882	8.48
29	12/31/1867	3/6/1882	9.68
41	9/21/1874	3/6/1882	17.05
168	1/31/1903	6/2/1919	343.2

FN1. Prior change of water rights decrees for FMIC shares have consistently referenced an interest in Priority No. 17, Priority Date 12/31/1863, with an adjudication date of 3/6/1882 for 4.25 cfs. The owner of 4.25 cfs of Priority No. 17 historically made available half of the Priority No. 17 right (2.125 cfs) to FMIC in return for the carriage of the other 2.125 cfs to its owner through the Fountain Mutual Ditch. Fountain acquired the entirety of the 4.25 cfs of the Priority No. 17 right, and in Case No. 19CW3081, changed one-half of the Priority No. 17 right for Fountain's uses and abandoned the one-half of Priority No. 17 right historically made available to FMIC. None of the Priority No. 17 water right was included in any previous quantifications of the historical use of the FMIC water rights. The diversions under Priority No. 17 are not included in the calculations of consumptive use

for purposes of the Original Decree. As a result of the foregoing, reference to Priority No. 17 has been removed from the table describing FMIC Direct Flow interests. FN2. FMIC's interest in Priority No. 4 is 5.38 c.f.s. The amount of 1.73 c.f.s. was changed on application of Security Water District in Case No. 90CW28. In addition to the 5.38 c.f.s., FMIC claims the right to divert any of the remaining 2.73 c.f.s. decreed to this priority which is not used by the owner. Diversions under Priority No. 4 in excess of FMIC's 5.38 c.f.s. interest are not included in calculations of consumptive use of FMIC shares for purposes of the Original Decree. The Original Decree does not decide what historical use or place of use is attributable to diversions under Priority No. 4. The Original Decree is without prejudice to any future claim by FMIC for diversions in excess of 5.38 c.f.s. under Priority No. 4.

FMIC Storage Right

Reservoir	Priority Date	Decree Date	Total Decree (AF)
Fountain Valley No. 2 (Big Johnson)	3/18/1903	6/2/1919	10,000

6.2 Fryingpan-Arkansas Project Reusable Return Flows ("Project Water Return Flows"). These include reusable Project Water Return Flows that accrue to Fountain Creek after use of Fryingpan-Arkansas Project Water ("Project Water") in Fountain's treated water distribution system. The Fryingpan-Arkansas Project has the following decrees: West Slope Decrees: The Fryingpan-Arkansas Project diverts surface water from the headwaters of Hunter Creek and the Fryingpan River and their tributaries in Pitkin County, Colorado. The principal water rights were adjudicated by the decrees in C.A. 4613 (District Court, Garfield County, Colorado) dated June 20, 1958 and August 3, 1959, and were modified by the decree in Case No. W-829-76 (District Court, Water Division 5, Colorado) dated November 27, 1979, and were supplemented by the decree in Case No. 83CW352 (District Court, Water Division No. 5), dated May 31, 1985. These water rights have an appropriation date of July 29, 1957. Water diverted under these decrees travels under the Continental Divide through Boustead Tunnel, which empties into Turquoise Reservoir. This water may be stored in Turquoise Reservoir, Twin Lakes Reservoir, and elsewhere, and applied to beneficial use within the boundaries of the Southeastern Colorado Water Conservancy District. Because the water is imported from another river basin, it is fully consumable in Water Division No. 2. East Slope Decrees: The Fryingpan-Arkansas Project also diverts and stores surface water from the Arkansas River and its tributaries in Lake, Chaffee, Fremont and Pueblo Counties. The principal water rights were adjudicated by the decrees in Civil Action No. 5141 (District Court, Chaffee County, Colorado) dated July 9, 1969, and Civil Action No. B-42135 (District Court, Pueblo County), dated June 25, 1962, and were modified and supplemented by the judgment and decree in Case No. 80CW6 (District Court, Water Division No. 2), dated October 23, 1980. These water rights include storage in Turquoise Reservoir, Twin Lakes Reservoir and elsewhere, with an appropriation date of February 10, 1939, and are expressly decreed for reuse and exchange for beneficial use within Southeastern's district boundaries. Under these decrees, Turquoise Reservoir and Twin Lakes Reservoir may store native or imported water, directly or by exchange with each other or with Pueblo Reservoir. **7.** Appropriation dates and amount: FMIC Water: March 27, 2001. Project Water Return Flows: February 10, 1939 (measured municipal reusable Project Water return flows); January 12, 1989 (unmeasured lawn irrigation return flows attributable to Project Water).The decreed rate of exchange is 19 cfs, with a maximum annual volume

of 4,800 acre-feet. In the First Diligence Decree, 3.09 cfs was made absolute, with 15.91 cfs remaining conditional. **8.** Uses. All municipal purposes, including augmentation and exchange. **9.** Use of Pueblo Reservoir. 9.1. Fountain's Right to Use Pueblo Reservoir. Pueblo Reservoir is owned and operated by the U.S. Bureau of Reclamation ("Reclamation"), as part of the Fryingpan-Arkansas Project, and Fountain has the right to use Pueblo Reservoir for exchange, storage or otherwise only pursuant to contract with the owner of the facility. Southeastern is party to a contract with Reclamation that allows storage, including carryover storage as therein provided, by Fountain and other municipalities within the Southeastern District, of allocated Project Water. Fountain has the contractual right to annual delivery of up to 2,000 acre-feet of Project Water, delivered from Pueblo Reservoir though the Fountain Valley Conduit pursuant to an agreement dated July 10, 1979, and related contracts. Fountain is party to Contract No. 11XX6C0004, dated May 4, 2011, entitled "Contract Between the United States of America and the City of Fountain for the Use of Excess Capacity in the Facilities of the Fryingpan-Arkansas Project," which allows storage of certain fully-consumable non-Project water in Pueblo Reservoir, in addition to Project Water and reusable Project Water return flows. Fountain is also beneficiary of Contract No. 11XX6C0005, entitled "Contract Between the United States of America and the City of Colorado Springs for Conveyance and for the Operation, Maintenance, and Replacement Costs Associated with the North Outlet Works, a Facility of the Fryingpan-Arkansas Project, pursuant to which Fountain is entitled to delivery of water from Pueblo Reservoir via the Southern Delivery Pipeline and/or the Fountain Valley Conduit. Fountain may in the future be party to other contracts regarding the storage of water in Pueblo Reservoir, and conveyance of that water to the City of Fountain. 9.2. Delivery of water from Pueblo Reservoir. All water stored by or on behalf of Fountain in Pueblo Reservoir pursuant to the Fountain Pueblo Reservoir Exchange is fully consumable, and may be released from Pueblo Reservoir to the Arkansas River for use by Fountain for augmentation purposes pursuant to decreed augmentation plans, or delivered by pipeline to Fountain for all of its municipal uses, including domestic, irrigation, recreation, storage, piscatorial, commercial, industrial, replacement, substitution, augmentation, exchange and further reuse and exchange to extinction, storage and release from storage for all of the foregoing purposes. **10.** The application does not, and is not intended to, modify Southeastern's decrees for the Project Water rights. Any and all use of Project Water and return flows therefrom pursuant to this decree will be subject to said decrees, and to all lawful rules, regulations, policies, and contract obligations of Southeastern, as they may be amended from time to time. Project Water and return flows therefrom may be used only within Southeastern District boundaries, as a supplemental supply for all lawful municipal purposes, including irrigation of lawns and gardens, municipal parks, golf courses and open space, but may not be used for agricultural irrigation unless such use is specifically approved by Southeastern. Fountain's augmentation use of such water will be only to augment or replace depletions resulting from Fountain's beneficial use of water within Southeastern District boundaries. Similarly, Fountain's exchange use of such water will be only to make water available for Fountain's beneficial use within Southeastern District boundaries. Fountain may use and exchange Project Water and return flows therefrom pursuant to this decree only if, when, and to the extent such water is allocated and/or sold to Fountain by Southeastern. **11.** Detailed outline of what has been done toward completion or for

completion of the appropriation and application of water to beneficial use as conditionally decreed, including expenditures: 11.1. The Fountain Pueblo Reservoir Exchange is a component of Fountain's integrated water supply system. During this diligence period, Fountain operated the Fountain Pueblo Reservoir Exchange pursuant to the terms and conditions of the Original Decree and First Diligence Decree. Fountain has in place infrastructure as well as measuring, accounting, recordkeeping and reporting systems required to operate the exchange to its full extent, subject to the terms and conditions of the Original Decree and First Diligence Decree. Fountain has agreed to forego operation of the Fountain Pueblo Reservoir Exchange under certain circumstances as provided in the Intergovernmental Agreement among the Cities of Pueblo, Fountain, Colorado Springs and Aurora, Southeastern, and the Board of Water Works of Pueblo, effective May 27, 2004, as such agreement may be amended from time to time ("Regional IGA"). The Regional IGA allows Fountain to recover as "Foregone Diversions" water that is not exchanged when exchange is foregone pursuant to the Regional IGA. Fountain, together with other parties to the Regional IGA, filed and prosecuted Case No. 06CW120, whereby Foregone Diversions can be captured for later exchange consistent with the Regional IGA. Case No. 06CW120 was decreed on August 17, 2016, and a corrected decree was entered on April 20, 2017. The decree in Case No. 06CW120 provides Fountain with greater opportunity to realize the benefit of the Fountain Pueblo Reservoir Exchange. During the last diligence period, Fountain, together with other parties to the Regional IGA, established the ROY Authority to most effectively accomplish the purposes of the ROY Program through as a single entity. 11.2. Fountain has continued to purchase and use Project Water for use in its municipal system, and to purchase Project Water Return Flows, which can be exchanged under the Fountain Pueblo Reservoir Exchange. 11.3. During this diligence period, Fountain continued to repair, improve, operate and maintain its integrated water supply system, of which the Fountain Pueblo Reservoir Exchange decreed in the Original Decree is a part. To enable Fountain to more effectively provide water service to its existing and future customers, it expended approximately $18.4 million during this diligence period for capital infrastructure investment to construct, repair and improve its wells, water system infrastructure and related infrastructure and projects that are part of the efficiency, operation and maintenance of its integrated water supply system. 11.4. Fountain defended its water rights, including the Fountain Pueblo Reservoir Exchange, against applications filed by others in cases in which Fountain determined that injury to its water rights could occur in the absence of appropriate protective terms and conditions. During this diligence period, Fountain expended approximately $200,000 in water counsel fees, and approximately $220,000 in water engineering fees in opposition to water court applications filed by others, in order to protect and defend its water rights.

12. Names and addresses of owners of the land upon which any new diversion structure 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. Fountain has not constructed and does not intend to construct any new diversion structure or storage structure, or modification to any existing diversion or storage structure in connection with its operation of the Fountain Pueblo Reservoir Exchange. The land on which Pueblo Reservoir is located is located on land or easements owned by the United States Department of Interior, Bureau of Reclamation, Eastern Colorado Area Office, 11056 West County Road 18-E, Loveland CO 80537-9711. WHEREFORE, Applicant City of Fountain, having

demonstrated that it has steadily applied effort to complete the appropriation of the remaining 15.91 cfs conditional portion of the Fountain Pueblo Reservoir Exchange in a reasonably expedient and efficient manner under all the facts and circumstances, respectfully requests that this Court find that the remaining 15.91 cfs conditional portion of the Fountain Pueblo Reservoir Exchange be continued for another six years, or such period as may otherwise be permitted by law.

CASE NO. 2026CW3052; JAMES C. PERRY, 11915 Jordan Road, Fountain, Colorado 80817 (Please address all pleadings and inquiries regarding this matter to Applicant's attorney: Ryan W. Farr, Monson, Cummins, Shohet & Farr, LLC, 13511 Northgate Estates Drive, Suite 250, Colorado Springs, CO 80921 (719) 471-1212)
Application for Adjudication of Exempt Well
EL PASO COUNTY

II. Applicant wishes to adjudicate the groundwater supply related to his exempt well and maintain the exempt status of the well. **III.** Property Description: Applicant is the owner of a tract of land located in the SE1/4 of the NE1/4 of Section 17, Township 16 South, Range 65 West of the 6th P.M., El Paso County, State of Colorado, containing approximately 7.21 acres, more or less, and known as Tract 6, Filing 1, Fountian Farms Subdivision ("Applicant's Property"). *See* **Exhibit A** map of the Applicant's Property 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.) Name of Structure: Perry Well. Legal Description of Well: The Perry Well is located in El Paso County, Colorado in the SE1/4 of the NE1/4 of Section 17, Township 16 South, Range 65 West of the 6th P.M., NAD83 UTM, Zone 13S, 527469m East, 4278845m North. Source: Groundwater tributary to Fountian Creek, tributary to the Arkansas River. Appropriation: Date of Initiation of Appropriation: December 28, 2011. How Appropriation was Initiated: Filing of a well permit with the Division of Water Resources. Date Water Applied to Beneficial Use: January 5, 2012. Amount Claimed: 15 gpm, absolute. Uses: Fire protection, ordinary household purposes inside not more than one single family dwelling, and the watering of domestic animals. Well Permit No.: 287314--A. Land Ownership: The land upon which the Perry Well is constructed and where the water is and has been used is owned by Applicant. Remarks: The Perry Well, which is the subject of this Application, is an exempt well with permit issued pursuant to C.R.S. § 37-92-602(3)(c), which such previous well that was relocated was permitted pursuant to C.R.S. § 37-92-602(5) for the uses authorized by C.R.S. § 37-92-602(1)(b), and a decree for the Perry Well is sought pursuant to C.R.S. § 37-92-602(4). It is Applicant's intent to maintain the exempt status of the Perry Well.

CASE NO. 2026CW3053; Previous Case Nos. 2003CW13, 2013CW3047 and 2020CW3008) – ALAN AND REBECCA WATTS, 277 Skyview Drive, Mossyrock, WA 98564 (Please address all pleadings and inquiries regarding this matter to Applicant's attorneys: Andrea L. Benson and Gilbert Y. Marchand, Jr., Alperstein & Covell P.C., 2299 Pearl Street, Suite 400-C, Boulder, CO 80302, (303) 894-8191)
Application for Finding of Reasonable Diligence
FREMONT COUNTY

2. Name of structure: Mill Creek Spring; Type: Spring. **3.** Describe conditional water right including the following information from previous decree: a. Original Decree: October 18, 2007, Case No. 2003CW13, Water Court, Division 2, State of Colorado; b. Findings of Fact, Conclusions of Law, Ruling of Referee and Decree of Court Finding Reasonable Diligence: March 10, 2014, Case No. 2013CW3047, Water Court, Division 2, State of Colorado; and c. Findings of Fact, Conclusions of Law, Ruling of Referee and Decree of Court Finding Reasonable Diligence: October 1, 2020, Case No. 2020CW3008, Water Court, Division 2, State of Colorado. **4.** Legal description: SW ¼ SE ¼ Section 20, Township 19 South, Range 70 West, 6th P.M., Fremont County, Colorado, 200 feet from the South line and 1800 feet from the East line of Section 20. In Case No. 2020CW3008, an alternative legal description was provided by the Division Engineer, Division 2, in its Summary of Consultation, and was included in the 2020CW3008 decree as follows: WDID# 1202726; UTM (NAD 83) Easting 478779.6, Northing 4247300, Note: Spotted from section lines – GPS needed. See **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.) **5.** Source of water: Natural spring tributary to Mill Creek, tributary to Arkansas River. **6.** Appropriation Date: July 24, 2002. **7.** Amount: .0334 cfs (15 gpm, conditional). **8.** Use: Stock water. **9.** Provide a detailed outline of what has been done toward completion or for completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures, during the previous diligence period: During the diligence period, the Applicants purchased the Mill Creek Spring water right along with the property on which it is located and used. Applicant conducted several site visits to investigate the possibility of improving the spring to more efficiently divert this water right to apply it to beneficial use on the property. Applicant improved roads on the property for purposes of access, in part, to the Mill Creek Spring. Applicant made improvements to the spring by clearing a small area and digging a shallow depression to allow water to seep in and pool. This pool has remained open with the water level at approximately the same level during all seasons for the past four years. Even though the Mill Creek Spring water right can also be used in its undeveloped state, Applicant does not seek to make any portion of this water right absolute in this application. The Mill Creek Spring is an integral part of Applicant's integrated stock watering and irrigation water supply system for their property. During this diligence period, Applicant expended approximately $22,000 in costs to develop this water right. In order to improve efficiency, Applicant is in the process of conducting further research into spring improvements. Applicant has hired an attorney and expended approximately $2,500 in connection with this diligence filing. **10.** Names and addresses of owners or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool: Applicant. WHEREFORE, Applicant respectfully requests the Court to grant the Application and to enter an order finding Applicant has exercised reasonable diligence in the development of the conditional water right and that the conditional water right shall be continued for another six years, or such period as may otherwise be permitted by law.

CASE NO. 2026CW3054; Previous Case Nos. 19CW3074 and 98CW38 - Town of Buena Vista ("Buena Vista"), c/o Brian Berger, Town Administrator, P.O. Box 2002,

Buena Vista, CO 81211 (Please address all pleadings and inquiries regarding this matter to Applicant's attorneys: Andrea L. Benson and Gilbert Y. Marchand, Jr., Alperstein & Covell P.C., 2299 Pearl Street, Suite 400-C, Boulder, CO 80304, (303) 894-8191)
Application to Make Absolute or in the Alternative for Finding of Reasonable Diligence
CHAFFEE COUNTY

2. Name of Water Right: Buena Vista Well Exchange. **3.** Description of conditional water rights, with required information from prior decree. a. Date of original decree: November 14, 2013, Case No: 98CW38 Water Court, Water Division No. 2 ("Original Decree"). b. Subsequent decrees awarding diligence: October 1, 2020, Case No: 19CW3074 Water Court, Water Division No. 2. **4.** Decreed Exchange Reach: The exchange reach decreed in the Original Decree is from the confluence of the Arkansas River and Cottonwood Creek in Section 16, Township 14 South, Range 78 West of the 6th P.M. in Chaffee County upstream on Cottonwood Creek to Well No. 2. Well No. 2 is located in SE¼ of the NE¼ of Section 13, Township 14 South, Range 79 West of the 6th Principal Meridian, Chaffee County, Colorado, 780 feet west of the east section line of Section 13, and 2100 feet south of the north section line of Section 13. See location map attached hereto as Figure 1. **5.** Source of Water. The source of the water exchanged pursuant to the Original Decree is Fryingpan-Arkansas Project Water ("Project Water"), which has the following decrees: a. West Slope Decrees: The Fryingpan-Arkansas Project diverts surface water from the headwaters of Hunter Creek and the Fryingpan River and their tributaries in Pitkin County, Colorado. The principal water rights were adjudicated by the decrees in C.A. 4613 (District Court, Garfield County, Colorado) dated June 20, 1958 and August 3, 1959, and were modified by the decree in Case No. W-829-76 (District Court, Water Division 5, Colorado) dated November 27, 1979, and were supplemented by the decree in Case No. 83CW352 (District Court, Water Division No. 5), dated May 31, 1985. These water rights have an appropriation date of July 29, 1957. Water diverted under these decrees travels under the Continental Divide through Boustead Tunnel, which empties into Turquoise Reservoir. This water may be stored in Turquoise Reservoir, Twin Lakes Reservoir, and elsewhere, and applied to beneficial use within the boundaries of the Southeastern Colorado Water Conservancy District. Because the water is imported from another river basin, it is fully consumable in Water Division No. 2. b. East Slope Decrees: The Fryingpan-Arkansas Project also diverts and stores surface water from the Arkansas River and its tributaries in Lake, Chaffee, Fremont and Pueblo Counties. The principal water rights were adjudicated by the decrees in Civil Action No. 5141 (District Court, Chaffee County, Colorado) dated July 9, 1969, and Civil Action No. B-42135 (District Court, Pueblo County), dated June 25, 1962, and were modified and supplemented by the judgment and decree in Case No. 80CW6 (District Court, Water Division No. 2), dated October 23, 1980. These water rights include storage in Turquoise Reservoir, Twin Lakes Reservoir and elsewhere, with an appropriation date of February 10, 1939, and are expressly decreed for reuse and exchange for beneficial use within Southeastern's district boundaries. Under these decrees, Turquoise Reservoir and Twin Lakes Reservoir may store native or imported water, directly or by exchange with each other or with Pueblo Reservoir. **6.** Appropriation Date: February 10, 1939. In Case No. 96CW17 (the "96CW17 Decree"), Buena Vista was awarded a conditional decree for an appropriative right of exchange from the confluence of the Arkansas River and Cottonwood Creek in Section 16, Township 14 South, Range 78 West of the 6th P.M. in Chaffee County, up Cottonwood

Creek to locations including Rainbow Lake and Cottonwood Reservoir as the upstream termini. The point of diversion for Cottonwood Reservoir is located on South Cottonwood Creek, in Section 36, Township 14 South, Range 80 West of the 6th P.M. in Chaffee County, Colorado. The point of diversion for Rainbow Lake is located on Middle Cottonwood Creek, in the South ½ of Section 19 and the North ½ of Section 30, Township 14 South, Range 79 West of the 6th P.M. in Chaffee County. The locations of these two reservoirs are shown on Figure 1. Well No. 2 is within this exchange reach, and the Original Decree included Well No. 2 as an additional point of exchange of Buena Vista's allocated and purchased Project Water. As provided in the Original Decree, the Buena Vista Well Exchange is subject to and included within the exchange limits in the 96CW17 Decree. Well No. 2 may divert Project Water by exchange as provided in the 96CW17 Decree. **7.** Amount: 0.334 cfs (150 gpm) (0.254 cfs ABSOLUTE, 0.08 cfs CONDITIONAL). **8.** Uses. All municipal purposes, including domestic, firefighting, commercial, industrial, and recreational uses, and irrigation of parks, open spaces, golf course, lawns and gardens within Buena Vista's service area. **9.** Detailed outline of what has been done toward completion or for completion of the appropriation and application of water to beneficial use as conditionally decreed, including expenditures: a. Buena Vista owns and operates an integrated water supply system, with infrastructure currently consisting of an infiltration gallery, stream diversion, wells, treatment facilities, water mains, lines and distribution systems and related infrastructure, as well as water rights and supplies, and contractual storage agreements, all of which provide water for municipal uses to Buena Vista and its customers. The Well Exchange is part of Buena Vista's integrated water supply system. Pursuant to C.R.S. § 37-92-301(4)(b), when an integrated system is composed of several features, as is the case here, work on one feature of the system is considered in finding that reasonable diligence has been shown in the development of water rights for all features of the entire system. b. During this diligence period, Buena Vista continued to work with Upper Arkansas Water Conservancy District ("Upper Arkansas") to develop a long-term integrated plan of water management that may include a plan to increase exchange potential on Cottonwood Creek. Increased exchange potential on Cottonwood Creek will allow Buena Vista to operate the Buena Vista Well Exchange more frequently. c. Out of priority depletions from Well No. 2 are augmented as provided in the Original Decree. The Original Decree provides for release of water from storage in Cottonwood Lake when needed to provide augmentation to Cottonwood Creek, and the 96CW17 Decree provides, inter alia, for Buena Vista to exchange Project Water to storage in Cottonwood Lake for augmentation uses. Cottonwood Lake is owned by the United States Forest Service and is used pursuant to a Special Use Permit held by Upper Arkansas. During this diligence period, Buena Vista continued to work with Upper Arkansas to evaluate expansion of the available operational storage capacity of Cottonwood Lake, and worked with the Forest Service to obtain a new or renewed Special Use Permit for storage space in Cottonwood Lake. A renewal of the Special Use Permit with the Forest Service was approved, design and engineering for replacement of the dam and spillway of the reservoir has been completed, the project has been put out to bid, and a contractor has been selected to complete the project before next year's irrigation season. d. Buena Vista has continued to purchase and use Project Water allocated by Southeastern. To the best of Buena Vista's knowledge, its purchase and use of Project Water has been and remains consistent with Southeastern's decrees

and Allocation Principles (as they may from time to time be amended) and such policies, procedures, contracts, charges and terms as have been lawfully determined by Southeastern from time to time in its discretion. Buena Vista's current Project Water supplies total 808 acre-feet. e. During this diligence period, Buena Vista has continued to improve, operate and maintain its integrated water supply system, of which the Buena Vista Well Exchange decreed in the Original Decree is a part. To enable Buena Vista to more effectively provide water service to its existing and future customers, it has spent approximately $8,750,000 in the construction, repair and improvement of its water system infrastructure and related infrastructure and projects that are part of the efficiency, operation and maintenance of its integrated water supply system. In addition, Buena Vista has purchased water rights in the Bray Allen Ditch and initiated a change of water rights application to include it as a source of supply in the Town's municipal water portfolio. These efforts have allowed Buena Vista to continue to provide reliable water service to its existing customers and to plan for anticipated future demand. f. Buena Vista has defended its water rights, including the Buena Vista Well Exchange, against applications filed by others in cases in which Buena Vista has determined that injury to its water rights could occur in the absence of appropriate protective terms and conditions. During this diligence period, Buena Vista has expended approximately $180,000 in water counsel fees and $903,464 in water engineering fees, in connection with upgrades and maintenance to the Town's water system, opposition to water court cases filed by others, in order to protect and defend its water rights, as well as to prosecute water court applications to continue conditional water rights and to change newly purchased water rights. **10.** Claim to Make Absolute the Remaining Portion of the Conditional Exchange. a. Date: On February 21, 2025, Buena Vista operated the Buena Vista Well Exchange in priority, when there was no call on Cottonwood Creek. Depletions of Well No. 2 were replaced the next month with Project Water via the exchange. A copy of the February accounting is attached hereto as Appendix A. The Water Commissioner's written consent to operate the exchange to Well No. 2 is attached hereto as Appendix B. b. Amount: 0.334 cubic feet per second (cfs). c. Use: The water withdrawn by exchange from Well No. 2 was used in Buena Vista's municipal water distribution to provide municipal water service to its customers. **11.** Names and addresses of owners of the land upon which any new diversion structure 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. Buena Vista has not constructed any new diversion structure or storage structure, or modification to any existing diversion or storage structure in connection with its operation of the Buena Vista Well Exchange. The land on which Well No. 2 is located is owned by Buena Vista. WHEREFORE, Applicant Town of Buena Vista, having demonstrated that it has completed appropriation of the decreed amount of 0.334 cfs of the Buena Vista Well Exchange, requests that the water right shall be made absolute in its entirety, or in the alternative that Buena Vista has exercised reasonable diligence in putting to beneficial use the remaining portion of the conditional Buena Vista Well Exchange, which should be continued for another six years, or such.

CASE NO. 2026CW3055; CITY OF WALSENBURG c/o City Administrator 525 South Albert Street, Walsenburg, CO 81089-2296 (Please address all pleadings and inquiries regarding this matter to Walsenburg's attorneys: Jennifer M. DiLalla, Cameron J. Abatti,

Moses, Wittemyer, Harrison and Woodruff, P.C., 2595 Canyon Boulevard, Suite 240, Boulder, CO 80302, (303) 443-8782)
Application for Correction of Established but Erroneously Described Point of Diversion pursuant to C.R.S. § 37-92-305(3.6)
HUERFANO COUNTY
2. Decreed water right for which correction is sought: 2.1 Name of structure: Walsenburg Ditch (WDID 1600636). 2.2 Applicant's ownership of water right: Applicant owns 27,081 shares out of the 47,165 shares outstanding in the Walsenburg Ditch Company, representing ownership of 57.42% of the water right decreed to the Walsenburg Ditch. *See Jacobucci v. Dist. Ct.*, 541 P.2d 667, 672 (1975); *High Plains A & M, LLC v. Se. Colo. Water Conservancy Dist.*, 120 P.3d 710, 724 n.10 (Colo. 2005). 2.3 Original decree: June 12, 1889, In the Matter of Priority of Water Rights in Water District No. 16, Huerfano County District Court ("Read Decree"). The Read Decree identifies the Walsenburg Ditch as Ditch No. 4 and Priority No. 5. 2.4 Legal description: The decreed point of diversion is in the SW1/4 of Section 7, T28S, R66W of the 6th P.M. The actual point of diversion is on the north bank of the Cucharas River in the NE1/4 NE1/4 of Section 17, T28S, R66W of the 6th P.M. (UTM: 517746 East, 4163078 North.) The decreed and actual locations are shown on the map attached to the application as **Ex. A**. (All exhibits mentioned herein are incorporated by reference and may be inspected at the office of the clerk of this Court.) 2.5 Source: Cucharas River, tributary to the Huerfano River, tributary to the Arkansas River. 2.6 Amount and appropriation date: 5.9 cubic feet per second ("cfs") absolute with an appropriation date of April 30, 1866. The decree entered in Civil Action 4025 in the Huerfano County District Court on July 24, 1967, *nunc pro tunc* July 18, 1967, as corrected by Order dated November 13, 1967, transferred 0.295 cfs out of the ditch ("Albright Transfer"). Following the Albright Transfer, 5.605 cfs remains decreed to the Walsenburg Ditch. 2.7 Use: Irrigation. **3.** Detailed description of proposed correction: 3.1 Erroneous description: The legal description given in the Read Decree for the Walsenburg Ditch headgate places the point of diversion at least 7,000 feet from the actual location described in paragraph 2.3 above, as shown on **Ex. A**. Three references indicate that the legal description of the Walsenburg Ditch Headgate in the Read Decree was a clerical error, as follows: (1) The Statement of Claim for the Walsenburg Ditch dated January 9, 1889, locates the headgate 448 feet north of the southeast corner of Section 8 in Township 28 South, Range 66 West. (2) The Map and Filing Statement dated March 27, 1900, for the Holita Ditch and Reservoir, which uses the Walsenburg Ditch as a carrier, states that the Walsenburg Ditch headgate is located 25 feet south of the southwest corner of Section 9, Township 28 South. (3) A map and filing statement dated June 28, 1910, for an unadjudicated enlargement of the Walsenburg Ditch and for an enlargement of the Holita Ditch and Reservoir places the Walsenburg Ditch headgate at a location 25 feet north of southwest corner of Section 9, Township 28 South, Range 66 West. These three sources place the headgate in proximity to the southeast corner of Section 8 or southwest corner of Section 9, Township 28 South, Range 66 West. While the specific locations identified in these sources are not identical, they are all situated significantly east of the SW1/4 of Section 7 as stated in the Read Decree and are each adjacent to the NE1/4 of Section 17, Township 28 South, Range 66 West. 3.2 Historical aerial photos: 3.2.1 Walsenburg's consulting experts obtained historical aerial photographs of the Walsenburg Ditch headgate dating back to 1954, the earliest year for

which such photographs are available. The 1954 aerial photograph is attached as **Ex. B**. 3.2.2 Because the 1954 photograph is too indistinct to show the headgate clearly, the experts also obtained a 1960 aerial photograph. A clean copy of the 1960 aerial photograph is attached as **Ex. C**, and the same photograph with mapping overlays identifying Colorado Decisions Support System (CDSS) mapping of the Walsenburg Ditch point of diversion is attached as **Ex. D**. 3.2.3 Walsenburg's experts also obtained a 1954 aerial photograph of the decreed location of the headgate. That photograph, which is attached as **Ex. E**, does not show a headgate, ditch, or the Cucharas River at the decreed location. 3.2.4 The historical aerial photographs document that the Walsenburg Ditch headgate has never been located at its decreed location and that it has not moved. 3.3 Statutory Requirements: In accordance with C.R.S. § 37-92-305(3.6), the Walsenburg Ditch point of diversion described in the Read Decree is a point of diversion of surface water (A) that has been at the same physical location since the Read Decree confirmed the water right; (B) that is not located at the location specified in the Read Decree; and (C) from which Walsenburg has diverted water with the intent to divert under the Read Decree. The point of diversion therefore is established but erroneously described in the Read Decree. 3.4 Legal description of the corrected point of diversion: 3.4.1 Location information in UTM format: 517746 E, 4163078 N. 3.4.2 PLSS legal description: NE1/4 NE1/4 of Section 17, T28S, R66W of the 6th P.M. **4.** Names and addresses of owners or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure, is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool: No diversion structure or storage structure will be constructed or modified, and no water will be stored, under this application. Wherefore, Applicant requests that the Court enter a decree granting this Application and correcting the erroneously described point of diversion for Applicant's Walsenburg Ditch water right, as described herein.

CASE NO. 2026CW3056; Previous Case Nos. (19CW3080, 13CW3024, 04CW131). FLYING ROCKIN' R, LLC, c/o Ana C. Wyckoff, PO Box 70, Gardner, CO 81040
(Please address all pleadings and inquiries regarding this matter to Applicant's attorneys: David M. Shohet, #36675, Sedona E. Chavez, 55450. Monson, Cummins, Shohet & Farr, LLC,13511 Northgate Estates Dr., Suite 250, Colorado Springs, CO 80921. Phone Number: (719) 471-1212.E-mail: dms@cowaterlaw.com; sec@cowaterlaw.com) Application For Finding Of Reasonable Diligence

HUERFANO COUNTY

2. Names of Structures: Fuchs Pond No. 15 and Fuchs Spring Nos. 14-1 through 14-8. **3.** Description of Conditional Water Rights: Date of Original Decree: July 26, 2007. Case No: 04CW131 (consolidated with 00CW124). Court: District Court, Water Division 2. List of Subsequent Decrees Awarding Findings of Diligence: Date of Decree: December 5, 2013. Case No: 13CW3024. Court: District Court, Water Division 2. Date of Decree: October 1, 2020. Case No: 19CW3080. Court: District Court, Water Division 2. Fuchs Pond No. 15 (WDID: 7903319). Legal Description: The Fuchs Pond No. 15 is located in the Southwest 1/4 of the Southeast 1/4 of Section 1, Township 27 South, Range 71 West of the 6th P.M., Huerfano County, Colorado at a point 1900 feet from the east section line and 1120 feet from the south section line. The Division of Water Resources has located Fuchs Pond No. 15 at UTM (NAD83) 475545.3E, 4175290.3N. Source of Water: Tailwater

from upgradient irrigation, including tailwater from the Palmer Ditch, Reservoir Ditch, and all sources decreed in Case No. 00CW124; Fuchs Pond No. 6 and Pond No. 6 Enlargement; Fuchs Pond No. 12; Reservoir Ditch Enlargement; Fuchs Pond No. 11; Fuchs Springs 14-1 through 14-8, all in Township 27 South, Range 71 West of the 6th P.M., Huerfano County, Colorado. Where ponds are identified as a source of water, these references include all identified pond sources and all pond overflow to be diverted below the ponds. Date of Appropriation: December 30, 2004. Amounts and Uses Claimed: 7 acre feet, with right to refill; at a diversion rate of 5 g.p.m. for each of Fuchs Spring Nos 14-1 through 14-8 for stockwatering, recreation, wildlife and fish propagation uses. Surface area of high water line: Approximately 1.0 acre. Maximum height of dam: Approximately 9.0 to 9.5 feet. Length of dam in feet: Approximately 625 feet. Fuchs Spring Nos 14-1 through 14-8. Legal Description of Points of Diversion: Fuchs Spring Nos. 14-1 through 14-8 are located in the Southeast 1/4 Southwest 1/4 of Section 1, which are in sequential order at points 2253 feet from the west section line and 654 feet from the south section line; 2267 feet from the west section line and 680 feet from the south section line; 2300 feet from the west section line and 733 feet from the south section line; 2297 feet from the west section line and 750 feet from the south section line; 2268 feet from the west section line and 770 feet from the south section line; 2280 feet from the west section line and 773 feet from the south section line; 2293 feet from the west section line and 780 feet from the south section line; 2305 feet from the west section line and 788 feet from the south section line; all in Township 27 South, Range 71 West of the 6th P.M., Huerfano County, Colorado. The Division of Water Resources has located the Fuchs Spring Nos. 14-1 through 14-8 at the UTM coordinates listed in the table below.

		UTMs (NAD83)		
Structure	**WDID #**	**Easting**	**Northing**	**Note**
Fuchs Spring No 14-1	7902358	475187.6	4175152	spotted from section lines
Fuchs Spring No 14-2	7902359	475192	4175160	spotted from section lines
Fuchs Spring No 14-3	7902360	475202.3	4175176	spotted from section lines
Fuchs Spring No 14-4	7902361	475201.5	4175181	spotted from section lines
Fuchs Spring No 14-5	7902362	475192.7	4175187	spotted from section lines
Fuchs Spring No 14-6	7902363	475196.4	4175188	spotted from section lines
Fuchs Spring No 14-7	7902364	475200.4	4175190	spotted from section lines
Fuchs Spring No 14-8	7902365	475204.1	4175192	spotted from section lines

Source: Springs and seepage. Date of Appropriation: December 26, 2004. Amount and Uses: 5 g.p.m., for recreation, wildlife, fish propagation, and piscatorial uses (conditional), and 5 g.p.m. for stockwatering and irrigation of 10 acres (absolute). **4.** 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: Applicant seeks a finding of reasonable diligence for Fuchs Pond No. 15 and Fuchs Spring Nos. 14-1 through 14-8. During the subject diligence period, Applicant has outlaid the following expenditures or completed the following work related

to Fuchs Pond No. 15 and Fuchs Spring Nos. 14-1 through 14-8: Applicant has performed regular maintenance and repairs to the Fuchs Pond No. 15, Fuchs Spring Nos. 14-1 through 14-8, and all water infrastructure associated with such conditional water rights. Applicant has applied for Fuchs Pond No. 15, among other storage structures, to be augmented under Huerfano County Water Conservancy District's ("HCWCD") plan for augmentation decreed in Case No. 13CW3062. HCWCD issued Applicant an Augmentation Certificate on March 31, 2026. Applicant spent approximately $400 on a bathymetric survey completed for and $5,200 to have a drain valve installed in Fuchs Pond No. 15. **5.** Name and address of the owners of land on which structure is located, upon which water is or will be stored, or upon which water is or ill be placed to beneficial use: All structures are located and are used upon lands owned by the Applicant.

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 December 2026, (forms available at Clerk's office or at www.coloradojudicial.gov, after serving parties and attaching a certificate of mailing, filing fee $192.00). The foregoing are resumes and the entire application, amendments, exhibits, maps and any other attachments filed in each case may be examined in the office of the Clerk for Water Division No. 2, at the address shown below.

Witness my hand and the seal of this Court this 13th day of November 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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