

DISTRICT COURT, WATER DIVISION NO. 2, COLORADO

RESUME OF CASES FILED AND/OR ORDERED PUBLISHED DURING February 2019

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 February 2019, 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. 2016CW3010 - TRIVIEW METROPOLITAN DISTRICT, 16055 Old Forest Point, Suite 300, Monument, Colorado 80132.** (Please send all pleadings and correspondence to Applicant's counsel: Steven O. Sims; Dulcinea Z. Hanuschak, Brownstein Hyatt Farber Schreck, LLP, 410 17<sup>th</sup> Street, Suite 2200, Denver, Colorado 80202; Phone Number: (303) 223-1100; Fax Number: (303) 223-1111)

**SECOND AMENDED APPLICATION TO AMEND PLANS FOR AUGMENTATION  
EL PASO COUNTY**

This Amendment supersedes and replaces all previous applications. **3. Amended Decrees.** Applicant seeks to amend the three decrees noted below in paragraphs 3 A, 3 B and 3 C. (collectively referred to as "Existing Augmentation Plans."). The amended decrees shall all be restated in one amended plan for augmentation pertaining to all augmented structures. A. Case No. 99CW146, District Court, Water Division 2. B. Case No. 00CW152, District Court, Water Division 2. C. Case No. 02CW112, District Court, Water Division 2. **4. Nature of Amendment. A.** The Applicant for all three plans will now be Triview Metropolitan District. Wigwam Mutual Ditch Company will continue to be the operator and service provider for the Service Areas described in Exhibit A of the Existing Augmentation Plans. (All exhibits mentioned herein are incorporated by reference and may be inspected at the office of the clerk of this Court.) **B. Maximum Service Area Demand.** The Service Areas will have the same geographic boundaries described in the Existing Augmentation Plans, however this amended augmentation plan limits the maximum service area demand to 106.4 AF for the uses not part of the Fountain Valley Power LLC ("FVP") uses described in 2000CW152. **C. Reduction of Fountain Mutual Irrigation Company ("FMIC") shares used in augmentation plans.** Currently, there are 562 FMIC shares committed to the Existing Augmentation Plans. The amendment seeks water court permission to reduce the number of FMIC shares to a total of 396 FMIC shares and allow 166 FMIC shares to be withdrawn from the Existing Augmentation Plans. The amendment will not reduce the 244 FMIC shares committed to augmentation of the FVP Power Plant. **D. Addition of Augmentation Supplies.** The amendment will add reusable effluent as additional protection from injury that may be caused by removing the 166 FMIC shares from the Existing Augmentation Plans. **5. Structures Augmented.** The augmented wells in this section are collectively referred to as the "Subject Wells." Applicant does not seek to change any of the water rights associated with the Subject Wells. a. Midway Ranches POA Well No.1. i) Decree: 99CW146, Division 2. ii) Well Permit Number: 64948-F. iii) Legal Description: (1) UTM format: 528721.1 N 4270572.5 E Zone 13. (2) PLSS format: NW 1/4 SE 1/4, Section 9, Township 17 South,