

DISTRICT COURT, WATER DIVISION NO. 2, COLORADO

RESUME OF CASES FILED AND/OR ORDERED PUBLISHED DURING JANUARY 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 January 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. 2019CW1; Previous Case Nos. 2012CW84 and 2005CW78 – DAVID K. COLMAN and SUSAN J. COLMAN, 20285 Forestview Drive, Magnolia, TX 77355; (281)-356-2825

Application to Make Absolute in Whole or in Part
HUERFANO COUNTY

Name of Structure: Maley Spring. **Describe conditional water right:** Date of Original Decree: 7/20/2006; Case No.: 05CW78; Court: Water Division 2. List all subsequent decrees awarding findings of diligence: Date of Decree: 1/16/2013; Case No.: 12CW84; Court: Water Division 2. Legal description: NW ¼ SW ¼ Section 2, Township 26 South, Range 68 West, 6th P.M., 4250 feet west of the east line and 2,350 feet north of the south section line of Section 2. Source of water: Natural Springs. Appropriation Date: September 30, 2002; Amount: .04 cfs (18 gpm). **Use:** Domestic purposes inside one single family dwelling on each lot upon Southern Colorado Livestock Lots 55B, 56B, 57B, 55A, 56A, 53A, 53B and 54; and livestock watering, and fire protection. **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:** Replacement and maintenance of water lines for household use upon Southern Colorado Livestock Lots 55A, 56A, 55B, 56B, 57B. **If claim to make absolute:** Date water applied to beneficial use: 2/01/2013; Amount: .04 cfs (18 gpm). Use: Domestic purposes, livestock watering, fire protection. Description of place of use where water is applied to beneficial use: See map on file with the Application and available for inspection at the office of the Clerk of this Court. **Name(s) and address(es) of owner(s) or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool:** Applicants.

CASE NO. 2019CW3000, Water Division 2 and CASE NO. 2019CW3000, Water Division 1 – GREGORY G. GRIPENTROG, 5544 Wells Fargo Drive, Colorado Springs, CO 80918 (Please address all pleadings and inquiries regarding this matter to Applicant's attorney: Ryan W. Farr, #39394, Monson, Cummins, & Shohet, LLC, 13511 Northgate Estates Drive, Suite 250, Colorado Springs, Colorado 80921, (719) 471-1212) Application for Adjudication of Denver Basin Groundwater and for Approval of Plan for Augmentation

EL PASO COUNTY

II. Summary of Application. Applicant seeks to utilize up to one well on an approximately 5.0-acre tract of land to provide water service to a single residence thereon consisting of many uses including domestic uses, landscape and garden irrigation, greenhouse irrigation, stock watering, equipment and structure washing, and augmentation. Applicant seeks to quantify the Denver Basin groundwater underlying the Applicant’s Property as defined herein, and for approval of a plan for augmentation. **III. Application for Underground Water Rights. A. Property Description.** Applicant’s property is located in the S1/2 of the SE1/4 of the NW1/4 of the NE1/4 of Section 21, Township 12 South, Range 65 West of the 6th P.M., El Paso County, Colorado, which contains approximately 5.0 acres, more or less (“Applicant’s Property”). See Exhibit A attached to the application for a general location map. (All exhibits mentioned herein are incorporated by reference and may be inspected at the office of the clerk of this Court.). **B. Water Source.** 1. Not-Nontributary. The groundwater to be withdrawn from the Dawson and Denver aquifers of the Denver Basin underlying Applicant’s Property is not-nontributary. Pursuant to § 37-90-137(9)(c.5), C.R.S., at this location, the augmentation requirements for wells in the Dawson aquifer require the replacement of actual stream depletions and the augmentation requirements for wells in the Denver aquifer require the replacement of four percent (4%) of the water withdrawn on an annual basis. 2. Nontributary. The groundwater to be withdrawn from the Arapahoe and Laramie-Fox Hills aquifers of the Denver Basin underlying the Applicant’s Property is nontributary. **C. Estimated Rates of Withdrawal and Ground Water Available.** 1. Estimated Rates of Withdrawal. Pumping from any well on Applicant’s Property will not exceed 100 g.p.m. The actual pumping rate for any well will vary according to aquifer conditions and well production capabilities. Applicant requests the right to withdraw ground water at rates of flow necessary to withdraw the entire decreed amounts. The actual depth of each well to be constructed within the respective aquifers will be determined by topography and actual aquifer conditions. 2. Estimated Average Annual Amounts of Ground Water Available. Applicant requests a vested right for the withdrawal of all legally available groundwater in the Denver Basin aquifers underlying the Applicant’s Property. Applicant estimates that the following values and average annual amounts are representative of the Denver Basin aquifers underlying Applicant’s Property:

Groundwater Quantification							
Elevation 7360 ft amsl		Acres 5.0		NW ¼ NE ¼ S21 T12S R65W			
Denver Basin Aquifer	Elevation (ft amsl)		Net Sand (ft)	Depth (feet)		Total (AF)	100 Year (AF)
	Bottom	Top		Bottom	Top		
Dawson (NNT)	6686	7276	295	674	85	295	2.95
Denver (NNT)-4%	5760	6675	310	1600	685	264	2.64
Arapahoe (NT)	5215	5705	255	2145	1655	217	2.17
Laramie Fox Hills (NT)	4655	4950	190	2975	2410	143	1.43

Decreed amounts may vary based upon the State’s Determination of Facts. Pursuant to § 37-92-305(11), C.R.S., the Applicant further requests that the Court retain jurisdiction to finally determine the amount of water available for appropriation and withdrawal from

each aquifer. **D. Requested Uses.** The Applicant requests the right to use the ground water for beneficial uses upon the Applicant's Property consisting of domestic, commercial, indoor and outdoor irrigation, stock watering, recreation, wildlife, wetlands, fire protection, equipment and structure washing, and also for storage and augmentation purposes associated with such uses. Applicant also requests that the nontributary water may be used, reused, and successively used to extinction, both on and off the Applicant's Property subject, however, to the requirement of § 37-90-137(9)(b), C.R.S., that no more than 98% of the amount withdrawn annually shall be consumed. Applicant may use such water by immediate application or by storage and subsequent application to the beneficial uses and purposes stated herein. Provided, however, Applicant shall only be entitled to construct a well or use water from the not-nontributary Dawson or Denver aquifers pursuant to a decreed augmentation plan entered by this Court, covering the out-of-priority stream depletions caused by the use of such not-nontributary aquifers in accordance with § 37-90-137(9)(c.5), C.R.S. **E. Well Fields.** Applicant requests that he be permitted to produce the full legal entitlement from the Denver Basin aquifers underlying Applicant's Property through any combination of wells, should additional wells be approved in the future. Applicant request that these wells be treated as a well field. **F. Averaging of Withdrawals.** Applicant requests that he be entitled to withdraw an amount of groundwater in excess of the average annual amount decreed to the aquifers beneath the Applicant's Property, so long as the sum of the total withdrawals from the aquifers does not exceed the product of the number of years since the date of issuance of the original well permit or the date of entry of a decree herein, whichever comes first, multiplied by the average annual volume of water which Applicant is entitled to withdraw from the aquifers underlying the Applicant's Property. **G. Name and Address of Owner of Land Upon Which Wells are to Be Located.** The land upon which the wells are and will be located is owned by the Applicant. **IV. Application for Approval of Plan for Augmentation.** **A. Structure to be Augmented.** The structure to be augmented is a yet-to-be constructed well to the not-nontributary Dawson aquifer ("Gripentrog Well No. 1") along with any supplemental or replacement wells that may subsequently be constructed. **B. Water Rights to be Used for Augmentation.** The water rights to be used for augmentation during pumping are the septic system return flows resulting from the pumping of the not-nontributary Dawson aquifer from Gripentrog Well No. 1 together with water rights from the nontributary Laramie-Fox Hills aquifer for any injurious post pumping depletions. **C. Statement of Plan for Augmentation.** Applicant wishes to provide for the augmentation of stream depletions caused by pumping of the not-nontributary Dawson aquifer proposed herein. Water use criteria and their consumptive use component for replacement of actual depletions for the lot is estimated as follows: 1. Use. The well will pump a maximum of 1.2 acre-feet of water per year from the Dawson aquifer for up to 100 years. Such use shall be a combination of household use, irrigation of lawn and garden, greenhouse/hoop-house irrigation, equipment and structure washing, commercial use, fire protection, the watering of horses, chickens, or equivalent livestock, and for storage and augmentation purposes associated with such uses. 2. Depletions. It is estimated that maximum stream depletions over a 100-year pumping period for the Dawson aquifer amounts to approximately 18.32% percent of pumping. Maximum annual depletions for total residential pumping from all wells is therefore 0.220 acre-feet in year 100. Should Applicant's pumping be less than the 1.2 acre-foot described herein,

resulting depletions will be correspondingly reduced thereby maintaining proper replacement by non-evaporative septic return flows from household use as described below.

3. Augmentation of Depletions During Pumping. Pursuant to § 37-90-137(9)(c.5), C.R.S., Applicant is required to replace actual stream depletions attributable to the pumping of augmented wells to the Dawson aquifer. Wastewater from in-house uses will be treated via a non-evaporative septic system. As such, 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% per year per residence. At a household use rate of 0.25 acre-feet per residence per year, 0.225 acre-feet is replaced to the stream system per year as the house utilizes a non-evaporative septic system. Thus, during pumping for 100 years at a rate of 1.2 acre-feet per year, maximum annual stream depletions of 0.220 acre-feet will be adequately augmented.

4. Augmentation for Post Pumping Depletions. For the replacement of any injurious post-pumping depletions which may be associated with the use of the Gripentrog Well No. 1 and any supplemental or replacement wells, Applicant will reserve up to 111 acre-feet of water from the nontributary Laramie-Fox Hills aquifer, accounting for actual stream depletions replaced during the plan pumping period, calculated at 108.4 acre-feet, or such greater amounts as necessary to replace any injurious post pumping depletions. Applicant also reserves the right to substitute other legally available augmentation sources for such post pumping depletions upon further approval of the Court under its retained jurisdiction. Even though this reservation is made, under the Court's retained jurisdiction, Applicant reserves the right in the future to prove that post pumping depletions will be noninjurious. Upon entry of a decree in this case, the Applicant will be entitled to apply for and receive a new well permit for the Gripentrog Well No. 1 for the uses in accordance with this Application and otherwise in compliance with § 37-90-137, C.R.S.

V. Remarks. A. This Application was filed in both Water Divisions 1 and 2 because depletions from the pumping of the Dawson aquifer may occur in both the South Platte and the Arkansas River systems. The return flows set forth herein will accrue to tributaries of the Arkansas River system where the majority of such depletions will occur, and it is Applicant's intent to consolidate the instant matter with the pending Division 1 application in Water Division 2 upon completion of publication. Applicant requests that the total amount of depletions to both the South Platte River and the Arkansas River systems be replaced to the Arkansas River as set forth herein, and for a finding that those replacements are sufficient. B. Applicant requests a finding that they have complied with § 37-90-137(4), C.R.S., and that the ground water requested herein is legally available for withdrawal by the requested not-nontributary Dawson aquifer well upon the entry of a decree approving an augmentation plan pursuant to § 37-90-137(9)(c.5), C.R.S. C. The term of this augmentation plan is for 100 years, however the length of the plan for a particular well may be extended beyond such time provided the total plan pumping allocated thereto is not exceeded. Post pumping stream depletions accrue to a particular well or wells only to the extent related to that well's actual pumping. D. The Court will retain jurisdiction over this matter to provide for the adjustment of the annual amount of ground water withdrawals to be allowed in order to conform to actual local aquifer characteristics from adequate information obtained from well drilling or test holes. E. Pursuant to § 37-90-137, C.R.S. upon approval of the plan for augmentation requested herein, Applicant will file an application with the State Engineer's office to permit

Gripentrog Well No. 1 for operation under the plan for augmentation. F. Applicant requests a finding that vested water rights of others will not be materially injured by the withdrawals of ground water and the proposed plan for augmentation. G. All wells shall be installed and metered as reasonably required by the State and Division Engineer. Any well must be equipped with a totalizing flow meter and Applicant shall submit diversion records to the Division Engineer on an annual basis or as otherwise requested by the Division Engineer. Applicant shall also provide accountings to the Division Engineer and Water Commissioner as required by them to demonstrate compliance under this plan of augmentation. H. Applicant intends to waive the 600-foot well spacing requirement for any wells to be located upon the Applicant's Property. I. Applicant will comply with any lienholder notice provisions set forth in § 37-92-302(2)(b), C.R.S. and § 37-90-137(4)(b.5)(I), C.R.S. and such notice will be sent within 14 days of the filing of this application.

CASE NO. 2019CW3001; BERNADETTE AND REYES GONZALEZ, 408 Memory Lane Trinidad, CO 81082 (Please address all pleadings and inquiries regarding this matter to Applicants' attorneys: David M. Shohet, #36675, Emilie B. Polley, #51296, Monson, Cummins, & Shohet, LLC, 13511 Northgate Estates Drive, Suite 250, Colorado Springs, Colorado 80921, (719) 471-1212).

Application for Surface Water Rights and Storage Rights

LAS ANIMAS COUNTY

I. Application for Surface Water Rights. A. Name of Structure: Gonzalez Spring. 1. Legal Description: Gonzalez Spring is located in the SW ¼ of the NE ¼ in Section 30, Township 33 South, Range 63 West, 6th P.M., at a point located approximately at UTM Zone 13 NAD 83 , X:544842.0025, Y: 4111053.8430 See Exhibit A attached to the application for a general location map. (All exhibits mentioned herein are incorporated by reference and may be inspected at the office of the clerk of this Court.). 2. Date of Initiation of Appropriation: June 1, 1991. 3. How Appropriation was Initiated: Building diversion channel to Gonzalez Pond. 4. Date Water Applied to Beneficial Use: June 1, 1991. 5. Source: Springs tributary to an unnamed arroyo, tributary to the Purgatoire River. 6. Amount Claimed: 5 g.p.m., absolute. 7. Uses: Aesthetics, wildlife habitation, firefighting, and erosion control and storage for such uses. **III. Application for Water Storage Right. A. Name of Storage Structure:** Gonzalez Pond. 1. Legal Description of Dam Center Line: Gonzalez Pond is located in the NW ¼ of the NE ¼ in Section 30, Township 33 South, Range 63 West, 6th P.M. The map attached as "Exhibit A," depicts the approximate location of the Gonzalez Pond. 2. Source: Spring flows from the Gonzalez Spring. 3. Date of Initiation of Appropriation: June 1, 1991. 4. How Appropriation was Initiated: Construction of dam. 5. Date Water Applied to Beneficial Use: June 1, 1991. 6. Amount Claimed: 0.3 acre-feet; at a rate of 5 g.p.m; absolute. 7. Uses: Aesthetics, wildlife habitation, firefighting, and erosion control. 8. Dimensions: i. Surface Area of High Water Line: 0.02 acres. ii. Average Depth: 3 feet. iii. Length of Dam: 40 feet. iv. Height of Dam: 5 feet. 9. Total Capacity of Reservoir in Acre-Feet: i. Active Capacity: 0.3. ii. Dead Storage: 0. **IV. Ownership of Land and Structures.** The Gonzalez Spring is located on land owned by Laura Aiello & Gary Ringo, whose address is 1218 Bernal St., Trinidad, CO 81082. The high waterline of the Gonzalez Pond may also be on land owned by Laura Aiello & Gary Ringo. **V. Further Remarks.** A. Applicants and their predecessor

have continually maintained, cleaned, and dredged the channel diverting water from the Gonzalez Spring to the Gonzalez Pond since building the Gonzalez Pond on June 1, 1991. B. Applicants shall install measuring devices as required by the State and Division Engineer's Office.

CASE NO. 2019CW3002; Previous Case Nos. 03CW31, 12CW82 - MARIA LAKE 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: David C. Hallford and Erika S. Gibson, Balcomb & Green, P.C., P.O. Drawer 790, Glenwood Springs, CO 81602; 970-945-6546).

Application for finding of Reasonable Diligence and to Confirm Absolute

HUERFANO COUNTY

GROUNDWATER TRIB. TO THE CUCCHARAS RIVER, TRIB. TO THE ARKANSAS RIVER. LLC

Decree Information for Maria Lake Well No. 2 Legal Descrip.: SE1/4, SE1/4, Sec. 20, T. 27 S., R. 65 W., 6th P.M., 1,200 ft. from the S. Sec. line and 70 ft. from the E. Sec. line. Appropriation Date: 4/10/2003. Amount: 15 g.p.m., cond. The total amt. of water that may be pumped for either Maria Lake Well No. 1 or Maria Lake Well No. 2 or a combination of both wells for dom. use and irr. of landscape amenities on the property shall not exceed 15.29 a.f. per year. Depth: 42 ft. Use: Dom. and irr. Dom. water service is limited to 36 residential units and irr. is not to exceed two acres of landscape amenities adjacent to those units located generally in portions of the E. half of Sec. 20, the W. half of Sec. 21, and those portions of the N.E. 1/4 of Sec. 29 and the N.W. 1/4 of Sec. 28, lying N. of the State Hwy. No. 10, all in T. 27 S., R. 65 W., 6th P.M. in Huerfano County, Colorado. Remarks: Maria Lake Well No. 2 is operated pursuant to the plan for aug. decreed in Cases No. 03CW31 and 03CW97 (consolidated) and Well Permit No. 65348. Applicant has been reasonably diligent in the development of the subject water right during the past six years; activities and expenditures demonstrating diligence are listed in the App. Absolute Claim: Applicant placed the **Maria Lake Well No. 2** to beneficial use after connecting the well to Applicant's dom. water system and delivering the water to Applicant's members for dom. and irr. purposes. for the duration of the diligence period. Use: All decreed uses. Amount: 15 g.p.m., absolute. As-Built Location: UTM Zone 13, NAD83, 527909 Easting and 4170072 Northing, which is within 227 ft. of the decreed location. See Exhibit A attached to the application for a general location map. (All exhibits mentioned herein are incorporated by reference and may be inspected at the office of the clerk of this Court.)

CASE NO. 2019CW3003; Previous Case Nos. 12CW91, 04CW126 – RICHARD B. CASCHETTE AND MARTHA CASCHETTE, 1510 S Emerson St., Denver, CO 80210-7273 (Please address all pleadings and inquiries regarding this matter to Applicant's attorneys: Charles B. White, No. 9241, Thomas W. Korver, No. 36924, Petros & White, LLC, 1999 Broadway, Suite 3200, Denver, CO 80202, Phone: (303) 825-1980).

Application for Findings of Reasonable Diligence

HUERFANO COUNTY, COLORADO.

Names of structures: A. Caschette Pipeline. B. Rainbow Pond. C. Appropriative Right of Exchange. Collectively, the "Conditional Water Rights." **Description of Conditional Water Rights:** A. Caschette Pipeline. (1) Date of original decree: August 21, 2006,

Case No. 04CW126, Water Division No. 2. (2) Date of diligence decree: January 4, 2013, Case No. 12CW91, Water Division No. 2. (3) Legal description of point of diversion: NW1/4 NE1/4, Section 12, T. 29 S., R. 70 W., 6th P.M., 300 feet from the North Section line and 2,110 feet from the East Section line, in Huerfano County, Colorado. GPS location information in UTM format: Northing: 4,155,552.6; Easting: 485,178.9. Settings: Zone 13, Meters; NAD 83; set to true north. (4) Appropriation date: August 31, 2004. (5) Amount: 0.016 c.f.s., conditional. (6) Source: Unnamed tributary of North Middle Creek, tributary of the Cucharas River. (7) Use: piscatorial, aesthetic, recreational, wildlife propagation.

B. Rainbow Pond. (1) Date of original decree: August 21, 2006, Case No. 04CW126, Water Division No. 2. (2) Date of diligence decree: January 4, 2013, Case No. 12CW91, Water Division No. 2. (3) Legal description of location of dam: NE1/4 NE1/4 Section 12, T. 29 S., R. 70 W., 6th P.M., 260 feet from the North Section line and 1,200 feet from the East Section line, in Huerfano County, Colorado. GPS location information in UTM format: Northing: 4,155,581.7; Easting: 485,454.0. Settings: Zone 13, Meters; NAD 83; set to true north. (4) Appropriation date: August 31, 2004. (5) Amount: (A) 3.58 acre-feet, conditional, with the right to fill and refill continuously to maintain the Pond at its maximum water level, and when out of priority but fully augmented in accordance with paragraph 9 of the decree in Case No. 04CW126. (B) If off-channel reservoir, rate of diversion in c.f.s. for filling the reservoir: 0.16 c.f.s. conditional. (6) Source: Unnamed tributary of North Middle Creek, tributary of the Cucharas River. (7) Use: piscatorial, aesthetic, recreational, wildlife propagation. (8) Surface area at high water line: 0.588 acres.

C. Appropriative Right of Exchange: (1) Date of original decree: August 21, 2006, Case No. 04CW126, Water Division No. 2. (2) Date of diligence decree: January 4, 2013, Case No. 12CW91, Water Division No. 2. (3) Legal description: The downstream terminus of the exchange reach is the confluence of Middle Creek and the Cucharas River in Section 21, T. 29 S., R. 68 W., 6th P.M. The upstream terminus is the point of diversion of the Caschette Pipeline described herein. (4) Date of appropriation: December 31, 2004. (5) Maximum rate of exchange: 0.0095 c.f.s., conditional. (6) Maximum volume of exchange: 1.9 acre-feet per year, conditional.

Evidence of Reasonable Diligence: The Conditional Water Rights are part of an integrated water supply project or system. Thus, any work on any one feature of the project or system shall be considered in finding that reasonable diligence has been shown in the development of all water rights for all features of the entire project or system. See C.R.S. §37-92-301(4)(b). The following is a summary of specific projects and work undertaken during the diligence period (from January 3, 2013 to January 31, 2019). This list is not intended to be all inclusive and may be supplemented by additional evidence at any hearing in this matter.

A. Prior to the current diligence period, Applicants constructed the Caschette Pipeline and Rainbow Pond to their decreed capacities and filled the Pond by means of an exchange approved by the Division Engineer. During this diligence period, Applicants continued to divert water through the Pipeline and to maintain water levels in the Pond in accordance with the change of water rights and plan for augmentation approved by the Decree in Case No. 04CW126.

B. Applicants accounted for their use of water in accordance with the Decree in Case No. 04CW126 and submitted records of such use to the Water Commissioner.

C. Applicants operated and maintained the facilities that can and will divert and store water in the decreed amounts whenever water is available in priority. However, during the relevant diligence period, no water has

been available for diversion or storage in priority. **D.** Applicants have made a direct use of their interest in the Priority No. 2 Calf Pasture Ditch water right in accordance with the Decree in Case No. 04CW126 and under Phase I of the change of water right decrees in Case Nos. 82CW132 and 85CW10, Water Division No. 2. Accordingly, the appropriate right of exchange approved in Case No. 04CW126 has not yet been exercised. Applicants can and will exercise that right of exchange when the conditions for such exercise under the decree in Case No. 04CW126 have been satisfied. **Can and will.** The Conditional Water Rights can and will be diverted, stored, or otherwise captured, possessed, and controlled, and will be beneficially used, with diligence in a reasonable time. C.R.S. § 37-92-305(9)(b). **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, Applicants respectfully request that this Court enter Findings of Fact, Conclusions of Law, and a Judgment and Decree: (1) finding that Applicants have been reasonably diligent in the development of the Conditional Water Rights as described in the preceding paragraphs; (2) continuing the Conditional Water Rights in full force and effect; and (3) granting such other relief as may be appropriate.

CASE NO. 2019CW3004; Previous Case Nos. W-644, W-664(76), 81CW52, 86CW46, 92CW81, 99CW66, 05CW97, 12CW96 – SECURITY WATER DISTRICT, c/o Roy Heald, Manager, 231 Security Blvd, Colorado Springs, CO 80911. (Please address all pleadings and inquiries regarding this matter to Applicant’s attorneys: David M. Shohet and Steven T. Monson of Monson, Cummins & Shohet, LLC, 13511 Northgate Estates Drive, Ste. 250, Colorado Springs, CO 80921, (719) 471-1212).

Application for Reasonable Diligence

EL PASO COUNTY

Name of Structure: Bender Well No. 2. **Description of conditional water right:** **Date of Original Decree:** January 16, 1973; **Case No.:** W-664; **Court:** District Court, Water Division 2. **List of all Subsequent decrees awarding findings of diligence:** **Date of Decree:** June 10, 1977; **Case No.:** W-664(76); **Court:** District Court, Water Division 2. **Date of Decree:** June 7, 1982; **Case No.:** 81CW52; **Court:** District Court, Water Division 2. **Date of Decree:** November 14, 1986; **Case No.:** 86CW46; **Court:** District Court, Water Division 2. **Date of Decree:** April 1, 1993; **Case No.:** 92CW81; **Court:** District Court, Water Division 2. **Date of Decree:** December 13, 1999; **Case No.:** 99CW66; **Court:** District Court, Water Division 2. **Date of Decree:** September 12, 2006; **Case No.:** 05CW97; **Court:** District Court, Water Division 2. **Date of Decree:** January 28, 2013 **Case No.:** 12CW96; **Court:** District Court, Water Division 2. **Decreed Point of Diversion:** The decreed location of the Bender Well No. 2 is at a point whence the NE 1/4 of Section 14, Township 15 South, Range 66 West of the 6th P.M., bears North 88 degrees 22' 15" East a distance of 1805.88 feet, El Paso County Colorado. In Case No. 81CW225 the point of diversion for the Bender Well No. 2 was changed as an alternate point of diversion to the Bender Well No. 1 located in the North Quarter corner of Section 14, Township 15 South, Range 66 West of the 6th P.M., bears North 71 degrees 22' West a distance of 496.0 feet. **Source of Water:** Widefield Aquifer, tributary to Fountain Creek, tributary to the Arkansas River. **Appropriation Date & Amount:** April 25, 1958; 927 g.p.m., conditional. **Uses:** Domestic

and municipal. Well Permit No.: 7800-F. **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:** The Bender Well No. 2 (the “Bender Well”) was originally decreed on January 16, 1973, in Case No. W-664, District Court, Water Division No. 2. The Bender Well was also the subject of the decree dated January 5, 1987, entered in Case No. 81CW225, District Court, Water Division 2, which added municipal use and alternate points of diversion for the Bender Well and also adjudicated an augmentation plan for the well (“Bender Change Decree”). The Bender Change Decree utilized 60 shares of Fountain Mutual Irrigation Company (“FMIC”) to provide for the replacement of depletions caused by pumping the Bender Well to supply water to a residential development, and also to provide recharge to the Widefield Aquifer. The Applicant was awarded a decree in Case No. 09CW92, entered on May 16, 2011. In Case No. 09CW92, Applicant obtained an augmentation plan for the Bender Well using Applicant’s water rights, including the augmentation water under the Bender Change Decree, as replacement water for the Bender Well’s out-of-priority depletions to Fountain Creek. The decree in Case No. 09CW92 also awarded a change in place of use for the Bender Well to include all of Applicant’s existing and future service area. Case No. 09CW92 also decreed the Bender Well as an alternate point of diversion for Applicant’s other wells in the same reach of the Widefield Aquifer. Finally, Case No. 09CW92 incorporated 55 annual acre feet of Widefield Aquifer recharge attributable to the Bender Well within Applicant’s decree entered in Case No. 01CW149, District Court, Water Division 2, for aquifer recharge and reuse. During this diligence period, Applicant temporarily discontinued the use of all of its wells in 2016 due to the discovery of Perfluorinated Compounds (PFCs) in the Widefield Aquifer. The Applicant has been working with the United State Air Force, who has committed to design and construct a water treatment system to remove PFCs from the Applicant’s groundwater. The system is expected to cost over \$15 million and will allow Security to utilize its groundwater resources, including the Bender Well. Applicant, however, is prepared to divert this water right and is waiting for free river conditions to divert this water right in property to make absolute. During this diligence period, Applicant also participated as a member of the Widefield Aquifer Recharge Association (“WARA”). WARA is an unincorporated nonprofit association, under C.R.S. Section 7-30-101, et. seq., consisting of Widefield Water and Sanitation District, the City of Fountain and the Applicant. Each member equally provides one third (1/3rd) of required operating capital of WARA. WARA was formed to plan, evaluate, design and study the financial feasibility of a public water treatment and supply project for the recharge of the Widefield Aquifer. The Association has the power to enter into contracts relating to the acquisition of real property, obtain necessary licenses and permits, and develop a financial structure and feasibility for recharge of the Widefield Aquifer. During this diligence period, Applicant has paid \$20,000.00 to WARA, which includes WARA’s costs for engineering, legal, accounting, association manager, and payments to FMIC for the use of FMIC’s facilities. The Applicant has also performed significant work within its service boundaries and on its municipal water system to develop the decreed exchange as part of its integrated municipal supply system. Applicant has expended approximately \$27,000,000.00 on the operation, repair, maintenance and capital improvements to its integrated water supply system. The Applicant also completed several inclusions of parcels into its service area.

All inclusions have been approved by orders entered by the District Court of El Paso County and Applicant has commenced work towards providing water service to these inclusions. Additionally, Applicant has expended approximately \$18,492,000.00 during this diligence period in acquiring water rights for use in its water supply system and other capital expenditures. These water rights are to be used as a physical and legal water supply to these annexations as well as the Applicant's current and future demands. Applicant has also prosecuted numerous Water Court applications for changes of water rights and plan for augmentation during this diligence period to provide additional physical and legal water supply for the Applicant's current and future demands. As the decreed exchange is part of the Applicant's integrated water supply system, work performed on behalf of one component of this integrated system constitutes diligence on behalf of all structures, which are a part of this integrated system. Applicant has also incurred legal, engineering, and administrative fees related to its water supply system consisting of, without limitation, water supply, and distribution analysis, water rights planning, Water Court filings for the protection of its water rights, well permitting, and water rights administration matters. These amounts are further detailed in Applicant's annual budgets and audits during this diligence period. **Claim to make absolute in whole or in part:** No part of the conditional water right is claimed to be made absolute at this time. **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 will be placed to beneficial use:** The Bender Well is located upon land owned by Pikes Peak Community Foundation, 730 North Nevada Avenue Colorado Springs, CO 80903. The District has an inclusion agreement with the previous owner granting easements for Applicant's use of the Bender Well.

CASE NO. 2019CW3005; Previous Case Nos 86CW111A, 98CW171, 05CW87, & 12CW87 – BOARD OF WATER WORKS OF PUEBLO, COLORADO, 319 West Fourth Street, Pueblo, Colorado 81002 (Please address all pleadings and correspondence regarding this matter to Applicant's attorneys: Karl D. Ohlsen and Katrina B. Fiscella, Carlson, Hammond & Paddock, L.L.C., 1900 Lincoln Street, Suite 1200, Denver, Colorado 80203-4312; Phone: (303) 861-9000).

Application for Sexennial Finding of Reasonable Diligence

PUEBLO COUNTY

INTRODUCTION. The Board of Water Works of Pueblo, Colorado ("Pueblo Water") seeks a sexennial finding of reasonable diligence for rights of reuse and exchange decreed on December 4, 1992, in Case No. 86CW111(A)(Sewered Phase), Water Division No. 2. That decree adjudicated issues and claims of use, reuse, and successive use by exchange of sewered return flows from Pueblo Water's transmountain water rights delivered into the Arkansas River Basin. The decree in Case No. 86CW111(A) excluded all issues and claims of use, reuse, and successive use by exchange of non-sewered return flows from Pueblo Water's transmountain water rights delivered to the Arkansas River Basin. A portion of the conditional rights were made absolute and the Court made a finding of reasonable diligence in Case No. 98CW171. The Court made subsequent findings of reasonable diligence in Cases No. 05CW87 and 12CW87. Pueblo Water's rights of reuse and exchange of non-sewered return flows decreed on August 3, 1995, in Consolidated Case Nos. 84CW177(B) and 86CW111(B) are not the subject of this

Application. **II. Name of Structures (Utilized for Exchange and Reuse): A. Discharge Facilities (Exchange “From” Locations):** 1. Pueblo Municipal Wastewater Treatment Plant. This plant discharges treated wastewater to the Arkansas River at a point in the Northeast quarter of Section 5, Township 21 South, Range 64 West of the 6th Principal Meridian, at a point located approximately 129.8' east of the west line of the NE¼ and 317.6' south of the north line of the NE¼. The approximate latitude of said point is 38°15'22" North and the approximate longitude is 104°34'20" West. 2. Any other wastewater treatment facility outfall utilized by Pueblo Water, including any terminal storage facilities hereafter constructed and located to receive Pueblo Water's wastewater facility effluent that discharges to the Arkansas River or its tributaries at or above the confluence of the Arkansas River and the St. Charles River. 3. Comanche Power Plant. Comanche Power Plant discharges return flows to the St. Charles River at a point in the Northwest quarter of Section 28, Township 21 South, Range 64 West of the 6th Principal Meridian, at a point located approximately 713.4' north of the south line of the NE¼ and 27.2' west of the east line of the NE¼. 4. CF&I Steel Plant wastewater treatment plant discharges to the Arkansas River approximately one mile downstream of the Pueblo Municipal Wastewater Treatment Plant discharge, at a point located approximately 543.7' north of the south line of the SE¼ and 1147.1' east of the west line of the SE¼ of Section 6, Township 21 South, Range 64 West of the 6th Principle Meridian. **B. Diversion Facilities (Exchange “To” Locations):** 1. Northside Intake. Pueblo's Northside Intake headgate is situated on the north bank of the Arkansas River in Pueblo County, Colorado, in the Northwest quarter of the Northeast quarter of Section 33, Township 20 South, Range 65 West of the 6th Principal Meridian, at a point located approximately 35.3' east of the west line of the NE¼ and 750.4' south of the north line of the NE¼, at or near a point which lies South 74°14'30" West 2,673.9 feet from the Northeast corner of said Section 33. 2. Southside Intake. Pueblo's Southside Intake headgate is located on the right bank of the Arkansas River at a point whence the west quarter corner of Section 34, Township 20 South, Range 65 West, of the 6th Principal Meridian bears south 69°35' West 1,478 feet, at a point located approximately 617' north of the south line of the NW¼ and 1250.5' east of the west line of the NW¼. 3. Comanche Pump Station. Comanche Pump Station is located as follows: considering the south line of the Southeast quarter of Section 31, Township 20 South, Range 65 West of the 6th Principal Meridian, to bear North 89°24'53" East with all bearings contained herein being relative thereto: beginning at a point on the northerly right-of-way line of the Denver and Rio Grande Western Railroad from which the Southwest quarter corner of the Southeast quarter of Section 31 bears South 0°39'25" East, a distance of 660.62 feet; thence North 47°12'21" East, a distance of 58.61 feet; thence North 2°29'30" West, a distance of 80.47 feet; thence North 87°30'30" East a distance of 132.5 feet; thence North 2°29'30" West, a distance of 92.5 feet to the point of diversion, at a point located approximately 958.8' north of the south section line and 2' west of the east line of the SW¼ of Section 31, Township 20 South, Range 65 West of the 6th Principle Meridian. Pueblo Water owns, and is entitled to make diversions at, the Northside Intake, the Southside Intake, and the Comanche Pump Station. **III. Describe Exchange and Reuse Water Rights as Decreed in Case No. 86CW111(A):** A. Date of original decree: December 4, 1992, Case No. 86CW111(A) (Sewered Phase), District Court, Water Division No. 2, State of Colorado. B. Priority Date: July 1, 1985. C. Use: All beneficial uses for which the waters to be exchanged and reused

are decreed or for which they may be lawfully used, including the uses decreed in Case No. 86CW111(A)(Sewered Phase). **D. Source of water for exchange and reuse:** The water rights utilized in the exchange and reuse program are all return flows from Pueblo Water's interests in: 1. The Ewing Placer Ditch. Ewing Placer Ditch diverts water from Piney Creek, a tributary of the Eagle River, and carries the water across the Continental Divide into Tennessee Creek for delivery to the Arkansas River. The Ewing Placer Ditch was decreed on November 13, 1911, with an appropriation date of June 1, 1906, by the District Court, Eagle County, Civil Action No. 507. 2. The Columbine Ditch. Columbine Ditch diverts water from three branches of the East Fork of the Eagle River, and carries such water across the Continental Divide for delivery into the West Branch of Chalk Creek, a tributary of the Arkansas River. The Columbine Ditch was decreed on October 3, 1936, with an appropriation date of June 21, 1930, by the District Court, Eagle County, Civil Action No. 963. Pueblo Water sold its interest in the Columbine Ditch in 2009, but retained the right to use a portion of the water right for 25 years, subject to certain limitations. Until that retained right expires, Pueblo Water will continue to include water available to it from the Columbine Ditch as a source of return flows subject to the exchange decreed in Case No. 86CW111(A). 3. The Warren E. Wurtz Ditch (also known as the Warren E. Wurtz Ditch). Warren E. Wurtz Ditch diverts water from Bennett Creek, Mitchell Creek, and side tributaries of those creeks, all of which are tributaries of the Eagle River. The ditch carries water across the Continental Divide into West Tennessee Creek for delivery to the Arkansas River. The Warren E. Wurtz Ditch was decreed on October 3, 1936, with an appropriation date of June 8, 1929, by the District Court, Eagle County, Civil Action No. 963. 4. The Wurtz Extension Ditch. Wurtz Extension Ditch diverts water from Yoder Creek, East Fork of Yoder Creek, and Rule Creek, tributaries of the Eagle River. The ditch connects to the Warren E. Wurtz Ditch, which then carries water across the Continental Divide into West Tennessee Creek for delivery to the Arkansas River. The Wurtz Extension Ditch was decreed on October 21, 1982, with an appropriation date of October 26, 1953, by the District Court, Water Division No. 5, Case No. 80CW505. 5. The Busk-Ivanhoe System. Pueblo owns an undivided one-half interest in the water rights of the Busk-Ivanhoe System. The system diverts water from Hidden Lake Creek, Pan Creek, Lyle Creek, and Ivanhoe Creek, all tributaries of the Fryingpan and Roaring Fork Rivers, and carries such water through the Continental Divide for delivery into Lake Fork Creek on the headwaters of the Arkansas River. The system was decreed absolute on January 9, 1928, by the District Court, Garfield County, in Case No. 2621, with different appropriation dates for different components of the System. Other absolute decrees were entered by the District Court, Garfield County, in Civil Actions No. 3082 and 4033. 6. The Homestake Project diverts water from tributaries of the Eagle River in Eagle County, and carries the water under the Continental Divide to Turquoise Reservoir. The water rights were conditionally decreed in Civil Action No. 1193, District Court, Eagle County, on June 8, 1962, with an appropriation date of September 22, 1952. Pueblo Water has the annual right to receive 2,500 acre-feet of Homestake Project Water delivered at Turquoise Lake. 7. The Independence Pass Transmountain Diversion System diverts water from the headwaters of the Roaring Fork River and its tributaries in Pitkin County. The water rights were decreed on August 25, 1936, in Civil Action No. 3082, District Court, Garfield County, and were modified on May 12, 1976, in Case No. W-1901, District Court, Water Division No. 5. The appropriation date of these water rights is August 23, 1930. Pueblo

Water has the right to this water because it owns shares of stock in the Twin Lakes Reservoir and Canal Company. 8. The Fryingpan-Arkansas Project (West Slope Decrees) diverts surface water from the headwaters of Hunter Creek and the Fryingpan River and their tributaries in Pitkin County. The principal water rights were adjudicated by the decrees in Civil Action No. 4613 (District Court, Garfield County) dated June 20, 1958, and August 3, 1959, and were modified by the Decree in Case No. W-829-76 (District Court, Water Division No. 5) 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 the 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 Southeastern's District boundaries. Because the water is imported from another river basin, it is fully consumable in Water Division 2. By this Application, Pueblo Water does not seek any rights of use of Fryingpan-Arkansas Project structures, or any rights of ownership or rights to purchase or receive allocation of Fryingpan-Arkansas Project water or return flows from Fryingpan-Arkansas Project water, but this does not alter any existing rights Pueblo Water may otherwise have. Return flows from the Fryingpan-Arkansas Project will be utilized in the exchanges and reuse programs only after they are purchased from the Southeastern Colorado Water Conservancy District. Pueblo Water's interest in the water rights described above as the Ewing Placer Ditch, the Columbine Ditch, the Warren E. Wurtz Ditch, and the Busk-Ivanhoe System are all subject to the applicable terms and conditions of the change decrees entered in Cases No. 90CW340, Water Division No. 5, and 90CW052, Water Division No. 2. All of the sources of supply described in Paragraph III.D., above, are waters not native or naturally tributary to the Arkansas River Basin. These water rights are referred to as the "Transmountain Sources," each of which has been decreed to include municipal uses. **E. Location of exchange reaches and amounts of exchange decreed:** Return flows from Pueblo Water's Transmountain Sources are accounted for and measured into the Arkansas River or its tributaries at the discharge facilities identified in Paragraph II.A., above. Pueblo Water then diverts a corresponding quantity of water at the points of diversion identified in Paragraph II.B., above. The stream reaches and amounts of the exchanges decreed in Case No. 86CW111(A) are as follows: 1. 16.94 c.f.s. absolute and 43.06 c.f.s. conditional (for a total of 60.0 c.f.s.) from points of discharge to the Arkansas River, upstream to the Northside Intake, Southside Intake, and Comanche Pump Station. The decree in Case No. 86CW111(A) made 16.68 c.f.s. absolute, and 43.32 c.f.s. conditional. An additional 0.26 c.f.s. was made absolute in Case No. 98CW171. 2. 5.97 c.f.s. absolute, and 14.03 c.f.s. conditional (for a total of 20.0 c.f.s.) from points of discharge to the St. Charles River then downstream to the Arkansas River, then upstream to the Northside Intake, Southside Intake, and Comanche Pump Station. The three points of diversion (Northside Intake, Southside Intake, and Comanche Pump Station) are near each other and there are no decreed points of diversion between them. Thus, the effect of an exchange to any one of them has the same effect on the water supply available to others as an exchange to the other two points of diversion, singly, or in combination. **IV. Provide a Detailed Outline of What Has Been Done Toward Completion or for Completion of the Appropriation and the Application of Water to Beneficial Use as Conditionally Decreed, Including Expenditures:** A. Pueblo Water

owns and operates a single, unified, and integrated municipal water supply system that contains numerous components. Those components include, but are not limited to, the individual water rights and points of diversion described in this Application, and the appropriative rights of exchange and reuse rights that are the subject of this Application. During the period from January 16, 2013, through January 31, 2019 (the “Diligence Period”), Pueblo Water has not exercised the exchanges decreed in Case No. 86CW111(A) in excess of the amount decreed absolute in Case No. 98CW171. Thus, this Application is for a finding of reasonable diligence only. In addition, Pueblo Water has spent a substantial amount of money and devoted many thousands of man hours to the development, operation, maintenance, and improvement of its single, unified, and integrated municipal water supply system, including the Transmountain Sources. As a part of this overall effort, Pueblo Water retained engineering consultants and attorneys to assist it in the acquisition, operation, maintenance, improvement, and protection of this system. All of these actions enhance and preserve Pueblo Water’s water supply and its ability to serve the needs of its customers. The total cost of these efforts during the Diligence Period exceeded \$218,023,281. B. During the Diligence Period, the principal engineering and construction activities undertaken by Pueblo Water related to the operation of its exchanges and reuse rights included the following: (1) upkeep and improvements of stream flow gauges, other data collection or recording and transmission devices, and communication links needed to operate the exchanges and reuse rights decreed in Case Nos. 84CW177(A), 84CW178, 86CW111(A), and Consolidated Case Nos. 84CW177(B), and 86CW111(B); (2) operation of accounting programs to track the operation of the exchanges; (3) water quality monitoring; and (4) upkeep and maintenance of the specific exchange “to” and exchange “from” structures decreed in Case No. 86CW111(A), including the Northside Intake, the Southside Intake, and the Comanche Pump station, which was reconstructed by an agreement with Xcel Energy to allow for greater pumping capacity. The total cost to Pueblo Water of upkeep and maintenance of the specific exchange structures decreed in Case No. 86CW111(A) during the Diligence Period exceeded \$313,016. C. During the Diligence Period, Pueblo Water also spent money on engineering and construction of improvements to its water supply transmission and distribution system. Improvements were made to collection system facilities, storage reservoirs, water transmission pipelines, water treatment plants, and distribution system mains, meters, and reservoirs. Pueblo Water’s Transmountain Sources and their return flows were delivered to, stored, or exchanged to Pueblo Water’s system. D. In addition, during the Diligence Period, Pueblo Water has both filed applications for and diligently prosecuted a number of adjudications of water rights, including applications for findings of reasonable diligence, that are part of Pueblo Water’s unified and integrated water supply system, many of which incorporate structures that are the subject of this Application. These include, but are not limited to: Cases No. 13CW3042, decreed on March 9, 2014, finding reasonable diligence for the Warren E. Wurtz Extension Ditch; 17CW3050, the application for a change of Bessemer Irrigating Ditch Company shares, currently set for trial starting June 3, 2019; 17CW3020, decreed on December 12, 2017, finding reasonable diligence for the Historic Arkansas River Project water right and Tailwater right; 16CW3103, seeking exchanges of water generated by the change in water rights in Case No. 17CW3050, currently set for trial on November 4, 2019; 14CW3022, decreed on November 19, 2014, finding reasonable

diligence for certain conditional exchanges and rights of reuse for sewer return flows from transmountain sources; 13CW3043, decreed on February 21, 2014, finding reasonable diligence and making certain conditional rights absolute, in part, for certain conditional exchanges and rights of reuse for non-sewered return flows from transmountain sources; 13CW3044, decreed on February 24, 2014, finding reasonable diligence and making certain conditional rights absolute, in part, for certain conditional exchanges of native and transmountain water rights; 12CW102, decreed on October 30, 2014, adding storage to the previously decreed uses for the Hamp-Bell Ditch water rights; 06CW120, decreed on August 17, 2016, amended decree entered on April 23, 2017, for exchanges related to the Flow Management Program; and 04CW130, decreed on May 25, 2016, for the Clear Creek Reservoir Second Enlargement. Also during the Diligence Period, Pueblo Water participated as an opposer in more than 40 cases in Water Division No. 2 to ensure the protection of the exchange reaches and related water rights that are the subject of this Application. The work performed and actions taken by Pueblo Water during the Diligence Period demonstrate Pueblo Water's continuing intent to develop the conditional appropriative rights of exchange and reuse described in this Application. Pueblo Water has shown that it can and will divert, store, or otherwise capture, possess, or control and beneficially use water pursuant to the subject exchange and reuse rights and that the subject reuse and exchange rights can and will be completed with diligence and within a reasonable time. **V. Request for Relief:** A. Pueblo Water requests the Court to enter a decree: 1. Confirming that Pueblo Water maintains a single unified and integrated water supply system and that diligence on any feature of that system is considered in finding reasonable diligence in the development of all conditional features of the system, including the conditional exchange and reuse rights that are the subject of this Application; and 2. Finding that Pueblo Water has shown reasonable diligence in development of the conditional exchange and reuse rights decreed in Case No. 86CW111(A). To the extent that such rights are not made absolute, Pueblo Water seeks a finding that it has met all applicable legal requirements and is entitled to a decree continuing the conditional rights in good standing and fixing a date when the next application for a finding of reasonable diligence is required.

CASE NO. 2019CW3006; JAMES AND KAREN LEE MARTENS, 8190 Poco Road, Colorado Springs, CO 80908 (Please address all pleadings and inquiries regarding this matter to Applicants' attorneys: David M. Shohet and Emilie B. Polley, Monson, Cummins & Shohet, LLC, 13511 Northgate Estates Drive, Suite 250, Colorado Springs, CO 80921 (719) 471-1212).

Application for Adjudication of Denver Basin Groundwater and for Approval of Plan for Augmentation

EL PASO COUNTY

Legal Description of Wells. All wells will be located on Applicant's approximately twelve (12) acre property ("Applicant's Property") anticipated to be subdivided into two lots of seven (7) and five (5) acres each. Applicant's Property is depicted on the Exhibit A map attached to the application, whose address is 8190 Poco Road, Colorado Springs, Colorado 80908-4728, and more particularly described as follows: The West two-thirds (2/3) of the S $\frac{1}{2}$ of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 28 in Township 12 South, Range 65 West of the 6th P.M., except the South 60 feet thereof conveyed to El Paso County for

road purposes by Deed recorded in Book 2274 at Page 314, El Paso County, Colorado. (All exhibits mentioned herein are incorporated by reference and may be inspected at the office of the clerk of this Court.). **Water Source.** Not-Nontributary. Groundwater withdrawn from the Dawson and Denver aquifers underlying the Applicant's Property is not-nontributary. Pursuant to C.R.S. §37-90-137(9)(c.5), the augmentation requirements for wells in the Dawson aquifer will require the replacement of actual stream depletions. Wells completed to the Denver aquifer require 4% replacement. Nontributary. The groundwater withdrawn from the Arapahoe, and Laramie-Fox Hills underlying the Applicant's Property is nontributary. **Estimated Rates of Withdrawal.** The pumping rates for each well will vary according to aquifer conditions and well production capabilities. The Applicant requests the right to withdraw ground water at rates of flow necessary to withdraw the entire decreed amounts. The actual depth of each well to be constructed within the respective aquifers will be determined by topography and actual aquifer conditions. **Estimated Average Annual Amounts of Ground Water Available.** Applicant requests a vested right for the withdrawal of all legally available ground water in the Denver Basin aquifers underlying the Applicant's Property. Said amounts may be withdrawn over the 300-year life of the aquifers as required by El Paso County, Colorado Land Development Code §8.4.7(C)(1) which is more stringent than the State of Colorado's 100-year life requirement pursuant to C.R.S. §37-90-137(4). Applicant estimates that the following values and average annual amounts are representative of the Denver Basin aquifers underlying Applicant's Property:

AQUIFER	NET SAND (Feet)	Total Appropriation (Acre Feet)	Annual Avg. Withdrawal 100 Years (Acre Feet)	Annual Avg. Withdrawal 300 Years (Acre Feet)
Dawson (NNT)	196	468	4.68	1.56
Denver (NNT)	297	606	6.06	2.02
Arapahoe (NT)	256	522	5.22	1.74
Laramie Fox Hills (NT)	190	342	3.42	1.14

Decreed amounts may vary from the above table to conform with the State's Determination of Facts. Pursuant to C.R.S. §37-92-305(11), the Applicant further requests that the Court retain jurisdiction to finally determine the amount of water available for appropriation and withdrawal from each aquifer. **Requested Uses.** The Applicant requests the right to use the groundwater for beneficial uses upon the Applicant's Property consisting of domestic, commercial, irrigation, stock water, recreation, wildlife, wetlands, fire protection, and also for storage and augmentation purposes associated with such uses. The Applicant also requests that the nontributary water may be used, reused, and successively used to extinction, both on and off the Applicant's Property subject, however, to the requirement of C.R.S. §37-90-137(9)(b), that no more than 98% of the amount withdrawn annually shall be consumed. Applicant may use such water by immediate application or by storage and subsequent application

to the beneficial uses and purposes stated herein. Provided, however, Applicant shall only be entitled to construct wells or use water from the not-nontributary Dawson and Denver aquifers pursuant to a decreed augmentation plan entered by this Court, covering the out-of-priority stream depletions caused by the use of such not-nontributary aquifers in accordance with C.R.S. §37-90-137(9)(c.5). **Well Fields.** Applicant requests that they be permitted to produce the full legal entitlement from the Denver Basin aquifers underlying Applicant's Property through any combination of wells. Applicant requests that these wells be treated as a well field. **Averaging of Withdrawals.** Applicant requests that they be entitled to withdraw an amount of groundwater in excess of the average annual amount decreed to the aquifers beneath the Applicant's Property, so long as the sum of the total withdrawals from all the wells in the aquifers does not exceed the product of the number of years since the date of issuance of the original well permit or the date of entry of a decree herein, whichever comes first, multiplied by the average annual volume of water which the Applicant is entitled to withdraw from the aquifers underlying the Applicant's Property. **Owner of Land Upon Which Wells are to Be Located.** The land upon which the wells are and will be located is owned by the Applicant. **Structures to be Augmented.** The structures to be augmented are two wells, the Martens Wells Nos. 1 and 2, along with any replacement or additional wells associated therewith, as likewise may be constructed to the Dawson aquifer underlying the Applicant's Property as requested and described herein. One well, Well Permit No. 172086, may be one of the augmented structures under this plan. **Water Rights to be Used for Augmentation.** The water rights to be used for augmentation during pumping are the return flows resulting from the pumping of the Martens Wells Nos. 1 and 2, together with water rights from the nontributary aquifers for any injurious post pumping depletions. **Statement of Plan for Augmentation.** Potential water use criteria and their consumptive use component for replacement of actual depletions for the lots are estimated as follows: **Uses.** **Household Use Only:** 0.30 acre feet annually within one single family dwelling on each lot, with a maximum of ten percent consumptive use based on a nonevaporative septic leach field disposal systems. The annual consumptive use for each lot will therefore be 0.025 acre feet per well, with return flows of 0.225 acre feet per lot. **Landscape Irrigation:** 0.05 acre feet annually per 1,000 square feet (2.18 acre feet per acre) per year, with an 85% assumed consumptive use rate. The annual consumptive use for each 1,000 square feet of lawn and garden irrigated is therefore 0.042 acre feet. **Horses (or equivalent livestock):** 0.011 acre feet annually (10 gallons per day) per head with a one hundred percent consumptive use component. Each well will pump a maximum of 0.78 acre feet of water per year per residence for a maximum total of 1.56 acre feet being withdrawn from the Dawson and Denver aquifers per year. Such use shall be a combination of household use, irrigation of lawn and garden, and the watering of horses or equivalent livestock. An example breakdown of this combination of use, utilizing the factors described above, is household use of 0.30 acre feet of water per year per residence with the additional 0.8 acre feet per year per residence available for irrigation of approximately 9,500 square feet of lawn and garden and the watering of up to four horses or equivalent livestock on each residential lot. **Augmentation of Depletions During Pumping.** Pursuant to C.R.S. §37-90-137(9)(c.5), Applicant is required to replace actual stream depletions attributable to pumping of the two residential wells. Depletions during pumping will be effectively replaced by residential return flows from non-evaporative septic systems. The annual

consumptive use for non-evaporative septic systems is 10% per year per residence. At a household use rate of 0.30 acre feet per residence per year, total of 0.60 acre feet, 0.54 acre feet is replaced to the stream system per year, utilizing non-evaporative septic systems. Applicant will not cause stream depletions to exceed this amount during pumping. **Augmentation for Post Pumping Depletions.** For the replacement of any injurious post-pumping depletions which may be associated with the use of the Martens Wells Nos. 1 and 2, Applicant will reserve available rights in a nontributary aquifer, accounting for actual stream depletions replaced during the plan pumping period. Applicant also reserves the right to substitute other legally available augmentation sources for such post pumping depletions upon further approval of the Court under its retained jurisdiction. Even though this reservation is made, under the Court's retained jurisdiction, Applicant reserves the right in the future to prove that post pumping depletions will be noninjurious. The reserved nontributary groundwater will be used to replace any injurious post-pumping depletions. Upon entry of a decree in this case, the Applicant will be entitled to apply for and receive a new well permit for the Martens Wells Nos. 1 and 2 for the uses in accordance with this Application and otherwise in compliance with C.R.S. §37-90-137. **Remarks.** Applicant requests a finding that they have complied with C.R.S. §37-90-137(4), and that the ground water requested herein is legally available for withdrawal by the requested not-nontributary wells upon the entry of a decree approving an augmentation plan pursuant to C.R.S. §37-90-137(9)(c.5). The term of this augmentation plan is for 300 years, however the length of the plan for a particular well may be extended beyond such time provided the total plan pumping allocated thereto is not exceeded. Post pumping stream depletions accrue to a particular well or wells only to the extent related to that well's actual pumping. The Court will retain jurisdiction over this matter to provide for the adjustment of the annual amount of ground water withdrawals to be allowed in order to conform to actual local aquifer characteristics from adequate information obtained from well drilling or test holes. The Applicant requests a finding that vested water rights of others will not be materially injured by the withdrawals of ground water and the proposed plan for augmentation. The wells shall be installed and metered as reasonably required by the State Engineer. Each well must be equipped with a totalizing flow meter and Applicant shall submit diversion records to the Division Engineer on an annual basis or as otherwise requested by the Division Engineer. The Applicant shall also provide accountings to the Division Engineer and Water Commissioner as required by them to demonstrate compliance under this plan of augmentation.

CASE NO 2019CW3007; Previous Case Nos. 87CW067, 88CW100, 96CW67, 03CW22, 10CW41 Water Division 2 and 88CW218 Water Division 1 – WOODMOOR WATER AND SANITATION DISTRICT NO. 1, P.O. Box 1407, Monument, Colorado 80132 (Please address all pleadings and inquiries regarding this matter to Applicant's attorneys: Paul F. Holleman, Buchanan Sperling & Holleman PC, 1525 Spruce Street, Suite 200, Boulder, Colorado 80302, fholleman@tbvs.net, 303-431-9141).

Application for Finding of Reasonable Diligence
EL PASO COUNTY.

2. Name of Exchange. Woodmoor Dirty Woman Creek Exchange. **3. Description of Water Right from Previous Decrees.** **A. Original and Subsequent Decrees.**

Consolidated Case Nos. 87CW067, 88CW100, Water Division 2 and 88CW218, Water Division 1; decree entered by the District Court, Water Division No. 2 on June 14, 1990. Decrees finding reasonable diligence and making partially absolute were entered on February 3, 1997 in Case No. 96CW67, District Court, Water Division 2; June 21, 2004 in Case No. 03CW22, District Court, Water Division 2; and on January 4, 2013 in Case No. 10CW41, District Court, Water Division 2. **B. Location of Exchange Reach.** Monument Creek from the outfall of the Tri-Lakes Wastewater Treatment Facility in the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 27, Township 11 South, Range 67 West of the 6th P.M., El Paso County, Colorado, upstream to the confluence of Monument Creek with Dirty Woman Creek in the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 22, Township 11 South, Range 67 West of the 6th P.M., and upstream on Dirty Woman Creek from its above-described confluence with Monument Creek to Well No. QAL-4 a/k/a QAL-4T in the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 13, Township 11 South, Range 67 West of the 6th P.M., and upstream on an unnamed tributary of Dirty Woman Creek to Well No. QAL-5 in the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 11, Township 11 South, Range 67 West of the 6th P.M., all in El Paso County, Colorado. The structures within the exchange reach from which water is or will be diverted by exchange are described as follows: i. Well No. QAL-3: In the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 13, Township 11 South, Range 67 West of the 6th P.M., El Paso County, Colorado, at a point approximately 1400 feet from the west section line and 1900 feet from the north section line of said Section 13. ii. Well No. QAL-4 a/k/a QAL-4T a/k/a Augusta Sump (Permit No. 47155-F, which replaced Permit No. 37840-F): In the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 13, Township 11 South, Range 67 West of the 6th P.M., El Paso County, Colorado, at a point approximately 2000 feet from the east section line and 1300 feet from the north section line of said Section 13. iii. Well No. QAL-5: In the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 11, Township 11 South, Range 67 West of the 6th P.M., El Paso County, Colorado, at a point approximately 1400 feet from the east section line and 2100 feet from the south section line of said Section 11. iv. Well No. QAL-6: In the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 14, Township 11 South, Range 67 West of the 6th P.M., El Paso County, Colorado, at a point approximately 2500 feet from the west section line and 1000 feet from the north section line of said Section 14. v. Well No. QAL-7: In the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 22, Township 11 South, Range 67 West, of the 6th P.M., El Paso County, Colorado, at a point approximately 2000 feet from the east section line and 1200 feet from the north section line of said Section 22. **C. Source.** i. Water diverted at exchange-to points: Dirty Woman Creek and an unnamed tributary of Dirty Woman Creek, tributaries to Monument Creek. ii. Water released at exchange-from point: Fully consumable return flows from applicant's nontributary and not nontributary Dawson, Denver, Arapahoe and Laramie-Fox Hills aquifer groundwater decreed in Case Nos. W-2647, W-4544, 80CW169, 81CW230 and 81CW231, all District Court, Water Division No. 2. **D. Date of Appropriation.** June 30, 1987. **E. Amount.** 1.56 cfs (700 gpm); 1.02 cfs (461 gpm) of which was made ABSOLUTE in Case Nos. 96CW67, 03CW22, and 10CW41. **F. Use.** Use, reuse, successive use and complete disposition for all municipal purposes, including domestic, agricultural, industrial, commercial, irrigation, stockwatering, fire protection, recreation, fish and wildlife preservation and propagation and all other beneficial purposes, including exchange purposes, replacement of depletions resulting from the use of water from other sources, relinquishment pursuant to C.R.S. § 37-90-137(9)(b), and all augmentation purposes. **G. Depth.** Well No. QAL-4 a/k/a QAL-4T is approximately 10

feet deep; Well Nos. QAL-3, 5, 6 and 7 will be approximately 20 feet deep. **4. Detailed outline of work performed to complete application of water to beneficial use.** Applicant's efforts toward development of the subject conditional water right during the subject diligence period include, but are not limited to, the following: The subject exchange is one of the components of applicant's water supply system. Since January, 2013, applicant has continued to divert excess reusable return flows available at the outfall of the Tri-Lakes Wastewater Treatment Facility by exchange at Well No. QAL-4 a/k/a QAL-4T. The water so diverted by exchange was placed to beneficial use for all municipal purposes within applicant's service area. The operation of the subject exchange during the diligence period has been with the knowledge and approval of the Water Commissioner and reports concerning it have been filed regularly with the Water Commissioner and Division Engineer. In addition, during the diligence period, applicant has expended approximately \$167,260.00 for design and/or construction of new facilities or modification of existing facilities necessary to divert, treat and place water to beneficial use under the subject exchange. This includes the replacement of a motor in the pumping gallery at Well No. QAL-4 a/k/a QAL-4T. Applicant has also added more than 500 new water taps to its water system and has expended more than \$1,335,714.00 for other improvements to its water supply, treatment and potable water distribution system. **5. Name(s) and address(es) of owner(s) or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool.** The exchange-from structure is located on land at the Tri-Lakes Wastewater Treatment Facility which is owned jointly by Monument Sanitation District, Palmer Lake Sanitation District and Applicant, and whose address is 16510 Mitchell Avenue, Monument, Colorado 80132. Well Nos. QAL-4 a/k/a QAL-4T, QAL-5 and QAL-6 are or will be located on land owned by the applicant. Well No. QAL-3 will be located on land owned by Bryan Clark, Shanna Clark, Rosa Pires-Harvey and Richard Harvey, whose address is 865 South Park Drive, Monument, Colorado 80132. Well No. QAL-7 will be located on land owned by Joseph Kailey III and Cynthia Kailey, whose address is P.O. Box 1243, Monument, Colorado 80132. The land on which water is or will be stored is owned by Applicant. **WHEREFORE,** Applicant requests the Court enter a decree finding and determining that Applicant has exercised reasonable diligence in the development of the remaining portion of the subject conditional water right, and continuing the remaining portion of the subject conditional water right in full force and effect for an additional six-year diligence period.

CASE NO 2019CW3008; Previous Case Nos. 02CW180 and 12CW92 – CITY OF SALIDA, c/o P.T. Wood, Mayor, 448 E. First Street, Suite 112, Salida, Colorado 81201 (Please address all pleadings and inquiries regarding this matter to Applicant's attorneys: Jennifer M. DiLalla, William D. Davidson, Moses, Wittemyer, Harrison and Woodruff, P.C., 2595 Canyon Boulevard, Suite 300, Boulder, Colorado 80302, 303-443-8782)

Application for Finding of Reasonable Diligence

PUEBLO, FREMONT, CHAFFEE, AND LAKE COUNTIES

2. Description of conditional appropriative rights of exchange: The conditional water rights that are the subject of this Application ("Subject Exchanges") will enable Salida to

store water by exchange in storage space that is or will be available to Salida in Fryingpan-Arkansas Project facilities, including without limitation pursuant to agreements with the Southeastern Colorado Water Conservancy District ("Southeastern") to participate in Southeastern's Preferred Storage Option Plan ("PSOP"). The Subject Exchanges also will enable Salida to store water in North Fork Reservoir as an alternative or in addition to such storage under Salida's exchange decreed in Case No. 87CW61.

2.1 Original decree: August 10, 2006, Case No. 02CW180, District Court, Water Division No. 2 ("02CW180 Decree").

2.2 Subsequent decrees granting findings of reasonable diligence: January 4, 2013, Case No. 12CW92, District Court, Water Division No. 2.

2.3 Exchange reaches: The Subject Exchanges operate between the exchange-from points and the exchange-to points described below. The exchange-from points, exchange-to points, and exchange reaches are shown as Exhibit A attached to the application. (All exhibits mentioned herein are incorporated by reference and may be inspected at the office of the clerk of this Court.)

2.3.1 Exchange-from points:

2.3.1.1 The confluence of the South Arkansas River and the Arkansas River, which is located in the SW1/4 SE1/4 of Section 4, Township 49 North, Range 9 East of the N.M.P.M., at a point approximately 300 feet north of the South section line and 2,300 feet west of the East section line of said Section 4, as described in the decree in Case No. 17CW3018 (District Court, Water Division No. 2, State of Colorado), dated October 28, 2017 ("17CW3018 Decree").

2.3.1.2 Pueblo Reservoir (WDID 1403526), which is located at a point at the intersection of Pueblo Dam axis and the Arkansas River whence the Northeast corner of Section 36, Township 20 South, Range 66 West of the 6th P.M., bears North 61° 21' 20" East a distance of 2,511.05 feet. Said reservoir will inundate 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. The UTM coordinates for Pueblo Reservoir are UTM X = 524076 and UTM Y = 4235362. The above description of Pueblo Reservoir is from the decree in Case No. 16CW3079 (District Court, Water Division No. 2, State of Colorado), dated November 14, 2018.

2.3.2 Exchange-to points:

2.3.2.1 Turquoise Reservoir (WDID 1103500), the dam of which is located across Lake Fork Creek in Section 19, T9S, R80W of the 6th P.M. at a point whence the northwest corner of Section 16, T9S, R80W of the 6th P.M. bears North 44°46'18" East a distance of 10,344.35 feet in Lake County, Colorado, as described in the decree in Case No. 80CW6 (District Court, Water Division No. 2, State of Colorado), dated October 23, 1980 ("80CW6 Decree").

2.3.2.2 Twin Lakes Reservoir (WDID 1103503), the dam of which is located across Lake Creek in Section 23, T11S, R80W of the 6th P.M., at a point whence the southeast corner of said Section 23 bears South 54°13'08" East a distance of 3,803.10 feet in Lake County, Colorado, as described in the 80CW6 Decree.

2.3.2.3 North Fork Reservoir (WDID 1103300), which is located on the North Fork of the South Arkansas River in the SE1/4 of Section 5, Township 50 North, Range 6 East of the N.M.P.M., the northeasterly point of contact of the dam axis with the existing ground being situated whence the northwest corner of Section 21, Township 50 North, Range 7 East of the N.M.P.M. bears South 68°50' East a distance of 31,920 feet; said point being further described by bearing on the Peak of Granite Mountain of North 23°28' West and by bearing on the Peak of Calico Mountain of North 37°03' East, thence South 15°30' West

a distance of 500 feet to the southwesterly point of contact of the dam axis with existing ground. The location North Fork Reservoir is further described by the following UTM coordinates (NAD 83): Northing 4274370; Easting 384999. The above description of North Fork Reservoir is from the 17CW3018 Decree. **2.4 Sources of substitute supply:** **2.4.1** Water regularly allocated to Salida under the Fryngpan-Arkansas Project pursuant to lawful rules, regulations, and policies of the Southeastern Colorado Water Conservancy District (“Project Water”). **2.4.2** Excess augmentation credits available under Salida’s plan for augmentation decreed in Case No. 84CW158 (“Augmentation Plan”), including such credits derived from sources of augmentation water added to the Augmentation Plan in accordance with the decree entered in Case No. 84CW158. Such additional sources include, without limitation, those approved in the decree in Case No. 04CW125 and those to be approved in the decree in pending Case No. 18CW3008. **2.5 Amount:** The maximum combined rate of exchange in any reach is 30 cfs, CONDITIONAL. **2.6 Appropriation date:** December 16, 2002. **2.7 Use:** All municipal purposes, including augmentation and incidental irrigation. **3. Outline of work and expenditures during the diligence period towards completion of the appropriations and application of water to beneficial use:** The diligence period for the Subject Exchanges is January 2013 through January 2019 (“Diligence Period”). During the Diligence Period, Salida worked diligently to develop the Subject Exchanges, complete the appropriation, and place the water to beneficial use, as demonstrated by the following representative but non-exhaustive list of activities and expenditures: **3.1** Salida paid Southeastern approximately \$106,331 to participate in the PSOP. Such payments included approximately \$100,657 for an Excess Capacity storage account in Pueblo Reservoir, which is an exchange-from point for the Subject Exchanges; and approximately \$5,674 for participation in the Enlargement component of PSOP in Twin Lakes and Turquoise reservoirs, which are exchange-to points for the Subject Exchanges. The Excess Capacity account in Pueblo Reservoir is made available to Salida under the long-term Master Excess Capacity Contract between Southeastern and the U.S. Bureau of Reclamation (“Bureau”). **3.2** Before Southeastern and the Bureau executed the Master Excess Capacity Contract, Salida paid the Bureau approximately \$40,987 for annual excess capacity contracts for storage space in Pueblo Reservoir. **3.3** Salida paid Southeastern approximately \$7,800 for Project Water, which is a source of substitute supply for the Subject Exchanges. **3.4** The Salida City Council directed Salida’s engineering consultant and legal consultants to engage in a review and analysis of Salida’s storage operations with a purpose of maximizing storage by exchange in North Fork Reservoir, which is an exchange-to point for the Subject Exchanges. Salida’s expenditures for this project are included in the legal and engineering fees described in paragraphs 3.9 and 3.10 below. **3.5** Salida paid the Upper Arkansas Water Conservancy District (“Upper Ark”) at least \$3,900 to maintain Salida’s right to store water in North Fork Reservoir under the Lease Agreement dated June 21, 1993, between Salida and Upper Ark. Salida also booked over water to the account of Upper Ark in North Fork Reservoir as partial payment under the Lease Agreement. **3.6** Salida spent approximately \$52,901 for maintenance and improvement of the Harrington Ditch. Excess augmentation credits derived from Salida’s Harrington Ditch water rights are a source of substitute supply for the Subject Exchanges. **3.7** Salida spent approximately \$16,312 for maintenance and improvement of the turnout structure at which augmentation credits derived from Salida’s

Tennessee Ditch water rights are quantified. Excess augmentation credits generated by Salida's Tennessee Ditch water rights are a source of substitute supply for the Subject Exchanges. **3.8** Salida spent in excess of \$439,491 on engineering, construction, materials, and settlement costs to comply with and settle a dispute over Salida's stipulation with Nancy Dominick under the decree entered in Case No. 04CW125, which authorized the Tennessee Ditch change of water rights under which Salida generates a portion of the excess augmentation credits that are a source of substitute supply for the Subject Exchanges. Salida's legal fees associated with these efforts are included in the legal fees described in paragraph 3.9 below. **3.9** Salida spent approximately \$255,330 in legal fees related to filing and prosecuting statements of opposition in Water Court to protect Salida's water rights, including the Subject Exchanges, from injury; and related to preparation and prosecution of Water Court applications to maintain the water rights that, along with the Subject Exchanges, make up Salida's integrated municipal system. **3.10** Salida spent approximately \$57,145 in costs for engineering consultants in support of the Water Court activity described in paragraph 3.6 above, and for accounting under and other compliance with the decrees under which Salida generates the excess augmentation credits that provide a source of substitute supply for the Subject Exchanges. **3.11** In addition to the expenditures described above, Salida spent in excess of \$4,300,000 for operation, maintenance, and improvement of Salida's integrated system for collection, treatment, and distribution of Salida's municipal water supply, of which the Subject Exchanges are a part. C.R.S. § 37-92-301(4)(b). **4. Remarks:** Salida acknowledges that it must operate the Subject Exchanges in accordance with all of the terms and conditions of the 02CW180 Decree and all of the terms and conditions of Salida's stipulation with Southeastern and the Town of Poncha Springs in Case No. 01CW148, District Court, Water Division No. 2, including without limitation those terms and conditions related to the Upper Arkansas Voluntary Flow Management Program that is currently operated pursuant to the March 10, 2016 Agreement among Southeastern, Colorado Parks and Wildlife, Chaffee County, Arkansas River Outfitters Association, and Trout Unlimited. **5. Names and addresses of owner(s) of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored:** **5.1 Pueblo Reservoir, Twin Lakes Reservoir, and Turquoise Reservoir:** U.S. Department of Interior, Bureau of Reclamation, Eastern Colorado Area Office, 11056 West County Road 18 E, Loveland, CO 80537-9711. **5.2 North Fork Reservoir:** North Fork Reservoir is located on land owned by the United States Forest Service, 2840 Kachina Drive, Pueblo, Colorado 81008. The reservoir is owned by Chaffee County, POB 669, Salida, Colorado 81201, and managed and operated by the Upper Arkansas Water Conservancy District, POB 1090, Salida, Colorado 81201. WHEREFORE, Salida respectfully requests that the Court enter a decree (i) finding that Salida has exercised reasonable diligence in working to develop the Subject Exchanges, complete the appropriation, and place the water to beneficial use; and (ii) continuing the Subject Exchanges in full force and effect for an additional diligence period.

CASE NO. 2019CW3009; TOWN OF MONUMENT, 645 Beacon Lite Road, Monument, CO 80132

(Please address all correspondence and inquiries regarding this matter to Applicants' attorney: Robert F. T. Krassa, Krassa & Miller, LLC, 2300 Canyon Blvd., Ste. 2, Boulder, CO 80302, 303-442-2156)

Application for Approval of Plan for Augmentation

EL PASO COUNTY

Purpose of Application: To augment Dawson aquifer groundwater withdrawn through Monument Wells 1, 2 and 3 under Monument's well field decree in Case 08CW45. Well No. 1 is completed only in the Dawson aquifer, while Wells 2 and 3 are dual completed in the not nontributary Dawson and nontributary Denver aquifers. This plan for augmentation covers only the withdrawal of Dawson aquifer water from each of those wells. **3. Information from 08CW45 Well Field Decree.** Paragraph 25 of the 08CW45 Decree references C.R.S. 37-90-137(5) as the basis for the term "pre-Senate Bill 213 wells", confirms that Monument Wells 1, 2 and 3 are pre-Senate Bill 213 wells, and states at para. 25.(c) that, "Monument may withdraw well field ground water from its pre-SB-213 wells to minimize the capital investment in additional wells. The Court specifically determines that such operation will not cause legal injury to any other water right." The 08CW45 decree was entered by this Court on January 20, 2015 and recorded in the records of El Paso County on February 2, 2015 at Rec. No. 215010041 and a copy is attached to the Application as Exhibit A. (Please note that all recording information herein is in the records of El Paso County, Colorado, and all locations are in T. 11S, R. 67W of the 6th P.M. in El Paso County. All decrees referenced herein are filed with this Application and are incorporated herein by this reference. All exhibits mentioned herein are incorporated by reference and may be inspected at the office of the clerk of this Court.)

4. Descriptions of Structures to be Augmented. **a. Location of structures:** The above referenced wells are located in Township 11 South, Range 67 West of the 6th P.M. in El Paso County, at the following locations which are also shown on the map attached to the Application as Exhibit H. **Monument Well No. 1** - in the SE 1/4 NE 1/4 Section 15, 1600 feet from North Section Line, 850 feet from East Section Line, Northing (UTM y): 4327436.2 Easting (UTM x): 511144.9. **Monument Well No. 2** - in the NW 1/4 NW 1/4 Section 14, 920 feet from North Section Line, 1020 feet from West Section Line, Northing (UTM y): 4327648.2 Easting (UTM x): 511715.2. **Monument Well No. 3** - in the NE 1/4 SE 1/4 Section 15, 1980 feet from the South Section Line, 50 feet from the East Section Line, Northing (UTM y): 4326917.1 Easting (UTM x): 511387.7. **b. Sources of water:** Well 1 is completed in the Dawson aquifer. Wells 2 and 3 are dual completed in the Dawson and Denver aquifers. **5. Location, Decreed Source and Decreed Uses of Not Nontributary Groundwater Whose Withdrawals Are to be Augmented.** The not nontributary groundwater in the Dawson aquifer which is the subject of this case was adjudicated in said Decree in Case 08CW45. **a.** Said groundwater is generally located within Sections 10, 11, 14, 15, 22, 23, 26, 27 and 35, T. 11 S., R. 67 W. in El Paso County. The location is described in complete detail in the said Decree in 08CW45 (Exhibit A to the Application). **b. Source.** Adjudicated as not nontributary per paragraph 22 of said 08CW45 decree. **c. The uses of said groundwater are to be sources of supply** in a unified water system to serve the present and future service area of Monument. All of the groundwater may be used, reused and successively used, and otherwise disposed of for

municipal, domestic, industrial, agricultural, commercial, irrigation, stock watering, recreation, fish and wildlife, fire protection and other beneficial uses including augmentation, substitution and exchange. Such water may be withdrawn for immediate application to beneficial use, for storage and subsequent application to beneficial use, for exchange purposes, for replacement of depletions resulting from the use of water from other sources, and for all other augmentation purposes including taking credit for all return flows as augmentation for or as offsets against out-of-priority tributary depletions as provided in augmentation plan decrees of this Court. (Source: para. 20 of said 08CW45 decree.) **6. Amount of Withdrawals of Water to be Augmented**. The amount of such Dawson aquifer not-nontributary groundwater was determined to be an average of 490.1 acre feet per year (para. 30.b of said 08CW45 Decree.) However, only that portion actually to be produced through Monument Wells 1, 2 and 3 is included in the present Application. Monument Well No. 1 is only completed in the Dawson aquifer, while Wells 2 and 3 are dual completed in the Dawson and Denver aquifers. Using the State Engineer's Aquifer Determination Tool, Monument's engineer has determined that 52 percent of the water produced from Monument Well No. 2 is from the Dawson aquifer, and that 48 percent of the water produced from Monument Well No. 3 is from the Dawson aquifer. This information shall be used in determining augmentation obligations under the plan for augmentation presented herein. **7. Water rights which may be used for augmentation**. a. Monument's direct flow rights on Beaver Creek as described in the decree of this Court in Case 83CW10 entered April 5, 1985 and recorded April 10, 1985 at rec. no. 01235240, Book 3993, page 1301, records of El Paso County (Exhibit B to the Application). b. Water in the Laramie-Fox Hills and Arapahoe aquifers generally located in all or portions of Sections 26, 27, 28, 29, 32 and 33, as decreed in Monument's Case 83CW9 on August 13, 1987, which decree was recorded August 24, 1987 at rec. no. 01611039, Book 5412, page 788, records of El Paso County (Exhibit C to the Application). c. Water from the Denver aquifer from Monument Wells Nos. 2 and 3 as decreed nontributary, and produced pursuant to, the decree in Cases W-627 and W-4103 on June 13, 1980 (Exhibit D to the Application). d. Water from the Arapahoe and Laramie-Fox Hills aquifers, located in Sections 10, 11, 14, 15 and 22, as decreed in Monument's Case 82CW211 on August 13, 1987 as recorded August 24, 1987 at rec. no. 01611040, Book 5412, page 801, records of El Paso County (Exhibit E to the Application). e. Fully augmented water from the not nontributary areas of the Dawson, Denver and Arapahoe aquifers, and from the nontributary areas of the Arapahoe and Laramie-Fox Hills aquifers, generally located in Sections 10, 11, 14, 15, 22, 23, 26, 27 and 35, as decreed in Monument's Case 08CW45 on January 20, 2015, recorded February 2, 2015 at rec. no. 215010041 (Exhibit A to the Application). f. Fully augmented water from the not nontributary areas of the Dawson, Denver and Arapahoe aquifers, and from the nontributary areas of the Arapahoe and Laramie-Fox Hills aquifers, generally located in all or portions of Sections 26, 27, 28, 29, 32 and 33, as decreed in Monument's Case 08CW63 on September 30, 2014, recorded October 23, 2014 at rec. no. 214097619 (Exhibit F to the Application). g. Fully augmented water and water stored in-priority in Monument Lake Reservoir as decreed in Monument's Case 0CW146 on July 10, 2015 as recorded March 3, 2016 at rec. no. 216022070 (Exhibit G to the Application). h. Reusable water owned by Monument that is discharged from the Tri-Lakes Wastewater Treatment Facility located in the NW/4NE/4 Sec. 27. i. Any other reusable water that is lawfully stored

in and released from Monument Lake Reservoir. **8. Statement of plan for augmentation**, covering all applicable matters under §37-92-103(9), 302(1)(2) and 305(8), C.R.S. a. So long as water is withdrawn from the said Dawson aquifer through Monument Wells 1, 2 and 3, Monument will replace actual stream depletions caused by such withdrawals during the pumping period, to the extent necessary to prevent any injurious effect, using any of the augmentation sources listed in foregoing paragraph 7. b. After such withdrawal of water from the said Dawson aquifer ceases (the “post-pumping depletion period”), Monument shall replace to the affected streams sufficient water from its Beaver Creek direct flow rights described in foregoing subparagraph 7 and water from the Laramie-Fox Hills aquifer adjudicated in Case 83CW9 described in foregoing paragraph 7.b to compensate for injurious stream depletions caused by prior withdrawals of water from the said Dawson aquifer. c. Relative to the post-pumping depletion analysis, Monument’s engineers used the State’s AUG3 model to simulate the pumping of Wells 1-3 for the Dawson aquifer only. The total pumping rates, and Dawson portions used in the modeling, were 85 gpm for Well 1 (all Dawson), 96 gpm for Well 2 (50 gpm for the Dawson), and 125 gpm for Well 3 (60 gpm in the Dawson). The assumed annual production of Dawson aquifer water through Wells 1, 2 and 3 under the water rights decreed in Case 08CW45, and the calculated maximum annual depletion and year of maximum annual depletion were as follows:

Well	Annual Pumping (acre-feet)	Max Annual Depletion (acre feet)	Year of Maximum Depletion
1	137.2	24.8	110
2	80.7	15.0	100
3	96.9	19.3	110

The cumulative maximum occurs in the 100th year and is 58.39 ac-ft. d. It is anticipated that the primary sources of post-pumping augmentation water for this plan will be the senior Beaver Creek direct flow rights described in foregoing para. 7.a backed up by water in the Laramie Fox-Hills aquifer described in foregoing para. 7.b (herein “the said LFH water”). Some of the yield of the said Beaver Creek direct flow rights was allocated by contract to the Triview plan for augmentation in case 14CW3053. In that case, Denver and Arapahoe not nontributary pumping was being augmented, and the maximum Denver aquifer depletion is 57.4 ac-ft in the 95th year after cessation of pumping (195th year) and, with the additional Arapahoe aquifer depletion, the maximum Triview post-pumping depletion is 59.9 ac-ft in the 105th year after cessation of pumping (205th year). Cumulatively, the highest post-pumping depletion (Monument Wells 1-3 and Triview) occurs in the 115th year (15 years after cessation of pumping) and is 103.4 ac-ft. e. As such, while it is proposed that the Beaver Creek rights be the primary source of water to replace the post-pumping depletions in this case, the maximum depletions exceed the average annual rights to senior Beaver Creek water (75 ac-ft/yr) and they continue for long enough above 75 ac-ft/yr that even the 20-year average for the Beaver Creek rights is not a sufficient buffer. Therefore, Monument will reserve some of the said LFH water to cover the maximum depletive effects. To calculate this amount, the cumulative Triview and Monument depletion was plotted (blue line in the graph attached to the Application as Exhibit I) to determine the total depletive effect that is above 75 ac-ft/yr. This plot shows that a total of 3,472 ac-ft (area under blue line but above the 75 ac-ft/yr line on the graph attached to the Application) is in excess of what can be covered by the Beaver Creek

rights, which indicates that Monument will reserve 34.7 ac-ft/yr of LFH water. Monument has 108.7 ac-ft/yr of LFH decreed in said Case 83CW09. f. In any event, post-pumping obligations shall accrue only to the extent of a particular well's actual pumping. g. Monument shall have complete discretion to select the source of water to make up any post pumping depletion obligations from any of the other sources mentioned. h. Monument reserves the right to substitute other legally available augmentation sources for replacement of such post pumping depletions upon further approval of the Court under its retained jurisdiction. Even though this reservation is made, Monument claims that post-pumping depletions will be noninjurious and do not need to be replaced, or only need to be replaced in smaller amounts than predicted by currently used models. Monument reserves the right in the future to prove that said post-pumping depletions will be noninjurious, or less injurious than predicted under currently accepted models, and requests that the Court retain jurisdiction for that purpose in addition to the retained jurisdiction otherwise required by statute. **9. Water Service Entitlements.** Nothing herein is intended to create any implication that the granting of the present application will affect the entitlement of any person to receive water service from Monument. Rights to water service will continue to be governed by the applicable Annexation Agreements, other Contracts and Agreements, and Monument's Ordinances. **10. Ownership and Notice.** Monument owns or has the right to use the sites upon which all structures associated with this matter are or will be located. Also, Monument is the record title owner of all of the water and water rights which are the subject of this Application. This application does not require construction of water storage facilities. Accordingly, no notice under C.R.S. 37-92-302(2)(b) is required. **11. Records.** Monument will maintain such records and accounting, and make such measurements of water, as may be reasonably required by the Division Engineer. **12. Previous Terms and Conditions.** Monument does not request any change in the terms and conditions of the existing Decrees mentioned herein except as requested herein or as necessary to allow the requested augmentation operations. **13. Well Construction.** This is not an application which will require the construction of a well within the meaning of §37-92-302(2), C.R.S. **14. Well Permits.** Monument anticipates that amended well permits will be required before the plan for augmentation described herein can be operated. Monument requests the Court to order that in considering any applications for new or amended well permits, the State Engineer shall be governed by the Findings of Fact, Conclusions of Law, and Decree herein which may result from this Application and shall issue said permits in accordance with the provisions of such decree and 37-90-137(10) C.R.S., and that Monument shall not be required to submit any additional proof or evidence of matters finally determined in such decree when making application for wells to withdraw the water rights confirmed therein. Monument further requests the Court to order that any failure to construct a well necessary to produce groundwater hereunder within the period of time specified in any well permit not be deemed to extinguish the underlying right to water. **15. Non-Injury.** No legal injury will occur to the owner of any vested or conditionally decreed water right from the granting of this application. **16. Jurisdiction.** This Court has jurisdiction over the subject matter of this Application pursuant Sections 37-92-203(1), 37-92-302 and 37-90-137(9), C.R.S.

CASE NO 2019CW3010 - TOWN OF MONUMENT, 645 Beacon Lite Road, Monument, CO 80132 (Please address all correspondence and inquiries regarding this matter to Applicants' attorney: Robert F.T. Krassa, Krassa & Miller, LLC, 2300 Canyon Blvd., Ste. 2 Boulder, CO 80302, 303-442-2156)

Application for Confirmation of Nontributary Status of Monument Wells 2 and 3 in the Denver Aquifer

EL PASO COUNTY

Names of Structures: Monument Well No. 2 and Monument Well No. 3. **Purpose of Application.** Monument seeks a determination or clarification that the previous adjudication in Consolidated Cases W-627 and W-4103 (herein "the previous adjudication") conclusively determined that the water withdrawn from the Denver aquifer through Monument Wells 2 and 3 under that previous adjudication is nontributary, and that this determination was not changed by the subsequent appeal or remand in those cases. Monument Wells 2 and 3 are dual completed in both the Dawson and Denver Aquifers of the Denver Basin. (Monument Well No. 1 is not a subject of this Application because it is only completed in the Dawson aquifer.) **4. Previous adjudication. a. The original application to adjudicate Monument Well No. 2** was filed in this court on March 9, 1972 in Case W-627. The original application to adjudicate Monument Well No. 3 was filed in this Court on April 19, 1974 in Case W-4103. Those applications are attached to the Application as Exhibits A and B. (All exhibits mentioned herein are incorporated by reference and may be inspected at the office of the clerk of this Court.) The applications each went to decree on September 29, 1972 and May 9, 1975, respectively, but on March 24, 1976 a petition was filed in each case to determine that all water withdrawn from the subject wells was nontributary. The Court ordered publication of those petitions and they were so published at pages 22 and 23 of the March 1976 Water Resume for Water Division 2. The two cases were then consolidated with applications of others in Cases W-4538, W-4091, W-4544 and W-2647 into what may be referred to herein as the Consolidated Case. **b. The Original Decree in the Consolidated Case was entered by this** Court on April 6, 1978. An Amended Decree was entered on January 23, 1979. The Amended Decree determined that the water withdrawn through the subject wells from the Denver aquifer was nontributary, and that the only issue litigated was whether the Court's ruling that water withdrawn from the Dawson aquifer was also nontributary. The original and amended decrees are attached to the Application as Exhibits C and D. **c. The Amended Decree in the Consolidated Case was appealed** to the Colorado Supreme Court, which entered its decision in District 10 Water Users v. Barnett, 599 P.2d 894 on August 27, 1979 (attached to the Application as Exhibit E). The Opinion confirmed that the only issue litigated was the question of tributariness of the Dawson aquifer. Upon remand, this Court entered a Second Amended Decree in the Consolidated Case on June 13, 1980. Consistently, it provides at page 6 that, "Having already found, as a matter of fact, that the waters of the Denver and Arapahoe aquifers are not tributary to Monument Creek in this area, we turn to the question of tributariness of the upper, Dawson-Arkose aquifer." The Second Amended Decree is attached to the Application as Exhibit F. **5. Information as to Wells 2 and 3. a. Location of structures:** The above referenced wells are located in Township 11 South, Range 67 West of the 6th P.M. in El Paso County, at the following locations

described on page 8 of the said Second Amended Decree, which locations are the same as those set out in the referenced applications (Exhibit A and B to the Application), and which locations are correct: Monument Well No. 2 - in the NW 1/4 NW 1/4 Section 14, 920 feet from North Section Line, 1020 feet from West Section Line, Northing (UTM y): 4327648.2 Easting (UTM x): 511715.2. Monument Well No. 3 - in the Ne 1/4 SE 1/4 Section 15, 1980 feet from the South Section Line, 50 feet from the East Section Line, Northing (UTM y): 4326917.1 Easting (UTM x): 511387.7 **b. Source:** Wells 2 and 3 are dual completed in the Dawson and Denver aquifers. **c. Dates of Appropriation:** Monument Well No. 2 - March 31, 1955 (see Registration April 13, 1960 attached to the Application as Exhibit G). Monument Well No. 3 - October 6, 1972 (see Permit 16543-F issued Oct 6, 1972 attached to the Application as Exhibit H) **c. Amounts as described** on page 8 of the said Second Amended Decree, which amounts are the same as those set out in the referenced applications. Monument Well No. 2 - 0.32 c.f.s. Monument Well No. 3 - 200 g.p.m. absolute, 150 g.p.m. conditional. The present case only pertains to water withdrawn from the Denver aquifer. The above quantities from the decree include water withdrawn from the Dawson aquifer as these are multiply completed wells. Using the State Engineer's Aquifer Determination Tool, Monument's engineer has determined that 48 percent of the water produced from Monument Well No. 2 is from the Denver aquifer, and that 52 percent of the water produced from Monument Well No. 3 is from the Denver aquifer. **d. Use:** Municipal **6. The previous adjudication conclusively determined that the water withdrawn** from the Denver aquifer through Monument Wells 2 and 3 is nontributary, and this determination was not changed by the subsequent appeal or remand. **a. At the top of page 6 of the Amended Decree** in the Consolidated cases dated June 23, 1979, this Court ruled, "Having already found, as a matter of fact, that the waters of the Denver and Arapahoe aquifers are not tributary to Monument Creek in this area, we turn to the question of tributariness of the upper, Dawson-Arkose aquifer." **b. Confirming the above,** the Supreme Court in District 10 Water Users Ass'n v. Barnett, 599 P.2d 894, 895 (Colo. 1979), stated at Footnote 1, ".The Denver is below the Dawson-Arkose and the Arapahoe being below the Denver. Apparently, there is involved here only the Dawson-Arkose aquifer. The parties are not in agreement as to whether the water judge found that the Dawson-Arkose aquifer has a hydraulic connection with Monument Creek." **c. In the Second Amended Decree, after remand, this Court ruled** middle of page 6 that, "Having already found, as a matter of fact, that the waters of the Denver and Arapahoe aquifers are not tributary to Monument Creek in this area, we turn to the question of tributariness of the upper, Dawson-Arkose aquifer." **7. There is nothing in the said decrees** or in the Supreme Court opinion that contradicts Monument's position that the water withdrawn from the Denver aquifer through Monument Wells 2 and 3 has conclusively been determined to be nontributary. **8. The Court is further requested to confirm that no augmentation is required** for water withdrawn from the Denver aquifer by Monument Wells 2 and 3 for the reason that the water withdrawn from the Denver aquifer through those wells has been decreed nontributary. **9. The Court is also requested to confirm** that pursuant to C.R.S. § 37-90-137, the two percent (2%) relinquishment requirement of the Denver Basin Rules, 2 CCR 402-6, does not apply to Denver aquifer groundwater withdrawn through Monument Wells 2 and 3 under the previous adjudication because they are pre Senate Bill 213 water rights, and the statutory authorization for the Denver Basin Rules does not apply to pre-Senate Bill 213 water

rights. **a. C.R.S. § 37-90-137(9)(b) states** that, “On or before December 31, 1985, the state engineer shall promulgate reasonable rules and regulations applying exclusively to the Dawson, Denver, Arapahoe, and Laramie-Fox Hills aquifers to the extent necessary to assure that the withdrawal of groundwater from wells described in subsection (4) of this section will not materially affect vested water rights to the flow of any natural stream.” The phrase “wells described in subsection (4)” constitutes words of limitation. **b. Rule 3. A of the Denver Basin Rules provides**, “These rules apply to the evaluation and processing of well permit applications acted upon after the effective date of these rules for the withdrawal of ground water from the Dawson, Denver, Arapahoe and Laramie-Fox Hills Aquifers, as defined below, pursuant to Section 37-90-137(4), C.R.S.” **c. Because of the explicit provisions** of C.R.S. 37-90-137(5), Pre-Senate Bill 213 wells are not wells described in subsection (4). **d. For these reasons, the requirement in Rule 8** of The Denver Basin Rules to relinquish two percent of water withdrawn is not applicable to pre-Senate Bill 213 wells. **10. Names and addresses of owners of the land upon which the subject wells are located:** 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 March 2019, (forms available at Clerk’s office or at www.courts.state.co.us, 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 6th day of February, 2019.

Mardell R. DiDomenico



Mardell R. DiDomenico, 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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