

**Consent Agenda Item 1.j**

March 20-21, 2019 Board Meeting

Case No. 18CW3076 (Water Division 2); Upper Arkansas Water Conservancy District

**Summary of Water Court Application**

This is an Application for approval of plan for augmentation, change of water rights, and appropriative rights of exchange.

**Staff Recommendation**

Staff recommends that the Board ratify the filing of a Statement of Opposition filed on behalf of the Board in February 2019 to protect CWCB's instream flow water rights.

**CWCB Instream Flow Water Rights**

The CWCB holds instream flow water rights, including the following water rights in Water Division 2 in the Arkansas Headwaters Watershed, that could be injured by this application:

| Case Number | Stream                          | Upper Terminus                | Lower Terminus               | CFS Rate (Dates)                        | Approp. Date |
|-------------|---------------------------------|-------------------------------|------------------------------|---|--------------|
| 95CW0231    | Currant Creek                   | confl Cottonwood Creek        | confl Tallahassee Creek      | 0.5 (11/1 - 3/31)<br>1.25 (4/1 - 10/31) | 11/06/1995   |
| 76W4441     | Grays Creek                     | headwaters                    | confl Poncha Creek           | 4 (1/1 - 12/31)                         | 01/14/1976   |
| 04CW0084    | Green Creek                     | confl unnamed tributary       | confl S Fork Arkansas River  | 3.9 (4/1 - 8/31)<br>1.9 (9/1 - 3/31)    | 01/28/2004   |
| 77W4660     | North Fork South Arkansas River | confl North Fork Res          | confl McCoy Creek            | 8 (1/1 - 12/31)                         | 11/15/1977   |
| 77W4659     | North Fork South Arkansas River | confl McCoy Creek             | hdgt North Fork Ditch        | 10 (1/1 - 12/31)                        | 11/15/1977   |
| 76W4438     | Pass Creek                      | headwaters                    | confl Little Cochetopa Creek | 2 (1/1 - 12/31)                         | 01/14/1976   |
| 95CW0232    | Tallahassee Creek               | confl South Tallahassee Creek | confl Arkansas River         | 1 (4/1 - 10/31)<br>0.5 (11/1 - 3/31)    | 11/06/1995   |

**Potential for Injury**

- Terms and conditions should be included in the decree to ensure that the proposed decree will not injure the CWCB's instream flow water rights by expansion of use of Applicant's water rights.

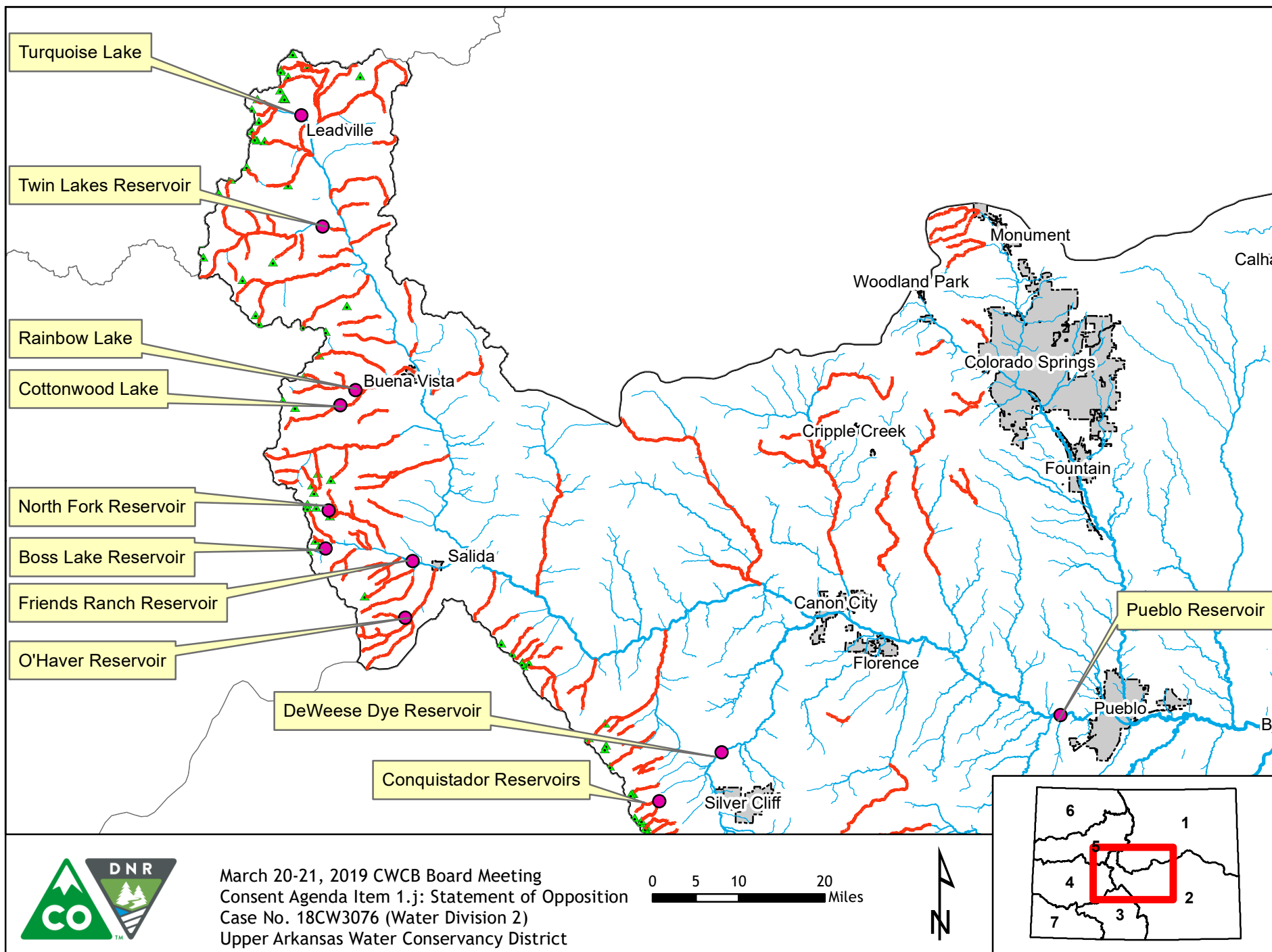
- Any administrative exchange under Applicant's proposed augmentation plan or change of water rights should be defined clearly with a reference to intervening instream flow water rights so that the CWCB's instream flow water rights are not injured.
- The proposed plan for augmentation and exchange may not replace depletions in the proper time, place and amount, which could injure the CWCB's instream flow water rights.
- The application fails to identify any sources of substitute supply for the claimed appropriative rights of exchange. To enable opposers to evaluate the potential for injury to their water rights that could result from the claimed exchanges, Applicant must identify all of the sources of substitute supply.
- The proposed appropriative right of exchange should be defined clearly with a reference to intervening instream flow water rights so that the CWCB's instream flow water rights are not injured.
- Any contract exchanges using the subject water rights should be limited in the same way as a physical exchange and should not occur if instream flows in the intervening stream reach are not met.

#### **Other Objectors**

Statements of Opposition were also filed by Arkansas Valley Ditch Association, Board of County Commissioners of Chaffee County, Board of Custer County Commissioners, C. Max Smith, Charles Vincent Koch and Denise M. Koch, City of Aurora, City of Colorado Springs, City of Florence, City of Canon City, Donald Camper and Linda J. Camper, Douglas Gesner - Aspen Meadow Elk Ranch LLC, Fairview Cemetery Association Inc., Gary and Georgia Walker - Walker Ranches LLP, George R. Gregg and Dwaine E. Robey, John Brandenburg, Kim Spinelli dba Highland Land & Cattle LLP, Lawrence Family Ranch Corporation, Linn Van Norman, Margaret Kavoojian, Michael J. Smith, Mountain Front Range, Penrose Water District, Public Service of Colorado, Randy Rusk, Round Mountain Water and Sanitation District, San Isabel Land Protection Trust, San Isabel Ranch LLP, Mike T. and Sara F. Shields, Sherman G. Frahm, Bill and Becky Mazurek, Fred and Sheron Berry, Security Water District, Southeastern Colorado Water Conservancy District, and St. Charles Mesa Water District.

#### **Attorney Representing CWCB**

Ema I. G. Schultz, Assistant Attorney General, is assigned to this case and can be contacted at [ema.schultz@coag.gov](mailto:ema.schultz@coag.gov), or 720-508-6307.



DISTRICT COURT, WATER DIVISION NO. 2, COLORADO

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RESUME OF CASES FILED AND/OR ORDERED PUBLISHED DURING DECEMBER  
2018 AND INVITATION TO JOIN STATE ENGINEER'S SUBSTITUTE WATER SUPPLY  
PLAN NOTIFICATION LIST AND/OR THE STATE ENGINEER'S PRODUCED  
NONTRIBUTARY GROUND WATER NOTIFICATION LIST  
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TO: ALL INTERESTED PARTIES

Pursuant to C.R.S. 37-92-302, you are hereby notified that the following is a resume of applications and certain amendments filed and/or ordered published during December 2018, 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:

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**CASE NO. 2018CW3076 – THE UPPER ARKANSAS WATER CONSERVANCY DISTRICT, acting through the Upper Arkansas Water Activity Enterprise (“UAWCD”), P.O. Box 1090, Salida, CO 81201** (Please direct correspondence to counsel for Applicant: LAW OF THE ROCKIES, Marcus A. Lock, Atty. Reg. #33048, Kendall K. Burgemeister, Atty. Reg. #41593, Leila C. Behnampour, Atty. Reg. #42754, 525 North Main Street, Gunnison, CO 81230, Phone: 970-641-1903, E-mail: [mlock@lawoftherockies.com](mailto:mlock@lawoftherockies.com), [kburgemeister@lawoftherockies.com](mailto:kburgemeister@lawoftherockies.com), [lbehnampour@lawoftherockies.com](mailto:lbehnampour@lawoftherockies.com).)

Application for Approval of Plan for Augmentation, Change of Water Rights, and Appropriative Rights of Exchange.

**FREMONT, CUSTER AND EL PASO COUNTIES.**

**Nature and purpose of application.** UAWCD obtained decrees for regional augmentation plans (also known as “umbrella plans” or “blanket plans”) that serve portions of Chaffee County and western Fremont County in Case Nos. 92CW84 and 94CW5, as modified and supplemented by several other decrees including Case Nos. 03CW55, 03CW104, and 06CW32 (together, the “Existing Augmentation Plans”). The

Existing Augmentation Plans establish a framework whereby water users who meet certain criteria and who enter into augmentation agreements with UAWCD can participate in one of the Existing Augmentation Plans without being required to obtain an individual plan for augmentation. By this application, UAWCD requests approval of a regional plan for augmentation (“Proposed Plan”) to expand the geographic scope of UAWCD’s augmentation service to include portions of Fremont, Custer, and El Paso Counties. This plan will operate in conjunction with UAWCD’s Existing Augmentation Plans, however, this Application is not intended, nor shall it operate, to reopen or otherwise impact in any way the decrees for UAWCD’s Existing Augmentation Plans. **PLAN FOR AUGMENTATION. Description of structures to be augmented. Types of Structures.** UAWCD will augment surface water and ground water diversion structures that have been accepted into this plan for augmentation, including tributary wells, on-stream reservoirs or ponds, off-stream reservoirs or ponds, direct flow surface diversions, and tributary springs or seepage. These structures shall be referred to as “Augmented Structures,” and may be augmented for any and all beneficial uses. **Location of Structures.** The Augmented Structures and the land where water diverted by an Augmented Structure may be used must be located within the boundaries of the Service Area of the Proposed Plan. The Service Area is divided into two sub-areas, “Area I” and “Area II.” The geographic extent of the Service Area is described in Exhibit A to the Application. The geographic extent of the Service Area, Area I, and Area II is illustrated on Exhibit B to the Application. (All exhibits mentioned herein are incorporated by reference and may be inspected at the office of the clerk of this Court.). **Area I.** Area I includes areas where a diversion of water would cause depletions to accrue to the main stem of the Arkansas River or a tributary below a local Controlling Water Right, as defined herein, which can be augmented with the Augmentation Water described below. **Area II.** Area II includes all remaining areas in the Service Area, which are areas where a diversion of water would cause depletions to accrue above a structure that is a Controlling Water Right during certain periods of time but that can be augmented with the available Augmentation Water during other periods of time. Augmented Structures in Area II will only include structures that can be immediately curtailed and have no lagged depletions. The structures that UAWCD believes to be the local Controlling Water Right on the various tributaries within the Service Area are shown on Exhibit C to the Application. **Existing Augmented Structures.** Fremont County Department of Transportation (FCDOT) diverts water from multiple locations throughout the Service Area for maintenance of County Roads. UAWCD will augment out of priority diversions by FCDOT within the Service Area, including but not limited to diversions at the following structures, decreed on August 9, 2018, in Case No. 17CW3040 (Div. 2), for dust suppression, road grading, fire protection, compaction and other transportation-related purposes for specific county transportation projects, and for fire-fighting and fire protection purposes throughout Fremont County, each in the amount of 200 gallons per minute:

| Structure                            | WDID    | UTMe   | UTMn    | Source     | Approp. Date | Absolute/ Conditional |
|--------------------------------------|---------|--------|---------|------------|--------------|-----------------------|
| FCDOT Nash Ranch Diversion           | 1201508 | 466055 | 4280887 | City Creek | 3/31/2017    | Conditional           |
| FCDOT Oak Creek Campground Diversion | 1201509 | 477225 | 4238897 | Oak Creek  | 4/30/1998    | Absolute              |





|                              |         |        |         |                         |           |             |
|------------------------------|---------|--------|---------|-------------------------|-----------|-------------|
| FCDOT Parkdale Diversion     | 1201510 | 465997 | 4259878 | Arkansas River          | 4/30/1998 | Absolute    |
| FCDOT Pink House Diversion   | 1201511 | 476855 | 4253859 | Arkansas River          | 3/31/2017 | Conditional |
| FCDOT Taylor Ranch Diversion | 1201512 | 453068 | 4274253 | Cottonwood Creek        | 4/30/1998 | Absolute    |
| FCDOT Thorne Ranch Diversion | 1201514 | 452905 | 4268309 | North Tallahassee Creek | 4/30/1998 | Absolute    |
| FCDOT Valco Diversion        | 1201515 | 484423 | 4252641 | Arkansas River          | 3/31/2017 | Conditional |

Diversions from these structures will be augmented as though they are 100% consumptive. **Water rights to be used for augmentation.** The following sources of water will be used for augmentation under the Proposed Plan ("Augmentation Water"): **Twin Lakes Water.** Water available pursuant to shares of Twin Lakes Reservoir and Canal Company owned, leased, or controlled by UAWCD ("Twin Lakes Water"). The shares represent a pro rata interest in native Arkansas River diversions and the Independence Pass Transmountain Diversion System, which diverts water from the headwaters of the Roaring Fork River and its tributaries in Pitkin County for storage in Twin Lakes Reservoirs in Lake County, Colorado. Twin Lakes Shares consist of direct flow and storage rights that are available for one hundred percent consumptive use and reuse and a portion are available for augmentation. The water rights producing the pro rata interest of UAWCD are: Colorado River Water Rights: Decrees: Original Decree: Civil Action No. 3082, District Court, Garfield County, August 25, 1936. Relevant Subsequent Decree: Case No. W-1901, District Court, Water Division 5, May 12, 1976. Appropriation Date: August 23, 1930. Points of Diversion: The points of diversion are set forth in the CA-3082 Decree and W-1901 Decree. Source: Roaring Fork River and its tributaries, all tributaries of the Colorado River in Water Division 5, as more fully set forth in the CA-3082 Decree and W-1901 Decree. Amount: Direct flow amount for diversions through transmountain tunnels of 625 c.f.s. with an annual limit of 68,000 acre-feet, a running ten year limit of 570,000 acre-feet, and other limitations set forth in the decrees. Decreed Use: Direct flow and storage for irrigation, domestic, commercial, industrial, municipal, and all other beneficial uses. Independence Pass Transmountain Diversion 1994 Supplement: 95CW321 (Div. 5); 240.75 cfs, with an appropriation date of June 8, 1994, for direct flow and storage for irrigation and municipal use by the parties lawfully entitled thereto. Arkansas River Water Rights: Decrees: Original decree: Civil Action No. 2346, District Court, Chaffee County, July 14, 1913. Relevant subsequent decree: Case No. W-3965, District Court, Water Division 2, April 19, 1974. Appropriation Dates: December 15, 1896, and March 29, 1897. Points of Diversion: As decreed in W-3965, Twin Lakes Reservoir is situated in Sections 15-23, T11S, R80W, 6<sup>th</sup> PM, in Lake County. Source: Lake Creek and its tributaries, tributary to the Arkansas River. Use: Storage for irrigation, domestic, commercial, industrial, and municipal purposes on any site in the Arkansas River Basin of Colorado below the Twin Lakes Reservoir that are capable of being served with water by diversion from said Arkansas River. Amount: 54,452 acre-feet (20,645.3 acre-feet under Reservoir Priority No. 3, and 33,806.7 acre-feet under Reservoir Priority No. 4). **Project Water.** Such Fryingpan-Arkansas Project ("Project") water as Applicant may obtain the right to use from time to time. Applicant is eligible to receive annual allocations of Project water, which it may purchase and use after it is allocated to UAWCD by the Southeastern Colorado Water Conservancy District ("SECWCD"), based on SECWCD's

principles, policies, rules, and regulations, as such may be amended. Such water may be stored in Turquoise Reservoir, located on Lake Fork Creek in Sec. 19, Township 9 South, Range 80 West, 6th P.M. in Lake County as described in that Decree in Case No. 80CW56 (District Court, Water Division No. 2) dated October 23, 1980, in Twin Lakes Reservoir, located on Lake Creek in Sec. 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, and 30, Township 11 South, Range 80 West, 6th P.M., the dam axis of which intersects Lake Creek at a point whence the SE corner of Sec. 23, Township 11 South, Range 80 West, 6th P.M. bears South 54°13'08" East a distance of 3,803.10 feet, as more particularly described in the decree in Civil Action No. 5141, District Court, Chaffee County, issued on July 9, 1969 and as modified in Case No. 80CW6 on October 23, 1980, from storage in Pueblo Reservoir, located on the Arkansas River in Sec. 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, 6th P.M., Sec. 1, 2, 3, 4, 5, 9, 10, and 11, Township 21 South, Range 66 West, 6th P.M., and Sec. 5, 8, 9, 13, 14, 15, 16, 22, 23, and 25, Township 20 South, Range 67 West, 6th P.M., the dam axis of which intersects the Arkansas River whence the NE corner of Sec. 36, Township 20 South, Range 66 West, 6th P.M. bears North 61°21'20" East a distance of 2,511.05 feet, and in other reservoirs to which such water has been moved. The water rights of the Project consist of: West Slope Decrees: The Project diverts surface water from the headwaters of Hunter Creek and the Fryingpan River and their tributaries in Pitkin County, Colorado. The principal water rights were adjudicated by the decrees in Civil Action No. 4613, District Court, Garfield County on 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 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 and empties into Turquoise Reservoir. This water may be stored in Turquoise Reservoir, Twin Lakes Reservoir, and elsewhere, and may be applied to beneficial use within the SECWCD's boundaries; and East Slope Decrees: The Project also diverts and stores surface water from the Arkansas River and its tributaries in Lake, Chaffee, Fremont, and Pueblo Counties. The principal water rights were adjudicated by the decrees in Civil Action No. 5141, District Court, Chaffee County, dated July 9, 1969, and Civil Action No. B-42135, District Court, Pueblo County, dated June 25, 1962, and were modified and supplemented by the Decree in Case No. 80CW6, District Court, Water Division No. 2, dated October 23, 1980. These water rights include storage in Turquoise Reservoir, Twin Lakes Reservoir, and elsewhere. **North Fork Reservoir.** Case Number, Date, and Court of Original Decree: 82CW204, May 23, 1983, nunc pro tunc April 14, 1983, District Court, Water Division 2. Case Number, Date, and Court of Subsequent decrees: 87CW23, May 10, 1988; 94CW17, November 22, 1994; 00CW121, September 20, 2006; 12CW97, February 9, 2013; 13CW3030, December 2, 2013, all in District Court, Water Division 2. Location: SE¼ of Section 5, Township 50 North, Range 6 East, N.M.P.M., in Chaffee County, Colorado. Source: North Fork, South Arkansas River. Appropriation Date: September 9, 1982. Amount: 595 acre-feet (495 acre-feet absolute, 100 acre-feet conditional). Use: irrigation, municipal, industrial, recreational and augmentation uses. **O'Haver Reservoir.** Case Number, Date, and Court of Original Decree: 82CW205, June 28, 1985, District Court, Water Division No. 2, Colorado. Case Number, Date, and Court of Subsequent



Decrees: 88CW75, September 6, 1989, amended July 13, 1990; 95CW207, December 10, 1996; 02CW178, November 25, 2003; 09CW128, March 31, 2011; 13CW3031, November 4, 2013, all in District Court, Water Division 2. Location: Near the center of Section 12, T.48 N. R.7E., N.M.P.M., Chaffee County, Colorado. Source: Gray's Creek by means of O'Haver filler Ditch. Appropriation Date: September 9, 1982. Amount: 193 acre-feet (absolute). Uses: Irrigation, municipal, industrial, augmentation, and recreational. **Water Leased from Board of Water Works of Pueblo, Colorado.** UAWCD has entered into a lease of 202 acre-feet of fully consumable water with Board of Water Works of Pueblo, Colorado (BWWP), for a term of 40 years. With respect to the source of the water to be provided the lease provides in pertinent part that BWWP "will deliver water derived from the Board's shares in the Twin Lakes Reservoir and Canal Co. to the extent that such water is available to the Board. If Board does not have sufficient water from the Twin Lakes Reservoir and Canal Co. to satisfy its delivery obligations under this lease, then the Board may deliver water from other sources of fully consumable water available to the Board including, but not limited to, stored water at Clear Creek Reservoir, Turquoise Reservoir, Twin Lakes Reservoir, Pueblo Reservoir, from direct flow transmountain water or transmountain return flows by exchange." The leased water will be delivered at confluence of Lake Creek and the Arkansas River, or at Pueblo Reservoir. The Twin Lakes water rights are described above. On information and belief, other water rights that BWWP owns or has the right to use and that may also be used to deliver water under the lease include, but are not necessarily limited to: The Ewing Placer Ditch, the Columbine Ditch, the Warren E. Wurtz Ditch, the Wurtz Extension Ditch, the Busk-Ivanhoe System, and the Homestake Project, as each such right was changed in one or more of the following cases: 84CW177 (Div. 2); 84CW177(B) (Div. 2); and 90CW340 (Div. 5). The points of diversion of the foregoing water rights are located in the Colorado River drainage basin. Other water rights may include the Clear Creek Reservoir Second Enlargement, 04CW130 (Div. 2), and BWWP's interest in the West Pueblo Ditch, 90CW55 (Div. 2). **HL Water Rights: Name of Structure.** **ALFRED KATZENSTEIN DITCH NO. 1 (aka A. KATZENSTEIN DITCH NO. 1)** (Priority Nos. 51 and 207(B)). **Date of Prior Decrees, Case Numbers, and Court.** Original Decree: Decree of the Fremont County District Court dated March 12, 1896. Relevant subsequent decrees: 95CW10, August 4, 1998 (changed to augmentation use); 00CW42, February 12, 2001 (added alternate point of diversion); 10CW30, March 10, 2013 (change for use in 06CW32 Plan and storage in Pueblo and DeWeese Reservoirs), all in District Court, Water Division 2. **Legal Description:** The original decreed location of the A. Katzenstein Ditch No. 1 headgate is on the northeast (left) bank of West Taylor Creek (aka Middle Taylor Creek) at a point whence the West quarter corner of Section 20, Township 22 South, Range 73 West of the 6th Principal Meridian bears North 58° 15' West at a distance of 2,900 feet, such point being in the SE1/4NW1/4 of said Section 20. In Case No. 00CW42, A. Katzenstein Ditch No. 1 was decreed an alternate point of diversion at a point located on the north (left) bank of Middle Taylor Creek in the NE1/4NW1/4 of Section 28, Township 22 South, Range 73 West, 6th P.M., Custer County, Colorado, at a point whence the Northwest corner of said Section 28 bears North 86° 31' West a distance of 2,058 feet. **Decreed Source:** Middle Taylor Creek (aka West Taylor Creek). **Appropriation Date:** March 30, 1873 (Priority 51) and July 1, 1878 (Priority 207(B)). **Total Amount Decreed to Structure:** 1.86 cfs. **Amount Available to UAWCD.** UAWCD's share is calculated pursuant

to the 10CW30 Decree. The quantity of consumable water currently considered to be permanently available to UAWCD is 78.3 acre-feet per year on average. Decreed Uses: UAWCD's interest in the A. Katzenstein Ditch No. 1 water rights are currently decreed for use as source of replacement water for all authorized uses described in the 06CW32 Plan, as the same may be amended from time to time. Name of Structure: **CONQUISTADOR RESERVOIR NO. 1.** Date of Prior Decrees, Case Numbers, and Court: Original decree: District Court, Water Division 2, August 1, 1978, Case No. W-4320. Relevant subsequent decrees: 86CW67, January 9, 1987 (change in place of storage); 95CW10, August 4, 1998 (changed to use in HBL augmentation plan); 00CW3, September 27, 2001 (decreed absolute storage right for 134.6 acre-feet, and the remaining conditional 15.4 acre-feet was declared to be abandoned); 10CW30 (change for use in 06CW32 Plan and storage in Pueblo and DeWeese Reservoirs), all in District Court, Water Division 2. Legal Description: SE1/4 of Section 21, Township 22 South, Range 73 West of the 6th P.M., in Custer County, Colorado. Decreed Source: Middle Taylor Creek at the A. Katzenstein Ditch No. 1 head gate and the A. Katzenstein Ditch No. 1 alternate point of diversion, local surface runoff and groundwater infiltration. Appropriation Date: July 28, 1975 (it may also store water diverted under the A. Katzenstein Ditch No. 1 water rights, with priority dates of March 30, 1873 and July 1, 1878). Total Amount Decreed to Structure: 134.6 acre-feet. Decreed Uses: UAWCD's interest in the Conquistador Reservoir No. 1 water right is currently decreed for use as source of replacement water for all authorized uses described in the 06CW32 Plan, as the same may be amended from time to time. **Friend Ranch Water Rights:** Name of structure: **Huntzicker Ditch (WDID: 1100600).** Legal description of structure as described in most recent decree that adjudicated the location: About one-half mile from the junction of Little Cochetopa Creek with the South Arkansas River in Section 8, Township 49 North, Range 8 East, N.M.P.M., Chaffee County, Colorado. A more modern description of the actual location of the headgate is a point in the NE1/4SE1/4, Section 7, Township 49 North, Range 8 East, N.M.P.M., at a point 2,500 feet from the south line and 100 feet from the east line of said Section 7. Under the 07CW111 Decree, the Huntzicker Ditch water right is to be administered for the changed uses at the Hensie Ditch No. 1 point of diversion, described below. Division Engineer's Reported UTM Location: 402604E, 4263430N. Decreed source of water: Little Cochetopa Creek, tributary to the South Arkansas River, tributary to the Arkansas River. Appropriation Date: December 31, 1870. Total amount decreed to structure: 0.7 cubic feet per second (cfs). Amount of water that applicant intends to change: 0.5 cfs. **Name of structure:** **Hensie Ditch No. 1 (WDID: 1100602).** Legal description of structure as described in most recent decree that adjudicated the location: About 20 rods below the mouth of Pass Creek in Section 7, Township 49 North, Range 8 East, N.M.P.M., Chaffee County, Colorado. A more modern description of the actual location of the headgate is in the SW1/4 SE1/4, Section 7, Township 49 North, Range 8 East, N.M.P.M., at a point 90 feet from the south line and 2,280 feet from the east line of said Section 7. Division Engineer's Reported UTM Location: 401930E, 4262660N. Decreed source of water: Little Cochetopa Creek, tributary to the South Arkansas River, tributary to the Arkansas River. Appropriation Date: December 31, 1873. Total amount decreed to structure: 0.3 cfs. Amount of water that applicant intends to change: 0.3 cfs. **Name of structure:** **Boon Ditch No. 2 (WDID: 1100608).** Legal description of structure as described in most recent decree that



adjudicated the location: North Bank of Pass Creek, about 200 feet from the junction of Pass Creek with Little Cochetopa Creek, Chaffee County, Colorado. A more modern description of the actual location of the headgate is the NW1/4 NE1/4, Section 18, Township 49 North, Range 8 East, N.M.P.M., at a point 200 feet from the north line and 2,450 feet from the east line of said Section 18. Under the 07CW111 Decree, the Boon Ditch No. 2 water right is to be administered for the changed uses at the Velotta Ditch No. 1 point of diversion, described as a point on the north bank of Pass Creek, whence the East Quarter Corner of Section 13, Township 49 North, Range 7 East, N.M.P.M., bears South 74°45' East, 1760 feet. Division Engineer's Reported UTM Location: 401950E, 4262460N. Decreed source of water: Pass Creek, tributary to Little Cochetopa Creek, tributary to the South Arkansas River, tributary to the Arkansas River. Appropriation Date: November 30, 1871. Total amount decreed to structure: 1.4 cfs. Amount of water that applicant intends to change: 1.4 cfs. **Name of structure: Hensie Ditch No. 2 (WDID: 1100609).** Legal description of structure as described in most recent decree that adjudicated the location: About one-half mile from Pass Creek's junction with Little Cochetopa Creek, in Section 7, Township 49 North, Range 8 East, N.M.P.M., Chaffee County, Colorado. A more modern description of the actual location of the headgate is the SE1/4 NE1/4, Section 13, Township 49 North, Range 7 East, N.M.P.M., at a point 1,680 feet from the north line of said Section 13, and 90 feet from the east line of said Section 13. Under the 07CW111 Decree, the Hensie Ditch No. 2 water right is to be administered for the changed uses at the Velotta Ditch No. 1 point of diversion, described as a point on the north bank of Pass Creek, whence the East Quarter Corner of Section 13, Township 49 North, Range 7 East, N.M.P.M., bears South 74°45' East, 1760 feet. Division Engineer's Reported UTM Location: 401064E, 4262220N. Decreed source of water: Pass Creek, tributary to Little Cochetopa Creek, tributary to the South Arkansas River, tributary to the Arkansas River. Appropriation Date: December 31, 1873. Total amount decreed to structure: 0.2 cfs. Amount of water that applicant intends to change: 0.2 cfs. **Name of structure: Mundlein Ditch No. 2 (WDID: 1100597).** Legal description of structure as described in most recent decree that adjudicated the location: The original decree for the Mundlein Ditch No. 2 Water Right describes the location of its headgate at a point on the East bank of Green Creek, whence the South Quarter Corner of Section 1, Township 49 North, Range 8 [sic] East of the N.M.P.M., bears South 67° 46' East, 3784 feet. The correct Range is 7 East. Division Engineer's Reported UTM Location: 399164E, 4264741N. Decreed source of water: Green Creek, tributary to the South Arkansas River, tributary to the Arkansas River. Appropriation Date: March 1, 1873. Total amount decreed to structure: 1.74 cfs. Amount of water that applicant intends to change: 0.58 cfs. Original and all relevant subsequent decrees for all of the above water rights (the "Friend Ranch Water Rights"): Civil Action No. 1127, District Court, Chaffee County (6/19/1890); W-294, District Court, Water Division 2 (October 18, 1978); 07CW111, District Court, Water Division 2 (June 13, 2012); 17CW3037, District Court, Water Division 2 (pending). Decreed uses of the Friend Ranch Water Rights: In Case No. 07CW111, the Friend Ranch Water Rights were changed from irrigation use to direct flow and storage for the Town of Poncha Springs's municipal uses in its existing and future service areas including the Friend Ranch, including, without limitation, domestic, commercial, industrial, irrigation, recreational, fire protection, augmentation, exchange and replacement purposes as provided in the 07CW111 Decree. In Case No. 17CW3037, UAWCD is seeking to change

the Friend Ranch Water Rights to allow their use as a source of augmentation or replacement water in all of its Existing Augmentation Plans, and its Rule 14 Plans and other administratively approved plans, in addition to the existing decreed uses by the Town of Poncha Springs. The historical consumptive use of the Friend Ranch Water Rights was determined in Case No. 07CW111 and is not modified herein. **Other Water Rights.** UAWCD may add additional quantities of listed sources of augmentation water (e.g. by purchasing more Twin Lakes Water, receiving an allocation of more Project Water, or amending its lease with BWWP) to this plan without further amendment of this plan and without further proceedings, provided, however, that prior to including such additional water in this Proposed Plan or the Existing Augmentation Plans, Applicant shall notify the Division Engineer of the addition, and shall provide the Division Engineer with a copy of the share certificate, contract, or other document evidencing UAWCD's right to use that water. Additional water rights not already decreed for use in this plan may be added to this plan by separate water court approval or statutorily authorized administrative approval. Notice of such application shall be provided in the manner required by law. The opposers in this case may participate fully in all water court or administrative proceedings pertaining to such applications. Once the application is approved, UAWCD will file notice of such approval in this case. UAWCD's use of any augmentation water under this section must comply with the terms and conditions of the decree entered in this case and any decree or administrative approval permitting use of the water right in this plan. **Complete Statement of Plan for Augmentation.** The Augmentation Water described above will be used to replace out-of-priority depletions from existing and future Augmented Structures. **Determining Diversions and Depletions.** Diversions and out-of-priority depletions from the Augmented Structures will be determined based on the values set forth below. Alternatively, diversions may be metered, with the out-of-priority depletions determined based on the presumptive depletion values set forth below. UAWCD proposes to apply the following presumptive diversion and depletion rates in order to determine out-of-priority depletions: **Lawn and Garden Irrigation.** For lawn and garden irrigation in Area I, the net depletions will be determined by multiplying the number of acres irrigated by the applicable monthly irrigation depletion factor. A proposed set of depletion factors are shown (in inches) in the table below. UAWCD's Existing Plans include irrigation Zones A, B, and C. The Service Area for the Proposed Plan is divided into two zones: Zone A, which uses the same depletion factors as the existing Zone A, and a new Zone D. Zone A is the Service Area north of the Fremont / Custer County line, and Zone D is the area south of the Fremont / Custer County line. The Zones are illustrated on Exhibit D. Sprinkler irrigation diversions can be calculated by dividing the net depletion values by 0.85. Drip irrigation diversions are presumed to be equal to net depletions. Irrigation of crops other than lawn and garden, irrigation in Area II, and application by means other than a sprinkler or drip, requires site-specific depletion analysis engineering.

| Month | Zone<br>A | Zone<br>D |
|-------|-----------|-----------|
| April | 2.94      | 1.90      |
| May   | 4.13      | 3.77      |
| June  | 6.02      | 5.50      |
| July  | 6.30      | 4.93      |



|                |       |       |
|----------------|-------|-------|
| August         | 5.10  | 4.34  |
| September      | 4.10  | 2.75  |
| October        | 2.83  | 0.16  |
| Total (inches) | 31.42 | 23.35 |
| Total (feet)   | 2.62  | 1.95  |

Domestic Livestock. Watering of horses, cows and other domestic livestock is assumed to be 100% consumptive, with net depletions equal to 0.010 acre-feet per year per animal.

In House Uses (With Sewer). For in-house uses where a central sewer system returns water to the same stream from which it is withdrawn by the Augmented Structure, the net depletions will be 0.016 acre-feet per year per single family dwelling. This depletion amount assumes 3.5 people per house using 80 gpd/person with a consumptive use factor of 5%.

In House Uses (With Septic). For in-house uses where a septic tank and leach field is used, the net depletions will be 0.031 acre-feet per year per single family dwelling. This depletion amount assumes 3.5 people per house using 80 gpd/person with a consumptive use factor of 10%.

Recreational Vehicles. For recreational vehicles, where a central sewer system returns water to the same stream from which it is withdrawn by the Augmented Structure, the net depletions will be 0.056 acre-feet per year per every 10 units/spaces (based on a daily use of 100 gallons per space with year-round use). Where a septic tank and leach field is used, the net depletions will be 0.112 acre-feet per year per 10 units/spaces.

RV Bath Houses. For RV bath houses with restrooms and showers, where a central sewer system returns water to the same stream from which it is withdrawn by the Augmented Structure, the net depletions will be 0.02 acre-feet per year per every 10 units/spaces (based on a daily demand of 300 gallons with year-round use). For RV bath houses with restrooms and showers, where a septic tank and leach field is used, the net depletions will be 0.04 acre-feet per year per 10 units/spaces.

Office Buildings. For office buildings, the net depletions will be based on a demand of 15 gallons per day per capita, with 5% consumptive use where a central sewer system returns water to the same stream from which it is withdrawn by the Augmented Structure, and 10% consumptive use for septic and leach field disposal.

Motels. For motels, the net depletions will be based on a demand of 50 gallons per day per capita, with 5% consumptive use where a central sewer system returns water to the same stream from which it is withdrawn by the Augmented Structure, and 10% consumptive use for septic and leach field disposal.

Surface Evaporation for Reservoirs and Ponds. Surface evaporation for on-channel and off-channel reservoirs and ponds will be determined by multiplying the surface area by the applicable monthly depletion factor.

Surface Area. For on channel structures, the net surface area is calculated by subtracting the natural stream channel from the total surface area. For all structures, the surface area will be based on the maximum surface area at full capacity, unless a stage-area-capacity is provided, in which case the surface area may be based on weekly reported stage readings.

Gross Evaporation. The Service Area is divided into two evaporation zones based on elevation. For elevations less than or equal to 6,500 feet, an annual gross evaporation rate of 47 inches will be used. For elevations greater than 6,500 feet, an annual gross evaporation rate of 40 inches will be used. Gross evaporation is used to determine evaporation depletions from off-channel structures, in accordance with the table below.

Net Evaporation. Net evaporation from on channel reservoirs is calculated to take credit for natural depletions to the stream flow that would have resulted if the reservoir were not in existence. The net evaporation

numbers in the table below are based on a deduction for effective precipitation. Alternatively, an applicant may supply an engineering report justifying a deduction for evapotranspiration by pre-existing vegetation that is eliminated during pond construction, subject to review and approval by the Division Engineer on a case-by-case basis.

| Elev. | On Channel Net Evaporation |            | Off Channel Gross Evaporation |            |
|-------|----------------------------|------------|-------------------------------|------------|
|       | > 6500 ft.                 | ≤ 6500 ft. | > 6500 ft.                    | ≤ 6500 ft. |
| Jan   | 0.00                       | 0.09       | 0.03                          | 0.12       |
| Feb   | 0.07                       | 0.11       | 0.10                          | 0.14       |
| March | 0.13                       | 0.15       | 0.20                          | 0.22       |
| April | 0.21                       | 0.26       | 0.30                          | 0.35       |
| May   | 0.34                       | 0.39       | 0.42                          | 0.47       |
| June  | 0.46                       | 0.50       | 0.52                          | 0.57       |
| July  | 0.39                       | 0.47       | 0.53                          | 0.59       |
| Aug   | 0.30                       | 0.40       | 0.43                          | 0.53       |
| Sep   | 0.31                       | 0.33       | 0.37                          | 0.39       |
| Oct   | 0.19                       | 0.22       | 0.25                          | 0.27       |
| Nov   | 0.08                       | 0.12       | 0.13                          | 0.16       |
| Dec   | 0.02                       | 0.09       | 0.05                          | 0.12       |
| Total | 2.49                       | 3.13       | 3.33                          | 3.92       |

These depletions can be further reduced during periods of ice-cover when no evaporation is occurring. Ice covered periods will be required to be recorded and verified by the water commissioner. In the alternative to augmenting evaporation using the Augmentation Water, the water level in an Augmented Structure that stores water may be lowered at the rate of evaporation to avoid creating out of priority evaporation depletions. Fully Consumptive Uses. Diversions for any use not listed above, including dust suppression, construction, bulk water sales, pond filling, and greenhouses may be metered and assumed to be 100 consumptive. Case-by case determinations. Alternatively, diversions and depletions from Augmented Structures that do not fit within the categories above may be measured and calculated on a case-by-case basis subject to approval by the Division Engineer, including commercial and industrial uses, and structures that claim a credit for seepage accretions. Timing of Depletions. Diversions from Augmented Structures may create lagged depletions to the stream depending on the nature and location of the Augmented Structure. Steady State Depletions. Diversions from certain Augmented Structures, such as those serving in-house uses and domestic livestock will be presumed to occur on a year-round basis. Therefore, a steady-state condition will be assumed for these uses such that stream depletions will equal augmentation plan diversions for such uses less applicable return flows. Lagged Depletions. For other uses supplied by well pumping at a distance from the stream, lagged depletions will be calculated for alluvial aquifers using commonly accepted engineering techniques and lagged depletion zones (based on distance to the stream) and specific unit response functions for each zone. Case by case determinations. For uses that do not fit within the steady state year-round use assumption or the alluvial lagged depletion zones, timing of depletions will be determined on a case-by-case basis, subject to the approval of the State and Division Engineer. Replacement of Out-of-Priority Depletions. UAWCD will replace out-of-priority depletions in time, location, and amount by direct application and credit of Augmentation



Water, or by making releases from storage, at or above the Controlling Water Right. For the purposes of this application, a Controlling Water Right is defined as a water right that is placing a valid call on the stream and diverting or utilizing all physically and legally available streamflow, but is not fully satisfied. An instream flow right that is calling but not receiving its full decreed amount shall be considered a Controlling Water Right as against augmented uses that are junior in priority to the instream flow right.

**Storage Structures.** UAWCD may, directly or by exchange, store the Augmentation Water in, and make augmentation releases from, any structure where UAWCD has the right to store water, including Pueblo Reservoir, O'Haver Reservoir, North Fork Reservoir, Boss Lake Reservoir, Cottonwood Lake, Rainbow Lake, DeWeese Reservoir, Twin Lakes Reservoir, and Conquistador Reservoir, which structures are located as follows: Pueblo Reservoir (WDID: 1403526): The Pueblo Reservoir Dam axis and the center line of the Arkansas River intersect at a point in Section 36, Township 20 South, Range 66 West of the 6th P.M., from which the Northeast corner of said Section bears North 61° 21'20" East, a distance of 2,511.05 feet, in Pueblo County (Division Engineer's reported location: 524076E, 4235362N); O'Haver Reservoir (WDID: 1103921): Near the center of Section 12, Township 48 North, Range 7 East, NMPM., in Chaffee County (Division Engineer's reported location: 399983E, 4253720N); North Fork Reservoir (WDID: 1103300): In Section 5, Township 50 North, Range 6 East, NMPM, more particularly described as: The northeasterly point of contact of the dam axis with the existing ground is at a point whence the Northwest corner of Section 21, T.50N., R.7E, NMPM, in Chaffee County, Colorado 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, in Chaffee County (Division Engineer's reported location: 384999E, 4274370N); Boss Lake Reservoir (WDID: 1103920): E½ of Sec. 25 and NE¼ Sec. 29, T. 50 N., R. 6 E. NMPM, in Chaffee County (Division Engineer's reported location: 385004E, 4268662N); Cottonwood Lake (WDID: 1104005): Section 36, Township 14 South, Range 80 West, 6th P.M., in Chaffee County (Division Engineer's reported location: 388969E, 4293209N); Rainbow Lake (WDID: 1103535): S½ Section 19 and N½ Section 30, T.14S., R.79W., 6th P.M. in Chaffee County (Division Engineer's reported location: 390150E, 4296557N); DeWeese Reservoir (WDID: 1303613): The southeasterly corner of the dam of said reservoir is North 41°37' East, and is distant 758.7 feet from the Northeast Corner of Section 20, T. 21 S., R. 72 W., 6th P.M., in Custer County (Division Engineer's reported location: 460703E, 4229165N); Twin Lakes Reservoir (WDID: 1103503): The Twin Lakes dam axis and the centerline of Lake Creek intersect at a point whence the SE corner of Section 23, Township 11 South, Range 80 West of the 6th P.M. bears south 54 degrees, 13 minutes, 8 seconds East, a distance of 3,803.10 feet, in Lake County (Division Engineer's reported location: 387247E, 4326098N); and Conquistador Reservoir (WDID: 1303535): SE ¼ of Section 21, Township 22 South, Range 73 West of the 6th P.M., in Custer County (Division Engineer's reported location: 452098E, 4219247N). The storage structures are illustrated on Exhibit E to the Application.

**Procedure to Enter Plan.** UAWCD will use the following procedure to add Augmented Structures to the augmentation plan: A water user who desires to participate in this plan for augmentation will be required to submit to UAWCD an application, on a form provided by UAWCD, stating *inter alia* the type of structure to be augmented, its location, the type of use, any water right decreed to the structure, the type

of wastewater treatment system, and the proposed beneficial uses of the water. The application form may be supplemented or amended from time to time to meet continuing requirements of the State Engineer and Division Engineer. Upon receipt of the application, fees, and appropriate supplemental material, UAWCD shall submit the application and attachments to the Division Engineer, and provide copies to the opposers in the case. The submittal shall identify this plan for augmentation as the plan pursuant to which the structure will operate in order to prevent injury to vested water rights and decreed conditional rights. The Division Engineer will then determine whether the diversion can be administered under this plan. If the application is to augment a surface diversion or storage facility, the Division Engineer shall forward the application to the State Engineer for final approval. If the application is to augment a well, the Division Engineer shall provide UAWCD a written determination of his findings, which shall be submitted to the State Engineer with a well permit application for evaluation pursuant to this plan and C.R.S. § 37-90-137(2). In addition to the notice to opposers, UAWCD shall, on a monthly basis, publish in a newspaper of general circulation in the area in which the any proposed Augmented Structures are located, the names of applicants for augmentation water, together with the street address or other brief description of the diversion location, and notice that applications are available for review by interested parties in the offices of UAWCD during normal business hours. Any affected person may file comments with the State Engineer within sixty days of the date of publication of such monthly notice. Any affected person not satisfied by the State Engineer's determination, may then apply to the District Court, Water Division 2 for a *de novo* hearing, under the court's retained jurisdiction, on the issue of whether the proposed structure can be augmented in accordance with the terms and conditions of this plan, including the requirement to prevent injury to vested water rights and conditional water rights. **Terms and Conditions.** UAWCD proposes to operate this plan pursuant to the terms and conditions set forth in this Application, including the following specific terms and conditions: Exchanges Required. If an exchange is required to be operated pursuant to this plan for augmentation, UAWCD will operate pursuant to a decreed or administratively approved exchange, and UAWCD will obtain all necessary approvals from the Division Engineer and Water Commissioner before operating such exchange. Transit losses. If replacements are to be made by releasing replacement water above the point of depletion, or downstream terminus of an exchange, UAWCD will replace transit losses in accordance with requirements of the Division Engineer. Protection of Intervening Rights. When an Augmented Structure causes out-of-priority depletions that occur above the Controlling Water Right on the Arkansas River or a tributary to the Arkansas River, UAWCD shall replace 100% of those depletions above the Controlling Water Right. When there is a Controlling Water Right between the point of diversion or upstream point of depletion and the lowest point of accretion of return flows, UAWCD shall replace 100% of those diversions above the Controlling Water Right. Project Facilities. Any decree entered in this case will not give UAWCD 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, but does not alter any existing rights that UAWCD may otherwise have. Fryingpan-Arkansas Project Water or return flows therefrom may be used in this augmentation plan only if, and to the extent such water is allocated by SECWCD to UAWCD or a plan participant, and is purchased from SECWCD. UAWCD's



purchase and use of Fryingpan-Arkansas Project Water and of return flows therefrom shall be consistent with the Allocation Principles of SECWCD (as they may from time to time be amended), and the lawful rules, regulations, policies, procedures, contracts, charges and terms as may be lawfully determined from time to time by SECWCD in its discretion. Project Water Use. In order to use Project Water for augmentation purposes under a decree entered in this case, UAWCD must first use any Project Return Flow water that is allocated and available to UAWCD. If Project Return Flow water is not available to UAWCD at appropriate locations for such use, UAWCD may use allocated and available Project Water for augmentation, subject to SECWCD's rules, regulations, policies, procedures, contracts, charges and terms in effect at the time of such allocation. Any decree in this matter will not modify Southeastern's Fryingpan-Arkansas Project water rights decrees. UAWCD will utilize Fryingpan-Arkansas Project Water or return flows therefrom only within the SECWCD boundaries, as a supplemental supply for the decreed uses. UAWCD's augmentation use of such water (including replacement of evaporation loss) will be only to augment or replace depletions resulting from the beneficial use of water within SECWCD's boundaries. UAWCD will not use such Project Water to augment depletions from any structure used to irrigate more than one (1) acre of land, absent prior approval by SECWCD of such irrigation use, based on SECWCD's principles and policies regarding allocation of Project Water as a supplemental supply for irrigation use. Removal of Structures from Plan. UAWCD may remove Augmented Structures from this plan for augmentation, but UAWCD shall augment all lagged out-of-priority depletions caused by the operation of the Augmented Structure while enrolled in the plan. Annual Report of Projected Augmentation. Annually, UAWCD shall project depletions and augmentation supplies for an eight-year period. Such projection and report shall be integrated with, and subject to the terms and conditions of, the projection and report required under paragraph 22.aa of the Decree entered in Case No. 06CW32, Water Division 2 ("06CW32 Decree"). Accounting. UAWCD shall maintain records of augmented structures, amount and times of depletions and augmentation releases, and other data as may be required by the Division Engineer for administration of this plan and provide the same to the Division Engineer as requested. The accounting will be integrated with the accounting for the Existing Augmentation Plans, and subject to the terms and conditions of the 06CW32 Decree. Annual Report. UAWCD shall submit to the Division Engineer an annual report of the actual augmentation operations pursuant to this plan for augmentation for the previous calendar year. UAWCD shall provide a combined report for this plan for augmentation and the Existing Augmentation Plans that complies with the terms and conditions of the 06CW32 Decree. **APPROPRIATIVE RIGHTS OF EXCHANGE. Grape Creek DeWeese Reservoir Exchange, in Custer and Fremont Counties.** Lower terminus: The confluence of Grape Creek and the Arkansas River, located in the NW1/4NE1/4NW1/4 of Section 6, T. 19S, R. 70W, 6<sup>th</sup> P.M. Upper terminus: DeWeese Reservoir, as described above. Amount claimed: 30.24 cfs. Appropriation date: March 23, 2005. Pursuant to C.R.S. § 37-92-305(10), UAWCD seeks to have the exchange administered with a priority date of March 23, 2005. **Pursuant to C.R.C.P. 89, please be advised that this water right may affect in priority any water right 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.** The appropriation was initiated by completion of administratively approved

exchange on the date claimed. If for any reason, the claimed exchange cannot be approved as an absolute claim with the priority date claimed, in whole or in part, UAWCD has completed additional exchanges subsequent to the date claimed, which may be used to recognize one or more absolute water rights. If the claimed exchange cannot be made absolute in the amount claimed, regardless of priority date, UAWCD seeks a conditional appropriative right of exchange with an appropriation date of December 31, 2018. The cumulative rate of all exchanges claimed will not exceed 30.24 cfs. **DeWeese Reservoir-Conquistador Reservoir Exchange, in Custer County.** Lower terminus: DeWeese Reservoir, as described above. Upper terminus: Headgates for the A. Katzenstein Ditch No. 1, as described above, as the points of diversion for Conquistador Reservoir. Amounts claimed and appropriation dates: 4.07 cfs, absolute, with an appropriate date of June 10, 2015, and an additional 2.864 cfs, absolute, with an appropriation date of February 16, 2017, for a total rate of 6.934 cfs. Pursuant to C.R.S. § 37-92-305(10), UAWCD seeks to have the exchange administered with priority dates of June 10, 2015, and February 16, 2017. **Pursuant to C.R.C.P. 89, please be advised that this water right may affect in priority any water right 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.** The appropriations were initiated by completion of administratively approved exchanges on the dates claimed. If for any reason, the claimed exchanges cannot be approved as absolute claims with the priority dates claimed, in whole or in part, UAWCD has completed additional exchanges that may be used to recognize one or more absolute water rights. If the claimed exchanges cannot be made absolute in the amount claimed, regardless of priority date, UAWCD seeks a conditional appropriative right of exchange with an appropriation date of December 31, 2018. The cumulative rate of all exchanges claimed will not exceed 6.934 cfs. The exchanges may be operated concurrently with the Grape Creek DeWeese Reservoir Exchange to exchange water from the Arkansas River to Conquistador Reservoir. **CHANGE OF WATER RIGHTS.** UAWCD seeks to change the HBL Water Rights to allow use of the consumptive use credits attributable to the HBL Water Rights as a source of augmentation water in the Proposed Plan in addition to their existing decreed uses. These water rights are already decreed for use in the 06CW32 Plan. This change includes changing the place of use to include the Service Area, the place of storage to include all of the storage structures described above, and the type of use to include use as replacement water for all authorized uses under this Proposed Plan, as the same may be amended from time to time, and as a source of substitute supply in UAWCD's 04CW96 exchanges. The amount of the HBL Water Rights that UAWCD intends to change is UAWCD's entire interest in the HBL Water Rights, as described above. The points of diversion are illustrated on Exhibit F attached to the Application. **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.** Pueblo Reservoir: U.S. Dep't of Interior, Bureau of Reclamation, 11056 West County Rd., 18-E, Loveland, CO, 80537-9711 ("Bureau of Reclamation"). O'Haver Reservoir, North Fork Reservoir: United States Department of Agricultural, Forest Service, 5575 Cleora Road, Salida, CO 81201 ("Forest Service"). Boss Lake Reservoir: SALCO ASSOCIATES, L.L.P., 225 G Street, Salida, CO 81201;



and the Forest Service. Cottonwood Lake: Forest Service. Rainbow Lake: Rainbow Lake Resort, Inc., P.O. Box 17450, Oklahoma City, OK, 73136. DeWeese Reservoir: DeWeese-Dye Ditch and Reservoir Company, 1631 Chestnut Street, Canon City, CO 81212. Twin Lakes Reservoir: Bureau of Reclamation. UAWCD holds the right to store water in the lower bay of Conquistador Reservoir, which is on land owned by C. Jean Zeller, PO Box 25, Westcliffe, CO 81252. **Exhibit A to Application**: The Service Area includes all or portions of the following Sections: 16S, 67W, 6th: Sections 30 through 32; 17S, 67W, 6th: Sections 4 through 10, 15 through 22, & 26 through 35; 16S, 68W, 6th: Sections 23 through 27, 35 & 36; 16S, 69W, 6th: Sections 19 through 21 & 29 through 32; 16S, 70W, 6th: Section 5 through 8 & 17 through 36; 16S, 71W, 6th: All Sections; 16S, 72W, 6th: All Sections; 16S, 73W, 6th: All Sections; 17S, 68W, 6th: Sections 1, 12 through 15, 22 through 27 & 31 through 36; 17S, 69W, 6th: Sections 5 through 8, 17 through 20 & 29 through 32; 17S, 70W, 6th: All Sections; 17S, 71W, 6th: All Sections; 17S, 72W, 6th: All Sections; 17S, 73W, 6th: All Sections; 18S, 68W, 6th: Sections 1 through 6, 8 through 17 & 19 through 36; 18S, 69W, 6th: Sections 4 through 9, 11 & 13 through 36; 18S, 70W, 6th: All Sections; 18S, 71W, 6th: All Sections; 18S, 72W, 6th: All Sections; 18S, 73W, 6th: Sections 1 through 6, 12 through 13 & 24 through 25 & 36; 19S, 68W, 6th: All Sections; 19S, 69W, 6th: All Sections; 19S, 70W, 6th: All Sections; 19S, 71W, 6th: All Sections; 19S, 72W, 6th: Sections 23 through 28 & 32 through 36; 19S, 73W, 6th: Section 1; 20S, 68W, 6th: Sections 1 through 34; 20S, 69W, 6th: Sections 2 through 10, 17 & 18; 20S, 70W, 6th: Sections 1 through 24, 26 through 34; 20S, 71W, 6th: All Sections; 20S, 72W, 6th: All Sections; 20S, 73W, 6th: Sections 1, 12 through 15, 21 through 28 & 32 through 36; 21S, 70W, 6th: Sections 5 through 8, 16 through 22 & 27 through 33; 21S, 71W, 6th: All Sections; 21S, 72W, 6th: All Sections; 21S, 73W, 6th: Sections 1 through 5, 9 through 15, 22 through 26 & 35 through 36; 22S, 70W, 6th: Sections 4 through 6; 22S, 71W, 6th: Sections 1 through 12, 15 through 22 & 27 through 28; 22S, 72W, 6th: Sections 1 through 24 & 27 through 31; 22S, 73W, 6th: Sections 1 through 4, 9 through 16, 21 through 25, 27 through 28 & 36; 50N, 12E, NMPM: Sections 1 through 4, 9 through 12, 14 through 15 & 22 through 23; 51N, 11E, NMPM: Sections 1, 12 through 13, 24 through 25 & 36; 51N, 12E, NMPM: All Sections. **Exhibits B-F** are on file with the Court.