

**BEFORE THE STATE ENGINEER
STATE OF COLORADO**

CASE NO. 25-SE-08

**IN THE MATTER OF THE REVISED RESPONSE FUNCTIONS BASED
UPON THE 7P101 RGDSS MODEL**

**NOTICE OF REQUEST FOR HEARING, SETTING CONFERENCE, AND
INSTRUCTIONS FOR REQUESTING PARTY STATUS**

On May 22, 2025 the State Engineer provided notice of updated Response Functions based upon version 7p101 of the Rio Grande Decision Support System (RGDSS) Groundwater Model in accordance with Rules 7.2, 7.3, 22 and 24.5 of the *Rules Governing the Withdrawal of Groundwater in Water Division No. 3 (the Rio Grande Basin) and Establishing Criteria for the Beginning and End of the Irrigation Season in Water Division No. 3 for All Irrigation Water Rights* (“Rules”).

BACKGROUND

On April 3, 2025, the State Engineer updated the RGDSS Groundwater Model to version 7p101. As a result of the revision, the State Engineer revised the Response Functions pursuant to Rule 24.5. The Division of Water Resources (“DWR”) worked with its staff, consultants, and the RGDSS Technical Advisory Committee (also referred to as the Peer Review Team) to update the Response Functions based on the revised RGDSS Groundwater Model. The State Engineer determined that the lower limit of reliability will remain at 50 acre-feet per year. The State Engineer provided notice of the updated Response Functions and the review of the lower limit of reliability on May 22, 2025, to the ARP Notification List and posted the notice on the DWR website in accordance with Rule 22.

Electronic copies of the Response Function calibration workbooks used to derive the Response Functions were made available on May 22, 2025, through the DWR Colorado Decision Support System website at <https://cdss.colorado.gov/rgdss-modeling-data>.

REQUEST FOR HEARING

The State Engineer received requests for a hearing from the Sustainable Water Augmentation Group, Inc. and the Rio Grande Water Conservation District.

Pursuant to Rule 20 of the Div. 3 Rules, any person adversely affected or aggrieved by a decision of the State Engineer or the Division Engineer may request an adjudicatory hearing Pursuant to the State Engineer's Procedural Rules, 2 CCR 402-5 (Procedural Rules). Pursuant to Rule 10.C.5 of the Procedural Rules, the State Engineer hereby acknowledges receipt of a request for a hearing and is scheduling this matter for a setting conference in order to set this matter for a hearing.

SETTING CONFERENCE

The State Engineer will hold a setting conference for all Parties on September 5, 2025 at 9:30 am.

At the setting conference, a hearing on this matter will be set and related prehearing filing requirements will be discussed and deadlines set as necessary.

INSTRUCTIONS FOR REQUESTING PARTY STATUS

Any Person who requested a hearing pursuant to Procedural Rule 10.B will be granted Party status and need not apply for Party status under Procedural Rule 10.D.2.

Pursuant to Rule 10.D of the Procedural Rules, any Person who may be affected or aggrieved by the decision to update the Response Functions shall be admitted as a Party to the proceeding upon filing a timely written request for Party status pursuant to § 24-4-105(2) C.R.S. Such request for Party status shall set forth:

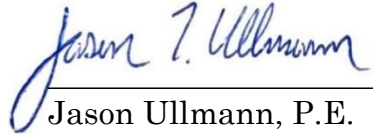
1. a brief and plain statement of the reasons for seeking Party status,
2. the facts that entitle or may allow such Person to be admitted,
3. the matters that such Person claims should be decided,
4. a description of the general nature of the evidence to be presented by the Party in the course of the proceedings, and
5. the physical address, phone number, and email address of each Person requesting to be a Party.

Requests for party status must be sent by September 4, 2025 to bryan.garrett@state.co.us.

Staff of the State Engineer will automatically be a Party and need not apply for Party status.

All filings can be found at: <https://dnrftp.state.co.us/#/DWR/Hearings/>

Dated this 25th day of August, 2025.

A handwritten signature in blue ink that reads "Jason T. Ullmann". The signature is written in a cursive style with a large initial "J".

Jason Ullmann, P.E.
State Engineer

CERTIFICATE OF SERVICE

I hereby certify that I have duly sent the copies of the foregoing **NOTICE OF REQUEST FOR HEARING, SETTING CONFERENCE, AND INSTRUCTIONS FOR REQUESTING PARTY STATUS** by email, this 26th day of August, 2025, addressed as follows:

Cleave Simpson: cleave@rgwcd.org
Amber Pacheco: amber@rgwcd.org
Rio Grande Water Conservation District

David Robbins: davidrobbins@hillandrobbins.com
Peter Ampe: peterampe@hillandrobbins.com
Matthew Montgomery: matthewmotgomery@hillandrobbins.com
Counsel for Rio Grande Water Conservation District

Ryan Donovan: ryan@lcwaterlaw.com
Counsel for the Sustainable Water Augmentation Group

Jason Ullmann: jason.ullmann@state.co.us
State Engineer

Jen Mele: jen.mele@coag.gov
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Craig Cotten: craig.cotten@state.co.us
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Kelley Thompson: kelley.thompson@state.co.us
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Staff of the Office of the State Engineer

Preston Hartman: preston.hartman@coag.gov
Dana Showalter: dana.showalter@coag.gov
Counsel for Staff of the Office of the State and Division Engineers

/s/ Bryan Garrett
Bryan Garrett

Additionally this notice will be distributed to the ARP Notification List and will be posted on the Division of Water Resources website.