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DISTRICT COURT, WATER DIVISION 2, STATE OF COLORADO Court Address: 501 North Elizabeth Street, Suite 116 Pueblo, CO 81003 Phone Number: (719) 404-8832	DATE FILED July 24, 2026 10:23 AM CASE NUMBER: 2026CW3003 ▲ COURT USE ONLY ▲
CONCERNING THE APPLICATION FOR WATER RIGHTS OF: **ALAN GREAVES AND JUDITH ANN GREAVES** **IN THE ARKANSAS RIVER OR ITS TRIBUTARIES IN EL PASO COUNTY, CO**	Case No.: 26CW3003

FINDINGS OF FACT, CONCLUSIONS OF LAW, RULING OF REFEREE AND DECREE: ADJUDICATING DENVER BASIN GROUNDWATER AND APPROVING PLAN FOR AUGMENTATION

THIS MATTER comes before the Water Court on the Application filed by Alan Greaves and Judith Ann Greaves. Having reviewed said Application and other pleadings on file, and being fully advised on this matter, the Water Court makes the following findings and orders:

FINDINGS OF FACT

1. The applicants in this case are Alan Greaves and Judith Ann Greaves ("Applicants"), whose address is 7520 Pinery Circle, Colorado Springs, CO 80908. The Applicants are the owner of the land totaling approximately 9.02 acres on which the structures sought to be adjudicated and augmented herein are located, and under which lies the Denver Basin groundwater described in this decree, and are the owners of the place of use where the water will be put to beneficial use, except for any potential off-property uses as described in Paragraph 17.

2. The Applicants filed the Application with District Court, Water Division 2, along with a corresponding Application in District Court, Water Division 1, Case No. 26CW3002, on January 15, 2026. The Application was referred to the Water Referee in Division 2 on January 16, 2026. An Amended Application for Adjudication of Denver Basin Groundwater and for Approval of Plan for Augmentation was filed in Division 2 on January 28, 2026, correcting a typo in the numbered address of the Applicants' property. A Second Amended Application for Adjudication of Denver Basin Groundwater and for Approval of Plan for Augmentation was filed in Division 2 on January 30, 2026, updating

the property's schedule number with the newly assigned scheduled number from El Paso County, and correcting the described acreage of the property. A Motion for Consolidation Pursuant to C.R.C.P. 42.1 of the Division 2 and Division 1 cases into Water Division 2 was filed with the Colorado Supreme Court on April 16, 2026 (case no. 26MD9). The Panel on Consolidated Multidistrict Litigation certified the Motion for Consolidation to the Chief Justice on April 23, 2026. Chief Justice, Monica M. Marquez, granted the Motion for Consolidation by Order dated June 10, 2026.

3. The time for filing statements of opposition to the Application expired on the last day of March, 2026. No statements of opposition were filed.

4. Applicants, in their signed, verified Application for Adjudication of Denver Basin Groundwater and Plan for Augmentation indicated that no liens exist on the property described herein and thus the notice requirements of C.R.S. §§ 37-92-302(2) and 37-90-137(4)(b.5)(I) are inapplicable to the proceedings of this case.

5. On January 30, 2026, the Division 2 Water Court ordered that publication occur in *The Gazette* in El Paso County.

6. The Clerk of this Court has caused publication of the Application filed in this matter as provided by statute and the publication costs have been paid. On February 23, 2026, proof of publication in *The Gazette* was filed with the Division 2 Water Court. All notices of the Application have been given in the manner required by law.

7. Pursuant to C.R.S. § 37-92-302(2), the Office of the State Engineer filed Determination of Facts for each Denver Basin aquifer with this Court on April 15, 2026, which have been considered by the Water Court in the entry of this decree.

8. Pursuant to C.R.S. § 37-92-302(4), the Office of the Division Engineer for Water Division No. 2 filed its Consultation Report dated May 19, 2026. A response to the consultation report was filed with the Water Referee on June 11, 2026. The Consultation Report has been considered by the Water Court in the entry of this decree.

9. The Water Court has jurisdiction over the subject matter of these proceedings and over all who have standing to appear as parties whether they have appeared or not. The land and water rights involved in this case are not within a designated groundwater basin.

GROUNDWATER RIGHTS

10. The Application requested quantification and adjudication of vested underground water rights from the Dawson aquifer underlying the Applicants' property, described in Paragraph 13, below, and use of up to three Dawson aquifer wells ("Pinery Circle Well Nos. 1, 2, and 3"), and any additional or replacement wells associated therewith, for withdrawal of Applicants' full entitlement of supply from the Dawson aquifer under the plan for augmentation decreed herein. Applicants also requested quantification and adjudication of vested underground water rights and uses from the Denver, Arapahoe, and Laramie-Fox Hills aquifers underlying the Applicants' property. The following findings are made with respect to such underground water rights and use of wells on the Applicants' property:

11. The land overlying the groundwater subject to the adjudication in this case is owned by the Applicants and consists of approximately 9.02 acres located in the SE¼ of Section 5, Township 12 South, Range 65 West of the 6th P.M., El Paso County, CO, more specifically described as 7520 Pinery Circle, Colorado Springs, CO 80908, as shown on **Exhibit A** ("Applicants' Property"). All groundwater adjudicated herein shall be withdrawn from the overlying land unless there is a further order of this Court allowing otherwise following the filing of a new Water Court application.

12. Pinery Circle Well Nos. 1, 2, and 3: Subject to the requirements of this decree, Applicants are awarded the vested right to use Pinery Circle Well Nos. 1, 2, and 3, along with any necessary additional or replacement wells associated with such structure, for the extraction and use of groundwater from the not-nontributary Dawson aquifer, pursuant to the plan for augmentation decreed herein. Pinery Circle Well No. 1 is an existing well, shown in **Exhibit A**, that Applicants acquired with the land but could not locate an associated well permit for. Upon entry of this decree and submittal by the Applicants of complete well permit application and filing fee, the State Engineer shall issue a well permit for Pinery Circle Well Nos. 1, 2, and 3, pursuant to C.R.S. § 37-90-137(4) and/or (10), consistent with and referencing the plan for augmentation decreed herein.

13. Of the statutorily described Denver Basin aquifers, the Dawson, Denver, Arapahoe, and Laramie-Fox Hills aquifers all exist beneath the Applicants' Property. The Dawson aquifer underlying the Applicants' Property contains not-nontributary groundwater, while the Denver, Arapahoe, and Laramie-Fox Hills aquifers underlying the Applicants' Property contains nontributary groundwater. The quantity of water in the Denver Basin aquifers, exclusive of artificial recharge, underlying the Applicants' Property is as follows:

Aquifer	Net Sand (ft)	Total Withdrawal (Acre-Feet)	Annual Average Withdrawal Over 100 Years (Acre-Feet)	Annual Average Withdrawal Over 300 Years (Acre-Feet)
Dawson (NNT)	430	776	7.76	2.58
Denver (NT)	415	636	6.36	2.12
Arapahoe (NT)	250	383	3.83	1.27
Laramie-Fox Hills (NT)	185	250	2.5	0.83

The terms and conditions set forth in this decree governing the withdrawal and use of groundwater from the Denver Basin aquifers underlying the Applicant's Property are applicable only to permitted non-exempt wells constructed into the aquifers.

14. Pursuant to C.R.S. § 37-90-137(9)(c.5)(I), the augmentation requirements for wells in the Dawson aquifer require the replacement to the affected stream systems of actual stream depletions on an annual basis. The Applicants' Property is located more than 1 mile from any point of contact with a surface stream. Applicants shall not be entitled to construct a non-exempt well or use water from the not-nontributary Dawson, aquifer except pursuant to an approved augmentation plan in accordance with C.R.S. § 37-90-137(9)(c.5), including as decreed herein as concerns the Dawson aquifer.

15. Subject to the augmentation requirements described in Paragraphs 14 and 23 and the other requirements and limitations in this decree, Applicants shall be entitled to withdraw all legally available groundwater in the Denver Basin aquifers underlying Applicants' Property. Said amounts may be withdrawn over the 100-year life for the aquifers as set forth in C.R.S. § 37-90-137(4), or withdrawn over a longer period of time based upon local governmental regulations or Applicants' water needs, provided withdrawals during such longer period are in compliance with the total amounts available to Applicants as decreed herein and the augmentation requirements of this decree. The average annual amounts of groundwater available for withdrawal from the underlying Denver Basin aquifers, based upon 100-year and 300-year aquifer life calculations, are determined and set forth above, based upon the Office of the State Engineer Determination of Facts filed on April 15, 2026, as described in Paragraph 7.

16. Applicants shall be entitled to withdraw an amount of groundwater in excess of the average annual amount decreed herein from the Denver Basin aquifers underlying Applicants' Property, so long as the sum of the total withdrawals from wells in each of 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 the decree herein, whichever comes first, and the average annual volume of water that Applicants are entitled to withdraw from

each of the aquifers underlying Applicants' Property, subject to the requirement that such banking and excess withdrawals do not violate the terms and conditions of the plan for augmentation decreed herein and any other plan for augmentation decreed by the Court that authorizes withdrawal of the Denver Basin groundwater decreed herein.

17. Subject to the terms and conditions in the plan for augmentation decreed herein and final approval by the State Engineer's Office pursuant to the issuance of well permits in accordance with C.R.S. §§ 37-90-137(4) or 37-90-137(10), Applicants shall have the right to use the groundwater from the Dawson, Denver, Arapahoe, and Laramie-Fox Hills aquifers for beneficial uses upon the Applicants' Property consisting of domestic (including long-term and short-term rentals), irrigation of lawn and garden, domestic animal and stock watering, equestrian facilities, agricultural, commercial, fire protection, recreation (including pool and/or hot tub), and also for storage and augmentation purposes associated with such uses. The amount of groundwater decreed for such uses upon the Applicants' Property is reasonable as such uses are to be made for the long-term use and enjoyment of the Applicants' Property and are to establish and provide for adequate water reserves. The nontributary groundwater may be used, reused, and successively used to extinction, both on and off the Applicants' Property subject, however, to the limitations imposed on the use of the Denver, Arapahoe and Laramie-Fox Hills aquifer groundwater by this decree and the requirement under C.R.S. § 37-90-137(9)(b) that no more than 98% of the amount withdrawn annually shall be consumed. Applicants may use such water by immediate application or by storage and subsequent application to the beneficial uses and purposes stated herein. Provided however, as set forth above, Applicants shall only be entitled to construct a non-exempt well and use water from the not-nontributary Dawson aquifer pursuant to a decreed augmentation plan entered by the Court, including the plan for augmentation decreed herein for the Dawson aquifer.

18. Applicants have waived the 600-foot well spacing requirement for wells to be constructed upon the Applicants' Property. Pumping from Pinery Circle Well Nos. 1, 2, and 3, and any additional or replacement well, or wells constructed into the Denver, Arapahoe, and Laramie-Fox Hills aquifers, will not exceed 100 gallons per minute, though actual pumping rates for these wells will vary according to aquifer conditions and well production capabilities. Subject to this maximum pumping rate, the Applicants may withdraw groundwater from the Pinery Circle Well Nos. 1, 2, and 3, and any additional or replacement wells, or from wells constructed into the Denver, Arapahoe, and Laramie-Fox Hills aquifers, at rates of flow necessary to withdraw the entire amounts decreed herein. The actual depth of each well to be constructed within the respective aquifers will be determined by topography and actual aquifer conditions.

19. Withdrawals of groundwater available from the nontributary Denver, Arapahoe, and Laramie-Fox Hills aquifers beneath the Applicants' Property in the amounts determined in accordance with the provisions of this decree will not result in

injury to any other vested water rights or to any other owners or users of water.

PLAN FOR AUGMENTATION

20. The structures to be augmented are Pinery Circle Well Nos. 1, 2, and 3. Pinery Circle Well Nos. 1, 2, and 3 will each be constructed to the not-nontributary Dawson aquifer underlying the Applicants' Property, along with any additional or replacement wells associated therewith. Absent compliance with the requirements of this decree concerning pumping of the Dawson aquifer groundwater, no groundwater in the Dawson aquifer underlying the Applicants' Property is available for withdrawal by any well. If Applicants would like to divert their entitlement to the Dawson aquifer under a non-exempt well, it must do so under a separate decreed augmentation plan.

21. Pursuant to C.R.S. § 37-90-137(9)(c.5), the augmentation obligation for Pinery Circle Well Nos. 1, 2, and 3, and any additional or replacement wells constructed to the Dawson aquifer, requires the replacement of 21.5% of the amount of water pumped on an annual basis, and such additional amounts as may be required pursuant to C.R.S. § 37-90-137(9)(c.5). Applicants will construct non-evaporative septic systems on Applicants' Property to augment depletions from use of Pinery Circle Well Nos. 1, 2, and 3 during the pumping period. The water to be used for augmentation of depletions following the pumping period described in this decree is the reserved portion of Applicants' nontributary water rights in the Denver aquifer, and the entirety of the nontributary water rights in the Laramie-Fox Hills aquifer as described in Paragraph 21.D. Applicants shall provide for the augmentation of stream depletions caused by pumping Pinery Circle Well Nos. 1, 2, and 3, and any additional or replacement wells as approved herein. Water use criteria is determined as follows:

A. Use: Pinery Circle Well Nos. 1, 2, and 3 will pump a maximum total of 2.43 acre-feet of water from the Dawson aquifer annually during the pumping period (729 acre-feet total) pursuant to the plan for augmentation authorized by this decree. Applicants use the assumption that domestic use for one single-family dwelling will be 0.26 acre-feet of water per year, for total in-house uses of 0.78 acre-feet annually, with the remaining 1.65 acre-feet of annual pumping entitlement available for other uses on Applicants' property, including irrigation of lawn and garden, domestic animal and stock watering, equestrian facilities, agricultural, commercial, fire protection, recreation (including pool and/or hot tub), and also for storage and augmentation purposes associated with such uses.

B. Depletions: Pumping from the Dawson aquifer will require 21.5% annual replacement of the pumped amount over the 300-year pumping period. Maximum annual depletions for total pumping from the wells over the 300-year pumping period are

0.522 acre-feet in year 300. Should Applicants' pumping be less than the 2.43 annual acre-feet described herein, resulting depletions and required replacements will be correspondingly reduced.

C. Augmentation of Depletions During Pumping Life of Well: Pursuant to C.R.S. § 37-90-137(9)(c.5), Applicants are required to replace actual stream depletions attributable to pumping of the Dawson aquifer well. Applicants have shown that 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 estimated at 10% per year per residence. For determining return flows, Applicants use the conservative assumption that one single-family household will use 0.20 acre-feet per year, with return flows of 0.18 acre-feet annually for each residence, or 0.54 acre-feet of combined return flows. Thus, during pumping, total maximum annual stream depletions (0.522) will be adequately augmented. Such return flows may only be used to replace depletions under this plan for augmentation and may not be used, sold, traded, transferred or assigned in whole or in party for any other purpose.

D. Augmentation of Post Pumping Depletions: This plan for augmentation shall have a pumping period of 300 years. For the replacement of any post-pumping depletions which may be associated with the use of Pinery Circle Well Nos. 1, 2, and 3, and any additional or replacement wells, Applicants shall reserve the entirety of the nontributary Laramie-Fox Hills aquifer groundwater (250 acre-feet), as well as 408 acre-feet of the nontributary Denver aquifer groundwater decreed herein, as the Division 2 Engineer commented in the Consultation Report. The amount of nontributary Denver and Laramie-Fox Hills aquifer groundwater reserved may be reduced as may be determined through this Court's retained jurisdiction as described in this decree. If the Court, by order, reduces the Applicants' obligation to account for and replace such post-pumping depletions for any reason, it may also reduce the amount of Denver or Laramie-Fox Hills aquifer groundwater reserved for such purposes, as described herein. Applicants also reserve 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, Applicants reserve the right in the future to prove that post-pumping depletions will be noninjurious. Pursuant to C.R.S. § 37-90-137(9)(b), no more than 98% of water withdrawn annually from a nontributary aquifer shall be consumed. The reservation of a total of 250 acre-feet of Laramie-Fox Hills aquifer groundwater results in approximately 245 acre-feet of available post-pumping augmentation water from the Laramie-Fox Hills aquifer. The reservation of a total of 408 acre-feet of Denver aquifer groundwater results in approximately 399.84 acre-feet of available post pumping augmentation water from the Denver aquifer. This 644.84 acre-feet of nontributary groundwater will be sufficient to replace post-pumping depletions from pumping a total of 729 acre-feet from the Dawson aquifer over 300 years.

E. Permit: Upon entry of a decree in this case, the Applicants will be entitled to apply for and receive well permits for the Pinery Circle Well Nos. 1, 2, and 3 for the uses in accordance with this decree and otherwise in compliance with C.R.S. § 37-90-137.

22. This decree, upon recording, shall constitute a covenant running with Applicants' Property, benefitting and burdening said land, and requiring construction of well(s) to the nontributary Denver and Laramie-Fox Hills aquifers and pumping of water to replace post-pumping depletions under this decree. Subject to the requirements of this decree, in order to determine the amount and timing of post-pumping replacement obligations under this augmentation plan, Applicants or their successors shall use information commonly used by the Colorado Division of Water Resources for augmentation plans of this type at the time the post-pumping obligation commences. Pursuant to this covenant, the water from the nontributary Denver and Laramie-Fox Hills aquifers reserved herein may not be severed in ownership from the Applicants' Property. This covenant shall be for the benefit of, and enforceable by third parties owning vested water rights who would be injured by the failure to provide for the replacement of post-pumping depletions under the decree, and shall be specifically enforceable by such third parties against the owner of the Applicants' Property.

23. Applicants or their successors shall be required to initiate pumping from the Denver and Laramie-Fox Hills aquifers for the replacement of post-pumping depletions when either: (i) the absolute total amount of water available from the Dawson aquifer allowed to be withdrawn under the plan for augmentation decreed herein (729 acre-feet) has been pumped; (ii) the Applicants or their successors in interest have acknowledged in writing that all withdrawals for beneficial use through the Pinery Circle Well Nos. 1, 2, and 3 have permanently ceased; (iii) a period of 10 consecutive years where no withdrawals of groundwater from any of the Pinery Circle Wells has occurred; or (iv) accounting shows that recharge accretions from the use of the water being withdrawn are insufficient to replace depletions caused by the withdrawals that already occurred.

24. Unless modified by the Court under its retained jurisdiction, Applicants and their successors shall be responsible for accounting and replacement of post-pumping depletions as set forth herein. Should Applicants' obligation hereunder to account for and replace such post-pumping stream depletions be reduced or abrogated for any reason, Applicants may petition the Court to also modify or terminate the reservation of the Denver and/or Laramie-Fox Hills aquifer groundwater.

25. The term of this augmentation plan is for a minimum of 300 years, however, the length of the plan for a particular well or wells may be extended beyond such time provided the total plan pumping allocated to such well or wells is not exceeded. Should

the actual operation of this augmentation plan depart from the planned diversions described in Paragraph 21.A. such that annual diversions are increased through banking or the duration of the plan is extended, the Applicants must prepare and submit a revised model of stream depletions caused by the actual pumping or intended schedule. This analysis must utilize depletion modeling acceptable to the State Engineer, and to this Court, and must represent the water use under the plan for the entire term of the plan to date. The analysis must show that return flows have equaled or exceeded actual stream depletions throughout the pumping period and that reserved nontributary water remains sufficient to replace post-pumping depletions.

26. Consideration has been given to the depletions from Applicants' use and proposed uses of water, in quantity, time, and location, together with the amount and timing of augmentation water that will be provided by the Applicants, and the existence, if any, of injury to any owner of or person entitled to use water under a vested water right.

27. It is determined that the timing, quantity and location of replacement water under the protective terms in this decree are sufficient to protect the vested rights of other water users and eliminate injury thereto. The replacement water shall be of a quantity and quality so as to meet the requirements for which the water of senior appropriators has normally been used, and provided of such quality, such replacement water shall be accepted by the senior appropriators for substitution for water derived by the exercise of the Pinery Circle Well Nos. 1, 2, and 3. As a result of the operation of this plan for augmentation the depletions from pumping Pinery Circle Well Nos. 1, 2, and 3, and any additional or replacement wells associated therewith, will not result in injury to the vested water rights of others.

CONCLUSIONS OF LAW

28. The Application for Adjudication of Denver Basin Groundwater and for Approval of Plan for Augmentation was filed with the Water Clerk for Water Division 2, pursuant to C.R.S. §§ 37-92-302(1)(a) and 37-90-137(9)(c.5).

29. The Applicants' request for adjudication of the groundwater rights is contemplated and authorized by law, and this Court has exclusive jurisdiction over these proceedings. C.R.S. §§ 37-92-302(1)(a), 37-92-203, and 37-92-305.

30. Subject to the terms of this decree, the Applicants are entitled to the sole right to withdraw all the legally available water in the Denver Basin aquifers underlying the Applicants' Property as decreed herein, and the right to use that water to the exclusion of all others.

31. The Applicants have complied with C.R.S. § 37-90-137(4), and the groundwater is legally available for withdrawal by the requested nontributary well(s), and legally available for withdrawal by the requested not-nontributary well(s) upon the entry of this decree approving an augmentation plan pursuant to C.R.S. § 37-90-137(9)(c.5), and the issuance of a well permit by the State Engineer's Office. Applicants are entitled to a decree from this Court confirming its rights to withdraw groundwater pursuant to C.R.S. § 37-90-137(4).

32. The Denver Basin water rights applied for in this case are not conditional water rights, but are vested water rights determined pursuant to C.R.S. § 37-90-137(4). No applications for diligence are required. The claims for nontributary and not-nontributary groundwater meet the requirements of Colorado Law.

33. The determination and quantification of the nontributary and not-nontributary groundwater rights in the Denver Basin aquifers as set forth herein is contemplated and authorized by law. C.R.S. §§ 37-90-137, and 37-92-302 through 37-92-305.

34. The Applicants' request for approval of a plan for augmentation is contemplated and authorized by law. If administered in accordance with this decree, this plan for augmentation will permit uninterrupted diversions from Pinery Circle Well Nos. 1, 2, and 3, and any additional or replacement wells as described herein without adversely affecting any other vested water rights in the Arkansas River or its tributaries and when curtailment would otherwise be required to meet a valid senior call for water. C.R.S. §§ 37-92-305(3), (5), and (8).

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED AS FOLLOWS:

35. All of the foregoing Findings of Fact and Conclusions of Law are incorporated herein by reference, and are considered to be a part of this decretal portion as though set forth in full.

36. The Application for Adjudication of Denver Basin Groundwater and for Approval of Plan for Augmentation filed by the Applicants is approved, subject to the terms of this decree.

A. Applicants are awarded a vested right to 776 acre-feet of groundwater from the not-nontributary Dawson aquifer underlying Applicants' Property, as quantified in Paragraph 13 or as modified by the Court under its retained jurisdiction.

The not-nontributary Dawson aquifer groundwater may be pumped pursuant to the court-approved plan for augmentation decreed herein.

B. Applicants are awarded a vested right to 636 acre-feet of groundwater from the nontributary Denver aquifer underlying Applicants' Property, as quantified in Paragraph 13 or as modified by the Court under its retained jurisdiction. Subject to the provisions of Rule 8 of the Denver Basin Rules, 2 CCR 402-6, limiting consumption to ninety-eight percent of the amount withdrawn, and the other terms and conditions of this decree, including the reservation of 408 acre-feet to be utilized only for replacement of post-pumping depletions under the plan for augmentation decreed herein, as described in Paragraph 21.D., above, Applicants' Denver aquifer groundwater may be utilized for all purposes described in Paragraph 17.

C. Applicants are awarded a vested right to 383 acre-feet of groundwater from the nontributary Arapahoe aquifer underlying Applicants' Property, as quantified in Paragraph 13 or as modified by the Court under its retained jurisdiction. Subject to the provisions of Rule 8 of the Denver Basin Rules, 2 CCR 402-6, limiting consumption to ninety-eight percent of the amount withdrawn, and the other terms and conditions of this decree, Applicants' Arapahoe aquifer groundwater may be utilized for all purposes described in Paragraph 17.

D. Applicants are awarded a vested right to 250 acre-feet of groundwater from the nontributary Laramie-Fox Hills aquifer underlying Applicants' Property, as quantified in Paragraph 13 or as modified by the Court under its retained jurisdiction. Subject to the provisions of Rule 8 of the Denver Basin Rules, 2 CCR 402-6, limiting consumption to ninety-eight percent of the amount withdrawn, and the other terms and conditions of this decree, including the reservation of the entire 250 acre-feet awarded to be utilized only for replacement of post-pumping depletions under the plan for augmentation decreed herein, as described in Paragraph 21.D., above, Applicants' Laramie-Fox Hills aquifer groundwater may be utilized for all purposes described in Paragraph 17.

37. The Applicants have furnished acceptable proof as to all claims and, therefore, the Application for Adjudication of Denver Basin Groundwater and for Approval of Plan for Augmentation, filed by the Applicants, is granted and approved in accordance with the terms and conditions of this decree. Approval of this Application will not result in any injury to senior vested water rights.

38. The Applicants shall comply with C.R.S. § 37-90-137(9)(b), requiring the relinquishment of the right to consume two percent (2%) of the amount of the nontributary groundwater withdrawn annually. Ninety-eight percent (98%) of the nontributary groundwater withdrawn annually may therefore be consumed. No plan for augmentation

shall be required to provide for such relinquishment. Applicants shall be required to demonstrate to the State Engineer prior to the issuance of a well permit that no more than ninety-eight percent of the groundwater withdrawn annually will be consumed.

39. The Pinery Circle Well Nos. 1, 2, and 3, and any replacement or additional wells, shall be operated such that combined pumping from all wells does not exceed the annual (2.43 acre-feet) and total (729 acre-feet) pumping limits for the Dawson aquifer as decreed herein, and is in accordance with the requirements of the plan for augmentation described herein. Consistent with Rule 11.A of the Statewide Nontributary Ground Water Rules, the Denver Basin groundwater decreed herein must be withdrawn from the "overlying land" as defined in Rule 4.A.8 of the Statewide Nontributary Ground Water Rules, and Pinery Circle Well Nos. 1, 2, and 3 and any additional or replacement wells shall be constructed on the overlying land. The State Engineer, the Division Engineer, and/or the Water Commissioner shall not curtail the diversion and use of water by the Pinery Circle Well Nos. 1, 2, and 3 or any additional and replacement wells so long as the accretions from the recharge facility described in this decree generated from the monthly diversions associated with the Pinery Circle Well Nos. 1, 2, and 3 and such other wells accrue to the stream system pursuant to the conditions contained herein. To the extent that Applicants or one of their successors or assigns are ever unable to provide the replacement water required, then the Pinery Circle Well Nos. 1, 2, and 3 and any additional or replacement wells shall not be entitled to operate under the protection of this plan, and shall be subject to administration and curtailment in accordance with the laws, rules, and regulations of the State of Colorado. Pursuant to C.R.S. § 37-92-305(8), the State Engineer shall curtail all out-of-priority diversions the depletions from which are not so replaced as to prevent injury to vested water rights.

40. The Court retains jurisdiction over this matter to make adjustments in the allowed average annual amount of withdrawal from the Denver Basin aquifers, either upwards or downwards, to conform to actual local aquifer characteristics, and the Applicants need not file a new application to request such adjustments. The retained jurisdiction described in this Paragraph 40 is applicable only to the quantities of water available underlying Applicants' Property, and does not affect or include the augmentation plan decreed herein, the retained jurisdiction for which is described in Paragraphs 41, 42, and 43 below.

A. At such time as adequate data may be available, Applicants or the State Engineer may invoke the Court's retained jurisdiction as provided in this Paragraph 40 for purposes of making a final determination of water rights as to the quantities of water available and allowed average annual withdrawals from any of the Denver Basin aquifers quantified and adjudicated herein. Any person seeking to invoke the Court's retained jurisdiction for such purpose shall file a verified petition with the Court setting forth with particularity the factual basis for such final determination of Denver Basin water rights

under this decree, together with the proposed decretal language to effect the petition. Within four months of the filing of such verified petition, the State Engineer's Office shall utilize such information as available to make a final determination of water rights finding, and shall provide such information to the Court, Applicants, and the petitioning party.

B. If no protest is filed with the Court to such findings by the State Engineer's Office within sixty (60) days, this Court shall incorporate by entry of an Amended Decree such "final determination of water rights," and the provisions of this Paragraph 40 concerning adjustments to the Denver Basin ground water rights based upon local aquifer conditions shall no longer be applicable. In the event of a protest being timely filed, or should the State Engineer's Office make no timely determination as provided in Paragraph 40.A., above, the "final determination of water rights" sought in the petition may be made by the Water Court after notice to all parties and following a full and fair hearing, including entry of an Amended Decree, if applicable in the Court's reasonable discretion.

41. Pursuant to C.R.S. § 37-92-304(6), the Court shall retain continuing jurisdiction over the plan for augmentation decreed herein for reconsideration of the question of whether the provisions of this decree are necessary and/or sufficient to prevent injury to vested water rights of others, as pertains to the use of Denver Basin groundwater supplies adjudicated herein for augmentation purposes. The Court also retains continuing jurisdiction for the purpose of determining compliance with the terms of the augmentation plan. The Court further retains jurisdiction should the Applicants later seek to amend this decree by seeking to prove that post-pumping depletions are noninjurious, that the extent of replacement for post-pumping depletions is less than the amount of water reserved herein, and other post-pumping matters addressed in Paragraph 21.D. The Court's retained jurisdiction described in this paragraph may be invoked using the process set forth in Paragraph 43.

42. As pertains to the Denver Basin groundwater supplies, the Court shall retain continuing jurisdiction for so long as Applicants are required to replace depletions to the Arkansas River system.

43. Except as otherwise specifically provided in Paragraphs 40-42, above, pursuant to the provisions of C.R.S. § 37-92-304(6), this plan for augmentation decreed herein shall be subject to the reconsideration of this Court on the question of injury to vested water rights of others, for a period from the date of entry of this decree until five years following the date that Applicants have begun operation of the plan for augmentation based on the withdrawal of water from Pinery Circle Well Nos. 1, 2, and/or 3. Any person, within such period, may petition the Court to invoke its retained jurisdiction. Any person seeking to invoke the Court's retained jurisdiction shall file a verified petition with the Court setting forth with particularity the factual basis for

requesting that the Court reconsider injury to petitioner's vested water rights associated with the operation of this decree, together with proposed decretal language to effect the petition. The party filing the petition shall have the burden of proof going forward to establish a prima facie case based on the facts alleged in the petition. If the Court finds those facts are established, Applicants shall thereupon have the burden of proof to show: (i) that the petitioner is not injured, or (ii) that any modification sought by the petitioner is not required to avoid injury to the petitioner, or (iii) that any term or condition proposed by Applicants in response to the petition does avoid injury to the petitioner. The Division of Water Resources as a petitioner shall be entitled to assert injury to the vested water rights of others. If no petition concerning the subject of the Court's retained jurisdiction described in this Paragraph 43 is filed within the period described in this paragraph, and the retained jurisdiction period is not extended by the Court in accordance with the provisions of the statute, the matter described in this paragraph shall become final under its own terms.

44. Pursuant to C.R.S. § 37-92-502(5)(a), the Applicants shall install and maintain such water measurement devices and recording devices as are deemed necessary by the State Engineer or Division Engineers, and the same shall be installed and operated in accordance with instructions from said entities. Applicants are to install and maintain totalizing flow meters on Pinery Circle Well Nos. 1, 2, and 3 or any additional or replacement wells associated therewith and are required to include geophysical logging on each newly constructed well. Applicants shall read and record the well meter readings on October 31st of each year and shall submit the meter readings to the Water Commissioner by November 15th of each year, or more frequently as requested by the Water Commissioner.

45. Applicants shall be permitted to produce the full legal entitlement from the Denver Basin aquifers underlying Applicants' Property through any combination of wells. Use by a combination of wells will be treated as a well field.

46. The vested water rights, water right structures, and plan for augmentation decreed herein shall be subject to all applicable administrative rules and regulations, as currently in place or as may in the future be promulgated, of the Offices of Colorado State and Division Engineers for administration of such water rights, to the extent such rules and regulations are uniformly applicable to other similarly situated water rights and water users. The Pinery Circle Well Nos. 1, 2, and 3 shall be permitted as non-exempt structures under the plan for augmentation decreed herein, which plan shall be implemented upon the construction and use of Pinery Circle Well Nos. 1, 2, and 3. The State Engineer shall identify in any permits issued pursuant to this decree the specific uses which can be made of the groundwater to be withdrawn, and, to the extent the well permit application requests a use that has not been specifically identified in this decree, shall not issue a permit for any proposed use, which use the State Engineer determines

to be speculative at the time of the well permit application or which would be inconsistent with the requirements of this decree, any separately decreed plan for augmentation, or any modified decree and augmentation plan.

47. The Ruling of Referee, when entered as a decree of the Water Court, shall be recorded in the real property records of El Paso County, Colorado. Copies of this ruling shall be mailed as provided by statute.

DATED: June 25, 2026.

BY THE REFEREE:

Kate Brewer, Water Referee
Water Division 2

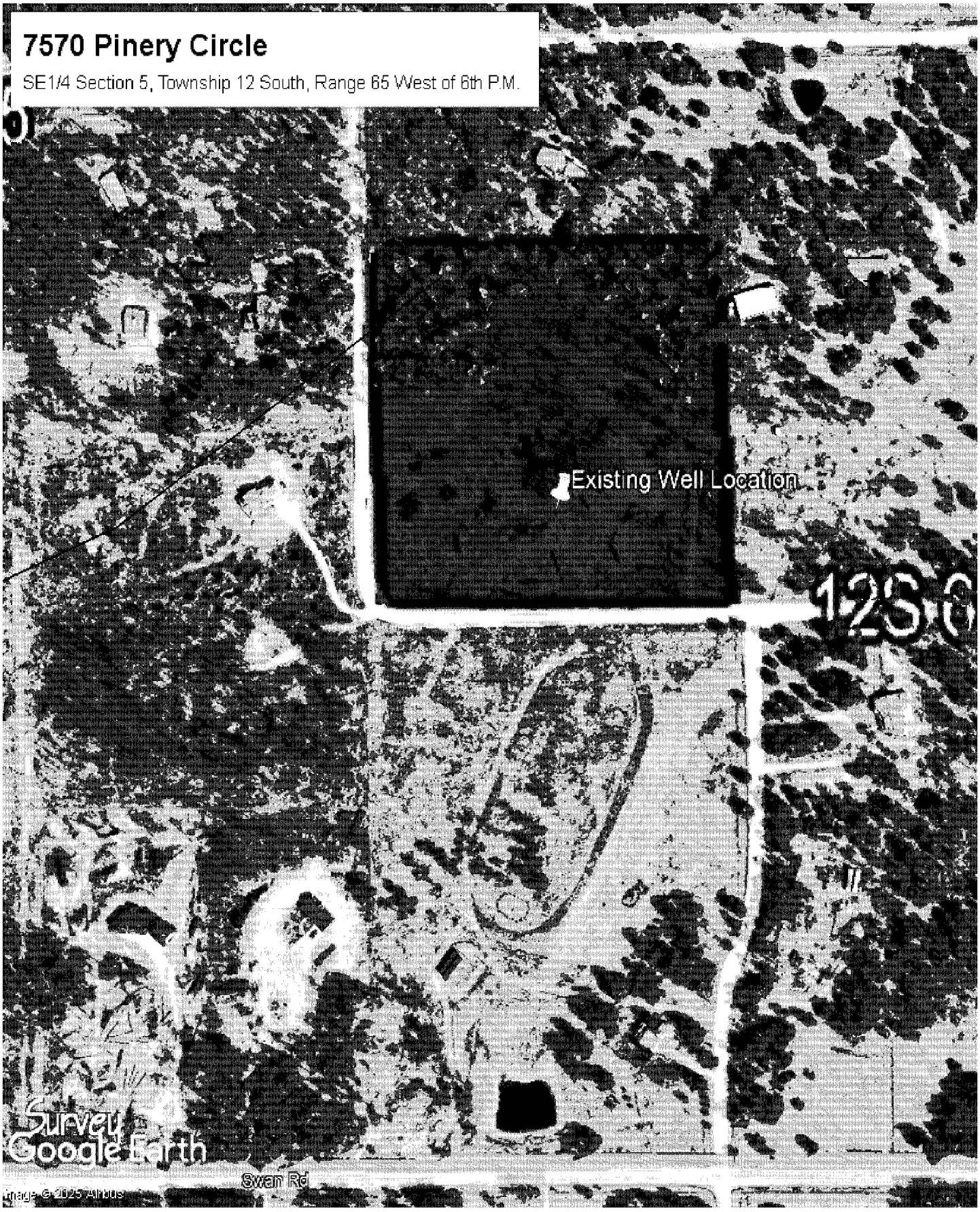
JUDGMENT AND DECREE OF THE WATER COURT

No protest to the Ruling of the Water Referee was filed in this matter. The Court hereby confirms and approves the foregoing Ruling of the Water Referee and enters the same as the Judgment and Decree of this Court.

Date: July 24, 2026.

BY THE COURT:

Gregory J. Styduhar
Water Judge
Water Division 2


7570 Pinery Circle
SE1/4 Section 5, Township 12 South, Range 65 West of 6th P.M.
Existing Well Location
12S 6
Survey
Google Earth
Swan Rd
Image © 2025 Airbus