

DISTRICT COURT, WATER DIVISION 1, COLORADO Court Address: 901 9 th Avenue, P.O. Box 2038 Greeley, CO 80632 Phone Number: (970) 475-2510	DATE FILED March 27, 2026 11:23 AM CASE NUMBER: 2025CW3042
CONCERNING THE APPLICATION FOR WATER RIGHTS OF: ATTICUS LAND, LLC, a Colorado limited liability company IN EL PASO COUNTY, COLORADO	▲ COURT USE ONLY ▲ Case No.: 25CW3042
FINDINGS OF FACT, CONCLUSIONS OF LAW, RULING OF REFEREE, AND DECREE	

THIS MATTER comes before the Water Court on the Application filed by Applicant, Atticus Land, LLC, a Colorado limited liability company, and 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 Applicant in this case is Atticus Land, LLC, a Colorado limited liability company, whose address is PO Box 88010, Colorado Springs, Colorado 80908 ("Applicant"). Applicant is the owner of the land totaling approximately 120 acres, which is the subject property of and as further described in this Decree ("Applicant's Property").

2. Applicant filed this Application with the District Court, Water Division 1, along with a corresponding Application in District Court, Water Division 2, Case No. 25CW3013, on April 23, 2025. The Applications were consolidated into this Case No. 25CW3042, District Court, Water Division 1, by Order Pursuant to C.R.C.P. 42.1(i) of the Colorado Supreme Court dated August 7, 2025. The Application was referred to the Water Referee in Water Division 1 on the same day of its filing.

3. The time for filing statements of opposition to the Application expired on the last day of June, 2025. Applicant and the City of Colorado Springs acting by and through its enterprise Colorado Springs Utilities ("Utilities") reached a stipulation in this case without the need for Utilities to file a statement of opposition to the Application. The Division 1 Water Referee entered an order approving said stipulation on June 13, 2025. No other parties filed statements of opposition.

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4. The Clerk of this Court caused publication of the Application filed in this matter as provided by statute and the publication costs have been paid. Publication occurred in El Paso County, and on June 2, 2025, proof of publication in *The Gazette* was filed with this Court. All notices of the Application have been given in the manner required by law.

5. Pursuant to C.R.S. § 37-92-302(2), the Office of the State Engineer filed Determinations of Facts for each Denver Basin aquifer with this Court on September 11, 2025, which have been considered by the Court in the entry of this Decree.

6. Pursuant to C.R.S. § 37-92-302(4), the Office of the Division Engineer for Water Division 1 filed its Summary of Consultation dated July 31, 2025. Applicant has addressed all matters raised in the Summary of Consultation in this Decree, and provided a Response to Summary of Consultation, which was filed with this Court on September 10, 2025. The Water Court has considered the Summary of Consultation and Applicant's Response thereto in the entry of this Decree.

7. 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

8. The Applicant seeks quantification and adjudication of underground water rights for the Dawson, Denver, Arapahoe, and Laramie-Fox Hills aquifers underlying Applicant's Property. The following findings are made with respect to such underground water rights.

9. The land overlying the groundwater subject to the adjudication in this case, Applicant's Property, is owned by Applicant, and consists of approximately 120 acres located in Section 13, Township 11 South, Range 66 West of the 6th P.M., El Paso County, Colorado, more specifically described as follows:

Parcel A: The North half of the Southeast quarter of Section 13, Township 11 South, Range 66 West of the 6th P.M., County of El Paso, State of Colorado;

Parcel B: The Southeast quarter of the Southeast quarter of Section 13, Township 11 South, Range 66 West of the 6th P.M., County of El Paso, State of Colorado.

Applicant intends to divide Applicant's Property into up to 31 parcels. It is anticipated one 35-acre parcel will be divided from Applicant's Property and the remaining portion of Applicant's Property will be subdivided into up to 30 lots, which will vary in size and will be a minimum of 2.5 acres each. The 35-acre parcel will not be included in the subdivision.

10. To the Applicant's knowledge, now and at the time of Application, no liens exist

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on the Applicant's Property and 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.

11. At the time of entry of this Decree, there are no existing wells on Applicant's Property.

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

AQUIFER	NET SAND (ft)	Total Withdrawal (Acre Feet)	Annual Avg. Withdrawal 100 Years (Acre Feet)	Annual Avg. Withdrawal 300 Years (Acre Feet)
Dawson (NNT)	470	10,100 ¹	101	33.66
Denver (NT)	510	10,400	104	34.66
Arapahoe (NT)	255	5,200	52	17.33
Laramie-Fox Hills (NT)	210	3,780	37.8	12.6

13. Pursuant to C.R.S. § 37-90-137(9)(c.5)(I), the augmentation requirements for non-exempt wells in the Dawson aquifer require replacement to the effected stream systems of actual stream depletions on an annual basis. Applicant shall not be entitled to construct a 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.

14. Subject to the augmentation requirements described in Paragraphs 13 and 20 of this Decree, and other requirements and limitations in this Decree, Applicant shall be entitled to withdraw all legally available groundwater in the Denver Basin aquifers underlying Applicant's Property. Said amounts can 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 Applicant's water needs, provided withdrawals during such longer periods are in compliance with the augmentation requirements of this Decree. This Decree describes a pumping period of 300 years, consistent with El Paso County, Colorado Land Development Code § 8.4.7(C)(1). The average annual amounts of groundwater available for withdrawal from the underlying Denver Basin aquifers, based upon the 300-year aquifer life, are determined and set

¹ The total available amount has been reduced by 1,200 acre-feet (4 acre-feet per year) to reflect the amount of water reserved for one exempt well, Iron Ridge Well No. 31, which may be applied for and constructed for use on the anticipated 35-acre, minimum, parcel on Applicant's Property, upon division of the same, as described in Paragraph 9 of this Decree. The proposed uses for said exempt well are fire protection, ordinary household purposes inside not more than three (3) single family dwellings, the watering of poultry, domestic animals, and livestock on a farm or ranch, and the irrigation of not more than one (1) acre of home gardens and lawns.

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forth above, based upon the Office of the State Engineer's Determination of Facts filed with this Court on September 11, 2025, described in Paragraph 5.

15. Applicant shall be entitled to withdraw an amount of groundwater in excess of the average annual amount decreed herein from the Denver Basin aquifers underlying Applicant's 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 which Applicant is entitled to withdraw from each of the aquifers underlying Applicant's 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.

16. 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 consistent with C.R.S. §§ 37-90-137(4) or 37-90-137(10), the Applicant shall have the right to use the groundwater for beneficial uses upon the Applicant's Property consisting of domestic (including long-term and short-term rentals), irrigation of lawn and garden, stock water, recreation (including pool and/or hot tub), landscape, ponds, commercial, fire protection, and also for storage and augmentation purposes associated with such uses. The amount of groundwater decreed for such uses upon the Applicant's Property is reasonable as such uses are to be made for the long-term use and enjoyment of the Applicant's Property and is 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 Applicant's 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. Applicant 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, Applicant shall only be entitled to construct a well or use water from the not-nontributary Dawson aquifer pursuant to a decreed augmentation plan entered by the Court, including that plan for augmentation decreed herein.

17. Withdrawals of groundwater available from the nontributary Denver, Arapahoe, and Laramie-Fox Hills aquifers beneath the Applicant's 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

18. The structures to be augmented are Iron Ridge Well Nos. 1 through 30, to be constructed to the Dawson aquifer underlying Applicant's Property.

19. Prior to drilling any new or replacement wells on Applicant's Property, a site-specific evaluation shall be conducted with each well permit to identify the aquifer intervals at

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the planned location.

20. Pursuant to C.R.S. § 37-90-137(9)(c.5), the augmentation obligation for Iron Ridge Well Nos. 1 through 30, and any additional or replacement wells constructed to the Dawson aquifer requires the replacement of actual stream depletions. The water to be used for augmentation during pumping is the septic system return flows of the not-nontributary Dawson aquifer pumped via the Iron Ridge Well Nos. 1 through 30, as set forth in this plan for augmentation. The water to be used for augmentation after pumping is the reserved portion of Applicant's nontributary water rights in the Laramie-Fox Hills and Arapahoe aquifers. Applicant shall provide for the augmentation of stream depletions caused by pumping the Iron Ridge Well Nos. 1 through 30, as approved herein. Water use criteria is as follows:

A. Use: The Iron Ridge Well Nos. 1 through 30 may pump up to 24.09 acre-feet annually from the Dawson aquifer. Applicant uses the assumption that indoor household use for one single-family dwelling will be 0.26 acre-feet of water per year, for total in-house uses of 7.8 acre-feet annually, with the remaining 16.29 acre-feet per year pumping entitlement available for other uses on the Applicant's Property, including irrigation of lawn and garden, stock water, recreation (including pool and/or hot tub), landscape, ponds, commercial, fire protection, and also for storage and augmentation purposes associated with such uses. The foregoing figures assume the use of one septic system per residence, up to 30 total.

B. Depletions: Maximum annual stream depletions over the 300-year pumping period will amount to approximately 22.42% of pumping. Maximum annual depletions for total residential pumping from thirty (30) wells are therefore 5.40 acre-feet in year 300. Should Applicant's pumping be less than the total 24.09 annual acre-feet described herein, resulting depletions and required replacements will be correspondingly reduced. A chart illustrating the depletion curve is attached hereto as Exhibit A.

C. Augmentation of Depletions During Pumping Life of Well: Pursuant to C.R.S. § 37-90-137(9)(c.5), Applicant is required to replace actual stream depletions attributable to pumping of the Dawson aquifer well. Applicant has 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 systems is estimated at 10% per year per residence. For determining return flows, Applicant uses 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 5.40 acre-feet combined return flows. Thus, during pumping, total maximum annual stream depletions (5.40 acre-feet) will be adequately augmented.

D. Augmentation of Post-Pumping Depletions: This plan for augmentation shall have a pumping period of a minimum of 300 years. For the replacement of post-pumping depletions, which may be associated with the use of the Iron Ridge Well Nos. 1 through 30, and any additional or replacement wells, Applicant will reserve the entirety of water from the Laramie-Fox Hills aquifer (3,780 acre-feet) and 3,447 acre-feet of water from the Arapahoe aquifer decreed herein to replace post-pumping depletions. The amount of nontributary Arapahoe and Laramie-Fox Hills aquifer groundwater reserved may be reduced as may be determined

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through this Court's retained jurisdiction as described in this Decree. If the Court, by order, reduces the Applicant's obligation to account for and replace such post-pumping depletions for any reason, it may also reduce the amount of Arapahoe and/or Laramie-Fox Hills aquifer groundwater reserved for such purposes, as described herein. Applicant also reserves the right to substitute other legally available augmentation sources for such post-pumping depletions upon further approval of the Court under its retained jurisdiction. Even though this reservation is made, under the Court's retained jurisdiction, Applicant reserves the right in the future to prove that post-pumping depletions will be noninjurious. 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 total post-pumping depletions to be replaced are 7,227 acre-feet. Applicant has reserved the entirety of the Laramie-Fox Hills aquifer (3,780 acre-feet) and 3,447 acre-feet of water of the Arapahoe aquifer to sufficiently meet this post-pumping obligation.

E. Permits: Upon entry of this Decree, Applicant will be eligible to apply to the State Engineer for, and receive, well permits for the Iron Ridge Well Nos. 1 through 30 for uses in accordance with this Decree, consistent with C.R.S. § 37-90-137(4). Applicant waives the 600 foot spacing requirement for all wells located or to be located on the Applicant's Property.

21. This Decree, upon recording, shall constitute a covenant running with Applicant's Property, benefitting and burdening said land, and requiring construction of well(s) to the nontributary Laramie-Fox Hills and Arapahoe 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, Applicant or its successors shall use information commonly used by the Colorado Division of Water Resources for augmentation plans of this type at the time. Pursuant to this covenant, the water from the nontributary Arapahoe and Laramie-Fox Hills aquifers reserved herein may not be severed in ownership from the Applicant's Property. This covenant shall be for the benefit of, and enforceable by, third parties owning vested water rights who would be injured by Applicant's or its successors' failure to provide for the replacement of post-pumping depletions under this Decree, and shall be specifically enforceable by such third parties against the owner(s) of Applicant's Property.

22. Applicant or its successors shall be required to initiate pumping from the Laramie-Fox Hills and Arapahoe 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 (7,227 acre-feet) has been pumped; (ii) the Applicant has or its successors in interest have acknowledged in writing that all withdrawals for beneficial uses through the Iron Ridge Well Nos. 1 through 30 have permanently ceased; (iii) a period of 10 consecutive years where no withdrawals of groundwater has occurred; or (iv) accounting shows that return flows from the use of the water being withdrawn are insufficient to replace depletions caused by the withdrawals that already occurred.

23. Unless modified by the Court under its retained jurisdiction, Applicant and its successors shall be responsible for accounting and replacement of post-pumping depletions, as set forth herein. Should Applicant's obligation hereunder to account for and replace such post-

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pumping stream depletions be reduced or abrogated for any reason, Applicant or its successors may petition the Court to also modify or terminate the reservation of the Arapahoe and Laramie-Fox Hills aquifer groundwater.

24. 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 planned pumping allocated to such well or well is not exceeded. Should the actual operation of this augmentation plan depart from the planned diversions described in Paragraph 20 such that annual diversions are increased or the duration of the plan is extended, the Applicant or its successors 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.

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

26. 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 Iron Ridge Well Nos. 1 through 30. As a result of the operation of this plan for augmentation, the depletions from the Iron Ridge Well Nos. 1 through 30 and any additional or replacement wells associated therewith will not result in injury to the vested water rights of others.

CONCLUSIONS OF LAW

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

28. The Applicant's request for adjudication of these water rights is contemplated and authorized by law, and this Court and the Water Referee have exclusive jurisdiction over these proceedings. C.R.S. §§ 37-92-302(1)(a), 37-92-203, and 37-92-305.

29. Subject to the terms of this Decree, Applicant is entitled to the sole right to withdraw all the legally available water in the Denver Basin aquifers underlying the Applicant's Property, and the right to use that water to the exclusion of all others.

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30. The Applicant has 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. Applicant is entitled to a decree from this Court confirming its rights to withdraw groundwater pursuant to C.R.S. § 37-90-137(4).

31. 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.

32. 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.

33. The Applicant's 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 the uninterrupted diversions from the Iron Ridge Well Nos. 1 through 30 and any additional or replacement wells for them, as described herein, without adversely affecting any other vested water rights in the South Platte and Arkansas River or their 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:

34. All of the foregoing Finds 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.

35. The Application for Adjudication of Denver Basin Groundwater and Plan for Augmentation filed by the Applicant is approved, subject to the terms of this Decree.

A. Applicant is awarded a vested right to 10,100 acre-feet of groundwater from the not-nontributary Dawson aquifer underlying Applicant's Property, as quantified in Paragraph 12 or as modified by the Court under its retained jurisdiction. Of this total amount, 7,227 acre-feet may be pumped pursuant to the plan for augmentation decreed herein.

B. Applicant is awarded a vested right to 10,400 acre-feet of groundwater from the nontributary Denver aquifer underlying Applicant's Property, as quantified in Paragraph 12 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 (98%) of the amount withdrawn, and the other terms and conditions of this Decree, Applicant's Denver aquifer groundwater may be utilized for all purposes described in Paragraph 16.

C. Applicant is awarded a vested right to 5,200 acre-feet of groundwater from

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the nontributary Arapahoe aquifer underlying Applicant's Property, as quantified in Paragraph 12 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 (98%) of the amount withdrawn, and the other terms and conditions of this Decree, Applicant's Arapahoe aquifer groundwater may be utilized for all purposes described in Paragraph 16, subject to the reservation of 3,447 acre-feet of the water from the Arapahoe aquifer awarded to be utilized only for replacement of post-pumping depletions under the plan for augmentation decreed herein, as described in Paragraph 20.D., above.

D. Applicant is awarded a vested right to 3,780 acre-feet of groundwater from the nontributary Laramie-Fox Hills aquifer underlying Applicant's Property, as quantified in Paragraph 12 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 (98%) of the amount withdrawn, and the other terms and conditions of this Decree, Applicant's Laramie-Fox Hills aquifer groundwater may be utilized for all purposes described in Paragraph 16, subject to the reservation of the entirety of the water from the Laramie-Fox Hills aquifer (3,780 acre-feet) awarded to be utilized only for replacement of post-pumping depletions under the plan for augmentation decreed herein, as described in Paragraph 20.D., above.

E. All determinations decreed herein are subject to the Court's retained jurisdiction, pursuant to C.R.S. § 37-92-305(11), and governed by the Denver Basin Rules and Statewide Nontributary Groundwater Rules, as provided in C.R.S. § 37-90-137(9)(a).

36. The Applicant has furnished acceptable proof as to all claims and, therefore, the Application for Adjudication of Denver Basin Groundwater and Plan for Augmentation, as filed by the Applicant, 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.

37. The Applicant 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. Applicant shall be required to demonstrate to the State Engineer prior to the issuance of a well permit that no more than ninety-eight percent (98%) of the groundwater withdrawn annually will be consumed.

38. The Iron Ridge Well Nos. 1 through 30, and any replacement or additional wells, shall be operated such that combined pumping from all wells does not exceed the annual (24.09 acre-feet) and total (7,227 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. The State Engineer, Division Engineer, and/or Water Commissioner shall not curtail the diversion and use of water by the Iron Ridge Well Nos. 1 through 30, or any additional and replacement wells, so long as the return flows from the annual diversions associated with the Iron Ridge Well Nos. 1 through 30 and such other wells accrue to the stream system pursuant to the conditions contained herein. To the extent that Applicant or one of its successors or assigns is ever unable to provide

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the replacement water required, then the Iron Ridge Well Nos. 1 through 30 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 that are not so replaced as to prevent injury to vested water rights. In order for this plan for augmentation to operate, return flows from the septic systems discussed herein shall, at all times during pumping, be in an amount sufficient to replace the amount of stream depletions, and cannot be sold, leased, traded, assigned, or otherwise used for any purpose inconsistent with the augmentation plan decreed herein. Applicant shall be required to have any wells pumping on Applicant's Property providing water for in-house use and generating septic returns prior to pumping the wells for any of the other uses identified in Paragraphs 16 or 20.A.

39. 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 Applicant need not file a new application to request such adjustments.

A. At such time as adequate data may be available, Applicant or the State Engineer may invoke the Court's retained jurisdiction as provided in this Paragraph 39 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 party 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 affect 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, Applicant, 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 39 concerning adjustments to the Denver Basin groundwater 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 39.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.

40. 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

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determining compliance with the terms of the augmentation plan. The City of Colorado Springs owns senior water rights on Monument Creek in the Arkansas River system that may be negatively impacted by the operation of this decree wherein depletions to Monument Creek will not be replaced to Monument Creek, but rather will be replaced in the South Platte stream system. Colorado Springs reserves the right to claim that the cumulative negative impacts of this and other similar decrees constitutes injury to its senior Monument Creek rights. In the interest of settlement only, Colorado Springs consents to the entry of this Decree. However, by doing so Colorado Springs does not waive its right to claim injury and to seek relief in the future according to this paragraph. The Court further retains jurisdiction should the Applicant 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 20.D. The Court's retained jurisdiction may be invoked using the process set forth in Paragraph 42.

41. As pertains to the Denver Basin groundwater supplies, the Court shall retain continuing jurisdiction for so long as Applicant is required to replace depletions to the South Platte stream system, to determine whether the replacement of depletions to the South Platte stream system instead of the Arkansas stream system is causing material injury to water rights tributary to the Arkansas stream system.

42. Any person may invoke the Court's retained jurisdiction at any time that Applicant is causing depletions, including ongoing post-pumping depletions, to the Arkansas River system and is replacing such depletions to only the South Platte River system. 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 the alleged material injury and to request that the Court reconsider material injury to petitioners' vested water rights associated with the above replacement of depletions under this Decree, together with the 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 and that Applicant's failure to replace depletions to the Arkansas River system is causing material injury to water rights owned by that party invoking the Court's retained jurisdiction, except that the State and Division Engineer may invoke the Court's retained jurisdiction by establishing a prima facie case that material injury is occurring to any vested or conditionally decreed water rights in the Arkansas River system due to the location of Applicant's replacement water. If the Court finds that those facts are established, the Applicant shall thereupon have the burden of proof to show (i) that petitioner is not materially injured, or (ii) that any modification sought by the petitioner is not required to avoid material injury to the petitioner, or (iii) that any term or condition proposed by Applicant in response to the petition does avoid material injury to the petitioner. The Division of Water Resources as a petitioner shall be entitled to assert material injury to the vested water rights of others.

43. Except as otherwise specifically provided in Paragraphs 39-42, above, pursuant to the provisions of C.R.S. §§ 37-92-304(6) and 37-92-305(11), this plan for augmentation decreed herein shall be subject to the reconsideration of this Court on the question of material injury to vested water rights of others, for a period of five years. Any party, within such period, may

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petition the Court to invoke its retained jurisdiction. Any party 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 affect the petition. The party filing the petition shall have the burden of proof of going forward to establish a prima facie case based on the facts alleged in the petition. If the Court finds those facts are established, Applicant 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 Applicant 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 vested water rights of others. If no such petition is filed within such period and the retained jurisdiction period is not extended by the Court in accordance with the provisions of the statute, this matter shall become final under its own terms.

44. Pursuant to C.R.S. § 37-92-502(5)(a), the Applicant 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 instruction from said entities. Applicant is to install and maintain a totalizing flow meter on Iron Ridge Well Nos. 1 through 30, or any additional or replacement wells associated therewith, and is required to include geophysical logging on each newly constructed well. Applicant shall read and record the well meter readings and submit to the Commission bi-annually, on October 31st or March 31st, or as otherwise requested by the Water Commissioner.

45. 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 Iron Ridge Well Nos. 1 through 30 shall be permitted as non-exempt structures under the plan for augmentation decreed herein. 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.

46. This 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.

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Dated February 20, 2026

BY THE REFEREE:

A handwritten signature in black ink, appearing to read "John S. Cowan". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

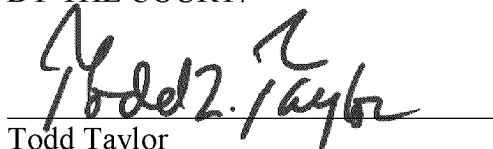
John S. Cowan, Water Referee
Water Division One

DECREE

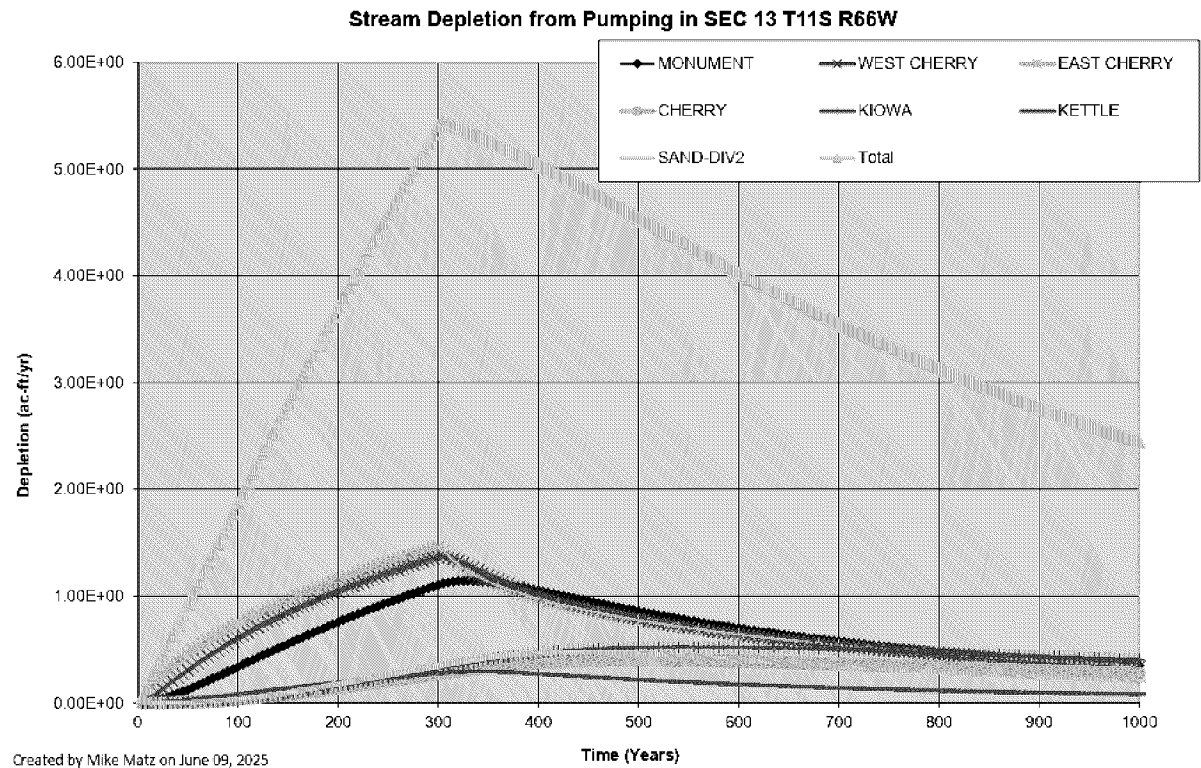
The Court finds that no protest was filed in this matter. The foregoing ruling is confirmed and approved and is hereby made the judgment and decree of this Court.

Dated: March 27, 2026

BY THE COURT:

A handwritten signature in black ink, appearing to read "Todd Taylor". The signature is written in a cursive style, with the first letters of the first and last names being capitalized and prominent. The signature is written over a horizontal line.

Todd Taylor
Water Judge, Water Division One



Atticus Land, LLC
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EXHIBIT A