

ALAMOSA CITY COUNCIL

Regular Meeting Minutes

Council Chambers & Zoom Video Webinar
300 Hunt Avenue, Alamosa, CO
September 20, 2023

Zoom Webinar Link: <https://us02web.zoom.us/j/85753492744>

Dial-in Number: +1 719 359 4580 US | **Webinar ID:** 857 5349 2744

Council Calendar

6:00 PM - Work Session: Budget

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

The Regular Meeting of the Alamosa City Council was called to order on the above date by Mayor Ty Coleman at 7:00 p.m. The Pledge of Allegiance was recited.

II. ROLL CALL

Present at roll call: Mayor Ty Coleman, Councilors Michael Carson, Jan Vigil, Kristina Daniel, Dawn Krebs, Charles Griego, and Liz Hensley. Also present: City Manager Heather Sanchez, City Attorney Erich Schwiesow, and City Clerk Holly Martinez.

III. AGENDA APPROVAL

Councilor Vigil moved, seconded by Councilor Daniel, to approve the agenda as presented. The motion carried unanimously.

IV. CITIZEN COMMENT

Alamosa City Council welcomes your comments. Citizens wishing to speak may obtain and complete a speaker card through the City Clerk at the start of the meeting.

A. Audience Comments

Meagan Smith commented introducing herself as the new Development Director for the Care and Share Food Bank, and invited Council to attend a tour of the facility and meet the Care and Share CEO, Nate Springer on October 18th.

Ruthie Brown commented in regards to transparency from Council to include asking for other meetings being offered to the public via Zoom as well, and commented in regards to the potential increases being offered to city employees.

B. Follow-Up

Ms. Sanchez commented in regards to the comments related to Ms. Brown's comments related to transparency and the increases for employees.

V. CEREMONIAL ITEMS

A. Proclamation: Suicide Prevention Awareness Month

Councilor Daniel read the proclamation. The representatives from San Luis Valley Behavioral Health Group were unable to attend the meeting tonight but were presented with the proclamation earlier in the day.

B. Introduction of New Outdoor Recreation Supervisor Sean Sluyter

Parks and Recreation Director, Andy Rice, introduced new outdoor recreation supervisor, Sean Sluyter, who was welcomed by Council.

VI. CONSENT CALENDAR A

The Consent Calendar allows multiple actions with one motion. Consent Calendar A contains routine items which have been recommended for action by staff or advisory boards. Council may remove a consent calendar item for separate consideration.

Councilor Vigil moved, seconded by Councilor Daniel, to approve Consent Calendar A. The motion carried unanimously.

C.7.a. Approve Minutes of Meeting September 6, 2023

C.8.a. Receive August 2023 Monthly Reports

C.8.b. Approve stipulation for Monte Vista Augmentation Plan case.

VII. REGULAR BUSINESS

C. Business Brought Forward by City Staff

1. Development Services

a. Quarterly Update on Housing and Downtown

Development Services Director, Rachel James, presented the quarterly update on housing and downtown to Council.

b. Resolution No. 15-2023, Approving AHA retention of 2022 PILT

Ms. James provided information on this resolution to Council.

Councilor Vigil moved, seconded by Councilor Daniel, to approve Resolution No. 15-2023. The motion carried unanimously.

2. Fire

- a. Second Reading and Public Hearing, Ordinance No. 16-2023, an ordinance approving an intergovernmental agreement with Adams State University to provide Fire protection services

Fire Chief Bill Stone reviewed this ordinance with Council.

Mayor Coleman opened the hearing at 7:36 p.m. and asked for those wishing to speak on this ordinance.

There being no one wishing to speak, the hearing closed at 7:37 p.m.

Councilor Vigil moved, seconded by Councilor Hensley, to finally adopt Ordinance No. 16-2023. The motion carried unanimously.

D. Committee Reports

Councilor Griego reported on the Senior Citizens meeting he attended.

Councilor Daniel reported on the LEAD policy committee she attended.

E. Staff Announcements

Ms. Sanchez provided data statistics related to the District Attorney's Office to Council.

Ms. Martinez provided information related to the Colorado Municipal League's MUNiversity program to Council, including the credits and achievements that have been earned by each Councilor as of 2023.

COUNCIL COMMENT

Councilor Hensley commented in regards to the Farmer's Market this past weekend that she attended with Chief Anderson.

Councilor Krebs commented in regards to the Stephanie L. Miner walk, and the ArtsFest festival that occurred this past weekend.

Councilor Daniel thanked Council for declaring Suicide Prevention month at tonight's meeting and commented in regards to mental health and the stigma around it. She also informed Council of upcoming dates for Mental Health First Aid trainings being offered, as well as Muniversity credits.

Councilor Vigil asked when the work day for Habitat for Humanity is - Ms. Sanchez confirmed it is next Saturday, September 30th at 9:00 a.m. He also gave kudos to Andy and recreation department for the soccer program through the recreation department, and then he commented in regards to the pathway along the Blanca Vista ponds, and happy to see the budget for a dog park in the future for the north side of town.

Councilor Griego thanked Ms. Sanchez for allowing him to present the award at the ArtsFest and provided further comments related to the ArtsFestival.

Mayor Coleman thanked everyone who participated in the ArtsFest activities and thanked the Parks and Recreation department and the Streets Division and others who were a part of the event.

Ms. Sanchez commented further on the ArtsFest events.

EXECUTIVE SESSIONS

Councilor Vigil moved, seconded by Councilor Daniel, to move into executive session (7:54 p.m.) pursuant to C.R.S. § 24-6-402 (4)(b) and (4)(e) to receive advice from the City Attorney and to determine positions and instruct negotiators for a CCRD mediation. The motion carried unanimously. The second executive session listed was not necessary.

Mayor Coleman affirmed that no further business will be discussed following the executive session.

1. Executive session pursuant to C.R.S. § 24-6-402(4)(b) and (4)(e) receive advice from the City Attorney and to determine positions and instruct negotiators for a CCRD mediation.

ADJOURNMENT

The meeting adjourned immediately following the executive session (8:51 p.m.)

Holly C. Martinez, City Clerk

Ty Coleman, Mayor

ALAMOSA CITY COUNCIL
COUNCIL COMMUNICATION

Subject/Title:
Council Calendar

ATTACHMENTS:

Description

[Council Calendar](#)

Type

Cover Memo

Alamosa City Council Meeting and Event Calendar

Updated 09/15/2023

All events are held in Alamosa Colorado unless otherwise noted.

CITY HALL IS LOCATED AT 300 HUNT				
Date	Time		Location	Additional Information
September 16, 2023	All Day	ArtsFest	Downtown	***
September 20, 2023	6:00 p.m.	Work Session: Budget	Council Chambers	*
September 20, 2023	7:00 p.m.	Regular Council Meeting	Council Chambers	
September 21, 2023	5:30 p.m.	Dinner with ASU President Tandberg	Marvel House	**
October 4, 2023	6:00 p.m.	Work Session: Advisory Board Applicant Interviews	Jury Conference Room	*
October 4, 2023	7:00 p.m.	Regular Council Meeting	Council Chambers	
October 10, 2023	6:00 p.m.	Meet the Candidates Forum	Council Chambers	***
October 11, 2023	6:00 p.m.	Special Meeting: Executive Session	Council Chambers	*****
October 18, 2023	6:00 p.m.	Work Session: Advisory Board Applicant Interviews	Jury Conference Room	*
October 18, 2023	7:00 p.m.	Regular Council Meeting	Council Chambers	
* Work sessions are informal Council meetings for the purpose of discussion among Council members. No action is taken. The public is invited to attend, but public comment is generally not received unless otherwise noted.				
**Sponsored by outside entity. Council members have been invited to attend. Please check with originating entity for registration information				
*** Citizens are encouraged to attend this community event				
**** This is a purely social event and not open to the public				
*****This is a closed session and not open to the public				

ALAMOSA CITY COUNCIL
COUNCIL COMMUNICATION

Subject/Title:

Proclamation: Suicide Prevention Awareness Month

ATTACHMENTS:

Description

[Suicide Prevention Awareness Month Proclamation](#)

Type

Proclamations



SUICIDE PREVENTION AWARENESS MONTH PROCLAMATION

This proclamation proudly designates the month of September as Suicide Prevention Awareness Month in the City of Alamosa, nestled in the heart of the San Luis Valley, Colorado.

WHEREAS, the communities of the San Luis Valley understand the profound significance of raising awareness about suicide prevention and its vital role in promoting the overall well-being of our distinctive region; and

WHEREAS, the ripple effects of mental health challenges resonate deeply within our tightly-knit families and neighborhoods, impacting lives from Alamosa to Crestone and from Saguache to Monte Vista; and

WHEREAS, the San Luis Valley Behavioral Health Group, in partnership with our dedicated municipal authorities, stands unwavering in its commitment to provide essential resources and unwavering support to aid individuals as they bravely confront mental health-related struggles; and

WHEREAS, we acknowledge and honor the exceptional individuals within our Valley who have triumphed over mental health challenges, weaving their narratives into the rich tapestry of our community; and

WHEREAS, the San Luis Valley, renowned for its breathtaking landscapes and resilient communities, embraces the responsibility of addressing the pervasive impact of mental health issues that touch the lives of adults and the next generation each year; and

WHEREAS, we recognize that only a fraction of those grappling with severe mental health challenges seek the necessary care and assistance, and thus, we endeavor to bridge this gap by fostering a culture of empathy and support; and

WHEREAS, we acknowledge that the shadows of stigma and apprehension often cast shadows upon those who courageously seek the help they deserve, and we are determined to dissolve this darkness with understanding and acceptance; and

WHEREAS, our local communities have borne witness to the transformative power of personal interactions with individuals who have emerged triumphant from the struggle against mental health challenges, thereby playing a pivotal role in dismantling misconceptions and biases; and

WHEREAS, we comprehend the nurturing robust mental and emotional well-being is not only essential for our families and neighborhoods but also crucial for the flourishing of our esteemed educational institutions and thriving businesses; and

WHEREAS, the San Luis Valley, in collaboration with our devoted partner municipality, is steadfast in amplifying public awareness about mental health issues, embarking on a collective voyage to reshape attitudes and behaviors, and tirelessly advocating for accessible, effective services for every individual journeying along the path of recovery.

NOW, THEREFORE I, Ty Coleman, Mayor of the City of Alamosa, of San Luis Valley, Colorado and on behalf of the entire City Council, do hereby proclaim and declare September 2023 as SUICIDE PREVENTION AWARENESS MONTH. As Mayor, I proclaim every resident, government entity, public and private establishment, business, and school within the vast embrace of the San Luis Valley to unite in reaffirming our unwavering commitment to enhance awareness and comprehension of mental health challenges, to erode the bedrock of stigma and bias, and to vigorously champion fitting and easily accessible services for all those navigating the intricate journey to recovery.

In witness whereof, I have affixed my signature and caused the official seal of the City of Alamosa of the San Luis Valley, Colorado to be affixed this 20th day of September, in the year 2023.

Subject/Title:

Introduction of New Outdoor Recreation Supervisor Sean Sluyter

Subject/Title:

Approve Minutes of Meeting September 6, 2023

ATTACHMENTS:

Description

[Minutes of Meeting September 6, 2023](#)

Type

Minutes

ALAMOSA CITY COUNCIL

Regular Meeting Minutes

Council Chambers & Zoom Video Webinar
300 Hunt Avenue, Alamosa, CO
September 6, 2023

Zoom Webinar Link: <https://us02web.zoom.us/j/85753492744>

Dial-In Number: +1 719 359 4580 US | **Webinar ID:** 857 5349 2744

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

The regular meeting of the Alamosa City Council was called to order on the above date by Mayor Ty Coleman at 7:00 p.m. The Pledge of Allegiance was recited.

II. ROLL CALL

Present at roll call: Mayor Ty Coleman, Councilors Dawn Krebs, Charles Griego, Liz Hensley, and Michael Carson. Councilor Jan Vigil was present via Zoom Webinar. Councilor Kristina Daniel previously requested to be excused and her absence is considered an excused absence.

III. AGENDA APPROVAL

Councilor Griego moved, seconded by Councilor Carson to approve the agenda as presented. The motion carried unanimously.

IV. CITIZEN COMMENT

Alamosa City Council welcomes your comments. Citizens wishing to speak may obtain and complete a speaker card through the City Clerk at the start of the meeting.

A. Audience Comments

None.

B. Follow-Up

None.

V. CEREMONIAL ITEMS

A. Introduction of new Police Officers: Fabian Juarez, Leonel Sarmiento and Tristen Crowther.

Chief Ken Anderson introduced new police officers Fabian Juarez, Leonel Sarmiento, and

Tristen Crowther, who were all welcomed by Council.

VI. CONSENT CALENDAR A

The Consent Calendar allows multiple actions with one motion. Consent Calendar A contains routine items which have been recommended for action by staff or advisory boards. Council may remove a consent calendar item for separate consideration.

Councilor Carson moved, seconded by Councilor Griego, to approve Consent Calendar A. The motion carried unanimously.

C.7.a. Approve Minutes of Meeting August 16, 2023

C.7.b. Approve Minutes of Special Meeting August 23, 2023

C.8.a. First Reading, Ordinance No. 16-2023, an ordinance approving an intergovernmental agreement with Adams State University to provide Fire protection services

VII. REGULAR BUSINESS

A. Presentations from Outside Agencies

1. LEAD & Co-Responder Update

Carrie Deacon introduced new Case Manager Trent Mills, and provided an update on the LEAD program.

Chief Ken Anderson provided an update on the Co-Responder program.

2. SLV GO! Heart of the Valley Trail Project Update

Annie Altwarg provided an updated to Council on the SLV GO! Heart of the Valley Trail project.

B. Board/Commission Business

1. Main Street Committee Update

Committee Chair Matt Abbey provided an update on what the Main Street Committee has been been working on this year to Council.

C. Business Brought Forward by City Staff

None.

D. Committee Reports

None.

E. Staff Announcements

City Manager Heather Brooks updated council on the following: airport housing contract and the back nine irrigation replacement cost will be \$94k above budget on a \$1.3 million contract. She also updated them on the following upcoming dates next week: joint meeting with the County Commissioners, CML District 8 meeting, the first budget work session, the public budget meeting, the art reception, and ArtsFest. She also informed them of the work session prior to their next regular meeting and provided them with information related to overhanging tree limbs throughout the city.

COUNCIL COMMENT

Councilor Krebs commented in regards to the passing of K9 Samantha. She also commented in regards to the incidents that happened with flags downtown recently.

Councilor Griego commented in regards to the dinner with ASU as well as the breakfast the seniors put on during the Early Iron festival.

Councilor Carson commented in regards to the concerns that he brought up regarding the park and they were addressed and thanked staff for doing so.

Mayor Coleman commented in regards to the Early Iron Festival and thanked everyone for the successful event.

ADJOURNMENT

The meeting adjourned at 8:04 p.m.

Holly C. Martinez, City Clerk

Ty Coleman, Mayor

ALAMOSA CITY COUNCIL
COUNCIL COMMUNICATION

Subject/Title:

Receive August 2023 Monthly Reports

ATTACHMENTS:

Description

[August 2023 Monthly Reports](#)

Type

Reports

COUNCIL COMMUNICATION

DATE: September 20, 2023	AGENDA NO.	SUBJECT: City Manager Monthly Report for August 2023
Department Head:		
City Manager: Heather Brooks		
PRESENTED BY: Heather Brooks		

The following reports cover the activities of the City's various departments. Below is a statement regarding major issues covered by the City Manager's office. Additional information is provided in the bi-weekly updates from the City Manager to the Council.

August 2023 Report

- Meeting with Parks & Recreation Director and Police Chief to discuss park bathroom vandalism
- Early Childhood Stakeholder Committee
- Weekly Leadership Team meetings
- Meetings with developers
- Bi-Weekly meetings with Mayor and City Clerk
- Global Leadership Summit
- Meeting with Colorado Health Foundation to discuss grant application
- National Night Out/City Services Fair
- Councilor Connections at First Friday
- Bi-Weekly meetings with Police Chief
- Monthly Region 18 Opioid Steering Committee
- Monthly meeting with Public Works Director
- City Council Candidate Orientation
- Monthly meeting with Finance Director
- Recreation Board
- Monthly meeting with IT Director
- Employee Family Game Night
- Meeting/Tour with Senator Bennet
- Lunch with Councilor Hensley
- Meeting with health insurance broker to review renewal
- Ribbon Cutting for Victoria Avenue
- Bi-Weekly meetings with Economic Development Director
- Bi-Weekly meetings with Communications/Project Specialist
- Monthly meeting with Parks & Recreation Director
- Monthly meeting with City Clerk
- Monthly meeting with Councilor Carson
- Main Street Advisory Committee

- Meeting with Senator Simpson and Representative Martinez to discuss legislative items
- Region 18 Opioid Settlement Governing Committee
- Monthly meeting with Development Services Director
- Chamber Lunch
- Monthly meeting with Councilor Griego
- Monthly meeting with HR Manager
- Meeting with CDOT
- Several meetings related to homelessness
- Attended La Jara Town Board meeting to discuss affordable housing
- Meeting with FAA
- Councilor Connections at the Farmers' Market
- Art Committee meeting
- Multiple LEAD meetings
- Meeting with ASU
- Economic Development Committee meeting
- Meeting with DOLA to discuss grant application for CRHDC housing project
- Homeless Coalition meeting
- Employee Open Enrollment for benefits
- Multiple budget meetings
- La Puente Board meeting
- COSSUP Grant meeting
- Monthly meeting with Fire Chief
- Attended National COSSAP/COSSUP Forum

COUNCIL COMMUNICATION

DATE: September 7, 2023	AGENDA NO.	SUBJECT: Economic Development Report for August, 2023
Department Head: Kathy Woods, Economic Development		
City Manager: Heather Brooks		
PRESENTED BY: Heather Brooks		

Meetings, Phone Conferences/Calls and Projects:

- **Two potential business start ups** - Continue regular meetings with them on site selection, etc. - *Continues*
- Regular meetings with Sarah Stoeber, DRG, on collaborations and projects
- Regular meetings with Erin Keck, Chamber, on collaborations and projects
- Melanzana continues to work toward a manufacturing facility in Alamosa - constant contact, small delay on site selection due to health issue
- ICE Hunters - Constant contact - future expansion location discussions- *continues*
- Many contacts with new owners of the former State St. Furniture - Have applied for Liquor License and are awaiting hopeful approval before they pull building permits- Monica DeLaTorre and family
- Roni Wisdom - Continuation of finding possible relocation buildings for DA's Office
- **Multiple meetings with Mani Patel. Predevelopment meetings. Working on Hotel Brand currently - 90-99 rooms**
- Fran Eigenberg x 1
- Stephanie Golbranson, Donna Wehe and new Regional Director of Workforce, Harvey Greenwood - continuous contact on upcoming projects
 - Possible resurrection of Healthcare Sector Partnership through Workforce CO and Workforce training and availability for a the business inquiries that seem to be moving forward
- Meredith McCran/ Erin Keck and Azarel Madrigal-Chase

- Mike and Roni Wisdom and Aaron Miltenberger on the Early Childhood Center Capital Campaign- Campaign Kick-Off and weekly meetings to begin process
- Mushroom Farm Developments/Meetings continue. Positive progress for new type of grow
- On Advisory Council for University of CO, Anschutz Medical Campus
- Continue to work with Developer searching for location
- Working with locations looking for tenants/buyer
- Monthly Land Use/Building/Code Enforcement meeting
 - Follow up meetings with infractions pending
- Lyn Bogle - Rocky Mt. Memorabilia
- Chamber Luncheon and Ambassadors
- Martinez Shoe Repair concerns - personal visit - complaint of parking lot lights behind them being broken and apparent attempt to get into their building from the back/loitering
- Follow up with Art the Barber on community perception of non-renewal of lease this fall.
- Leroy Martinez
- Alfred Petross - connection to someone wanting to own a funeral home in Alamosa
- Laurent Bobert visit
- SLV Equity Coalition meeting
- ASU meetings/Linda Reylea/David Tandberg/Bruce Rosengrants
- A couple of meetings with Roni Wisdom on DA space
-
- Nicki Trunnel on May Wa Building
- Emma's Restaurant on possible location
- Spencer Architecture
- Main St. Advisory Meeting
- Danielle Brown starting an Appliance Repair business
- First Southwest Bank and DRG connected
- Meeting with FWSB on Drivers License Building, not in use...
- Jess Godwin - Retail Strategies meeting
- Laura Cordova - Spa - Space Finding
- A full service Medi Spa - Space Finding
- Blessed Brews Parklet move
- [Aaron Miltenberger](#) lunch meeting
- Wendi Seger, business possibilities

- Zoom on Hotel Industry Trends
- Program on City update for Kiwanis luncheon
- Nicolas Ricks - Additional questions/conversation
- Zoom meeting with ECOSTRAT and /DRG- RE: Biomass Industry
- Ribbon Cutting for Rainbow's End Facade improvement
- Monthly catch up with Visit Alamosa - Beth
-

THANK YOU FOR YOUR SUPPORT!

COUNCIL COMMUNICATION

DATE: 9/14/2023	AGENDA NO.	SUBJECT: Communication Specialist Monthly Report for August 2023
Department Head: City Manager		
City Manager: Heather Brooks		
PRESENTED BY: Jasmine Husmann		

- Had bi-weekly meetings with City Manager
- Attended weekly staff meetings
- Worked on Wayfinding project
- Attended Senior Citizen Meeting
- Created and shared several PSA's/updates on social media
- Met with Elizabeth at the Chamber
- Worked on public outreach
- Met with PW to discuss grants
- Created content for Councilor Connections
- Met with Development Services to discuss Creative District Committee
- Attended Global Leadership Summit
- Attended National Night Out
- Met w/ 4 x 10 committee
- Uninstalled last year's art pieces
- Attended open enrollment meeting
- Worked on City and Employee newsletters
- Connected w/ downtown businesses about ArtScape
- Met w/ Apptegy

City of Alamosa
Monthly Activities Report
August 2023
Public Works Department

Streets:

Patched 177 Potholes
Blade all Gravel roads 2 times
Prepped trench on Vigil way for patching ahead of ACI
Heat tape all crosswalks and stop bars on State Ave.
Heat tape all crosswalks, stop bars, bike and school emblems on Victoria
Patch all open cuts
Re-installed all signage on Victoria Prior to opening
Paint centerline and bike lanes on Victoria
Continue painting bike lanes and emblems throughout town
Work piles at 20th from 7th and Alamosa project
Rebuild shoulder north of bridge on State Ave. to North River road
Clean radiator on 210 excavator
Backfill new island in 6th street parking lot
Special event road closures -2
Mount air hose reels to compressor
Paint parking areas on State from Third to Main
Clean retention pond behind elementary school
Identify and mark city utility handholds with carsonite markers
Emergency repair of collapsed storm line on 9th and Ross
Repaired Inlets on Riverwood drive

Solid Waste:

Commercial Waste Hauled totaled 270.51 T.; Residential Waste Hauled totaled 236.56 T. Medical Waste totaled 1.52 T. Forty five extra pick-ups were completed. Two, 96 gallon toters, zero 64 gallon toters and three yard waste toters were delivered. Four toters and three dumpsters were repaired. Homeless camp pickups totaled: 4.

Recycling:

A total of 92 bales of various materials were made. One hundred fifty two bales were shipped. A total of 7.6 tons of glass was processed. Landfill savings totaled \$782.50.

Water Treatment Facility:

Water Pumped for Municipal usage from Water Wells = 100,111,203 gal
Potable Water Treatment Plant Produce= 86,947,211 gal
Average Chlorine delivered to the Distribution system= 1.19mg/l
Average Raw Arsenic Treated= 34.2 ppb
Average Finished Water Arsenic= 6.7 ppb (MCL=10 ppb)

Chemicals used to Treat Water:

Ferric Chloride= 3,169 gal

Chlorine= 1,149 gal

Average Water Recovered in Treatment= 92.0%

Did Cleans on Fibers Every Wednesday

Handed out Back flow Notices: 3

Got readings for Construction meters: gallons

Did Brush tank inspection for Est Alamosa

Received Laptop for Arsenic Analyzer

Changed oil in Compressors

Celo working in Foster tower for wireless Internet.

Meeting with Steve on plant well building

Worked with LRE Plant well drilling

AmWest came to Plant to install VFD

Water (Distribution System):

Non-potable water pumped from Irrigation, Murphy and Weber wells: **9,778,789 Gallons**

Bacterial Samples Collected and Came Back NO Problems: 10

Checked and wrote down Meter usage numbers for 8 Wells 7 day a week

Read meters 15th-24th

Meters Rereads: 88

Turn off and on at Customer Request: 11

Water turn OFF Non Payment: 30

Service Orders From City Hall: 56

Zero Consumption Accounts Visited: 0

811 Locates Done: 68

Call out after work hours water related: 8

Water Taps Done: 2

Accounts Checked for Leaks: 3

House wired for meters: 3

New Meters entered into System New or Replaced: 38

Meters Looked at that have problems: 171

Meters that got resolved or Fixed: 38

Prepared Touch read pad or wire: 1

Meter and meter pit upgrades: 7

Meter pit lids worked on: 2

Cleaned and Marked Meter pit lids: 14

Hung Door Tags for appointments: 1

Water Main Valves Exercise: 77

BO/BR for meters: 60

Note List for meters: 87

Delivered water meter and setters Delivered: 0

Water services Inspected: 0

Water services leak repaired: 1

Fire Hydrants flushed: 9

Fire Hydrants Serviced: 8

Curb stops repaired: 3

Fixed shut of lids: 3
Curb stopes blown out : 3
Rebuild 1" Meters: 0
Rebuilt ¾" Meters :0
Main Valve Exercised:77
Calls for Brown Water: 8-10-23 North Side Flushed 6 hydrants 8-11-23 73 El Rio, East Alamosa 8-15 429
11th st. 8-28 421 Lakewood 8-30 1423 Ross, 1531 Eddison, 1116 Edison
Taps done 1921 Edison 324/326 Savage
6 Mountain View had leak and advised home owner
Cut street in front of 312 13th service leak
Gave water pipe to Gardner Excavation to install a new line on old Airport RD. Also a Fire
hydrant and 6 saddles on curb box
8-30-23 Ran Bac-T on new line old airport road PASS.

Employee took a trenching and shoring class in Pueblo
Oversight on new water line old airport road

WasteWater Treatment Facility:

Total Water treated and placed back into River: 36,658,000 Million Gallons
Last Month 38,764,000 Million Gallons
East Alamosa Treated 2,822,000 Million Gallons
BOD Removed from sewage: 96%
TSS Removed from sewage:98%
E.coli released in Effluent : 6 /100 Limit of 147/100
Ammonia as Nitrogen Released to River : 0.31Mg/l Limit Max 4.4 mg/l Max
Worked on and handed in July Reports.
Collected and ran all routine monthly samples.
Collected and sent out Wastewater covid samples on Monday's & Thursday's.
Ran Generator on Monday's for 1 hr.
Blower #1 on, #3 on, and #1 off.
UV bank 1B on 1A off.
Screw pump #1 Lead, 2 Lag, 3 Stand By
Did locates
2nd Husman came and fixed water line for clarifier #1
7th Sprayed down Head works.
9th Notified JVA to proceed with Metals study project.
10th Sprayed down UV room.
14th Sprayed down storage room.
16th Kody came up and started helping me at the facility.
23 Motor for the grit separator went out. Called Adam from Falcon for a quote for a new motor.
24th Pulled motor from old grit separator and replaced burnt out motor, and got the machine running. Emailed TDMA paperwork needed to get the portable samplers coming.
25th Adam gave me a price for a replacement motor. Ordered motor for grit separator and for pista grit separator.
30th Ordered oil from co-op. Cleaned clarifier #1.
31st Received oil from co-op. Received portable samplers from TDMA, went and set up samplers at sample sites.

Sewer(Collection System):

Checked and wrote down clock run hours for 18 Lift Stations 7 day a week

811 Locates Done: 68

Called out after work hours sewer related: 1

Checked for plugs @ customer req. 8

Sewers Flushed because customer called : 2

Sewer Lift Stations Cleaned: 11

Pulled Sewer Lift Station Pumps:22

Blocks of sewer line cleaned: 14 (4,050 ft Cleaned)

Manholes Checked /Cleaned: 90

Inspection of sewer service: 1

New Sewer Taps Done: 1

Camera lines: 0

Taps done 1921 Edison

Cut Trees on 7th street for project

Ran Walgreens sewer

Worked on Murphy Generator

Cut weeds at Victoria storm retention pond

Cut weed at Murphy

Fixed sewer main Alamosa Between 7th and 8th

Cut Trees down Murphy Lift station

Had One Employee Pass Class I Collection Colorado exam

Employee took a trenching and shoring class in Pueblo

Fixed fence around ponds

Changed ponds from #2 To #3

Storm Drain System

Storm Lift Stations Checked/Maintained: 17

811 Locates : 68

Rodded storm drain lines Blocks: 1

Reported Pipe damage to lateral on Ross and 9th

New storm drain in Alamosa and 7th st Project

Cut weeds in Victoria Retention Pond.

East Alamosa:

Bacterial Samples Collected and Came Back NO Problems: 2

Water supplied to from Water Plant: 6,947,143 Gal last month was 7,393,559Gal

Water Pumped from Hwy 17 Well: 10,629,260Gal

Checked and wrote down clock run hours for 9 Lift Stations 7 day a week

Water Turned Off or On: 1

Called out After Hours: 2

Lift Stations Cleaned: 5

Lift Stations Pulled Pumps: 12

Manholes Cheeked/Cleaned: 45

8-5-23 Sunny Side lift station tripped

8-11-23 295 sunnyside water on 5:30pm

8-11-23 Flushed water line brown water

Bonny checked sewer

Brush tank Inspection

Water Treatment Facility:

Water Pumped for Municipal usage from Water Wells = 100,111,203 gal
Potable Water Treatment Plant Produce= 86,947,211 gal
Average Chlorine delivered to the Distribution system= 1.19mg/l
Average Raw Arsenic Treated= 34.2 ppb
Average Finished Water Arsenic= 6.7 ppb (MCL=10 ppb)

Chemicals used to Treat Water:

Ferric Chloride= 3,169 gal
Chlorine= 1,149 gal
Average Water Recovered in Treatment= 92.0%

Did Cleans on Fibers Every Wednesday
Handed out Back flow Notices: 3
Got readings for Construction meters: gallons
Did Brush tank inspection for Est Alamosa
Received Laptop for Arsenic Analyzer
Changed oil in Compressors
Celo working in Foster tower for wireless Internet.
Meeting with Steve on plant well building
Worked with LRE Plant well drilling
AmWest came to Plant to install VFD

Fleet:

Performed 5 Preventive Maintenance Services (3-Police,1 -Cemetery, 3-Parks,)
Replaced 2 tires (2-Water,)
Replaced 3 batteries (3-Streets,)
Flat tire repair-3 (2 -Police, 1-Streets)

Aligned tires - (1-Parks)
Recharged Air Conditioning system (1-Water)
Sent vehicle to Schraders glass to have a chip fixed (1-Water)
Replaced electronic electric steering rack (1-Police)
Replaced water pump(1-Police)
Installed floor mats, tow hitch and computer dock on new Tahoe (1-Police)
Replaced TPU (1-Police)
Replaced hydraulic motor (1-Streets)
Installed computer base, tow hitch, and floor mats on New Tahoe (1-Police)
Removed barbed wire out of flail mower and replaced belt (1-Parks)
Repaired rear reel on sewer truck (1-Sewer)
Replaced motor mounts, ball joint, alignment (1-Police)
Call out to replace upper radiator hose (1-Sanitation)
DOT inspection (1-Streets)

Replaced hydraulic hose (1-Sanitation)

Troubleshoot transmission not going into gear (1-Sanitation)

Rebuilt engine on backhoe, after rebuild vehicle would not start, troubleshot for a no start, got vehicle to run (1-Streets)

City of Alamosa Development Services Department
Monthly Activity Report
August 2023

- Planning:
 - 9 land use applications: 1 permitted use, 1 short term rental, 1 zoning verification, 1 zone of benefit recovery, 1 campus master plan, 1 rezoning, 1 telecommunications permit, 1 variance, and 1 minor subdivision.
 - Attended Senator Bennet bike tour of Rio Grande to discuss levee project
 - Met with Congresswoman Boebert at SLVCOG meeting to discuss levee
 - Attended Army Corp of Engineers Colorado Emerging Professionals Workshop
 - Met with City Manager and Colorado Health Foundation regarding soup kitchen
 - Attended first biannual CDOT/City of Alamosa one-on-one meeting
 - Maestas Case interpretive signs ribbon cutting at Zapata Historic Park
 - Attended Leadership Alamosa training hosted by the Chamber
 - Continued work on inventory of obsolete signs
 - Continued work on Velhagen Clock restoration
 - Met with SLV GO! regarding US DOT Reconnecting Communities & Neighborhoods grant for cantilevered pedestrian bridges
 - CDOT meeting regarding feasibility of cantilevered pedestrian bridges
 - Hosted the WaterSmart booth at August First Friday
 - Continued work on stormwater mural project
 - Meetings: Planning Commission, Main Street Advisory Committee, Historic Preservation Advisory Committee, Alamosa Housing Authority, RAISE project, SLVCOG/DRG, Economic Development, Art Committee, code enforcement
- Building:
 - 20 building permits issued:
 - Solar- 3
 - Re-roof- 4
 - Remodel- 2
 - Addition- 1
 - Window Replacement- 5
 - Stucco- 1
 - 2nd Story Deck Repairs- 1
 - Demo- 1
 - New Single Family Dwelling- 1
 - Total Project Costs: \$2,553,450
 - Fees Collected: \$47,002.46
 - Attended San Luis Valley Region Cohort meetings with Shums Coda Associates
- Downtown:
 - Continued pre-development meetings regarding new downtown hotel
 - Submitted a \$360,000 Rural and Tribal Assistance Pilot grant for Main Street engineering
 - Selected mural artists with Chamber

- Attended Downtown Colorado, Inc. (DCI) Tax Increment Financing (TIF) conference in Trinidad
- Reviewed submissions for the for the Hunt Avenue Cultural Trail Request for Qualifications (RFQ)
- Regular meeting with CDOT on the Revitalize Main Street grant for the Hunt Avenue Cultural Trail
- Housing:
 - Submitted a DOLA More Housing Now grant for \$1,916,170 and had a follow up meeting with CDOT to get on the schedule for the October EIAF hearings
 - Submitted a Strong Communities Letter of Interest for \$4 million for the Boyd development
 - Met with local developer on land banking and easements
 - Held pre-development meeting with local small-scale housing developer
 - Met with SLVHC and their architects on the Boyd conceptual designs
 - Continued weekly coordination calls with CRHDC's architect for Tierra Azul

Alamosa Fire Department Monthly Report

August 2023

During August 2023, the Alamosa Fire Department responded to 51 calls for service, 38 were within the City Limits and 13 were in the County.

Training

Firefighters logged a combined total of 246 hours of Fire specific training.

Public Relations Events

Firefighters attended 3 events.

Inspections

One inspection was performed at Ortega Middle School to observe a Fire Drill.

Fire Incident Type Breakdown

Incident Type Group	
100 - Fire	9
200 - Series	2
300 - EMS	12
400 - HAZMAT	3
500 - Service Call	2
600 - Series	11
700 - False Alarm	9

900 - Special Incident	3
------------------------	---

51

5

1

COUNCIL COMMUNICATION

DATE September 5, 2023	AGENDA NO.C. 8. a	SUBJECT: IT Director Monthly Report for August 2023
Department Head: 		
City Manager:		
PRESENTED BY: James A. Belknap		

Below is a statement regarding major issues covered by the City IT Department:

August 2023 Report

- Worked with a local business to install a security camera system. The installation of the cameras was provided by the City through a grant process. The grant stipulates that video is accessible by law enforcement when needed.
- IT was alerted about a storage space limit being approached on the City's phone system server. The drive was able to be expanded on the fly without any interruption to services.
- We continue to closely monitor the status of the City's phone call recording system. After multiple outages in a short period of time, the manufacturer was contacted and the system was upgraded to the latest version. So far the system has appeared to be stable and functioning.
- Updated the auto attendant settings for the phone system to correspond to the 4x10 work week.
- Updated the hours on the City Website to reflect the 4x10 workweek

- Transferred emails, cell phone, and computer to Sean Sluyter from John Reesor.
- Participated in a review of Sportsman, a software being evaluated to replace RecPro, the software used to manage the Rec center. Sportsman is a cloud-based software and would reduce another virtual server that is currently managed in-house.
- Met with the construction manager to discuss communications connectivity in the housing development near airport road.
- Provided connectivity support to AMWest, the integrator that provides programming support to the electrical systems at the water treatment plant. A back-end engineer was able to resolve the issue after being temporarily connected to the system. Once the work was completed, the system was taken offline once again to maintain a high-security level.
- IT intern Lance Refior assisted in a rewire of multiple connections that link network access between the City Shops and City Streets buildings.
- IT continues to investigate multiple computers that experienced stop errors due to a TCP/IP driver issue. New drivers have been pushed to these computers and their stability is being evaluated.
- After receiving a report of incorrect time being displayed on some computers, IT identified the issue as a sync problem experienced by one of the physical host machines used in the City's virtual infrastructure. The issue has been corrected.
- Expanded the storage space available to the Tyler Content Manager server.
- Installed software on the Library Manager's computer that allows for the submission of a grant.
- Investigated an issue with the Axon Interview system server. A video was initially reported as missing but with further inspection, the video was found to be stuck in the upload process. With help from an Axon engineer, IT was able to recover the video and update the software on both servers to prevent this type of error in the future.

- Installed Cricut Design Space in the Library to be used with a template design cutting tool recently acquired.
- Worked with the construction manager to identify the source of an issue with printing specific sizes on the City's plotter. A firmware upgrade resolved the issue.
- Created virtual machines for multiple new police officers. These machines allow for the secure connection to the City's record management system, CCIC, and other secured programs.
- After receiving a report that one of the cameras located at St. Benedict's campsite was not streaming, IT manually reset the camera, and service was restored.
- Patched all City-owned computers to the latest patch and vulnerability fixes from Microsoft. This monthly patching helps protect our computers from malicious software, resolve general Windows issues/bugs, and provide access to new Windows features.

In Monte Vista, we performed the following items:

- Replaced damaged equipment
- Old account clean-up
- Week of class completed - VMware
- New computers pushed out for planning
- Onboarded new employees
- PD Car got connectivity and laptop setup
- Software adjustment for clerks, both now able to print recipes from their respective computers
- Technician study for certification
- Supported public works to get a training setup on Zoom bar at shops
- Caselle upgrade pushed through
- Patched all City owned computers to the latest patch and vulnerability fixes from Microsoft. This monthly patching helps protect our computers from malicious software, resolve general Windows issues/bugs, and provide access to new Windows features.



Board and IT Committee Report

City of Alamosa
September 1, 2023



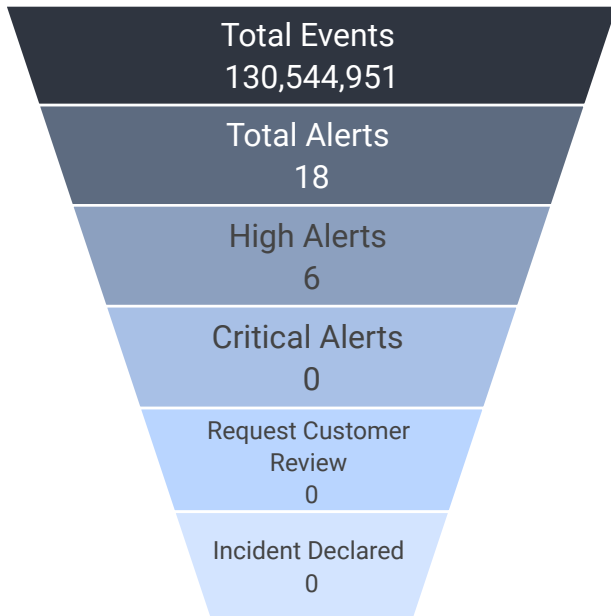
Table of Contents

Executive Summary	3
Events Breakdown	3
Detected Alerts	3
Compliance Insights	3
Volume by Alert Type - Top 5	3
Adlumin Account Activity	4
Network Health	5
Device Activity	7
Endpoint Activity	8
Dark Net Exposure	9
Detection Analysis	10
SnapShot365	17

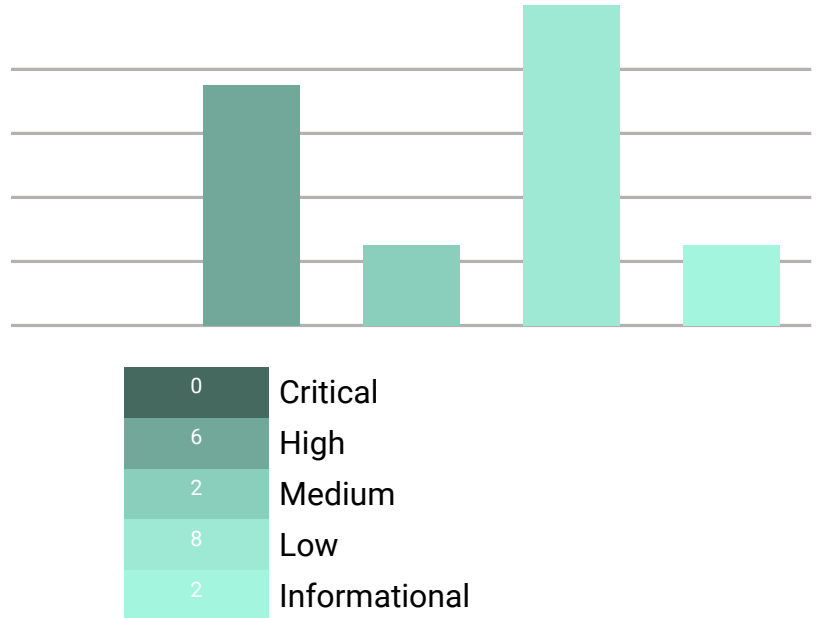
Executive Summary

2023-08-01 06:00:00 MDT - 2023-09-01 05:59:59 MDT

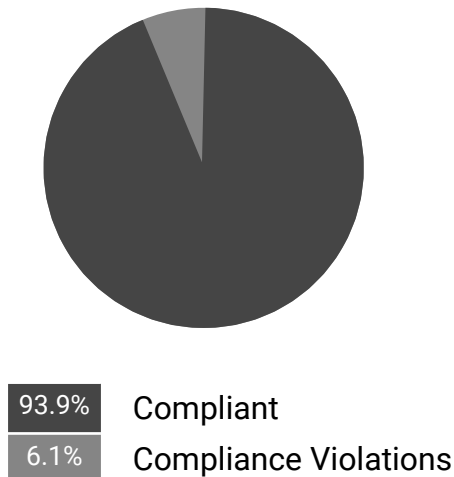
Events Breakdown



Detected Alerts



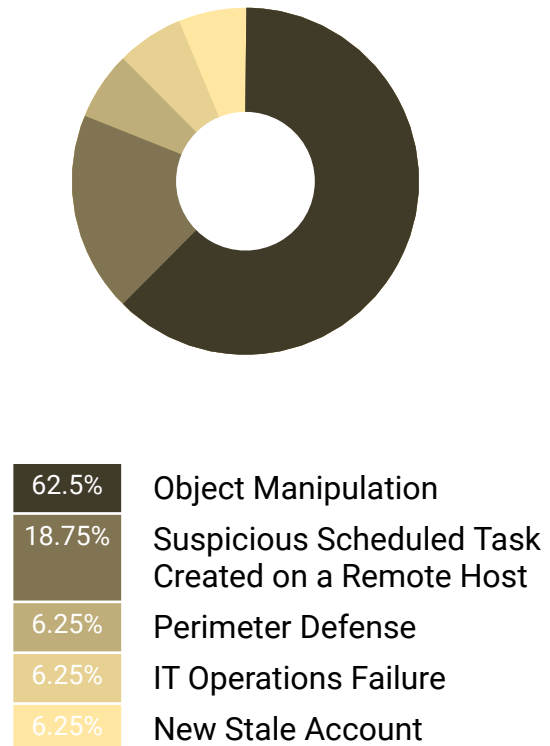
Compliance Insights



Compliance violations are composed of:

- Account password has not changed within 90 days.
- Account created with a non-expiring password.
- Account not active in 90 days.

Volume by Alert Type - Top 5

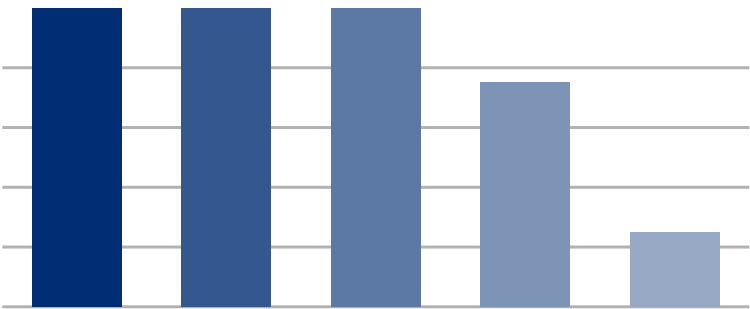


Adlumin Account Activity

Accounts using the Adlumin platform

Username	Last Login	Total Logins to Date	Created Date
Brandon Gallegos	2023-07-05 13:47:45 MDT	121	2021-12-13 05:06:46 MST
Jim Belknap	2023-03-13 11:12:43 MDT	36	2021-12-13 05:06:22 MST
Christian Batzer	2023-02-06 10:02:46 MST	43	2021-12-13 05:07:14 MST
Brandon Doss	2022-01-18 13:04:08 MST	11	2022-01-03 11:22:30 MST

Most Requested Reports In the Last 30 Days



16	Privileged Account Activity Report (PDF)
16	Access Failure Report
4	Stale Systems Report
16	Object Manipulation Report
12	Stale Accounts Report

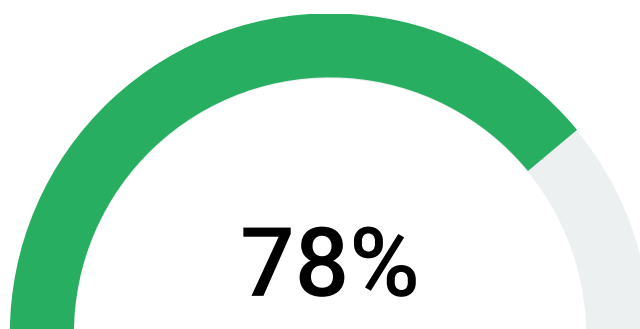
4
Total Adlumin Users

0
Users That Logged in the Last 30 Days

26
Number of Recurring Scheduled Reports

Network Health

Adlumin's Network Health Index uses an algorithm based on network management best practices and provides a high-level view of risk within your organization. Updated: 2023-09-01 00:11:22 UTC



Category	Details	Status	Metric	Deduction
Detections - Critical	Detections marked "Critical" by machine learning or custom configuration that are unacknowledged. Acknowledge Critical detection's to increase your network health score.		0	0
Detections - High	Detections marked "High" by machine learning or custom configuration that are unacknowledged. Acknowledge High detections to increase your network health score.		5	-10
Accounts with Passwords that Do Not Expire	These are accounts that are configured with passwords that never expire. Change the configuration or input a note with your valid business reason for each account to increase your network health score.		0%	0
At Risk Shares	At risk shares are networked shared resources where there is the potential for unprivileged accounts or groups to have privileged access, FULLCONTROL, or elevated access to networked shared drives.		0.77%	0
At Risk Systems	At risk systems are systems where there is the potential for unprivileged accounts or groups to have privileged access, administrative access, to networked systems.		0%	0
Circular Groups	Circular logic indicates a group object is both a parent and child of another group. This may have unintended consequences and provide privileged access to network resources. Change the group configuration to increase your network health index.		0	0
IT Operations Failures	Repeated failed logon attempts may indicate a brute force attack or disruption of network services. Discover the reason for the repeated account failures and disable the process.		0	0
Account Password Expiration Duration	This metric indicates a compliance violation. These accounts are enabled, not locked, and the last time their password was reset exceeds the time limit of 90 days. Change the configuration or input a note with your valid business reason for each account to increase your network health score.		2.03	-2
Privileged Domain Accounts	Adlumin has determined that you have an abnormally high number of privileged domain accounts. Reduce the number of privileged domain accounts to increase your network health score.		4.47%	0

Category	Details	Status	Metric	Deduction
Reversible Encryption	This metric indicates a compliance violation. Storing encrypted passwords in a way that is reversible means that the encrypted passwords can be decrypted. Change the configuration or input a note with your valid business reason for each account to increase your network health score.		false	0
Snapshot365	Log data clusters stored securely for compliance requirements. Contact Adlumin Support to activate SnapShot365.		false	-3
Stale Accounts	This metric is a compliance violation. These accounts have not been logged into the last 90 days. Change the configuration or input a note with your valid business reason for each account to increase your network health score.		5.69%	-7
Network Health Index			78%	

Device Activity

Firewall Data, VPN Data, and other Inputs Checking into the Adlumin Platform

5

Total Seviles and Devices
monitored by Adlumin

100,485,788

Total events from
2023-08-01 06:00:00 MDT to
2023-09-01 05:59:59 MDT

Firewall Events

Most Frequent Event Source

Device Type	Total Events
Firewall Events	98,590,791
VPN Events	1,883,946
Sophos Events	4,339
Endpoint Security Events	5,521
Office 365 Data	1,191

Endpoint Activity

From 2023-08-01 06:00:00 MDT to 2023-09-01 05:59:59 MDT

123

Systems

0

At Risk Systems

6

At Risk Shares

860

Object
Manipulations

9,907,909

Access Events

82,159

Access Failures

38

USB Events

189,046

File Creations

Windows OS Version	Count	Mainstream Support Ends	Extended Support Ends
Microsoft Windows 11 Pro	73		
Microsoft Windows 10 Pro	26	Software updates are continuous	10-14-2025
Microsoft Windows Server 2019 Standard	14	01-09-2024	01-09-2029
Microsoft Windows Server 2016 Standard	6	01-11-2022	01-12-2027
Microsoft Windows 10 Education	1		
Microsoft Windows Server 2022 Standard	1		
Microsoft Windows Server 2012 R2 Standard	1	Ended 10-09-2018	10-10-2023
Microsoft Windows 11 Pro for Workstations	1		

Dark Net Exposure

Recent breach telemetry

0	0	0	0
Dark Net Detections	Events	Breached Accounts	Breached Privileged Accounts

Dark Net Exposure Detections

0 detections

Most Recent Breaches

0 breaches

Detection Analysis

A breakdown of detection types and sources

Attack Patterns

devices data
keyword
analysis

22,571

'Denial of Service'

0

'Brute Force'

2,025

'Port Scanning'

0

'Malware Activity'

33

'Exploitation'

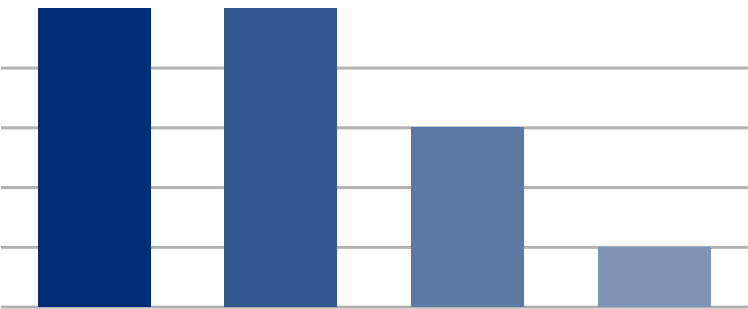
3

'Remote Access'

0

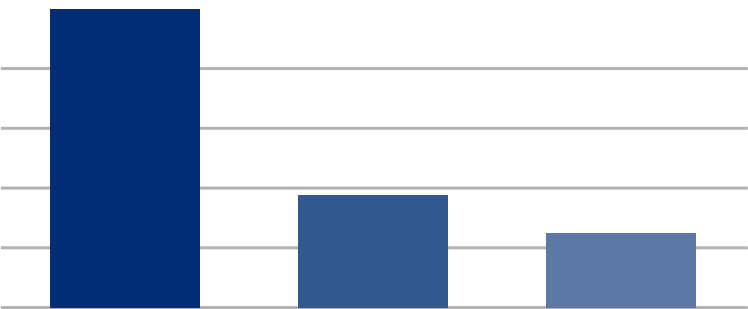
Other Attack
Patterns

Top Systems with Detections



5	COFA2
5	COFA3
3	PC1469
1	COFAAXON1

Top Accounts with Detections



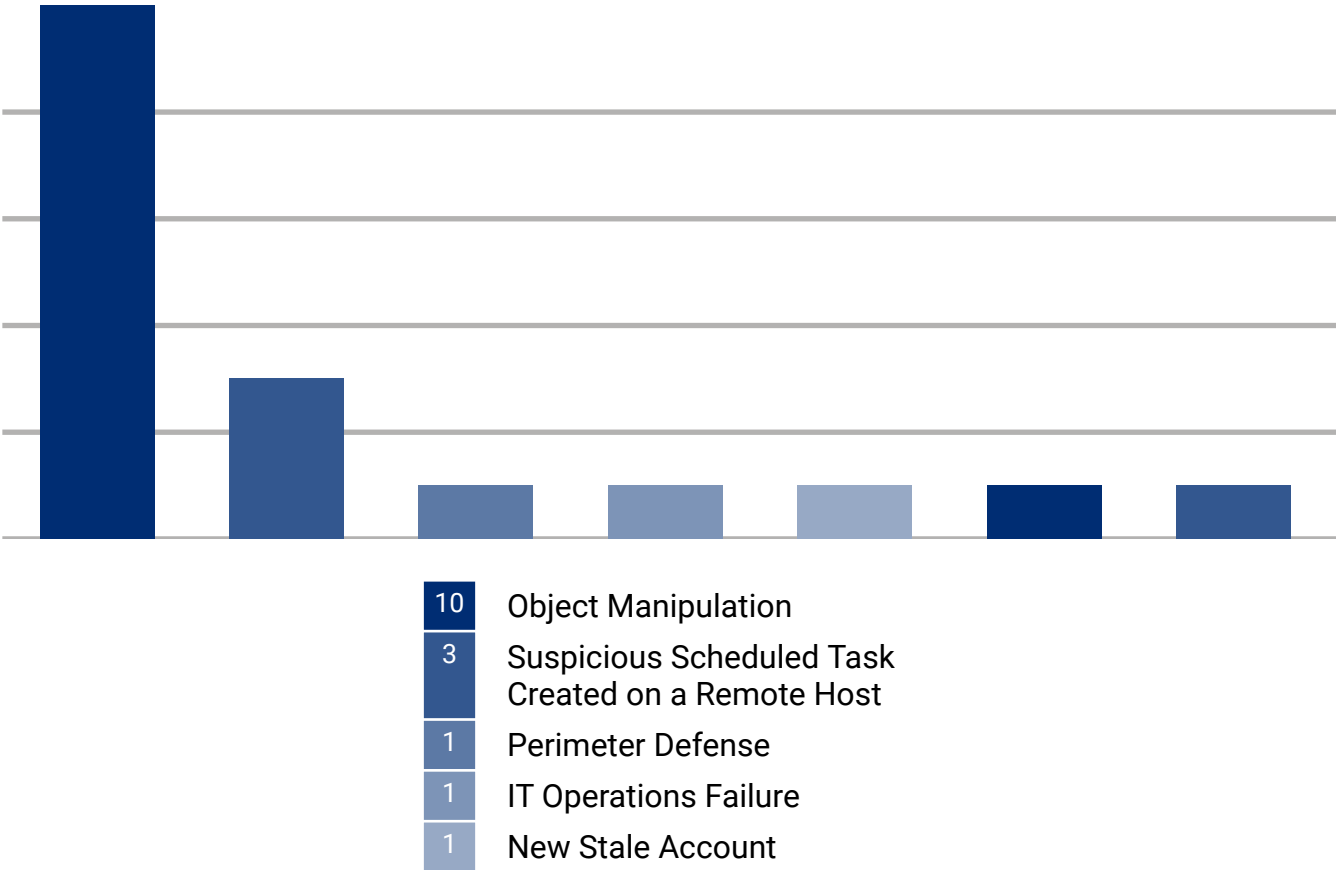
8	cbatzer
3	bgallegos
2	bdoss

Detection Analysis

Top Detection Types

From 2023-08-01 06:00:00 MDT to 2023-09-01 05:59:59 MDT

Severity Level: All Levels



Detections Acknowledged

Severity Level: Critical and High



Detection Analysis

Detection Severities

Type	Critical	High	Medium	Low	Informational
IT Operations Failure	0	1	0	0	0
New Password Expiration Violation	0	1	0	0	0
New Stale Account	0	1	0	0	0
Object Manipulation	0	0	0	8	2
Perimeter Defense	0	0	1	0	0
Sophos Real Time Protection Disabled	0	0	1	0	0
Suspicious Scheduled Task Created on a Remote Host	0	3	0	0	0

Detections

Severity Level: Critical and High

Severity	ID	Detection Type	Time
 High	1651	Suspicious Scheduled Task Created on a Remote Host	2023-08-28 07:34:35 MDT
Source			
Destination	PC1469		
Account	cbatzer		
Details	Suspicious Scheduled Task Created on a Remote Host. Detection alerted on possible persistence by creating a Windows task scheduler on a remote host.: This detection can be modified from tools, custom detections.

Raw Message: Process Create: RuleName: - UtcTime: 2023-08-28 13:34:35.771 ProcessGuid: {1215032e-a26b-64ec-9f01-000000002400} ProcessId: 19924 Image: C:\Windows\System32\cmd.exe FileVersion: 10.0.22621.1635 (WinBuild.160101.0800) Description: Windows Command Processor Product: Microsoft® Windows® Operating System Company: Microsoft Corporation OriginalFileName: Cmd.Exe CommandLine: C:\WINDOWS\system32\cmd.exe /d /s /c "SCHTASKS /CREATE /SC ONLOGON /TN "ApplicationTasks\L-Connect 3 Launcher task" /TR "C:\Program Files\L-Connect 3\L-Connect 3.exe" /args --openAsHidden" /RL HIGHEST /F" CurrentDirectory: C:\WINDOWS\system32\ User: COFA\cbatzer LogonGuid: {1215032e-a264-64ec-d43a-160000000000} LogonId: 0x163AD4 TerminalSessionId: 1 IntegrityLevel: High Hashes: SHA256=423E0E810A69AACEBA0E5670E58AFF898CF0EBFFAB99CCB46EBB3464C3D2FACB ParentProcessGuid: {1215032e-a265-64ec-3801-000000002400} ParentProcessId: 13528 ParentImage: C:\Program Files\L-Connect 3\L-Connect 3.exe ParentCommandLine: "C:\Program Files\L-Connect 3\L-Connect 3.exe" /args --openAsHidden ParentUser: COFA\cbatzer.		
Notes			

Severity	ID	Detection Type	Time
 High	1618	IT Operations Failure	2023-08-26 16:33:08 MDT

Source	
Destination	COFAAXON1
Account	
Details	A System Sustains a Critical Fault. The system has rebooted without cleanly shutting down first. This error could be caused if the system stopped responding, crashed, or lost power unexpectedly.. This detection can be modified from tools, enhanced monitoring, Adlumin Default Tracking.
Notes	

Severity	ID	Detection Type	Time
 High	1523	New Password Expiration Violation	2023-08-10 12:48:50 MDT

Source	N/A
Destination	N/A
Account	vapodaca
Details	The accounts: [vapodaca] have a password that has not been set in at least 365 days. This detection was requested from enhanced monitoring. Force a password change or input a note to exclude them from your network health score.
Notes	

Severity	ID	Detection Type	Time
 High	1522	Suspicious Scheduled Task Created on a Remote Host	2023-08-10 09:32:18 MDT

Source	
Destination	PC1469
Account	cbatzer

Details	Suspicious Scheduled Task Created on a Remote Host. Detection alerted on possible persistence by creating a Windows task scheduler on a remote host.: This detection can be modified from tools, custom detections.

Raw Message: Process Create: RuleName: - UtcTime: 2023-08-10 15:32:18.374 ProcessGuid: {1215032e-0302-64d5-7e01-000000002300} ProcessId: 15008 Image: C:\Windows\System32\cmd.exe FileVersion: 10.0.22621.1635 (WinBuild.160101.0800) Description: Windows Command Processor Product: Microsoft® Windows® Operating System Company: Microsoft Corporation OriginalFileName: Cmd.Exe CommandLine: C:\WINDOWS\system32\cmd.exe /d /s /c "SCHTASKS /CREATE /SC ONLOGON /TN "ApplicationTasks\L-Connect 3 Launcher task" /TR "C:\Program Files\L-Connect 3\L-Connect 3.exe" /args --openAsHidden" /RL HIGHEST /F" CurrentDirectory: C:\WINDOWS\system32\ User: COFA\cbatzer LogonGuid: {1215032e-02fe-64d5-b961-1e0000000000} LogonId: 0x1E61B9 TerminalSessionId: 1 IntegrityLevel: High Hashes: SHA256=423E0E810A69AACEBA0E5670E58AFF898CF0EBFFAB99CCB46EBB3464C3D2FACB ParentProcessGuid: {1215032e-02ff-64d5-4801-000000002300} ParentProcessId: 13204 ParentImage: C:\Program Files\L-Connect 3\L-Connect 3.exe ParentCommandLine: "C:\Program Files\L-Connect 3\L-Connect 3.exe" /args --openAsHidden ParentUser: COFA\cbatzer.
Notes	

Severity	ID	Detection Type	Time
 High	1489	New Stale Account	2023-08-07 01:48:49 MDT

Source	N/A
Destination	N/A
Account	vapodaca
Details	The accounts: [vapodaca] have not been used on the domain in at least 365 days. This detection was requested from enhanced monitoring. Remove the accounts from Active Directory or input a note to exclude them from your network health score.
Notes	

Severity	ID	Detection Type	Time
 High	1454	Suspicious Scheduled Task Created on a Remote Host	2023-08-01 11:30:51 MDT
Source			
Destination	PC1469		
Account	cbatzer		
Details	Suspicious Scheduled Task Created on a Remote Host. Detection alerted on possible persistence by creating a Windows task scheduler on a remote host.: Process Create: RuleName: - UtcTime: 2023-08-01 17:30:51.276 ProcessGuid: {1215032e-414b-64c9-6901-000000002100} ProcessId: 5716 Image: C:\Windows\System32\cmd.exe FileVersion: 10.0.22621.1635 (WinBuild.160101.0800) Description: Windows Command Processor Product: Microsoft® Windows® Operating System Company: Microsoft Corporation OriginalFileName: Cmd.Exe CommandLine: C:\WINDOWS\system32\cmd.exe /d /s /c "SCHTASKS /CREATE /SC ONLOGON /TN "ApplicationTasks\L-Connect 3 Launcher task" /TR "C:\Program Files\L-Connect 3\L-Connect 3.exe" /args --openAsHidden" /RL HIGHEST /F" CurrentDirectory: C:\WINDOWS\system32\ User: COFA\cbatzer LogonGuid: {1215032e-4145-64c9-272f-140000000000} LogonId: 0x142F27 TerminalSessionId: 1 IntegrityLevel: High Hashes: SHA256=423E0E810A69AACEBA0E5670E58AFF898CF0EBFFAB99CCB46EBB3464C3D2FACB ParentProcessGuid: {1215032e-4146-64c9-2001-000000002100} ParentProcessId: 13188 ParentImage: C:\Program Files\L-Connect 3\L-Connect 3.exe ParentCommandLine: "C:\Program Files\L-Connect 3\L-Connect 3.exe" /args --openAsHidden ParentUser: COFA\cbatzer. This detection can be modified from tools, custom detections.		
Notes			

[View all 0 detections in the Adlumin portal](#)

SnapShot365

Log data clusters stored securely for compliance requirements

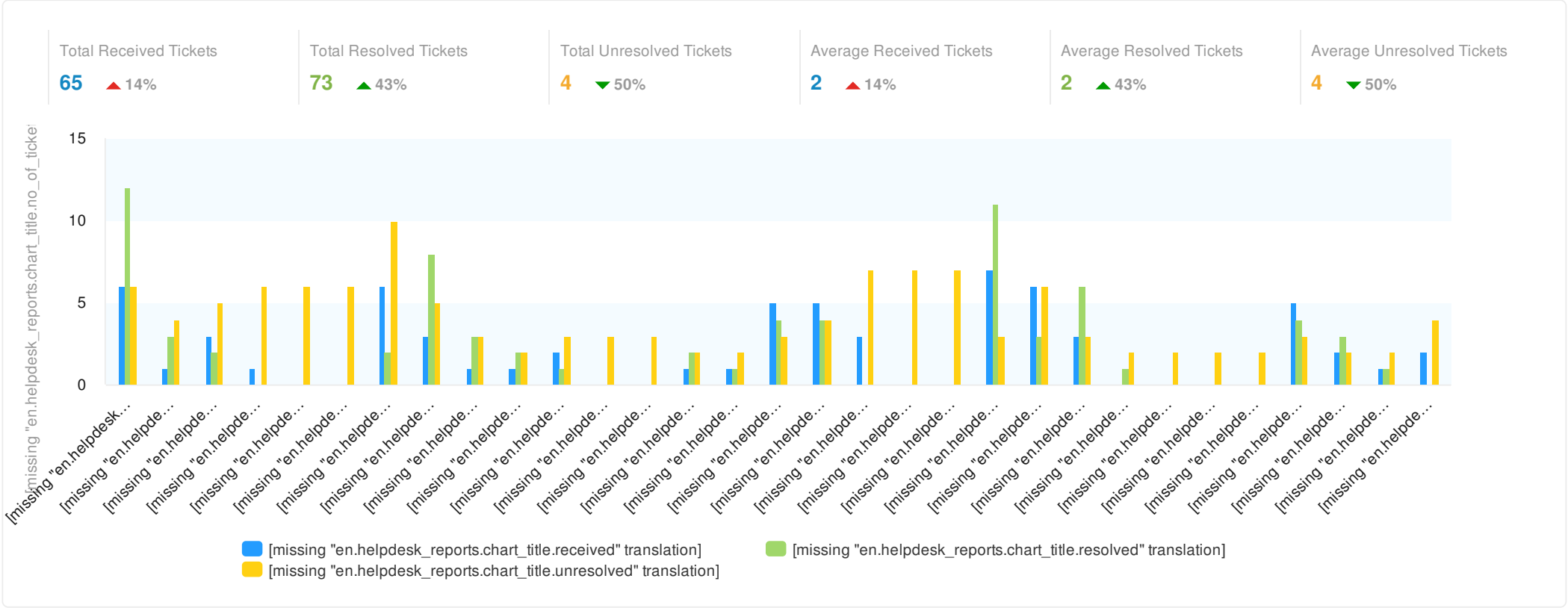
Currently this service is not enabled for your organization

Ticket Volume Trends - Monthly Ticket Volume Trends

Last updated at 1 Sep, 2023 00:00 AM

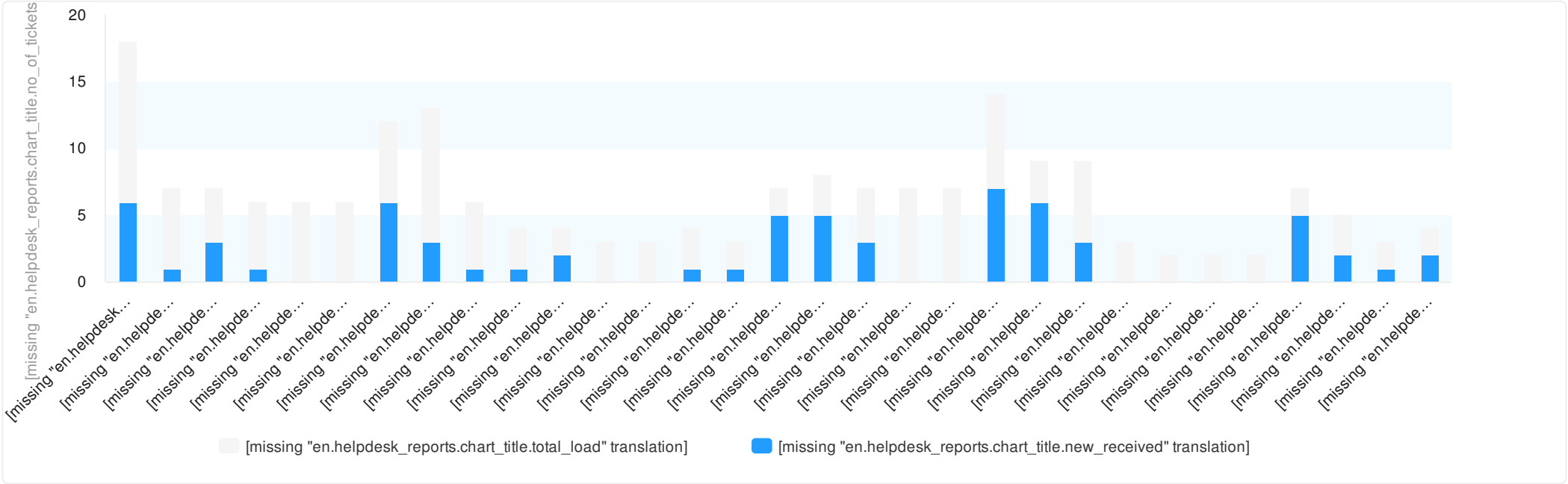
[missing "en.adv_reports.filtered_by" translation]: [missing "en.adv_reports.time_period" translation]: 1 Aug, 2023 - 31 Aug, 2023

[missing "en.helpdesk_reports.ticket_volume.time_trends_title.doy" translation]

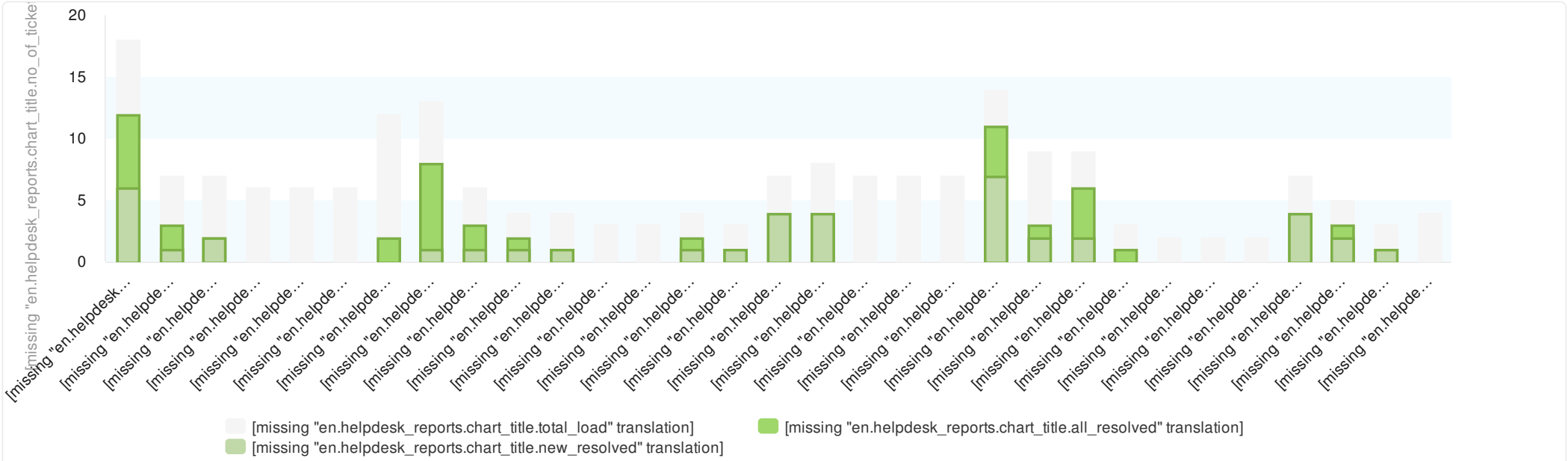


Load Analysis

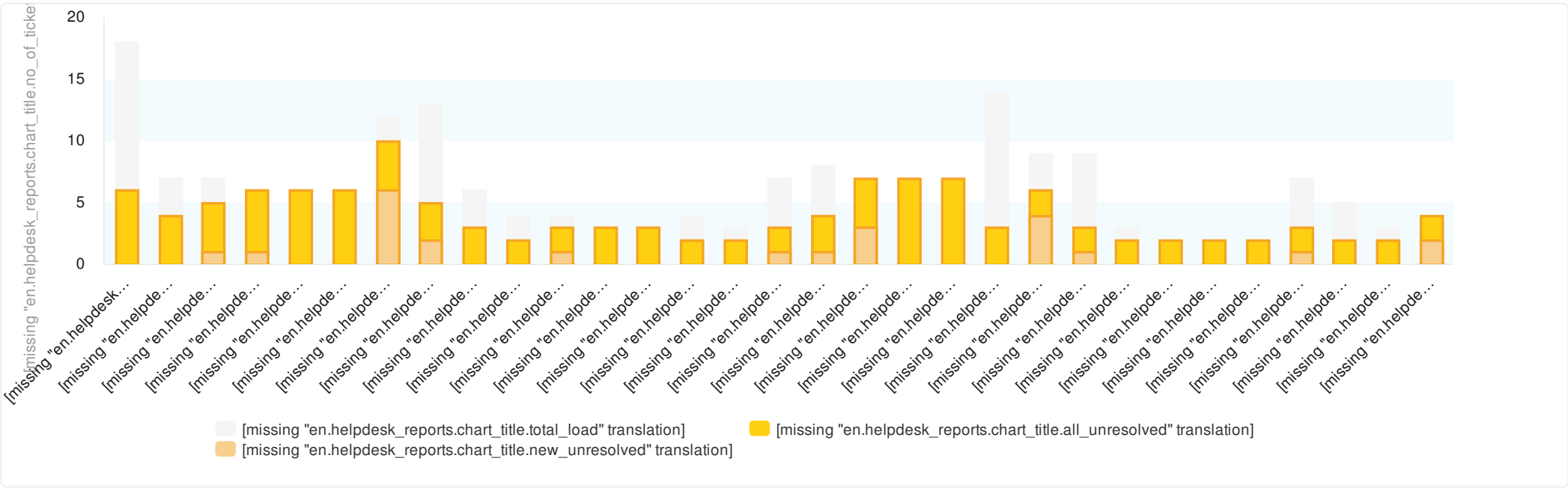
Received Tickets - Daily



Resolved Tickets - Daily



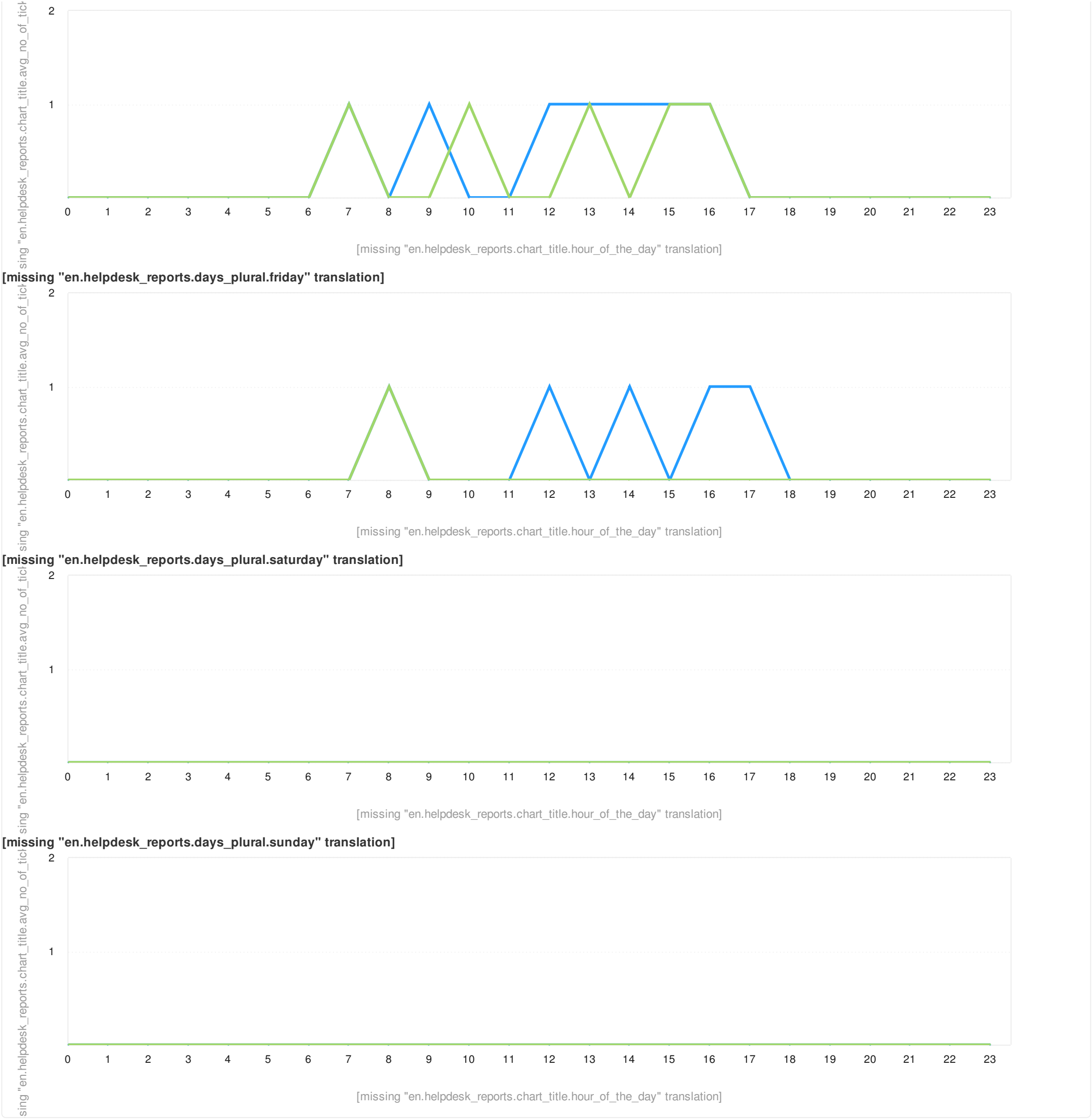
Unresolved Tickets - Daily



Day of the week and Hour of the day trend

See which hour of which day receives the most number of tickets and allocate your staff accordingly





City Clerk/Municipal Court August 2023 Monthly Report

Prepared and distributed 11 birthday cards.

LIQUOR:

- Sent out monthly renewal letters.
- Renewals:
 - 4th Street Grille
 - Rubi Slipper

Special Event Permits:

- Society Hall
- Chamber of Commerce
- Adams State University

Met with Joseph Serrano regarding process for a new liquor license.

BOARDS:

- Creative District Committee added to Boards and Commissions Software
- Applications have been submitted and deadline for board is September 30th.
- Work Sessions for interviews scheduled.

RECORDS:

- Continually update Laserfiche with old records.
- Council history information completed to the best of our ability based on old records.
- All Proclamations have been added into Laserfiche as these are a permanent record based on the Colorado Retention Manual.

COURT:

- Court held August 7, 14, 23, 24
- Attended monthly meeting of Court Data-Sharing Task Force
- Met with CRP Staff and Court staff to discuss new JAG Grant program and logistics.

ELECTIONS:

- Met with Deputy Clerk to review Candidate Orientation Session materials.
- Held Candidate Orientation Session.
 - 20 people in attendance (staff and interested parties)
- Verified Candidate Petitions.

TRAINING:

- Attended the Global Leadership Summit (virtually)
- Attended Tyler's User Group meeting training (virtually)
- Attended CAMCA Mini Conference in Aurora, CO

OTHER:

- Met with 4x10 committee to discuss last minute questions related to schedule.
- Regular attendance to Work Sessions and Council meetings.

- Presented 4x10 information to Council at Work Session.
- Attended weekly leadership team meetings.
- Attended bi-weekly meetings with Mayor and City Manager.
- Attended bi-weekly meetings with leadership coach.
- Held monthly one on one meetings with staff.
- Held monthly department meeting including intern.
- Attended meeting with State Representatives and city department heads for legislative review items.
- Attended open enrollment meeting.
- Attended 1:1 meeting for Aflac.
- Attended special meeting for executive session for evaluation.

OUTSIDE REPRESENTATION:

- Attended CMCA Records Management Committee meeting
- Attended CMCA Website Committee meeting
- Attended CAMCA Board Meeting (prior to mini conference)
- Attended CAMCA Board Meeting (after mini conference)



Filed Or Closed Cases Listing

ALAMOSA MUNICIPAL COURT

9/13/2023 12:44:08 PM

Totals For Filed Date From 08/01/2023 To 08/31/2023

Posted Fee Totals For Transaction Date From 08/01/2023 To 08/31/2023

Violations By Filed Date

CITY ORDINANCE	48
PARKING	19
TRAFFIC	90
Total Violations Filed:	157

Violations Completed-Paid Fines By Filed Date

CL-DOCKET CLOSED

CITY ORDINANCE	9
PARKING	19
TRAFFIC	77
CL	105
Total Violations Completed-Paid Fines:	105

Violations Completed-Other By Filed Date

DD-DISMISSED AFTER DEFERRED

TRAFFIC	1
DD	1

DP-DISMISSED BY PROSECUTOR

TRAFFIC	3
DP	3

DV-DIVERSION VOID

TRAFFIC	1
DV	1
Total Violations Completed-Paid Fines:	5



Filed Or Closed Cases Listing

ALAMOSA MUNICIPAL COURT

9/13/2023 12:44:08 PM

Totals For Filed Date From 08/01/2023 To 08/31/2023

Posted Fee Totals For Transaction Date From 08/01/2023 To 08/31/2023

Total Violations Completed-Paid Fines:	105
Total Violations Completed-Before Judge:	0
Total Violations Completed-Before Jury:	0
Total Violations Completed-Before Teen Court:	0
Total Violations Completed-Other:	5
Total Violations Completed:	110
Total Violations Filed:	157
Net Difference Filed - Completed:	47

Warrants Issued

CITY ORDINANCE	38		
TRAFFIC	1		
Total Warrants Issued:	39	Total Violations:	39

Warrants Cleared

CITY ORDINANCE	45		
Total Warrants Cleared:	45	Total Violations:	45
Total Warrants Issued:	39		
Total Warrants Cleared:	45		
Net Difference:	-6		

Violations Completed-Other Paid By Filed Date

AJ-TRAFFIC DEFERRAL

TRAFFIC	3		
AJ	3		



Filed Or Closed Cases Listing

ALAMOSA MUNICIPAL COURT

9/13/2023 12:44:08 PM

Totals For Filed Date From 08/01/2023 To 08/31/2023

Posted Fee Totals For Transaction Date From 08/01/2023 To 08/31/2023

Violations Completed-Other Paid By Filed Date

BH-BOND HEARING

CITY ORDINANCE	11	
BH		11

CL-DOCKET CLOSED

CITY ORDINANCE	3	
TRAFFIC	1	
CL		4

CT-CONTEMPT HEARING

CITY ORDINANCE	1	
CT		1

DL-COMPLIANCE DISMISSAL

CITY ORDINANCE	2	
DL		2

DV-DIVERSION VOID

CITY ORDINANCE	1	
DV		1

EX-EXTENSION OF TIME TO PAY

TRAFFIC	5	
EX		5

PD-PENDING

CITY ORDINANCE	2	
PARKING	1	



Filed Or Closed Cases Listing

ALAMOSA MUNICIPAL COURT

9/13/2023 12:44:08 PM

Totals For Filed Date From 08/01/2023 To 08/31/2023

Posted Fee Totals For Transaction Date From 08/01/2023 To 08/31/2023

Violations Completed-Other Paid By Filed Date

TRAFFIC	2	
PD		5
PP-PAYMENT PLAN		
TRAFFIC	2	
PP		2
RH-RESTITUTION HEARING		
CITY ORDINANCE	2	
RH		2
ST-STATUS HEARING		
CITY ORDINANCE	17	
PARKING	1	
TRAFFIC	1	
ST		19
TR-TRIAL - NON JURY		
CITY ORDINANCE	1	
TR		1
WI-WARRANT ISSUED		
CITY ORDINANCE	4	
WI		4
Total Violations Completed-Other Paid:	60	



Filed Or Closed Cases Listing

ALAMOSA MUNICIPAL COURT

9/13/2023 12:44:08 PM

Posted Fee Totals For Transaction Date From 08/01/2023 To 08/31/2023

Fee Code	Fee Description	Paid
		\$0.00
CCOST	COURT COSTS	\$285.00
DEFER	DEFERRED FEE	\$75.00
FINE	Fine	\$10,825.00
LATE	LATE FEE	\$20.00
PD SUR	PD SURCHARGE	\$1,850.00
REST	RESTITUTION	\$990.00
TP	SERVICE CHARGE	\$39.00
VA	VICTIMS ASSISTANCE	\$60.00
WF	WARRANT FEE	\$120.00

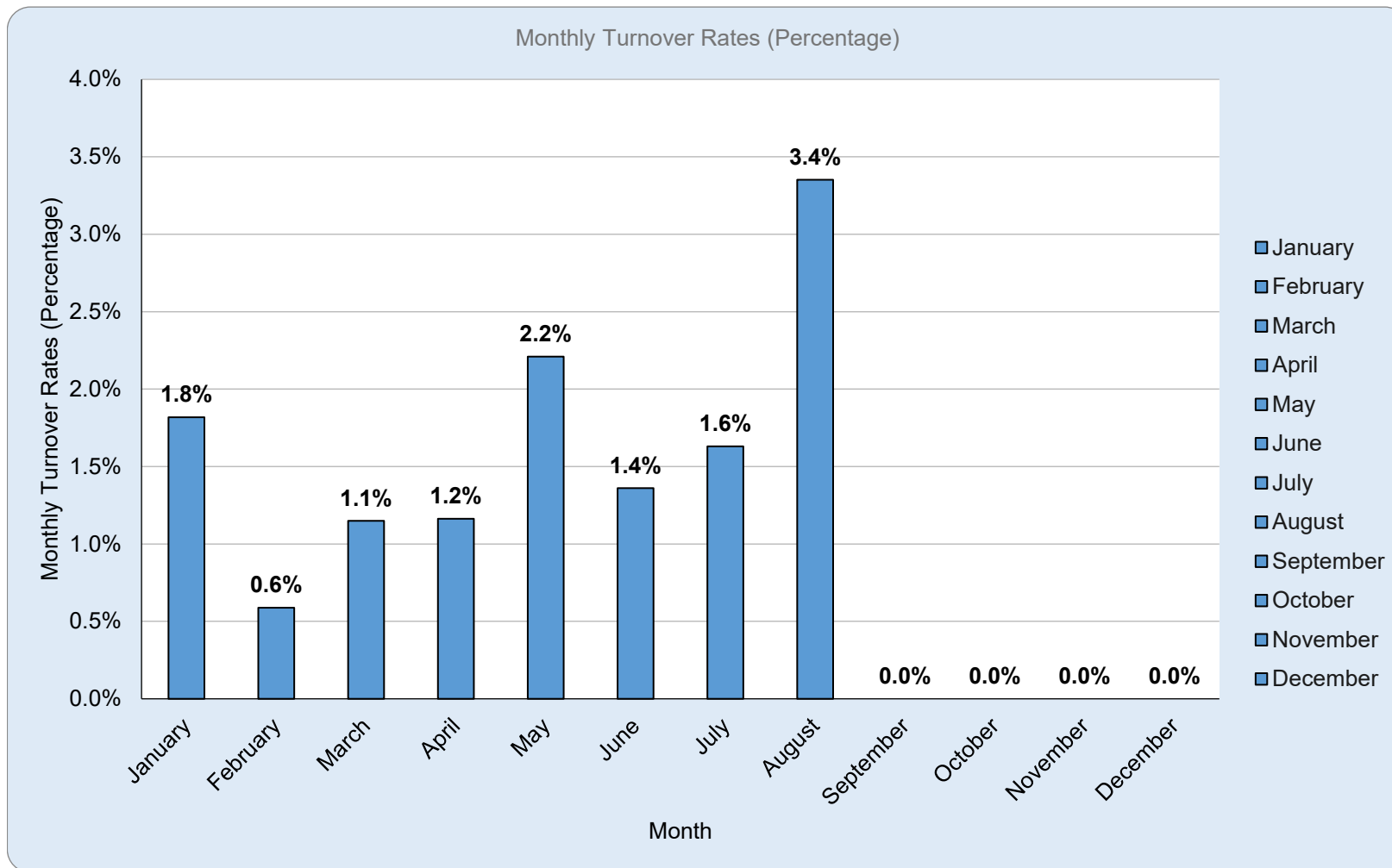
Report Totals:	\$14,264.00
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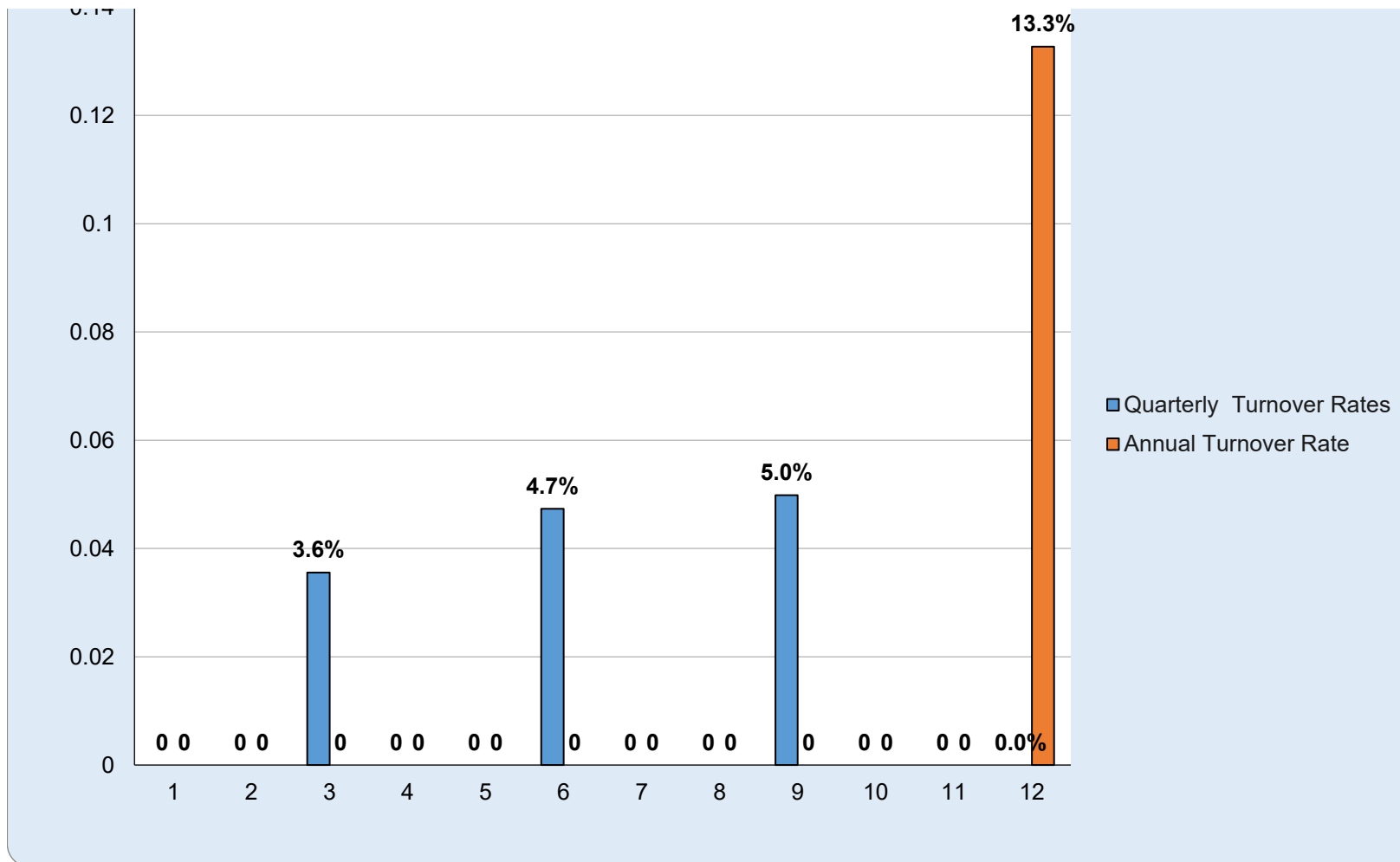
Human Resources Monthly Report August 2023

City of Alamosa Turnover Rate

Full-Time & Part-Time Year Round Employment

Month	Number of Separated Employees	Average Number of Employees	Monthly Turnover Rates (Percentage)	Quarterly Turnover Rates	Annual Turnover Rate
January	3	165	1.8%	3.6%	
February	1	170	0.6%		
March	2	174	1.1%		
April	2	172	1.2%		
May	4	181	2.2%	4.7%	
June	2	147	1.4%		
July	3	184	1.6%	5.0%	
August	6	179	3.4%		
September	0	1	0.0%		
October	0	1	0.0%		
November	0	1	0.0%		
December	0	1	0.0%	0.0%	





Total Workers' Compensation Claims

1



Alamosa Police Department

August 2023 Month End Report

Part 1 Crime Category	Jun-23	Jul-23	Aug-23	Aug-22	Raw # Change	Year to Date
Part 1 Violent Crimes						
Homicide	0	0	0	0	0	1
Sexual Assaults	3	0	5	3	2	16
Robbery	1	5	0	1	-1	14
Aggravated Assault	3	4	4	7	-3	22
Total Violent Crimes	7	9	9	11	-2	53
Part 1 Property Crimes						
Burglary	8	11	9	5	4	74
Larceny	53	40	50	45	5	379
Vehicle Theft	3	2	2	5	-3	28
Total Property Crimes	64	53	61	55	6	481
Total Part 1 Crimes	71	62	70	66	4	534
Miscellaneous Offenses						
Domestic Violence	6	11	6	11	-5	49
Simple Assault	1	8	7	2	5	46
Drug Related	9	7	16	5	11	64
Liquor Laws	3	2	0	1	-1	21
Harassment	7	9	3	10	-7	40
DUI/DWAI/DUID	6	3	10	4	6	45
Arson	0	0	1	2	-1	4
Traffic Related						
Traffic Accidents	30	18	31	31	0	223
Fatal	0	0	0	0	0	0
Injury	5	0	5	4	1	25
Property Damage	25	18	26	27	-1	198
Community Service Ofc						
Dogs picked up	24	17	27	15	12	161
Animal Bites	1	2	1	2	-1	10
Barking Dog Complaints	3	1	5	0	5	13
Wildlife Calls	3	1	5	1	4	23
Weed/Trash Removal	14	8	32	26	6	96
Snow Removal	0	0	0	0	0	14
Towed Vehicles	3	1	6	1	5	17
Red Tagged Vehicles	8	3	11	6	5	52
Summons Issued	11	32	35	17	18	165
Calls for Service	397	391	462	238	224	2549

Submitted by: Ken Anderson, Chief of Police

PARKS/CEMETERY

● **Cemetery Activities**

	<u>August</u>	<u>Total 2023</u>	<u>Total 2022</u>
Graves opened & closed	4	79	60
Graves set up services	6	65	59
Graves raised to grade	6	65	59
Cemetery spaces sold	5	42	38
Stones leveled	5	8	16
Columbarium Niches sold	0	0	0
Disinterment	0	0	0

● **Tree Related Activities**

	<u>August</u>	<u>Total 2023</u>	<u>Total 2022</u>
Trees Pruned/Trimmed	96	379	438
Trees Planted	5	25	22
Dead Trees Removed	0	10	22

Equipment Serviced:

John Deere mower
Both Walker mowers
Hustler mower
John Deere weed mower
Cat Backhoe
Toro wing mower
Flail mower
Gator sprayer
Boomer 40 tractor
Water truck #1 pump
Chainsaws
Parks push mowers
John Deere and Schulty mower
New tires 705 Plow truck
707 Service
705 Service
704 Service
Gator service

Weed spraying:

Sprayed 2260 gallons for the month of August. Glyphosate and 2,4-D in the parks and cemetery with the Gator, 4-Wheeler and John Deere 1800 Boom Sprayer.

Routine work:

Cemetery computer work
Funerals and the digging of graves
Playground inspections
Daily trash runs in the parks, cemetery, and ranch areas
River dike checks
Locates for the stone setters
Entering headstone pictures and obituaries
Daily bathroom checks and cleaning
Tree trimming
Spraying weeds
Stage setups
Hauling of poly carts
Weekly mowing of small areas with push mower
Mow cemetery field
Mow Fairgrounds field
Mow Foster well
Fix broken sprinklers in the parks and cemetery
Fix leak at cemetery
Fixed drip main line at cemetery
Property buybacks at the cemetery
Picked up branches and trash at the cemetery
Tree trimming at the cemetery
Mow Jackson ditch
Fixed leak at Sunset
Tent setups
Beat the Heat event
Take down Sunset North and East side fence
Mow Disk golf
Mow Solar field at Lee
Mow Craft North of Carroll
Mow Craft South of 1st street
Trim bushes and trees Rec. center
Fix benches and replace boards
Haul bales for events
Trim main street North side trees with ladder
Trim Milagro tree with bucket truck
Trim trees at 4th and State Ave.
Move ash and hot oil barrels for event

Alamosa Family Recreation Center

(719) 589-2105 | www.alamosarec.org | [City of Alamosa Activities on Facebook](#) | [City of Alamosa on Instagram](#)

Summer/Fall Hours

Monday - Thursday: 6am - 8pm

Friday: 6am - 6pm

Saturday: 7am - 3pm

Sunday: Closed

Adult Oil Painting

Next Plein Air (Off- Site Locations) Session Dates:

September 21st - October 26th

(First class will be held at the Rec Center)

Thursday Mornings: 9am - 12pm

Walk-ins Welcome

Next Studio Sessions (Alamosa Family Rec Center) Session Dates:

November 2nd - December 21st

Studio Room

Thursday Mornings: 9am - 12pm

Walk-ins Welcome

Please visit www.alamosarec.org, or contact the Recreation Center at (719) 589-2105.

Students bring their own supplies and meet at pre-scheduled painting locations.

Plein Air Locations please contact Coni Grant.

Fee: \$100 for the entire session.

\$15 - Daily Drop ins

Beginners are welcome.

Details & Registration: Contact the Alamosa Family Recreation Center

Other Questions? - Contact Coni Grant through her website at

www.ConiGrant.com

In-Person Fitness Classes

Taekwondo

Classes are Monday and Wednesday evenings. Youth class is 5:30 - 6:30 PM and the Adult/Family class is 6:30 - 8:00 PM. (Classes are held in the Multi-Purpose Gym)

Lunchtime PowerHour w/ Tammy Lopez & Chris Lock -

Classes are Monday - Saturday from 12pm-1pm.

Evening Cycling

Join us Tuesday & Thursday evenings @ 5:30 PM for an action-packed aerobic workout. *(Classes are held in the Meeting Room)*

Pickleball

All ages and abilities are welcome to join this participant-led program on Tuesday and Friday mornings, 7:00 - 11:00 AM. **Sunday open play is from Noon - 2:00 PM** (Summer play is at Boyd Park). Group will move into AFRC Main Gym as the weather gets colder.

Classes are free with an AFRC membership or pay a drop-in fee per session.

Online Fitness Classes

Start the day off right from the comfort of your home. Classes will continue and are free with an active AFRC membership or pay monthly, \$10/person. The online program includes the following classes:

- Bodyweight Training w/ Steve: Tue & Thu @ 6:00 AM
- Tabata/Pilates w/ Catherine: Mon, Wed, & Fri @ 6:30 AM
- Morning Yoga w/ Pam: Mon - Thurs @ 9:00am

Online classes require an active regular AFRC Membership or an online AFRC Membership.

** Punch passes and daily passes are not available for online fitness classes.*

- *Payment? Renewal? Reminder emails will go out a few days before the 1st of the month. Please utilize our Front Desk Staff to ensure that you are registered for the classes.*

Upcoming AFRC Holiday Closures

November 10th: Veterans Day

November 23rd - 24th: Thanksgiving

December 22nd: Christmas Eve Observed (Close at Noon)

December 25th: Christmas Day

Multi-Use Pavilion

RINK UPDATE

ROLLER RINK HOURS UPDATE

Starting Tuesday September 5th, we
will be adjusting our roller rink hours to
4pm-8pm for the remainder of the
season.

Tuesday- Thursday: 4pm-8pm
PUBLIC SKATING ONLY

*Thank you,
AFRC STAFF*

Saturday Skate Nights

Sep 30th - Sports Jersey Theme - Wear your favorite Jersey and get free entry!

Skate Nights are scheduled for 4pm - 8pm.

The Rink is Closed for the month of October for Ice Preparations!

2023-2024 Upcoming Youth Leagues/Programs

ALL REGISTRATIONS FOR FALL/WINTER ARE NOW OPEN!

Youth Basketball

Registration: August 1 - September 22

Cost: \$25

Coaches' Meeting: September 25, 6:00 PM (AFRC)

Season: October 2 - December 9

Saturday Games: October 14 - Dec 9

New Divisions: K/1st (Co-ed), Boys 2nd/3rd, Girls 2nd/3rd, Boys 4th/5th, Girls 4th/5th

Coaches Needed!!!

Youth Coed Ice Hockey

Registration: August 1 - November 27

Cost: \$25

Coaches' Meeting: November 27, 6:00 PM (Ice Rink)

Season: December 4 - February 10

Saturday Games: January 6, 2024 - February 10, 2024

Equipment Pickup: November 29th & 30th; 5pm - 7pm (Ice Rink)

Equipment Deposit: **\$100**

Equipment Rental Includes: equipment bag, helmet, shoulder pads, elbow pads, gloves, pants, shin guards, socks, reversible jersey.

Equipment NOT included: hockey skates & hockey stick (parents responsible for these items)

Divisions: Mites (5-7), Squirts (8-10), Pee Wee (11-13)

Coaches Needed!!!

Youth Coed Volleyball

Registration: August 1, 2023 - January 26, 2024

Cost: \$25

Coaches' Meeting: January 29, 2024, 6:00 PM (AFRC)

Season: February 5, 2024 - April 6, 2024

Saturday Games: February 17, 2024 - April 6, 2024

Divisions: 2nd/3rd/4th Grade & 5th/6th Grade

Coaches Needed!!!

High Altitude Challenge Fun Run

Race Location: Alamosa Recreation Center

Registration: August 1 - Race Day

Cost: **FREE**

3 Races: September 15th, 22nd & 29th / Race Start Time: 4:30 PM

Run 1 Race: Receive \$1 off @ Jersey Themed Skate Night

Run 2 Races: Receive \$2 off @ Jersey Themed Skate Night

Run 3 Races: Receive a HAC T-Shirt and a free skate pass to the Jersey Themed Skate Night

ROLLER RINK JERSEY NIGHT WILL BE SATURDAY, SEPTEMBER 30TH @ 4PM

CARA Basketball Skills Challenge

Registration: August 1 - Competition Day

Cost: **FREE / Ages 6-13**

Date of Event: December 16th @ 10 AM

Registration forms must be completed by the day of competition! Registration forms will be available soon. You may pre-register online at www.AlamosaRec.org; or drop by the rec center; then complete the form the day of competition.

****Program filled? Please add your name to the waitlist to help us plan for future program needs!***

Adult Leagues/Programs

Adult Basketball

Team Registration Fee Details:

Regular Registration: August 21 - October 15 (\$175)

Last Chance Registration: October 16 - 29 (\$200)

Player Fee: \$30 **(player fee is not included in team fee; each player must pay a player fee before they are added to their team's roster and can participate.)**

Season: November 6, 2023 - February 8, 2024

Captain's Meeting: November 1st, @ 6pm (AFRC)

Divisions: Men's / Women's / Co-ed

Must have game jerseys by the first scheduled game!

Adult Volleyball

Team Registration Fee Details:

Early Bird Registration: December 1 -17 (\$100)

Regular Registration: December 18, 2023 - January 28, 2024 (\$125)

Last Chance Registration: January 29, 2024 - February 11, 2024 (\$150)

Player Fee: \$30 **(player fee is not included in team fee; each player must pay a player fee before they are added to their team's roster and can participate.)**

Season: February 20, 2024 - April 27, 2024

Captain's Meeting: February 12, 2024, @ 6pm (AFRC)

Divisions: Men's / Women's / Co-ed

Matching jerseys are not required; just a shirt with a number to help the scorekeepers with the serving order (no duplicate numbers)!

Special Olympics Programs

Bowling

Registration: August 1 - September 1

Cost: FREE

Season: September 19 - October 19

Days/Times: Tuesdays & Thursdays; 4pm - 5pm

Location: Juanito's Family Bowl (Alamosa)

Special Olympics Basketball. Register at the Alamosa Family Recreation Center or online
www.alamosarec.org.

Complete athlete application through Special Olympics of Colorado;

Special Olympics Physical Required

Special Olympics are FREE to all athletes with intellectual disabilities
ages: 8 and up

Athlete Application Resource Page:

<http://specialolympicsco.org/getinvolved/becomeanathlete/applicationresources/>

Basketball

Registration: August 1, 2023 - January 1, 2024

Cost: FREE

Season: January 16, 2024 - February 15, 2024

Days/Times: Tuesdays & Thursdays; 4pm - 5pm

Location: Main Gym (AFRC)

Special Olympics Basketball. Register at the Alamosa Family Recreation Center or online

www.alamosarec.org

Complete athlete application through Special Olympics of Colorado;

Special Olympics Physical Required

Special Olympics are FREE to all athletes with intellectual disabilities

ages: 8 and up

Athlete Application Resource Page:

<http://specialolympicsco.org/getinvolved/becomeanathlete/applicationresources/>

Alamosa Parks & Recreation is Hiring!!

Sports Officials | Scorekeepers | Site Supervisors | Sports Instructors | Skate Monitors |

Seasonal Ice Rink Customer Service Assistant | Ice Maintenance

To apply, click on the link: <https://cityofalamosa.org/finditfast/careers/>

Outdoor Recreation

Generation Wild Programming: AP&R staff are regularly working with the Alamosa School District to provide outdoor recreation and leadership opportunities for students in Ortega Middle School and Alamosa High School through the [High School Outdoor Leadership & Recreation Club](#). Contact Sean Sluyter (ssluyter@ci.alamosa.co.us) for more information. Check out Generation Wild Programs across the San Luis Valley [here](#).

Volunteer Trail Night: Last Wednesday of the month 5:30pm - 7:30pm (June-September) Rotating location.

Community Events

September 15th - 16th: **Art Fest:** [Alamosa ArtFest](#)

September 23rd: **Oktoberfest:** alamosachamber.com/oktoberfest

October 6th: **First Fridays (October - Grizzly Green):** ALAMOSA.ORG/FIRST-FRIDAYS

November 3rd: **First Fridays (November - Friendsgiving):** ALAMOSA.ORG/FIRST-FRIDAYS

November 4th: **Veterans Day 5k: Veterans Memorial Committee**

December 1st: **First Fridays (December - Shine Bright & Shop Small):** ALAMOSA.ORG/FIRST-FRIDAYS

HAPPY RECREATING!

We welcome your feedback on all of our programs and facilities:

Contact Recreation Division Manager Dalton Carleo at dcarleo@ci.alamosa.co.us.

Alamosa Parks & Recreation - Alamosa Family Recreation Center

2222 Old Sanford Rd. Alamosa, CO 81101 - 719.589.2105

www.AlamosaRec.org - [City of Alamosa Activities](#) on Facebook

[- Subscribe/Unsubscribe here -](#)

Rec Center Revenue

Year to Date	2023	2022
Courses	\$78,383.00	\$75,998.00
Facility Rentals	\$22,365.00	\$20,460.00
Memberships	\$70,949.28	\$44,310.37
Merchandise	\$97,269.96	\$97,627.96
Total	\$269,067.24	\$238,396.33

Rec Center Door Count

	<u>2023</u>	March	11,269
January	7,056	April	13,995
February	9,884	May	8,404

June	10,894	16,443
July	6,308	14,081
August	6,405	24,156
September	0	24,296
October	0	14,515
November	0	18,363
December	<u>0</u>	11,677

		13,114
Average per Month:	9,277	13,214
<u>2022</u>		21,154
		19,110
		<u>17,632</u>

17,313

(2023-Bi directional counter added)
Multi-Use Rink Door Count

	<u>2023</u>	<u>2022</u>	
January	17,024		11,716
February		10,737	
6,986		10,586	
March	4,629	NA	
April	NA		5,315
May	1,517	3,653	
June	1,406	2,724	
July	2,893	2,890	
August	2,459	4,246	
September	0	NA	
October	NA	21,629	
November	0	<u>28,051</u>	
December	<u>0</u>		

8,462

Average per Month: **5,273**

(2023-Bi directional counter added)

Cattails Golf Course August 2023 Report

Cattails Updates

August was a great month for Cattails. We brought in over \$27,000 in tournament revenue for the month. We had 96 players in the Alex P. Kahler memorial. That is the most players we have had in that tournament over the last 14 years!

Overall play was also great for August. We had 600 more rounds played this August than last August. We have players of all ages utilizing our facility.

Our maintenance crew aerated and top dressed all 21 of our greens. This is a grueling but necessary treatment to help drive root depth and repair damage to the greens. The course is already healed up and ready to host high school regionals in September.

Below is a breakdown of revenue and expenses.

Year To Date as of 9/1/2023 Revenue

	<u>Fiscal</u>	<u>Budget</u>
Golf Passes	\$21,345	\$25,000
Golf Tournament Revenue	\$48,830	\$30,000
Golf Memberships	\$216,731.96	\$185,000
Golf Green Fees	\$125,560.27	\$90,000
Golf Cart Fees	\$85,105.77	\$55,000
Golf Merchandise Sales	\$122,905.20	\$100,000
Golf Range Fees	\$8,554.93	\$12,000
Golf Facility Rental	\$2,190.14	\$3,000
Golf Liquor/Beverage Sales	\$129.50	\$1,000
Golf Cart Shed Rental	\$31,500	\$49,000
Golf Handicap Fees	\$808	\$1000
Golf Miscellaneous	\$10,989.85	\$4,000
Total	\$674,650.62	\$555,000

Year to Date as of 9/1/2023 Expenses

	<u>Fiscal</u>	<u>Budget</u>
Full Time Salaries Clubhouse	\$43,797.58	\$60,670
Part Time Salaries Clubhouse	\$50,684.03	\$44,290
Full Time Salaries Grounds	\$74,842.81	\$113,150
Part Time Salaries Grounds	\$47,601.74	\$97,020
Full Time Overtime	\$1,596.42	\$3,000
PERA/ICMA	\$30,838.19	\$46,956

Medicare	\$3,029.47	\$4,613
Workmans Comp	\$0	\$3,520
Medical/Dental	\$26,597.87	\$40,550
Life Insurance	\$0	\$1,360
Unemployment Insurance	\$418.13	\$951
General Office Supplies	\$145.45	\$250
Outside Printing	\$0	\$1,000
Gas & Oil	\$9,616.74	\$10,000
Building Main. Supplies	\$2,475.57	\$1,500
Misc. Supplies	\$364.72	\$1,000
Golf Course Maintenance	\$9,321.24	\$14,000
Training & Travel	\$238	\$3,000
Membership, Dues, Handicap	\$11,111	\$10,000
Licenses and Fees	\$642.56	\$1,500
Advertising	\$1,235	\$3,000
Telephone	\$1,496.30	\$4,500
Electrical/Gas Service	\$25,850.12	\$40,000
Propane	\$1,299.50	\$4,000
Equipment/Machinery Lease	\$22,536.03	\$26,322
BLDG Maint/Security	\$3,457.67	\$4,000
POS System/Credit Card Fees	\$15,076.84	\$16,000
Sand/Seed/Fertilizer	\$17,487.07	\$22,000
Uniform Allowance	\$0	\$1,000
Equipment Repair/Maintenance	\$38,103.02	\$37,000
Food Purchases	\$0	\$50
Liquor/Beverage Purchases	\$0	\$1,000
Merchandise Pro Shop	\$116,935.89	\$80,000
Tournament Expenses	\$14,630.89	\$20,000
Transfer Out	\$7,800	\$7,800
Machinery and Equipment	\$42,173.91	\$43,000
Parks/Golf Course	\$614	\$0
Total	\$622,017.76	\$768,002

Library Manager Report – August 2023



The Mayor stopped by the Library Outreach table at the City Services Fair.

Highlights

The Library started talking to staff from La Puente about how to better serve homeless patrons. Staff from Street Outreach picked up **25 donated books** to give to residents of St. Benedict's. La Puente staff will also be building a new Little Free Library at the camp, to be filled by the Friends of the Library.

The Library hosted the Alamosa Community Meeting - a group of school and nonprofit partners who meet monthly to share information. **25 people attended**, got a tour of the Library and introduction to our resources.

Library Manager Maria Kramer began Leadership Alamosa training, and Cathy Zverev and Rose Strand attended AspenCat training.

The Library signed up for Spectrio - a service that will enable us to use the wall-mounted computer lab screen to promote materials, programs and services. Judith Boyd was instrumental in getting this set up.

By the Numbers

- Door count was the highest it's been since January 2020 at **5,726, 13% higher** than August 2022.
- Total program attendance was **37% higher** than August 2022, thanks in part to an outreach partnership with the Farm Park.
- Adult circulation is the highest it has been since we corrected our stats in April.
- Once again, computer use is lower than it was last year, more in line with where it was in 2019. Door count, program attendance and circulation numbers are very healthy, so I do not believe this indicates a general decline.

Partnerships and Outreach



Cathy Zverev and Library Board member Rhonda Sanchez meet some celebrities while working the City Services Fair.

Back to School Outreach

Library staff were invited to three back-to-school registration days, where staff manned a table, made library cards, and answered questions. We talked to about **80 people** and created **21 library cards** - $\frac{1}{2}$ to $\frac{1}{3}$ of a normal month's total library card applications.

City Services Fair

Library Staff - and two Board members! - staffed a table at the City Services Fair. Though wind disrupted our planned activities, we still gave surveys and information to **at least 50 people**.

Mercadillo en El Río

We had a new partnership this year - Holly van Hoy went weekly to the Mercadillo en El Río with books and activities. More info is in the Youth Services Report.

Attendance = 106

Tierra Nueva

We visited Tierra Nueva twice in August, with a pen-and-paper escape room and ice cream in a bag.

Attendance = 21

Books = 33

Advantage Treatment Center

We visited the Center with supplies and instruction for making friendship bracelets, which was very well-received.

Attendance = 19

Books = 50

Magazines = 50

“Thank you so much! I’ve been looking for a new hobby, and I can take this anywhere.”
-Sam, who learned how to make friendship bracelets from Library outreach.

“This was enjoyable. It stimulates the mind.” -LaToya

Programs



Working on a puzzle at the Escape Room.

Adult Book Club

Thanks to feedback on patron surveys, the Library started hosting an adult book club with a general meet and greet session. This was attended by **7 people**, an excellent turnout for adult events. The club will meet again in September.

Tween Nights

Due to popular demand at our summer D&D session, we hosted another session in August. Attendance was good, and participants were eager to play again! We also hosted a pen-and-paper escape room, attended by **10 participants**.

D&D = 6

Escape Room = 10

Youth Programs

More information on storytimes, Kids Club, Chess Club, and Lucy's Listening are available in the Youth Services Report.

Attendance = 61

Services

1-on-1 Tech Help Service

Staff fielded **3 technology appointments** in August, and collected one survey. That patron strongly agreed that she had learned what she needed to learn, and could do what she needed to do in the future.

Another patron, who had a very quick tech help appointment to learn to resize and print images, shared that he was using those pictures to make an inspirational collage for his son, who is undergoing rehab.

"Denise and Cathy were very patient and understanding. I learned new ways to use my laptop. Thank you!! for providing this service." - Judith G.

Database Sessions

- Mango Languages – 96
- Little Pim - 13
- Learning Express Library
 - Hits - 11
 - Sessions - 0
 - Registrations - 0
- Kanopy
 - Visits - 12
 - Pages Browsed - 13
 - New Accounts - 6
 - Movies Played - 1

Library Stats - By The Numbers

Website Counter									
	Aug 2022	Aug.	July	June	May	Apr	Mar	Feb	Jan
Page views	2,240	2,374	2,358	3,162	2,693	2,363	2,588	2,144	2,174
Sessions	1,006	1,170	1,097	1,390	1,240	1,239	1,243	1,110	1,044
1 st Time Visitors	657	679	633	840	770	809	752	745	659
Returning Visitors	73	62	72	99	95	86	86	69	85

Monthly Statistics Summary - 2023

	Aug. 2022	Aug.	July	June	May	Apr.	Mar.	Feb.
Adult Circs		6,305	5,650	5,439	5,491	5,491		
Child Circs		3,142	3,218	4,011	2,666	2,667		
Cloud Library	197	260	223	279	187	162	262	265
Overdrive	469	639	608	680	559	556	514	518
Kanopy	XX	1	3	1	8	1	1	2
Total Circs	9,019	9,447	8,868	9,450	8,157	8,158	8,745	8,162
Circs per hour	40.5	42.4	44.3	46.1	38.1	40.8	39.2	44.6

Mango	63	96 (13 LP)	81 (12 LP)	67 (0 LP)	73 (2 LP)	108 (1LP)	166	72
Computer Use	4,347	2,568	3,660	3,010	2,940	2,939	3,220	2,024
Wifi Use	373	359	356	287	269	309	303	234
Computer Help	368	463	320	361	319	279	387	373
Reference Questions	892	867	584	591	646	610	875	739
Questions per hour (ref+comp)	5.7	6.0	4.5	4.7	4.5	4.5	5.7	6.1
Door Count	5,106	5,726	5,507	5,477	4,922	4,842	5,489	4,063
Program Attendance	395	539	697	884	479	554	566	394
Books at LFLs	400	404	362	374	456	388	302	245
Volunteer Hours	69	20	90	18.5	19.5	21.5	25.5	27.5
COVID Tests	144	XX	0	6	40	25	70	48
Masks	91	2	4	28	37	29	69	28

Note: All specific circ numbers by category have been recorded inaccurately, due to a pervasive error in circ stat calculation, and thus have been removed from this report. The total numbers have been corrected.



Working on a puzzle at the Escape Room.

Youth Services Report August 2023



Program outreach at the Rio Grande Farm Park's weekly Mercadillo en el Rio with the Women's Citizenship Club of Alamosa was a meaningful way to bring awareness of library youth services to the community while providing enrichment opportunities for children of all ages.

Mercadillo en el Río

In August, we partnered with Rio Grande Farm Park and the Women's Citizenship Club (WCC) of Alamosa to bring books and crafts to the Wednesday evening farmers market, known as Mercadillo en el Río. The Library and the WCC collaborated on a list of nature themes and brought something new each week. Children visiting the Mercadillo enjoyed topics ranging from butterflies to seeds to sandhill cranes, with books to read and crafts to extend the learning experience. Intergenerational community interaction added another positive and impactful layer to these events. Books and stories were read and enjoyed informally, as families came and went, and it was a wonderful way to invite people to the Library. All parties involved would like to partner on this series again next August.

Date	Event	# of Adults	# of Kids	Total Attendees
8/2	Library @ Mercadillo en el Río (butterflies)	4	8	12
8/9	Library @ Mercadillo en el Río (birds)	7	12	19
8/16	Library @ Mercadillo en el Río (chickens)	8	21	29
8/23	Library @ Mercadillo en el Río (sunflowers' life cycle)	12	15	27
8/30	Library @ Mercadillo en el Río (puppets)	15	16	31
	Monthly Totals	46	64	106



Members of the WCC pose with inspired puppeteers at the Farm Park Mercadillo after the performance of the WCC's original puppet show script on animals in our area and how they feel safe.



(Left) Regular Library patron and Mercadillo attendee, Ida, enjoys a free take-home board book as part of our Growing Readers Together FFN program outreach! (Right) A simple story station set-up on the Farm Park playground invites enjoyment of library books as well as alternative ways to tell your own tale.



The WCC's creative crafts bring everyone together – all ages and stages!

Storytime

We kept Storytime sessions to once a week in August since we were branching out to do the Mercadillo en el Río programming. The Friday group size seemed to grow as a result! Tuesday mornings will return in September, and we may find that group size distributes more evenly over two sessions per week. Our largest group showed up for pet therapy team, Lacey Byron and her golden retriever Riley!

August Storytime Attendance

Date	Theme	# of Adults	# of Kids	Total Attendees
8/4	Butterflies	10	14	24
Fri 8/11	Morning Routine - Starting School	8	12	20
Fri 8/18	Chickens	7	14	29
Fri 8/25	Let's Have a Dog Party w/ Riley & Lacey	18	25	43
	Monthly Total	33	51	92



(Left) Lacey is a school principal in Saguache County and would like to continue volunteering at the Library with Riley in various ways. (Right) We love the sunny parkside set-up for Storytime while the warm weather lasts!

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Chess Club

Chess champion and volunteer chess coach Tony Lopez continues to provide two hours of coaching each month, and welcomes players of all ages and abilities. Even in groups ranging in age from 4 to 12, Coach Tony is able to individualize instruction and provide a positive learning environment for all attendees.

August Chess Club Attendance

Date	Theme	# of Adults	# of Kids	Total Attendees
8/10	No Stress Chess (new board!)	1	2	3
8/24	Playing offense AND defense	2	5	7
	Monthly Total	3	7	10



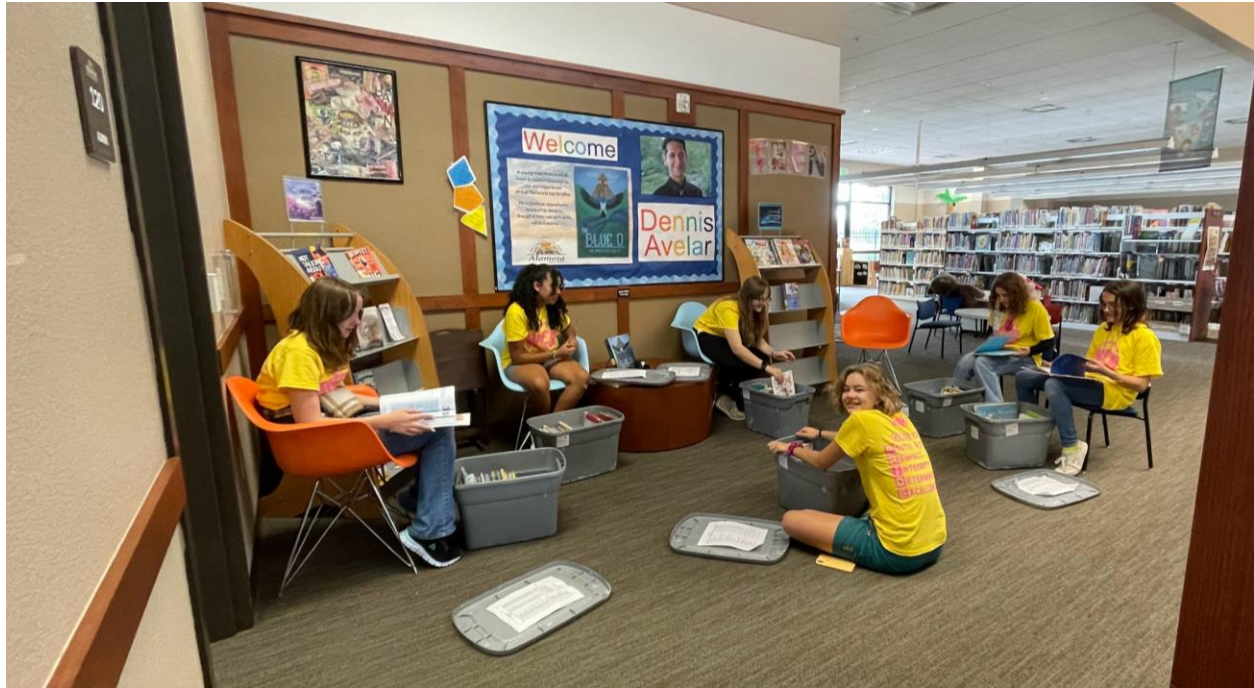
The new chess set is called "No Stress Chess," but that doesn't mean the matches aren't intense! Coach Tony helps his students strategize and think three moves ahead.

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Teen Volunteers

As the school year begins, we expect it to be harder to coordinate with the very busy middle and high school students who have been volunteering regularly over the summer. Some of the regular Teen Advisory Board (TAB) meeting attendees have mentioned that our standing date of the 2nd Thursday of the month may not work well during the school year, so we are sending out a poll to see if a consensus on a better date can be reached. In August, a regular summer volunteer asked how they could continue to help out weekly and decided to attend Friday morning Storytime and afternoon Kids Club to assist since they don't have school. Two other volunteers check in weekly to see what kind of help we may need. We are so lucky to have this crew!

Total teen volunteer hours in August: 18 hours



Teen volunteer Edith Wilner stopped by with a few friends, and a resourceful librarian put them to work status checking Storyboxes for delivery!

More August Programming by the Numbers

August Kids Club Attendance

Date	Theme	# of Adults	# of Kids	Total Attendees
8/4	How to be a Scientist book - Physics experiments	4	7	11
Fri 8/11	DFL - Clifford Goes to School	6	11	17
Fri 8/18	How to be a Scientist book - More physics experiments	2	13	15
Fri 8/25	How to be a Scientist book - Natural world experiments	3	6	9

	Monthly Totals	11	30	41
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August Lucy's Listening Attendance

Date	# of Adults	# of Kids	Total Attendees
8/4	4	6	Lucy & Donna at the City Services Fair outreach table for 1 hour!
8/18	4	4	8
Monthly Totals	4	4	8

August Tween STEAM Attendance

Date	Theme	# of Adults	# of Kids	Total Attendees
8/11	D&D		6	6
8/25	Escape Room		10	10
	Monthly Totals		16	16

August Outreach Event Attendance

Date	Theme	# of Adults	# of Kids	Total Attendees
8/1	School registration event			25
8/2	school registration event			25
Thu 8/3	Zapata Park/Shooting Stars school registration event			30
Mon 8/14	Storybox Delivery - 6 boxes			
Sat 8/19	Alamosa Farmers Market	40	24	64
	Monthly Total			144

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ALAMOSA CITY COUNCIL COUNCIL COMMUNICATION

Subject/Title:

Approve stipulation for Monte Vista Augmentation Plan case.

Recommended Action:

Approve the stipulation and proposed ruling as presented and authorize the City Attorney to execute the stipulation.

Background:

Monte Vista has applied for approval of an augmentation plan to augment its municipal wells. A copy of the application is attached (exhibits to the application are not attached, but may be obtained from the City Attorney). The City of Alamosa filed a statement of opposition, also attached. In doing so, it informed Monte Vista that Alamosa was in general support of its application, but that there were a few areas of concern given the potential impact on the City's Independent and Excelsior ditch rights.

Monte Vista has revised its proposed ruling and the engineering supporting it multiple times in response to various objectors' comments and concerns. Of the twelve original objectors, seven have now entered into stipulations approving the proposed ruling in either this form or an earlier form. Major changes have included dropping some of the proposed water sources, reducing the amount of claimed credit water from the ditches owned by Monte Vista and reducing the claimed flow rates for operation of exchanges on the the Rio Grande River. Additionally, the ruling makes clear that it is a partial plan for augmentation, because the plan relies on contracts with subdistricts or other entities to replace various depletions to affected stream stretches.

The City Attorney and the City's water engineers (LRE) have reviewed this draft and are comfortable with it as protecting Alamosa's interests. The State Engineer, the Rio Grande Water Conservation District, the Colorado Division of Parks and Wildlife, and the Prairie Ditch Company remain without a stipulation, so the draft could change, but will be no less restrictive on Monte Vista than the draft attached to the proposed stipulation with the City.

Issue Before the Council:

Does Council wish to authorize the City Attorney to execute a stipulation with the City of Monte Vista accepting the August 18, 2023, version of the proposed ruling approving that augmentation plan?

Alternatives:

1) **(recommended alternative)** Accept the August 18, 2023, version of the proposed ruling, and authorize the City Attorney to execute a stipulation with Monte Vista accepting that ruling or any subsequent version at least as restrictive.

2) Pull this matter from the consent calendar (any councilor can pull the item from the consent calendar, no vote is required) and further discuss in open session.

3) Pull the item from the consent calendar, and vote to enter into executive session at the end of the meeting (see possible executive session listed on agenda) to receive further advice from the City Attorney and discuss negotiation strategies and directions. The vote should be taken at consideration of this item: in the event it does not receive 2/3 approval, further discussion should be had in open session.

Fiscal Impact:

None.

Legal Opinion:

The City Attorney will be present at the meeting for comment.

Conclusion:

Alamosa's opposition to Monte Vista's augmentation plan was always viewed as constructive opposition to ensure Alamosa's interests were protected. In the opinion of the City Attorney and the City's engineers, this proposed ruling adequately protects Alamosa's interests.

ATTACHMENTS:

Description	Type
Monte Vista Application	Backup Material
Alamosa's statement of opposition to MV app	Backup Material
August 18 2023 version of proposed ruling for Monte Vista Aug Plan	Backup Material
Proposed stipulation with Alamosa	Backup Material

DISTRICT COURT, WATER DIVISION NO. 3, COLORADO Alamosa County Courthouse 702 4th Street Alamosa, CO 81101 Phone: 719-589-4996	▲ COURT USE ONLY ▲
CONCERNING THE APPLICATION FOR WATER RIGHTS OF CITY OF MONTE VISTA, IN ALAMOSA, CONEJOS, COSTILLA, HINSDALE, AND RIO GRANDE COUNTIES, COLORADO	
<i>Attorneys for Applicant City of Monte Vista</i> Peter D. Nichols, #33167 Katherine A.D. Ryan, #38873 Megan Gutwein, #50344 BERG HILL GREENLEAF RUSCITTI LLP 1712 Pearl Street Boulder, Colorado 80302 Phone Number: (303) 402-1600 Fax Number: (303) 402-1601 E-Mail: pdn@bhgrlaw.com; kadr@bhgrlaw.com; mg@bhgrlaw.com	Case Number: 16CW ____
APPLICATION FOR CHANGES OF WATER RIGHTS, APPROPRIATIVE RIGHTS OF EXCHANGE, AND APPROVAL OF A PLAN FOR AUGMENTATION	

1. Name, address and telephone number of Applicant:

City of Monte Vista
Attn: Forrest Neuerburg, City Manager
95 West First Avenue
Monte Vista, CO 81144
(719) 852-2692

Please address all correspondence to Applicant's attorneys:

Peter D. Nichols
Katherine A.D. Ryan
Megan Gutwein
Berg Hill Greenleaf Ruscitti LLP
1712 Pearl Street
Boulder, CO 80302
(303) 402-1600

2. Summary of Application:

The City of Monte Vista (“Monte Vista”) uses underground water from wells that draw from unconfined alluvium of the Rio Grande and from the San Luis Valley confined aquifer to supply its customers.

This application for a plan for augmentation is designed to replace or Remedy Injurious Stream Depletions attributable to the City’s wells in compliance with 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 adopted by the State Engineer and pending approval by the Division 3 Water Court in Case No. 15CW3024 (“Groundwater Rules”) and sections 37-92-103(9), -302(1)(2), -305(8), C.R.S. (2016). Terms used herein that are defined in the Groundwater Rules shall have the same meaning as used in such Rules, unless the context otherwise requires.

The application includes claims for appropriative rights of exchange that will augment Impacted Reaches of the Rio Grande, the Alamosa River and the Conejos River, as such reaches are defined by the Response Functions derived from the RGDSS Model, as it presently exists and as it may be changed by the State Engineer in the future pursuant to the Groundwater Rules (“Impacted Reaches”).

Monte Vista also claims change of water rights to add uses and additional places of use to its interest in the McDonald Ditch, the Anderson Ditch, the Rio Grande Lariat Ditch and the Ben Ogle Ditch and its underground water rights for the above purposes, and it claims methods to Remedy Injurious Stream Depletions on Impacted Reaches of the Rio Grande, the Alamosa River, and the Conejos River.

The application will also enable Monte Vista to trade accretion credits with and enter into contracts or Intergovernmental Agreements with the Rio Grande Water Conservation District or subdistricts of the Rio Grande Water Conservation District and other water users and quasi-governmental water providers in Water Division 3 for the purpose of replacing and Remediating its own Injurious Stream Depletions and those of other water users in Water Division 3.

3. Irrigation Water Rights for which Changes are Sought:

- A. Monte Vista’s 8.05 percent pro-rata ownership in the McDonald Ditch;
- B. Monte Vista’s 26.19 percent pro-rata ownership in the Anderson Ditch, Priority Nos. 90 and 143;

- C. Monte Vista's 2.35 percent pro-rata ownership in the Rio Grande Lariat Ditch; and
- D. Monte Vista's 25 percent pro-rata ownership in the Ben Ogle Ditch.

4. Description of Irrigation Water Rights for which Changes are Sought:

A. Name of structure: McDonald Ditch

- i. Date of Original Decree: May 1, 1896
- ii. Location: Originally decreed as a point in the SW1/4, SW1/4, SW1/4 of Section 5, Township 39 North, Range 7 East, NMPM from whence the SW corner of said Section 5 bears South 52° 30' West a distance of 232.5 feet. Otherwise described as 184 feet from the South section line and 164 feet from the West section line of said Section 5. UTM Zone 13 North, NAD83: X – 390,635, Y – 4,167,385. See **Exhibit A**.
- iii. Source: Rio Grande
- iv. Appropriation Date: May 1, 1872, Priority No. 11
- v. Total Amount Decreed: 14.4 cfs; 16.4 cfs was originally decreed to the McDonald Ditch, of which 3 cfs transferred to the Prairie Ditch in CA493 and 1 cfs transferred from Pace Ditch back to the McDonald Ditch in CA554, leaving a present total of 14.4 cfs
- vi. Amount that Applicant Intends to Change: Monte Vista owns and will change its 8.05 percent pro-rata ownership which amounts to 1.4 cfs
- vii. Uses: irrigation
- viii. Land ownership information:
 - a. Owner: Ceclia and Laureno Pacheco
 - b. Mailing Address: County 5 N, Monte Vista, CO 81144

B. Name of Structure: Anderson Ditch

16CW_____

City of Monte Vista Application for Changes of Water Rights, Appropriative Rights of Exchange, and Approval of a Plan for Augmentation

Page 3

- i. Date of Original Decree: May 1, 1896
- ii. Location: Originally decreed as a point on the south bank of the Rio Grande River in the NE1/4, SW1/4 of Section 22, Township 39 North, Range 7 East, NMPM, Rio Grande County. Further described as 2,203 feet from the South section line and 1,572 feet from the West section line of said Section 22. UTM Zone 13 North NAD83: X – 394,187, Y – 4,163,166. See **Exhibit A**.
- iii. Source: Rio Grande
- iv. Appropriation Date:
 - a. June 15, 1874, Priority No. 57, 3.2 cfs
 - i. 0.30 cfs changed in Case No. W2967, leaving 2.9 cfs
 - b. May 31, 1875, Priority No. 90, 12 cfs
 - i. 0.67 cfs changed in Case No. W2967, leaving 11.33 cfs
 - c. May 31, 1877, Priority No. 143, 2 cfs
 - i. 0.08 cfs changed in Case No. W2967, leaving 1.92 cfs
- v. Total Amount Decreed: 17.2 cfs, of which 1.05 cfs was changed in Case No. W2967, leaving 16.15 cfs
- vi. Amount that Applicant Intends to Change: Monte Vista owns and will change its 26.19 percent pro-rata ownership in Priorities 90 and 143, which amounts to 4.23 cfs
- vii. Uses: irrigation
- viii. Land ownership information:
 - a. Owner: Terrell Amile Leplatt
 - b. Location Address: 2559 Swede Lane, Monte Vista, CO 81144
 - c. Mailing Address: PO BOX 507, Monte Vista, CO 81144-0507

C. Name of Structure: Rio Grande Lariat Ditch

- i. Date of Original Decree: April 9, 1903

16CW_____

City of Monte Vista Application for Changes of Water Rights, Appropriative Rights of Exchange, and Approval of a Plan for Augmentation

Page 4

- ii. Location: Originally decreed as a point on the south bank of the Rio Grande in Section 22, Township 39 North, Range 7 East, NMPM about 7.30 chains S15°E from the NW corner of the SE1/4 of said Section 22. The actual location is in the NE1/4, SW1/4 of Section 22, Township 39 North, Range 7 East NMPM. Further described as 2,296 feet from the South section line and 1,459 feet from the West section line of said Section 22. UTM Zone 13 North, NAD83: X – 394,153 Y – 4,160714. See **Exhibit A**.
- iii. Source: Rio Grande
- iv. Appropriation Date:
 - a. October 13, 1881, (1896) Priority No. 218 53.4 cfs
 - i. 1.38 cfs of this priority was changed to diversion at the Rio Grande and San Luis Ditch on August 4, 1903, leaving 52.02 cfs
 - b. June 30, 1887, Priority No. 1903-12 A, 2.61 cfs
 - c. June 30, 1889, Priority No. 1903-17, 3.62 cfs
 - d. June 30, 1890, Priority No. 1903-22 A, 5.86 cfs
 - e. June 30, 1891, Priority No. 1903-24 B, 15.87 cfs
 - f. June 30, 1892, Priority No. 1903-30 B, 2.28 cfs
 - g. June 30, 1893, Priority No. 1903-34 B, 10.42 cfs
 - h. June 30, 1894, Priority No. 1903-37 A, 3.91 cfs
 - i. June 30, 1895, Priority No. 1903-41 A, 2.64 cfs
 - j. June 30, 1896, Priority No. 1903-45 B, 3.26 cfs
 - k. June 30, 1897, Priority No. 1903-46 B, 0.65 cfs
 - l. June 30, 1898, Priority No. 1903-49 C, 2.61 cfs
 - m. June 30, 1899, Priority No. 1903-52 B, 0.65 cfs
- v. Total Amount Decreed: 106.4 cfs
- vi. Amount that Applicant Intends to Change: Monte Vista owns 5 shares and will change its 2.35 percent pro-rata ownership which amounts to 2.51 cfs.
- vii. Uses: irrigation
- viii. Land ownership information:
 - a. Owner: Terrell Amile Leplatt
 - b. Location Address: 2559 Swede Lane, Monte Vista, CO 81144
 - c. Mailing Address: PO Box 507 Monte Vista, CO 81144-0507

D. Name of Structure: Ben Ogle Ditch

16CW_____

City of Monte Vista Application for Changes of Water Rights, Appropriative Rights of Exchange, and Approval of a Plan for Augmentation

Page 5

- i. Date of Original Decree: April 9, 1903
- ii. Location: Originally decreed as a point on the south bank of an arroyo that takes its supply from seepage water at a point South 75° 50' West 23 chains from the northeast corner of Section 31, Township 39 North, Range 8 East, NMPM, Rio Grande County. The actual location is in the NE1/4, NE1/4, Section 31, Township 39 North, Range 8 East, NMPM, Rio Grande County. Further described as 342 feet from the North section line and 819 feet from the East section line of said Section 31. UTM Zone 13 North, NAD83: X – 399,885 Y – 4,160,714. See **Exhibit A**.
- iii. Source: seepage water
- iv. Appropriation Date: April 1, 1877, Priority No. 1903-2 1/2
- v. Total Amount Decreed: 4 cfs
- vi. Amount that Applicant Intends to Change: Monte Vista owns and will change its 25 percent pro-rata ownership which amounts to 1.0 cfs
- vii. Uses: irrigation
- viii. Land ownership information:
 - a. Owner: Rhonda Kay & James A. Pacheco
 - b. Location Address: 647 N. Cord 1 E, Monte Vista, CO 81144
 - c. Mailing Address: 745 N. County Road 1 E, Monte Vista, CO 81144-9270

5. Description of Proposed Changes to Irrigation Water Rights:

- A. Change to Additional Types of Use: In addition to the decreed use of irrigation for its rights in the McDonald Ditch, Anderson Ditch, Rio Grande Lariat Ditch and Ben Ogle Ditch (“Ditch Water Rights”), Monte Vista will quantify the fully consumable historical use allocation of its rights and will use and reuse the fully consumable portion of its rights directly and after storage for the following uses: all municipal uses, including but not limited to, domestic, irrigation of lawns, gardens, parks, private and municipal facilities, industrial, commercial, fire protection, stockwatering, recreation, piscatorial, and storage. The water will also be used for exchange, replacement and augmentation, including by recharge. Monte Vista seeks the right to use, reuse, successively use and dispose of, by sale, exchange or otherwise use to

extinction the fully consumable portion of water lawfully diverted under the changed Ditch Water Rights.

- B. Change to Additional Places of Use: Monte Vista will add as alternative places of use Monte Vista's current and future service areas serviced by its municipal water supply, including areas served by contracts of and obligations of Monte Vista. Monte Vista's current municipal boundaries are depicted on **Exhibit B**. Monte Vista may also use its changed water rights to meet replacement, augmentation or delivery obligations in Water Division No. 3 to comply with the Groundwater Rules. Monte Vista seeks the ability to choose prior to a given irrigation season whether to utilize its Ditch Water Rights for changed uses sought in this application, or to lease its Ditch Water Rights to users under the McDonald Ditch, Anderson Ditch, Rio Grande Lariat Ditch, and Ben Ogle Ditch service areas for decreed irrigation uses.
- C. Change in Points of Diversion: Monte Vista may leave the fully consumable allocation of the historical consumptive use of its Ditch Water Rights in the Rio Grande, or may return them to the Rio Grande via recharge or augmentation stations, and it will exchange the changed Ditch Water Rights upstream to storage in: Rio Grande Reservoir, Santa Maria Reservoir, and Continental Reservoir for replacement on the Rio Grande; Terrace Reservoir for replacement on the Alamosa River; and Platoro Reservoir for replacement on the Conejos River. In addition, Monte Vista seeks the ability to divert the fully consumable portions of its Ditch Water Rights described in Paragraphs 5. A. through 5.D., at its unconfined wells described in Paragraphs 6.E, 6.F., and 6.G., for changed uses sought in this application.
- D. Historical Use Information: A map showing the approximate locations of the areas historically irrigated by the McDonald Ditch, the Anderson Ditch, the Rio Grande Lariat Ditch and the Ben Ogle Ditch water rights claimed for change in this application is attached as **Exhibit A**. Monte Vista will not quantify a ditch-wide historical consumptive use for each of these ditches, but rather only the use of those shares owned by Monte Vista. A summary of historical diversions for beneficial use pursuant to the priorities described in Paragraph 4 is attached as **Exhibit C**.

6. Underground Water Rights for which Changes are Sought:

A. Well No. 1

- i. Date of Original Decree: July 3, 1975, Case No. W-847
- ii. Location: SE1/4, SE1/4, Section 36, Township 39 North, Range 7 East, NMPM, at a point 150 feet from the South Section line and 250 feet from the East Section line, in Rio Grande County, Colorado. See **Exhibit B**.

- iii. Appropriation Date: September 30, 1950
- iv. Amount Decreed: 1100 gpm, being 2.45 cfs and 4.9 acre-feet of water in a period of 24 hours
- v. Uses: domestic and municipal
- vi. Source: confined aquifer
- vii. Permit Number: 4551
- viii. Land Ownership Information: Applicant

B. Well No. 2

- i. Date of Original Decree: July 3, 1975, Case No. W-847
- ii. Location: SE1/4, SW1/4, Section 31, Township 39 North, Range 8 East, NMPM, at a point 2420 feet from the West Section line and 900 feet from the South Section line, in Rio Grande County, Colorado. See **Exhibit B**.
- iii. Appropriation Date: September 30, 1950
- iv. Amount Decreed: 1800 gpm, being 4.01 cfs and 8.02 acre-feet of water in a period of 24 hours
- v. Uses: domestic and municipal
- vi. Source: confined aquifer
- vii. Permit Number: R-4552
- viii. Land Ownership Information: Applicant

C. Well No. 3

- i. Date of Original Decree: July 3, 1975, Case No. W-847
- ii. Location: SW1/4, NW1/4, Section 31, Township 39 North, Range 8 East, NMPM, at a point 2500 feet from the North Section line and 100 feet from the West Section line, in Rio Grande County, Colorado. See **Exhibit B**.

- iii. Appropriation Date: April 30, 1957
- iv. Amount Decreed: 1200 gpm, being 2.7 cfs and 5.34 acre-feet of water in a period of 24 hours
- v. Uses: domestic
- vi. Source: confined aquifer
- vii. Permit Number: 4553
- viii. Land Ownership Information: Applicant

D. Well No. 4

- i. Date of Original Decree: July 3, 1975, Case No. W-847
- ii. Location: SW1/4, SE1/4, Section 32, Township 39 North, Range 8 East, NMPM, at a point 2725 feet from the West Section line and 100 feet from the South Section line, in Rio Grande County, Colorado. See **Exhibit B**.
- iii. Appropriation Date: September 23, 1968
- iv. Amount Decreed: 2300 gpm, being 5.12 cfs and 10.24 acre-feet of water in a period of 24 hours
- v. Uses: domestic and municipal
- vi. Source: confined aquifer
- vii. Permit Number: R-13163-F
- viii. Land Ownership Information: Applicant

E. Well No. 5

- i. Date of Original Decree: July 3, 1975, Case No. W-847
- ii. Location: NE1/4, SW1/4, Section 36, Township 39 North, Range 7 East, NMPM, at a point 2575 feet from the South Section line and 1550 feet from the West Section line, in Rio Grande County, Colorado. See **Exhibit B**.
- iii. Appropriation Date: April 30, 1965

- iv. Amount Decreed: 600 gpm, being 1.34 cfs and 2.68 acre-feet of water in a period of 24 hours
- v. Uses: domestic and municipal
- vi. Source: unconfined aquifer
- vii. Permit Number: 9347-F
- viii. Land Ownership Information: Applicant

F. Well No. 6

- i. Date of Original Decree: July 3, 1975, Case No. W-847
- ii. Location: SE1/4, NW1/4, Section 36, Township 39 North, Range 7 East, NMPM, at a point 1575 feet from the North Section line and 1700 feet from the West Section line, in Rio Grande County, Colorado. See **Exhibit B**.
- iii. Appropriation Date: June 30, 1949
- iv. Amount Decreed: 190 gpm, being .423 cfs and .846 acre-feet of water in a period of 24 hours
- v. Uses: irrigation
- vi. Source: unconfined aquifer
- vii. Permit Number: N/A
- viii. Land Ownership Information:
 - a. Owner: Tory R. & Beulah A. Rogers
 - b. Mailing Address: 58 Pioneer Rd. Monte Vista, CO 81144-1000

G. Well No. 7

- i. Date of Original Decree: July 3, 1975, Case No. W-847
- ii. Location: SW1/4, NE1/4, Section 36, Township 39 North, Range 7 East, NMPM, at a point 2575 feet from the North Section line and 2420 feet from the East Section line, in Rio Grande County, Colorado. See **Exhibit B**.

- iii. Appropriation Date: January 2, 1954
- iv. Amount Decreed: 1900 gpm, being 4.23 cfs and 8.46 acre-feet of water in a period of 24 hours
- v. Uses: irrigation
- vi. Source: unconfined aquifer
- vii. Permit Number: N/A
- viii. Land Ownership Information: Applicant

H. Well No. 8

- i. Date of Original Decree: April 24, 1989, Case No. 88CW13; Well No. 8 was decreed as an alternate point for Well No. 1, Well No. 2, Well No. 3 and Well No. 4, which were originally decree on July 3, 1975, Case No. W-847.
- ii. Location: SW1/4, NE1/4, Section 36, Township 39 North, Range 7 East, NMPM, at a point 2550 feet from the North Section line and 2550 feet from the East Section line, in Rio Grande County, Colorado. See **Exhibit B**.
- iii. Appropriation Date: September 30, 1950; April 30, 1957; September 23, 1968
- iv. Amount Decreed: 2000 gpm, being 4.46 cfs
- v. Uses: domestic and municipal
- vi. Source: confined aquifer
- vii. Permit Number: 033733-F
- viii. Land Ownership Information: Applicant

7. Description of Proposed Changes for Underground Water Rights:

- A. Change to Additional Types of Use: Monte Vista will use the Well No. 1-8 water rights for their originally decreed uses and for the following uses: all municipal uses, including but not limited to, domestic, irrigation of lawns, gardens, parks, private and municipal facilities, industrial, commercial, fire protection,

16CW_____

City of Monte Vista Application for Changes of Water Rights, Appropriative Rights of Exchange, and Approval of a Plan for Augmentation

Page 11

stockwatering, recreation, piscatorial, and storage. The portion of the water decreed to be fully consumable will also be used for exchange, replacement and augmentation, including by recharge. Monte Vista seeks the right to use, reuse, successively use and dispose of, by sale, exchange or otherwise use to extinction the fully consumable portion of water lawfully diverted under its Underground Water Rights.

- B. Change to Additional Places of Use: Monte Vista will add as alternative places of use Monte Vista's current and future service areas serviced by its municipal water supply, including areas served by contracts of and obligations of Monte Vista. Monte Vista's current municipal boundaries are depicted on **Exhibit B**. Monte Vista may use its changed water rights to meet replacement or delivery obligations in Water Division No. 3 to comply with the Groundwater Rules.
- C. Change in Points of Diversion: Monte Vista will continue to divert the Well Nos. 1-8 water rights at their decreed points of diversion. In addition, Monte Vista seeks the ability to divert the water rights decreed to its confined wells, as described in Paragraphs 6.A., 6.B., 6.C., 6.D., and 6.H., at any of its other confined wells, as alternate points of diversion. Similarly, Monte Vista seeks the ability to divert the water rights decreed to its unconfined wells, as described in Paragraphs 6.E., 6.F., and 6.G., at any of its other unconfined wells, as alternate points of diversion.
- D. Historical Use: Pursuant to section 37-92-305(4), Monte Vista will include terms and conditions to prevent injury including a limitation on the Well Nos. 1-8 water rights to prevent an enlargement beyond historical use.

8. Claims for Conditional Appropriative Rights of Exchange:

RIO GRANDE EXCHANGES

- A. Rio Grande Ditch Water Rights Exchanges to Storage. Monte Vista claims appropriative rights of exchange on the Rio Grande from the diversion points, recharge locations or future augmentation stations, of its Ditch Water Rights to Rio Grande Reservoir, Santa Maria Reservoir, and Continental Reservoir, with the appropriation date being December 15, 2016, which is the date on which the Monte Vista City Council approved the filing of this application at a regularly scheduled public meeting. Monte Vista will exchange changed Ditch Water Rights to the Rio Grande Reservoir, Santa Maria Reservoir, and Continental Reservoir for storage and subsequent release to the Rio Grande to replace Injurious Stream Depletions or for municipal use by Monte Vista. The rights are claimed as conditional rights of exchange, but if the exchanges are operated prior to the entry of a decree granting this application, the rights can be

decreed absolute in the rates of exchanges that have occurred, with only the balance, if any, being decreed conditionally.

- i. Name of Exchanges: Rio Grande Ditch Water Rights Exchanges to Storage
- ii. Description: The appropriative rights of exchange will operate on the Rio Grande. Changed Ditch Water Rights will be diverted and stored in Rio Grande Reservoir for subsequent release, as shown in **Exhibits D and E**.
- iii. Upstream Termini of the Exchanges:
 - a) Rio Grande Reservoir with a point of discharge generally located on the dam in the NW1/4, SW1/4 of Section 13, Township 40 North, Range 4 West, NMPM, Hinsdale County, Colorado. Further described as 1558 feet from the South section line and 167 feet from the West section line of said Section 13. UTM Zone 13 North NAD83: X – 300,194 Y – 4,177,218. See **Exhibit E**.
 - b) Santa Maria Reservoir with a point of discharge generally located on the dam in the SW1/1, SW1/4 of Section 16, Township 41 North, Range 2 West, NMPM, Hinsdale County, Colorado. Further described as 614 feet from the South section line and 342 feet from the West section line of said Section 16. UTM Zone 13 North NAD83: X – 315,128 Y – 4,186,356. See **Exhibit E**.
 - c) Continental Reservoir with a point of discharge generally located on the dam in the NW1/4, SW1/4 of Section 21, Township 42 North, Range 3 West, NMPM, Hinsdale County, Colorado. Further described as 1,684 feet from the South section line and 1,218 feet from the West section line of said Section 21. UTM Zone 13 North NAD83: X – 305,972 Y – 4,195,529. See **Exhibit E**.
- iv. Downstream Termini of the Exchanges: the points of diversion of the Ditch Water Rights described in Paragraphs 5.A-D above, recharge locations or future augmentation stations. See **Exhibit E**.
- v. Manner of Operation of the Exchanges: The exchanges will only operate at times when flows in the Rio Grande are sufficient for the proposed exchanges, when all intervening water rights senior to the exchanges are in priority, and when all other lawful requirements for the exchange are satisfied.

- vi. Date of Appropriation: December 15, 2016
 - vii. How Appropriation was Initiated: formulation of intent to apply water to beneficial use, city council approval of this application, and filing of this application.
 - viii. Amount Claimed: Maximum annual amounts of 115.0 AF from the City's changed interests in the McDonald Ditch, 397.6 AF from the City's changed interests in the Anderson Ditch, 108.0 AF from the City's changed interests in the Rio Grande Lariat Ditch, and 23.2 AF from the City's changed interests in the Ben Ogle Ditch.
 - ix. Rate Claimed: 9.14 cfs conditional, which is an instantaneous maximum rate of exchange based on the sum of Monte Vista's interest in the diversion rates decreed to each ditch.
 - x. Uses: All municipal uses, including but not limited to, domestic, irrigation of lawns, gardens, parks, private and municipal facilities, industrial, commercial, fire protection, stockwatering, recreation, piscatorial, and storage. The water will also be used for exchange, replacement and augmentation, including by recharge.
- B. Rio Grande Accretion Exchanges to Storage. Monte Vista claims appropriative rights of exchange on the Rio Grande from the point that its Henderson and Veteran's wastewater treatment plants introduce accretion credits to Rio Grande ("Wastewater Delivery Points"), with the appropriation date being December 15, 2016, which is the date on which the Monte Vista City Council approved the filing of this application at a regularly scheduled public meeting. Monte Vista will exchange accretion credits to the Rio Grande Reservoir, Santa Maria Reservoir and Continental Reservoir for storage and subsequent release to the Rio Grande so that it can replace Injurious Stream Depletions or for municipal use by Monte Vista. The rights are claimed as conditional rights of exchange, but if the exchanges are operated prior to the entry of a decree granting this application, the rights can be decreed absolute in the rate of exchange that has occurred, with only the balance, if any, being decreed conditionally.
- i. Name of Exchanges: Rio Grande Accretion Exchanges to Storage
 - ii. Description: The appropriative rights of exchange will operate on the Rio Grande. Accretion credits will be diverted and stored in Rio Grande Reservoir, Santa Maria Reservoir, and Continental Reservoir for subsequent release, as shown in **Exhibits D and E**.

- iii. Upstream Termini of the Exchanges:
 - a) Rio Grande Reservoir with a point of discharge generally located on the dam in the NW1/4, SW1/4 of Section 13, Township 40 North, Range 4 West, NMPM, Hinsdale County, Colorado. Further described as 1558 feet from the South section line and 167 feet from the West section line of said Section 13. UTM Zone 13 North NAD83: X – 300,194 Y – 4,177,218. See **Exhibit E**.
 - b) Santa Maria Reservoir with a point of discharge generally located on the dam in the SW1/4, SW1/4 of Section 16, Township 41 North, Range 2 West, NMPM, Hinsdale County, Colorado. Further described as 614 feet from the South section line and 342 feet from the West section line of said Section 16. UTM Zone 13 North NAD83: X – 315,128 Y – 4,186,356. See **Exhibit E**.
 - c) Continental Reservoir with a point of discharge generally located on the dam in the NW1/4, SW1/4 of Section 21, Township 42 North, Range 3 West, NMPM, Hinsdale County, Colorado. Further described as 1,684 feet from the South section line and 1,218 feet from the West section line of said Section 21. UTM Zone 13 North NAD83: X – 305,972 Y – 4,195,529. See **Exhibit E**.
- iv. Downstream Termini of the Exchanges: The City of Monte Vista wastewater treatment plants discharge accretion credits at the following locations:
 - a) Henderson Lagoon Facility: Generally located in the SW1/4, NW1/4 of Section 32, Township 39 North, Range 8 East, NMPM, Rio Grande County. See **Exhibit E**.
 - b) Veterans Center WWTF: Generally located in the NE1/4, SE1/4 of Section 33, Township 39 North, Range 8 East, NMPM, Rio Grande County. See **Exhibit E**.
- v. Manner of Operation of the Exchanges: The exchanges will only operate at times when flows in the Rio Grande are sufficient for the proposed exchanges, when all intervening water rights senior to the exchanges are in priority, and when all other lawful requirements for the exchanges are satisfied.
- vi. Date of Appropriation: December 15, 2016
- vii. How Appropriation was Initiated: formulation of intent to apply water to beneficial use, city council approval of this application, and filing of this application.

- viii. Amount Claimed: Maximum annual amount of 1140.0 AF from the City's wastewater treatment plants.
- ix. Rate Claimed: 7.19 cfs conditional, which is an instantaneous maximum rate of exchange based on the sum of Monte Vista's production capacity at its wastewater treatment plants.
- x. Uses: All municipal uses, including but not limited to, domestic, irrigation of lawns, gardens, parks, private and municipal facilities, industrial, commercial, fire protection, stockwatering, recreation, piscatorial, and storage. The water will also be used for exchange, replacement and augmentation, including by recharge.

C. Rio Grande Ditch Water Rights and Accretion Stream Exchanges. Monte Vista claims appropriative rights of exchange on the Rio Grande from the diversion points of the Ditch Water Rights, recharge locations or future augmentation stations, and its Wastewater Delivery Points to the top of Impacted Reaches of the Rio Grande, with the appropriation date being December 15, 2016, which is the date on which the Monte Vista City Council approved the filing of this application at a regularly scheduled public meeting. Monte Vista will exchange changed Ditch Water Rights and accretion credits to the top of the Impacted Reaches to replace Injurious Stream Depletions. The rights are claimed as conditional rights of exchange, but if the exchanges are operated prior to the entry of a decree granting this application, the rights can be decreed absolute in the rates of exchange that have occurred, with only the balance, if any, being decreed conditionally.

- i. Name of Exchanges: Rio Grande Ditch Water Rights and Accretion Reach Exchanges
- ii. Description: The appropriative rights of exchange will operate on the Rio Grande. The Ditch Water Rights and accretion credits will be left in the Rio Grande so that water is available for diversion by upstream calling water rights, as shown in **Exhibits D and E**.
- iii. Upstream Terminus of the Exchanges: The top of Impacted Reaches of the Rio Grande, which RGDSS currently identifies as the Colorado Division of Water Resource's Del Norte Gage (RIODELCO), which is located on the Rio Grande in the NE1/4 of Section 30, Township 40 North, Range 5 East, NMPM, Rio Grande County. See **Exhibit E**.
- iv. Downstream Termini of the Exchanges: The points of diversion of the Ditch

Water Rights described in described in Paragraphs 5.A-D above, recharge locations or future augmentation stations, and the wastewater delivery point locations described in Paragraph 8.B.iv above. See **Exhibit E**.

- v. Manner of Operation of the Exchanges: The exchanges will only operate at times when flows in the Rio Grande are sufficient for the proposed exchanges, when all intervening water rights senior to the exchanges are in priority, and when all other lawful requirements for the exchanges are satisfied.
- vi. Date of Appropriation: December 15, 2016
- vii. How Appropriation was Initiated: formulation of intent to apply water to beneficial use, city council approval of this application, and filing of this application.
- viii. Amount Claimed: Maximum annual amounts of 115.0 AF from the City's changed interests in the McDonald Ditch, 397.6 AF from the City's changed interests in the Anderson Ditch, 108.0 AF from the City's changed interests in the Rio Grande Lariat Ditch, and 23.2 AF from the City's changed interests in the Ben Ogle Ditch, plus the maximum annual amount of 1140.0 AF from the City's wastewater treatment plants.
- ix. Rate claimed: 16.33 cfs conditional, which is the sum of Monte Vista's claimed Ditch Water Rights and Accretions exchange rates.
- x. Uses: Exchange, replacement and augmentation, including by exchange.

ALAMOSA RIVER EXCHANGES

- D. Alamosa River Ditch Water Rights Exchanges to Storage. Monte Vista claims appropriative rights of exchange on the Alamosa River from the confluence of the Alamosa River and the Rio Grande to Terrace Reservoir, with the appropriation date being December 15, 2016, which is the date on which the Monte Vista City Council approved the filing of this application at a regularly scheduled public meeting. Monte Vista will exchange changed Ditch Water Rights to Terrace Reservoir for storage and subsequent release to the Alamosa River to replace Injurious Stream Depletions. The rights are claimed as conditional rights of exchange, but if the exchanges are operated prior to the entry of a decree granting this application, the rights can be decreed absolute in the rates of exchanges that have occurred, with only the balance, if any, being decreed conditionally.

- i. Name of Exchanges: Alamosa River Ditch Water Rights Exchanges to Storage
- ii. Description: The appropriative rights of exchange will operate on the Alamosa River. Changed Ditch Water Rights will be diverted and stored in Terrace Reservoir for subsequent release, as shown in **Exhibits D and E**.
- iii. Upstream Terminus of the Exchanges: Terrace Reservoir with a point of discharge generally located on the dam in the SW1/4, NW1/4 of Section 23, Township 36 North, Range 6 East, NMPM, Conejos County. Further described as 2,127 feet from the North section line and 2,336 feet from the West section line of said Section 23. UTM Zone 13 North NAD83: X – 386,111 Y – 4,135,228. See Exhibit E.
- iv. Downstream Terminus of the Exchanges: the confluence of the Alamosa River and the Rio Grande. See **Exhibit E**.
- v. Manner of Operation of the Exchanges: The exchanges will only operate at times when flows in the Alamosa River are sufficient for the proposed exchanges, when all intervening water rights senior to the exchanges are in priority, and when all other lawful requirements for the exchange are satisfied.
- vi. Date of Appropriation: December 15, 2016
- vii. How Appropriation was Initiated: formulation of intent to apply water to beneficial use, city council approval of this application, and filing of this application.
- viii. Amount Claimed: Maximum annual amounts of 115.0 AF from the City's changed interests in the McDonald Ditch, 397.6 AF from the City's changed interests in the Anderson Ditch, 108.0 AF from the City's changed interests in the Rio Grande Lariat Ditch, and 23.2 AF from the City's changed interests in the Ben Ogle Ditch.
- ix. Rate Claimed: 9.14 cfs conditional, which is an instantaneous maximum rate of exchange based on the sum of Monte Vista's interest in the diversion rates decreed to each ditch.
- x. Uses: Exchange, replacement and augmentation, including by recharge.

- E. Alamosa River Accretion Exchange to Storage. Monte Vista claims an appropriative right of exchange on the Alamosa River from its confluence with the Rio Grande to Terrace Reservoir, with the appropriation date being December 15, 2016, which is the date on which the Monte Vista City Council approved the filing of this application at a regularly scheduled public meeting. Monte Vista will exchange accretion credits to Terrace Reservoir for storage and subsequent release to the Alamosa River so that it can replace Injurious Stream Depletions on Impacted Reaches. The right is claimed as a conditional right of exchange, but if the exchange is operated prior to the entry of a decree granting this application, the right can be decreed absolute in the rate of exchange that has occurred, with only the balance, if any, being decreed conditionally.
- i. Name of Exchange: Alamosa River Accretion Exchange to Storage
 - ii. Description: The appropriative right of exchange will operate on the Alamosa River. Accretion credits will be diverted and stored in Terrace Reservoir for subsequent release, as shown in **Exhibits D and E**.
 - iii. Upstream Terminus of the Exchange: Terrace Reservoir with a point of discharge generally located on the dam in the SW1/4, NW1/4 of Section 23, Township 36 North, Range 6 East, NMPM, Conejos County. Further described as 2,127 feet from the North section line and 2,336 feet from the West section line of said Section 23. UTM Zone 13 North NAD83: X – 386,111 Y – 4,135,228. See **Exhibit E**.
 - iv. Downstream Terminus of the Exchange: the confluence of the Alamosa River and the Rio Grande. See **Exhibit E**.
 - v. Manner of Operation of the Exchange: The exchange will only operate at times when flows in the Alamosa River are sufficient for the proposed exchange, when all intervening water rights senior to the exchange are in priority, and when all other lawful requirements for the exchange are satisfied.
 - vi. Date of Appropriation: December 15, 2016
 - vii. How Appropriation was Initiated: formulation of intent to apply water to beneficial use, city council approval of this application, and filing of this application.
 - viii. Amount Claimed: Maximum annual amount of 1140.0 AF from the City's wastewater treatment plants.

- ix. Rate Claimed: 7.19 cfs conditional, which is an instantaneous maximum rate of exchange based on the sum of Monte Vista's production capacity at its wastewater treatment plants.
 - x. Uses: Exchange, replacement and augmentation, including by recharge.
- F. Alamosa River Ditch Water Rights and Accretion Credits Stream Exchanges. Monte Vista claims appropriative rights of exchange on the Alamosa River from the confluence of the Alamosa River and the Rio Grande to the top of Impacted Reaches of the Alamosa River, with the appropriation date being December 15, 2016, which is the date on which the Monte Vista City Council approved the filing of this application at a regularly scheduled public meeting. Monte Vista will exchange changed Ditch Water Rights and accretion credits to the top of Impacted Reaches to replace Injurious Stream Depletions. The rights are claimed as conditional rights of exchange, but if the exchanges are operated prior to the entry of a decree granting this application, the rights can be decreed absolute in the rates of exchange that have occurred, with only the balance, if any, being decreed conditionally.
- i. Name of Exchange: Alamosa River Ditch Water Rights and Accretion Credits Stream Exchanges
 - ii. Description: The appropriative rights of exchange will operate on the Alamosa River. The Ditch Water Rights and accretion credits will be left in the Rio Grande so that water is available for diversion by upstream calling water rights, as shown in **Exhibits D and E**.
 - iii. Upstream Terminus of the Exchanges: The top of Impacted Reaches of the Alamosa River. Currently identified by RGDSS as generally located on the Alamosa River in NE1/4, SW1/4 of Section 28, Township 36 North, Range 7 East, NMPM, Conejos County, Colorado. See **Exhibit E**.
 - iv. Downstream Terminus of the Exchanges: The confluence of the Rio Grande and the Alamosa River. See **Exhibit E**.
 - v. Manner of Operation of the Exchanges: The exchanges will only operate at times when flows in the Alamosa River are sufficient for the proposed exchanges, when all intervening water rights senior to the exchanges are in priority, and when all other lawful requirements for the exchanges are satisfied.
 - vi. Date of Appropriation: December 15, 2016

- vii. How Appropriation was Initiated: formulation of intent to apply water to beneficial use, city council approval of this application, and filing of this application.
 - viii. Amount claimed: Maximum annual amounts of 115.0 AF from the City's changed interests in the McDonald Ditch, 397.6 AF from the City's changed interests in the Anderson Ditch, 108.0 AF from the City's changed interests in the Rio Grande Lariat Ditch, and 23.2 AF from the City's changed interests in the Ben Ogle Ditch, plus the maximum annual amount of 1140.0 AF from the City's wastewater treatment plants.
 - ix. Rate Claimed: 16.33 cfs conditional, which is the sum of Monte Vista's claimed Ditch Water Rights and Accretions exchange rates.
 - x. Uses: Exchange, replacement and augmentation, including by recharge.
- G. Alamosa River Offset Exchanges. Monte Vista claims appropriative rights of exchange on the Alamosa River from its confluence with the Rio Grande to the top of the top of Impacted Reaches, with the appropriation date being December 15, 2016, which is the date on which the Monte Vista City Council approved the filing of this application at a regularly scheduled public meeting. Monte Vista will offset Injurious Stream Depletions on the Alamosa River such that water rights on the Alamosa River senior to Well Nos. 1-8 will be able to divert during times when Monte Vista return flows from Well Nos. 1-8 offset depletions on the Rio Grande downstream of the Alamosa River that would otherwise call out those Alamosa River water rights. The exchange rights claimed are conditional rights of exchange, but if the exchanges are operated prior to the entry of a decree granting this application, the rights can be decreed absolute in the rates that have occurred, with only the balances, if any, being decreed conditionally.
- i. Name of Exchange: Alamosa River Offset Exchanges
 - ii. Description: The appropriative right of exchange will operate on the Alamosa River. Return flows from Monte Vista Well Nos. 1-8 will offset out-of-priority depletions on the Alamosa River, as shown in Exhibits D and E.
 - iii. Upstream Terminus of the Exchanges: The top of Impacted Reaches of the Alamosa River. Generally located on the Alamosa River in NE1/4, SW1/4 of Section 28, Township 36 North, Range 7 East, NMPM, Conejos County, Colorado. See **Exhibit E**.

- iv. Downstream Terminus of the Exchanges: the confluence of the Alamosa River and the Rio Grande. See **Exhibit E**.
- v. Manner of Operation of the Exchanges: The exchanges will only operate at times when flows in the Alamosa River are sufficient for the proposed exchanges, when all intervening water rights senior to the exchanges are in priority, and when all other lawful requirements for the exchange are satisfied.
- vi. Date of Appropriation: December 15, 2016
- vii. How Appropriation was Initiated: formulation of intent to apply water to beneficial use, city council approval of this application, and filing of this application.
- viii. Amount Claimed: Maximum annual amount of 1140.0 AF from the City's wastewater treatment plants.
- ix. Rate Claimed: 7.19 cfs conditional, which is an instantaneous maximum rate of exchange based on the sum of Monte Vista's production capacity at its wastewater treatment plants.
- x. Uses: Exchange, replacement and augmentation, including by recharge.

CONEJOS RIVER EXCHANGES

- H. Conejos River Ditch Water Rights Exchanges to Storage. Monte Vista claims appropriative rights of exchange on the Conejos River from the confluence of the Conejos River and the Rio Grande to Platoro Reservoir, with the appropriation date being December 15, 2016, which is the date on which the Monte Vista City Council approved the filing of this application at a regularly scheduled public meeting. Monte Vista will exchange changed Ditch Water Rights to Platoro Reservoir for storage and subsequent release to the Conejos River to replace Injurious Stream Depletions. The rights are claimed as conditional rights of exchange, but if the exchanges are operated prior to the entry of a decree granting this application, the rights can be decreed absolute in the rates of exchanges that have occurred, with only the balance, if any, being decreed conditionally.
 - i. Name of Exchanges: Conejos River Ditch Water Rights Exchanges to Storage

- ii. Description: The appropriative rights of exchange will operate on the Conejos River. Changed Ditch Water Rights will be diverted and stored in Platoro Reservoir for subsequent release, as shown in **Exhibits D and E**.
 - iii. Upstream Terminus of the Exchanges: Platoro Reservoir with a point of discharge generally located on the dam in the NW1/4, SW1/4 of Section 22, Township 36 North, Range 4 East, NMPM, Conejos County, Colorado. Further described as 2,440 feet from the South section line and 447 feet from the West section line of said Section 22. UTM Zone 13 North NAD83: X – 363,123 Y – 4,134,933. See **Exhibit E**.
 - iv. Downstream Terminus of the Exchanges: the confluence of the Conejos River and the Rio Grande. See **Exhibit E**.
 - v. Manner of Operation of the Exchanges: The exchanges will only operate at times when flows in the Conejos River are sufficient for the proposed exchanges, when all intervening water rights senior to the exchanges are in priority, and when all other lawful requirements for the exchanges are satisfied.
 - vi. Date of Appropriation: December 15, 2016.
 - vii. How Appropriation was Initiated: formulation of intent to apply water to beneficial use, city council approval of this application, and filing of this application.
 - viii. Amount Claimed: Maximum annual amounts of 115.0 AF from the City's changed interests in the McDonald Ditch, 397.6 AF from the City's changed interests in the Anderson Ditch, 108.0 AF from the City's changed interests in the Rio Grande Lariat Ditch, and 23.2 AF from the City's changed interests in the Ben Ogle Ditch.
 - ix. Rate Claimed: 9.14 cfs conditional, which is an instantaneous maximum rate of exchange based on the sum of Monte Vista's interest in the diversion rates decreed to each ditch.
 - x. Uses: Exchange, replacement and augmentation, including by recharge.
- I. Conejos River Accretion Exchange to Storage. Monte Vista claims an appropriative right of exchange on the Conejos River from its confluence with the Rio Grande to Platoro Reservoir, with the appropriation date being December 15, 2016, which is the

date on which the Monte Vista City Council approved the filing of this application at a regularly scheduled public meeting. Monte Vista will exchange accretion credits to Platoro Reservoir for storage and subsequent release to the Conejos River so that it can replace Injurious Stream Depletions on Impacted Reaches. The right is claimed as a conditional right of exchange, but if the exchange is operated prior to the entry of a decree granting this application, the right can be decreed absolute in the rate of exchange that has occurred, with only the balance, if any, being decreed conditionally.

- i. Name of Exchange: Conejos River Accretion Exchange to Storage
- ii. Description: The appropriative right of exchange will operate on the Conejos River. Accretion credits will be diverted and stored in Platoro Reservoir for subsequent release, as shown in **Exhibits D and E**.
- iii. Upstream terminus of the exchange: Platoro Reservoir with a point of discharge generally located on the dam in the NW1/4, SW1/4 of Section 22, Township 36 North, Range 4 East, NMPM, Conejos County, Colorado. Further described as 2,440 feet from the South section line and 447 feet from the West section line of said Section 22. UTM Zone 13 North NAD83: X – 363,123 Y – 4,134,933. See **Exhibit E**.
- iv. Downstream Terminus of the Exchange: the confluence of the Conejos River and the Rio Grande. See **Exhibit E**.
- v. Manner of Operation of the Exchange: The exchange will only operate at times when flows in the Conejos River are sufficient for the proposed exchange, when all intervening water rights senior to the exchange are in priority, and when all other lawful requirements for the exchange are satisfied.
- vi. Date of Appropriation: December 15, 2016
- vii. How Appropriation was Initiated: formulation of intent to apply water to beneficial use, city council approval of this application, and filing of this application.
- viii. Amount Claimed: Maximum annual amount of 1140.0 AF from the City's wastewater treatment plants.
- ix. Rate claimed: 7.19 cfs conditional, which is an instantaneous maximum rate of exchange based on the sum of Monte Vista's production capacity at its wastewater treatment plants.

x. Uses: Exchange, replacement and augmentation, including by recharge.

J. Conejos River Ditch Water Rights and Accretion Credits Stream Exchanges. Monte Vista claims appropriative rights of exchange on the Conejos River from the confluence of the Alamosa River and the Rio Grande Point to the top of Impacted Reaches of the Conejos River, with the appropriation date being December 15, 2016, which is the date on which the Monte Vista City Council approved the filing of this application at a regularly scheduled public meeting. Monte Vista will exchange changed Ditch Water Rights and accretion credits to the top of Impacted Reaches to replace Injurious Stream Depletions. The rights are claimed as conditional rights of exchange, but if the exchanges are operated prior to the entry of a decree granting this application, the rights can be decreed absolute in the rates of exchange that have occurred, with only the balance, if any, being decreed conditionally.

i. Name of Exchange: Conejos River Ditch Water Rights and Accretion Credits Stream Exchanges

ii. Description: The appropriative rights of exchange will operate on the Conejos River. The Ditch Water Rights and accretion credits will be left in the Rio Grande so that water is available for diversion by upstream calling water rights, as shown in **Exhibits D and E**.

iii. Upstream Termini of the exchanges: The top of Impacted Reaches of the Conejos River including the following:

- a) The upper end of Conejos River Reach 1, which RGDSS currently identifies near the Colorado Division of Water Resource's Mogote Gage (CONMOGCO), which is located on the Conejos River in the SE1/4, SE1/4 of Section 34, Township 33 North, Range 7 East, NMPM, Conejos County, Colorado. See **Exhibit E**.
- b) The upper end of Conejos River Reach 2, which RGDSS currently identifies as the Garcia Ditch and Seledonia Valedéz Irrigating and Mill Ditch headgates, which are generally located in Section 17 and Section 16, respectively, in Township 33 North, Range 9 East, NMPM, Conejos County, Colorado. See **Exhibit E**.

iv. Downstream Terminus of the Exchanges: The confluence of the Rio Grande and the Conejos River. See **Exhibit E**.

- v. Manner of Operation of the Exchanges: The exchanges will only operate at times when flows in the Conejos River are sufficient for the proposed exchanges, when all intervening water rights senior to the exchanges are in priority, and when all other lawful requirements for the exchanges are satisfied.
 - vi. Date of Appropriation: December 15, 2016.
 - vii. How Appropriation was Initiated: formulation of intent to apply water to beneficial use, city council approval of this application, and filing of this application.
 - viii. Amount Claimed: Maximum annual amounts of 115.0 AF from the City's changed interests in the McDonald Ditch, 397.6 AF from the City's changed interests in the Anderson Ditch, 108.0 AF from the City's changed interests in the Rio Grande Lariat Ditch, and 23.2 AF from the City's changed interests in the Ben Ogle Ditch, plus the maximum annual amount of 1140.0 AF from the City's wastewater treatment plants.
 - ix. Rate Claimed: 16.33 cfs conditional, which is the sum of Monte Vista's claimed Ditch Water Rights and Accretions exchange rates.
 - x. Uses: Exchange, replacement and augmentation, including by recharge.
- K. Conejos River Offset Exchanges. Monte Vista claims appropriative rights of exchange on the Conejos River from its confluence with the Rio Grande to the top of Impacted Reaches, with the appropriation date being December 15, 2016, which is the date on which the Monte Vista City Council approved the filing of this application at a regularly scheduled public meeting. Monte Vista will offset Injurious Stream Depletions on the Conejos River such that water rights on the Conejos River senior to Well Nos. 1-8 will be able to divert during times when Monte Vista return flows from Well Nos. 1-8 offset depletions on the Rio Grande downstream of the Conejos River that would otherwise call out those Conejos River water rights. The exchange rights claimed are conditional rights of exchange, but if the exchanges are operated prior to the entry of a decree granting this application, the rights can be decreed absolute in the rates that have occurred, with only the balances, if any, being decreed conditionally.
- i. Name of Exchanges: Conejos River Offset Exchanges
 - ii. Description: The appropriative rights of exchange will operate on the Conejos River. Return flows from Monte Vista Well Nos. 1-8 will offset out-of-priority depletions on the Conejos River, as shown in **Exhibits D and E**.

- iii. Upstream Termini of the Exchanges: The top of Impacted Reaches of the Conejos River including the following:
 - a) The upper end of Conejos River Reach 1, which RGDSS currently identifies near the Colorado Division of Water Resource's Mogote Gage (CONMOGCO), which is located on the Conejos River in the SE1/4, SE1/4 of Section 34, Township 33 North, Range 7 East, NMPM, Conejos County, Colorado. See **Exhibit E**.
 - b) The upper end of Conejos River Reach 2, which RGDSS currently identifies as the Garcia Ditch and Seledonia Valediez Irrigating and Mill Ditch headgates, which are generally located in Section 17 and Section 16, respectively, in Township 33 North, Range 9 East, NMPM, Conejos County, Colorado. See **Exhibit E**.
- iv. Downstream Terminus of the Exchanges: the confluence of the Conejos River and the Rio Grande. See **Exhibit E**.
- v. Manner of Operation of the Exchanges: The exchanges will only operate at times when flows in the Conejos River are sufficient for the proposed exchanges, when all intervening water rights senior to the exchanges are in priority, and when all other lawful requirements for the exchanges are satisfied.
- vi. Date of Appropriation: December 15, 2016
- vii. How Appropriation was Initiated: formulation of intent to apply water to beneficial use, city council approval of this application, and filing of this application.
- viii. Amount Claimed: Maximum annual amount of 1140.0 AF from the City's wastewater treatment plants.
- ix. Rate Claimed: 7.19 cfs conditional, which is an instantaneous maximum rate of exchange based on the sum of Monte Vista's production capacity at its wastewater treatment plants.
- x. Uses: Exchange, replacement and augmentation, including by recharge.

9. Plan for Augmentation

- A. Structures to be Augmented: Well Nos. 1-8, described in Paragraph 6 above.

16CW_____

City of Monte Vista Application for Changes of Water Rights, Appropriative Rights of Exchange, and Approval of a Plan for Augmentation

Page 27

B. Water to be Used for Replacement, Augmentation or Offset:

- a. The changed McDonald Ditch, Anderson Ditch, Rio Grande Lariat Ditch and Ben Ogle Ditch surface water rights described in Paragraph 4 above and changed as described in Paragraph 5 above;
- b. Water stored in Rio Grande Reservoir, Santa Maria Reservoir and Continental Reservoir pursuant to the Rio Grande Ditch Water Rights Exchanges to Storage described in Paragraph 8.A. above;
- c. Water stored in Rio Grande Reservoir, Santa Maria Reservoir and Continental Reservoir pursuant to the Rio Grande Accretion Exchanges to Storage described in Paragraph 8.B. above;
- d. Water stored in Terrace Reservoir pursuant to the Alamosa River Ditch Water Rights Exchanges to Storage described in Paragraph 8.D. above;
- e. Water stored in Terrace Reservoir pursuant to the Alamosa River Accretion Exchanges to Storage described in Paragraph 8.E. above;
- f. Water stored in Platoro Reservoir pursuant to the Conejos River Ditch Water Rights Exchanges to Storage described in Paragraph 8.H. above;
- g. Water stored in Platoro Reservoir pursuant to the Conejos River Accretion Exchanges to Storage described in Paragraph 8.I. above;
- h. Accretion credits generated in the Rio Grande;
- i. Irrigation return flows, such as lawns, gardens, parks, golf courses, and public spaces;
- j. Wastewater treatment plant discharges;
- k. Water acquired pursuant to contract or intergovernmental agreement with the Rio Grande Water Conservation District or subdistricts of the Rio Grande Water Conservation District and other water users and quasi-governmental water providers in Water Division 3;
- l. Adding water to the stream system to assist in meeting the Rio Grande Compact delivery schedules; and

- m. Forbearance agreements and other remedies pursuant to the Groundwater Rules and section 37-92-501(4)(a)(I)-(III), C.R.S.

C. Complete Statement of Plan for Augmentation:

Monte Vista will replace or Remedy Injurious Stream Depletions attributable to the wells identified in Paragraph 9.A., using the replacement sources identified in Paragraph 9.B. Monte Vista will replace instantaneous and delayed well depletions on Impacted Reaches of the Rio Grande, the Conejos River, and the Alamosa River. Monte Vista claims the ability to include a provision for adding replacement sources to this plan for augmentation in a decree granting this application.

Monte Vista will use its changed McDonald Ditch, Anderson Ditch, Rio Grande Lariat Ditch and Ben Ogle Ditch water rights by leaving its decreed historical consumptive use interests in the Rio Grande for direct replacement, or by returning the fully consumable portions of its Ditch Water Rights to the Rio Grande via recharge or augmentation stations. Monte Vista will also exchange the changed McDonald Ditch, Anderson Ditch, Rio Grande Lariat Ditch and Ben Ogle Ditch water rights up the Rio Grande, the Alamosa River and the Conejos River to store in Rio Grande, Santa Maria, Continental, Terrace and Platoro Reservoirs for later release and replacement on Impacted Reaches of the Rio Grande River, the Alamosa River, and the Conejos River.

Monte Vista generates accretion credit in the Rio Grande by pumping water from wells and delivering effluent water to the Rio Grande through its wastewater treatment plants, and through lawn-irrigation return flows. The result is net accretions increasing the useable flow of the Rio Grande. Monte Vista will replace Injurious Stream Depletions on downstream reaches of the Rio Grande using its accretion credits directly and after storage by exchange in Rio Grande Reservoir, Santa Maria Reservoir and Continental Reservoir. Monte Vista will replace and Remedy Injurious Stream Depletions on the Alamosa River via offset and by using accretion credit after storage by exchange in Terrace Reservoir. Monte Vista will replace and Remedy Injurious Stream Depletions on the Conejos River via offset and by using accretion credit after storage by exchange in Platoro Reservoir. Monte Vista will also augment by exchange of accretion credits and changed Ditch Water Rights upstream for diversion by senior water rights on Impacted Reaches of the Rio Grande, the Alamosa River, and the Conejos River.

Monte Vista may also trade its decreed accretion credits with and enter contracts or Intergovernmental Agreements to acquire replacement water from the Rio Grande Water Conservation District, subdistricts of the Rio Grande Water Conservation

District and other water users and quasi-governmental water providers in Water Division 3. In addition to the use of forbearance agreements and other remedies, Monte Vista may use such decreed sources for replacement and Remedies on the Alamosa River and the Conejos River, and to supplement replacement and Remedies on the Rio Grande.

10. Sustainable Water Supply

Pursuant to the directive of the State Engineer in Rule 8 of the proposed Groundwater Rules, Monte Vista will impose a cumulative volumetric limit on withdrawals from the wells it uses to withdraw groundwater from the confined aquifer equal to its annual average withdrawals from such wells from 1978-2000. Such volumetric limit will be subject to adjustment to meet the objectives of the sustainability requirements of the Groundwater Rules and sections 37-92-501(4)(a)(I)-(III), C.R.S., should the preferred methodologies to maintain a Sustainable Water Supply in the Confined Aquifer System and manage Artesian Pressures change in the future. Monte Vista will claim credit for past and future water withdrawals from the confined aquifer that are less than its 1978-2000 average annual withdrawals, for example due to municipal conservation measures, and it may contract with or enter intergovernmental agreements with the Rio Grande Water Conservation District or subdistricts of the Rio Grande Water Conservation District and other water users and quasi-governmental water providers in Water Division 3 to transfer such credit. If Monte Vista ever constructs new or replacement wells that withdraw groundwater from the confined aquifer, those wells will be subject to the volumetric limits established through this application.

11. Names and addresses of owners or reputed owners of land upon which any modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool. Applicant will notify these persons that it is applying for the water rights in this application, and certify to the Court that Applicant has done so by no later than 14 days after the filing of this application.

Cecilia and Laureno Pacheco
County 5 N
Monte Vista, CO 81144

Terrell Amile Leplatt
2559 Swede Lane
PO Box 507
Monte Vista, CO 81144

Rhonda Kay & James A Pacheco
745 N County Road 1 E
Monte Vista, CO 81144-9270

Tory R. and Beulah A. Rogers
58 Pioneer Road
Monte Vista, CO 81144

WHEREFORE, Monte Vista requests this Court enter a decree granting the changes of water rights, granting the conditional appropriative rights of exchange, and approving the plan for augmentation requested in this application, subject to terms and conditions that the Court determines necessary to protect vested water rights from injury.

Respectfully submitted this 30th day of December, 2016.

BERG HILL GREENLEAF RUSCITTI LLP

By: /s/ Katherine A.D. Ryan
Peter D. Nichols, #33167
Katherine A.D. Ryan, #38873
Megan Gutwein, #50344

Attorneys for Applicant City of Monte Vista

In accordance with ULR 2(a) and C.R.C.P. 121 §1-26, this document has been electronically filed via ICCES and a printable copy of this document is maintained by Berg Hill Greenleaf Ruscitti LLP and will be made available for inspection by other parties and the Court upon request.

VERIFICATION

STATE OF COLORADO)
) ss.:
COUNTY OF RIO GRANDE)

I, Robert Vance, Public Works Director, for the City of Monte Vista state under oath that I have read this application and that the same is true and correct to the best of my knowledge.



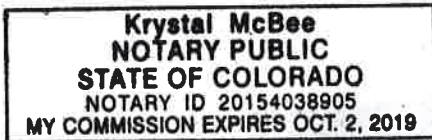
Robert Vance
Public Works Director

Subscribed under oath before me this 30th day of December 2016.



Notary Public

My commission expires: Oct. 2, 2019



16CW_____

City of Monte Vista Application for Changes of Water Rights, Appropriative Rights of Exchange, and Approval of a Plan for Augmentation

Your filing has been successfully submitted to the court. Your filing is not considered final until the court accepts it.

Filing Information:

Filing ID: 61F81C45A5354
Court Location: Alamosa County
Case Number: 2016CW003024
Case Caption: In the Interest of: City of Monte Vista
Authorized Date: 12/30/2016 8:26 PM
Submitted By: Tia Gerung

Filing Party(ies):

Party	Type	Status	Attorney
City of Monte Vista	Applicant	Active	Katherine Abbott Daniels Ryan (Berg Hill Greenleaf & Ruscitti LLP) Megan Gutwein (Berg Hill Greenleaf & Ruscitti LLP) Peter D Nichols (Berg Hill Greenleaf & Ruscitti LLP)

Documents:

Document ID	Document	Title	Statutory Fee	Security
7BD259B5E2212	Application (/efiling/web/document/7BD259B5E2212/view.htm)	Application for Changes of Water Rights, Appropriative Rights of Exchange, and Approval of a Plan for Augmentation	\$224.00	Public
A723D2D3B88B2	Exhibit - Attach to Pleading/Doc (/efiling/web/document/A723D2D3B88B2/view.htm)	Exhibit A - Surface Water Rights	\$0.00	Public
4604F7ED317EE	Exhibit - Attach to Pleading/Doc (/efiling/web/document/4604F7ED317EE/view.htm)	Exhibit B - Wells, WWTP, Service Area	\$0.00	Public
59655886571B8	Exhibit - Attach to Pleading/Doc (/efiling/web/document/59655886571B8/view.htm)	Exhibit C - Ditch Water Rights Diversions	\$0.00	Public
D592DD617FDBD	Exhibit - Attach to Pleading/Doc (/efiling/web/document/D592DD617FDBD/view.htm)	Exhibit D - Exchange Matrix	\$0.00	Public
B8A9E15EB1DBB	Exhibit - Attach to Pleading/Doc (/efiling/web/document/B8A9E15EB1DBB/view.htm)	Exhibit E - Reservoirs and Reaches	\$0.00	Public
CB60112E62942	Resume - Proposed (/efiling/web/document/CB60112E62942/view.htm)	Resume - Proposed	\$0.00	Public

Courtesy Copy(ies):

Party	Type	Attorney	Organization	Method
Division 3 Engineer	Division Engineer	Division 3 Water Engineer	State of Colorado DWR Division 3	E-Service
State Engineer	State Engineer	Colorado Division of Water Resources	State of Colorado - Division of Water Resources	E-Service

Submission Options:

Note To Clerk: N/A
Authorizer: Katherine Abbott Daniels Ryan
Submit Options: Submit to the court and send courtesy copies.

Billing Information:

Statutory Filing Fees: \$224.00
E-Filing Fees: \$6.00
Courtesy Copy Fees: \$7.50
Total Fees: \$237.50
Billing Reference: 9120.00010

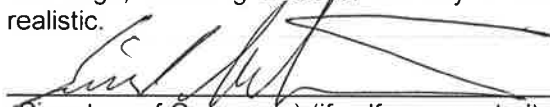
District Court, Water Division 3, Colorado Court Address: 702 4 th Street, Alamosa, CO 81101		
CONCERNING THE APPLICATION FOR WATER RIGHTS OF Applicant: CITY OF MONTE VISTA In the RIO GRANDE River or its Tributaries In ALAMOSA, CONEJOS, COSTILLA, HINSDALE, AND RIO GRANDE COUNTIES		▲ COURT USE ONLY ▲
Attorney or Party Without Attorney (Name and Address): Erich Schwiesow, Alamosa City Attorney 300 Hunt Ave. PO Box 419 Alamosa, CO 81101 Phone Number: (719) 587-2498 E-mail: eschwiesow@ci.alamosa.co.us Atty. Reg. #: 23385		Case Number: 2016 CW 3024 Division: Courtroom:
STATEMENT OF OPPOSITION		

1. Name, mailing address, email address and telephone number of Opposer:

Name	Mailing Address	Email address	Telephone Number
City of Alamosa	PO Box 419 Alamosa, CO 81101	hbrooks@ci.alamosa.co.us	719 589 2593

2. State facts as to why the application should not be granted or why it should be granted only in part or on certain conditions: (Add additional sheets as necessary.)

The City of Alamosa files this statement of opposition in support of the Application. The City participates to ensure that the application sought in this case be consistent with other decrees addressing accretion credits as calculated by the RGDSS model, including the City of Alamosa's. The City is also concerned that the appropriative rights of exchange be properly decreed and administered vis a vis other such rights of exchange, including those of the City of Alamosa, and that the decreed amounts of those exchanges be realistic.


 Signature of Opposer(s) (if self-represented) or Attorney

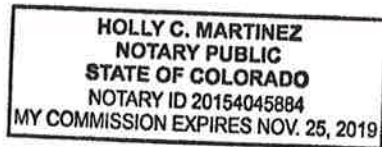
2/24/17
 Date

**VERIFICATION AND ACKNOWLEDGMENT OF PERSON HAVING KNOWLEDGE OF THE
FACTS STATED IN THIS STATEMENT OF OPPOSITION**

Being first duly sworn, I hereby state that I have read this Statement of Opposition, that I have personal knowledge of the facts stated and verify its contents to the best of my knowledge, information, and belief.


Signature _____ Date 2-24-17
Heather Brooks, City Manager

The foregoing instrument was acknowledged before me in the County of Alamosa, State of Colorado, this 24th day of February, 2017, by the person whose signature appears above.



My Commission Expires: 11/25/2019


Notary Public/Deputy Clerk

The person signing this verification is: ☒ Opposer ☐ Engineer ☐ Other (describe) _____

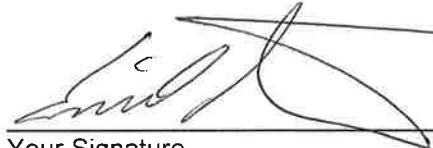
Verifications of other persons having knowledge of the facts may be attached to this Statement of Opposition.

CERTIFICATE OF SERVICE

I certify that on 2/24/17 (date) a copy of this Statement of Opposition was served on each of the following:

Full Name	Mailing Address	Manner of Service*
Peter D. Nichols	1712 Pearl St., Boulder, CO 80302	E-service
Katherine A.D. Ryan	same	E-service
Megan Gutwein	same	E-service

*Insert one of the following: Personal Service, First-Class Mail, E-Service or by other means authorized under C.R.C.P. 5.


Your Signature

DISTRICT COURT, WATER DIVISION 3, COLORADO Alamosa County Courthouse 8955 Independence Way Alamosa, CO 81101 Phone: 719-589-4996		SERVED ONLY: August 18, 2023 1:19 PM FILING ID: 31DA39FD903E2 CASE NUMBER: 2016CW3024
CONCERNING THE APPLICATION FOR WATER RIGHTS OF CITY OF MONTE VISTA, IN ALAMOSA, CONEJOS, COSTILLA, HINSDALE AND RIO GRANDE COUNTIES, COLORADO		Draft Proposed Ruling 8.18.23 ▲ COURT USE ONLY ▲ Case Number: 16CW3024 Water Division 3
FINDINGS OF FACT, CONCLUSIONS OF LAW, RULING OF THE REFEREE, JUDGMENT AND DECREE OF THE COURT		

This matter has come before the Water Court on the City of Monte Vista’s Application for Changes of Water Rights, Appropriative Rights of Exchange, and Approval of a Plan for Augmentation (the “Application”). The Application was referred to the undersigned as Water Referee for Water Division 3, State of Colorado, by Water Judge of said Court in accordance with the Water Right Determination and Administration Act of 1969, C.R.S. Article 92, Title 37.

The undersigned Referee, having made such investigations as are necessary to determine whether or not the statements in the Application are true, and having become fully advised with respect to the subject matter of the Application, does hereby make the following determinations and Ruling of the Referee in this matter.

FINDINGS OF FACT

1. **Applicant:** The name and address of the Applicant are:

City of Monte Vista (“Monte Vista”)
 c/o Gigi Dennis, City Manager
 95 West 1st Avenue
 Monte Vista, CO 81144
 (719) 852-2692
 CityMgr@ci.monte-vista.co.us

Monte Vista was incorporated in 1886. It is located within the eastern portion of Rio Grande County on the south side of the Rio Grande and has an existing service area of approximately 1,706 acres, as depicted on **Exhibit 1**. Monte Vista provides a year-round potable supply to residents and businesses through an integrated water supply system that has historically relied on wells in the confined and unconfined aquifers. Monte Vista will use the changed water rights, appropriative rights of exchange, and plan for augmentation described in this decree to provide a reliable, long-term, and sustainable supply, and to replace injurious stream depletions caused by its wells.

2. **Description of Application:** The matter comes before the Water Court on the Application for Changes of Water Rights, Appropriative Rights of Exchange, and Approval of a Plan for Augmentation filed on December 30, 2016, and as amended by Monte Vista's filing of the First Amended Application on October 31, 2022 ("Application").

3. **Notice and Jurisdiction:** The Application was properly filed, and timely and proper notice was given in the manner provided by law. Statements of Opposition to the original application were filed by the City of Alamosa, Colorado Water Conservation Board, Conejos Water Conservancy District, McDonald Ditch Company, Rio Grande and Lariat Ditch Company, Rio Grande Water Conservation District, Rio Grande Water Users Association, San Luis Valley Water Conservancy District, and Terrace Irrigation Company. The time for filing Statements of Opposition to the original application expired on February 28, 2017. The Prairie Ditch Company filed a Motion to Intervene, which the court granted on May 14, 2017. The State Engineer and the Division Engineer for Water Division 3 ("State and Division Engineers") also filed a Motion to Intervene, which the court granted on November 23, 2020. Colorado Division of Parks and Wildlife and Parks and Wildlife Commission filed a Statement of Opposition to the First Amended Application on December 22, 2022. The time for filing Statements of Opposition to the First Amended Application expired on December 31, 2022. The Water Court has jurisdiction over the subject matter of these proceedings and over all persons and property affected thereby, regardless of whether or not they have chosen to appear, pursuant to C.R.S. §§ 37-92-203 and 37-92-302.

4. **Summary of Consultation:** The Division Engineer for Water Division 3 ("Division Engineer") issued a summary of consultation on August 2, 2017 and a supplemental consultation report on March 31, 2020.

5. **Stipulations and Settlements:** Stipulations or settlements were entered into between Applicant and objectors as follows:

- 5.1. City of Alamosa on _____;
- 5.2. Colorado Water Conservation Board on March 11, 2020, approved by the Court on April 27, 2020;
- 5.3. Colorado Division of Parks and Wildlife and Parks and Wildlife Commission on _____;

- 5.4. Conejos Water Conservancy District on August 7, 2023, approved the Court on _____;
- 5.5. McDonald Ditch Company on October 5, 2022, approved by the Court on November 7, 2022;
- 5.6. Rio Grande and Lariat Ditch Company on October 5, 2022, approved by the Court on November 7, 2022;
- 5.7. Rio Grande Water Conservation District on _____;
- 5.8. Rio Grande Water Users Association on August 31, 2022, approved by the Court on September 30, 2022;
- 5.9. San Luis Valley Water Conservancy District October 24, 2022, approved by the Court on November 7, 2022;
- 5.10. State and Division Engineers on _____;
- 5.11. Terrace Irrigation Company on August 26, 2020, approved by the Court on November 23, 2020;
- 5.12. Prairie Ditch Company on _____.

6. **Background:** Monte Vista uses underground water from wells that draw from the confined aquifer of the San Luis Valley and from wells that draw from unconfined alluvium of the Rio Grande. Monte Vista filed the Application in this case to make water supplies available to replace out-of-priority depletions attributable to Monte Vista's wells, and to adjudicate a plan for augmentation under which such replacement will occur. The plan for augmentation is designed to meet the requirements of C.R.S. §§ 37-92-103(9), -302(1)(2), and -305(8), and 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 ("Groundwater Rules") adopted by the State Engineer and approved by the Division 3 Water Court in Case No. 15CW3024. Capitalized terms not defined herein shall take on the meaning as defined in the Groundwater Rules.

The Application included claims to change water rights owned by Monte Vista originally decreed to the McDonald Ditch (diverted via the Prairie Ditch, which is an enlargement of portions of the original McDonald Ditch) and the Anderson Ditch to add, among other specific uses, municipal and augmentation uses. The Application also included claims for conditional appropriative rights of exchange to store the changed water rights in Rio Grande Reservoir, and to exchange water to the uppermost stream location identified by the Rio Grande Decision Support System for the replacement of injurious stream depletions. The findings of fact and conclusions of law that establish water rights and a plan for augmentation pursuant to those claims are described in this ruling and decree.

The original application also included claims that Monte Vista has elected not to pursue, including (1) a change of Monte Vista's entire ownership of its water rights in the Rio Grande Lariat Ditch and the Ben Ogle Ditch to add, among other specific uses, municipal and augmentation uses; (2) a change of an additional 1.00 cfs portion of Monte Vista's water rights in the Anderson Ditch to add, among other specific uses, municipal and augmentation uses; (3)

changes to underground water rights owned by Monte Vista to add, among other specific uses, reuse and augmentation uses; and (4) claims for conditional appropriative rights of exchange to store the changed water rights in Santa Maria Reservoir, Continental Reservoir, Terrace Reservoir, and Platoro Reservoir. Monte Vista has withdrawn these claims, and no changes to the Rio Grande Lariat Ditch water rights, Ben Ogle Ditch water rights, underground water rights, or conditional appropriative rights of exchange to store water in Santa Maria Reservoir, Continental Reservoir, Terrace Reservoir, or Platoro Reservoir are decreed herein.

7. **Changes of Water Rights:** The following water rights are changed in this proceeding.

7.1. **Name of structure:** McDonald Ditch and Prairie Ditch, as described below.

7.1.1. **Date of Original Decree:** May 1, 1896.

7.1.2. **Source:** Rio Grande.

7.1.3. **Appropriation Date:** May 1, 1872, Priority No. 11.

7.1.4. **Total Amount Decreed:** 16.4 cfs was originally decreed to the McDonald Ditch, of which 3.0 cfs was authorized for diversion via the Prairie Ditch in CA493.

7.1.5. **McDonald Ditch Location:** Originally decreed as a point in the SW1/4, SW1/4, SW1/4 of Section 5, Township 39 North, Range 7 East, NMPM from whence the SW corner of said Section 5 bears South 52° 30' West a distance of 232.5 feet. Otherwise described as 184 feet from the South section line and 164 feet from the West section line of said Section 5. UTM Zone 13 North, NAD83: X – 390,635, Y – 4,167,385. See **Exhibit 1**.

7.1.6. **Prairie Ditch Location:** NE1/4, NW1/4 of Section 8, Township 39 North, Range 7 East, NMPM. UTM Zone 13 North, NAD83: X – 391,150, Y – 4,167,178. See **Exhibit 1**.

7.1.7. **Amount Changed:** Monte Vista owns and changes its 46.67 percent pro-rata ownership of the 3.0 cfs of Priority No. 11 that is authorized to be carried in the Prairie Ditch, which amounts to 1.4 cfs. For purposes of settlement and compromise in this Case No. 16CW3024 only, the State and Division Engineers have agreed to not object to Monte Vista's position that the water court's decree entered in Case No. 96CW43 confirmed a change in the place of use of Monte Vista's 1.4 cfs to those lands within the Prairie Ditch's lawful service area for the decreed uses allowed in Case No. 96CW43. However, the Engineers have not agreed

that the entire amount of water decreed under Priority No. 11 does not remain limited to the irrigation of 820 acres contemplated by its original decree. For purposes of this case, Monte Vista's 1.4 cfs being changed herein is referred to as the "Prairie Ditch Water Right."

7.1.8. Originally Decreed Uses: Irrigation of 820 acres.

7.2. Name of Structure: Anderson Ditch.

7.2.1. Date of Original Decree: May 1, 1896.

7.2.2. Location: Originally decreed as a point on the south bank of the Rio Grande River in the NE1/4, SW1/4 of Section 22, Township 39 North, Range 7 East, NMPM, Rio Grande County. Further described as 2,203 feet from the South section line and 1,572 feet from the West section line of said Section 22. UTM Zone 13 North NAD83: X – 394,187, Y – 4,163,166. See **Exhibit 1**.

7.2.3. Source: Rio Grande.

7.2.4. Appropriation Dates:

7.2.4.1. June 15, 1874, Priority No. 57, 3.2 cfs, of which 0.30 cfs was changed in Case No. W2967, leaving 2.9 cfs;

7.2.4.2. May 31, 1875, Priority No. 90, 12 cfs, of which 0.67 cfs was changed in Case No. W2967, leaving 11.33 cfs; and

7.2.4.3. May 31, 1877, Priority No. 143, 2 cfs, of which 0.08 cfs was changed in Case No. W2967, leaving 1.92 cfs.

7.2.5. Total Amount Decreed: 17.2 cfs, of which 1.05 cfs was changed in Case No. W2967, leaving 16.15 cfs.

7.2.6. Amount Changed: Monte Vista owns 26.19 percent pro-rata ownership in Priorities 90 and 143, which amounts to 4.23 cfs. Monte Vista changes a 24.38 percent pro-rata ownership in Priorities 90 and 143, which amounts to 3.23 cfs. Monte Vista has withdrawn 1.00 cfs of its originally claimed 4.23 cfs from this case, and no change to that 1.00 cfs portion is decreed herein.

7.2.7. Originally Decreed Uses: Irrigation of 860 acres.

- 7.3. Historical Use Analysis for Monte Vista's Water Right Ownership: A map showing the approximate locations of the areas historically irrigated by the Prairie Ditch Water Right and the Anderson Ditch Water Right claimed for change in this application is attached as **Exhibit 2**. Monte Vista quantified parcel specific historical use allocations for the water rights it owns using Colorado's Decision Support System (CDSS) State CU Program.
- 7.3.1. Study Period for Prairie Ditch Water Right Ownership: The Prairie Ditch Water Right was used historically under the Prairie Ditch. The historical use of the Prairie Ditch Water Right on the Hart Parcel was analyzed from 2002 through 2016 as depicted in **Exhibit 2**. This period included wet years, dry years, and average years during which the Prairie Ditch Water Right was used under the Prairie Ditch for its decreed irrigation purposes.
- 7.3.1.1. Historical Diversions for Prairie Ditch Water Right: The Prairie Ditch Water Right diverted an average of 489.17 acre feet per year during the study periods.
- 7.3.1.2. Historically Irrigated Lands for Prairie Ditch Water Right: The Prairie Ditch Water Right was used on the Hart Parcel between 2002 and 2016, for which the irrigated area ranged between 55.8 and 60.4 acres.
- 7.3.1.3. Ditch Efficiency for Prairie Ditch Water Right: Ditch losses averaged approximately 18 percent for delivery of the Prairie Ditch Water Right from the Prairie Ditch headgate 3.2 miles down ditch to the Hart Parcel.
- 7.3.1.4. Farm Headgate Deliveries for Prairie Ditch Water Right: Farm headgate deliveries for the Prairie Ditch Water Right averaged 401.12 acre feet per year.
- 7.3.1.5. Crop Mix for Prairie Ditch Water Right: The crops grown on the Hart Parcel included pasture grass and alfalfa.
- 7.3.1.6. On-farm Irrigation Efficiency for Prairie Ditch Water Right: The Hart Parcel was flood irrigated and generally had an adequate water supply. Monte Vista's water resource engineers used a farm application efficiency of 60 percent.
- 7.3.1.7. Historical Consumptive Use for Prairie Ditch Water Right: Monte Vista's portion of the amount of Prairie Ditch Water Right historically consumed by irrigating the Hart Parcel was 54.51 acre feet per year on average.

7.3.1.8. Historical Return Flows for Prairie Ditch Water Right: Monte Vista's portion of the amount of the Prairie Ditch Water Right delivered to the Hart Parcel that were not consumptively used returned to the natural stream. Due to proximity of the Hart Parcel to the Prairie Ditch and other surface waters, and soil characteristics of the Hart Parcel, Monte Vista's water resource engineers estimated the split between surface return flows and groundwater return flows to be 60 and 40 percent, respectively.

7.3.1.8.1. Surface return flows averaged 207.94 acre feet per year.

7.3.1.8.2. Unlagged groundwater return flows averaged 138.63 acre feet per year; lagged groundwater return flows averaged 138.63 acre feet per year.

7.3.1.8.3. Total return flows averaged 346.56 acre feet per year.

7.3.1.8.4. The location of historical return flows for the Prairie Ditch Water Rights is shown in **Exhibit 3**.

7.3.1.9. Historical Net Stream Depletions for the Prairie Ditch Water Right:

Table 1. Aggregated Monthly Averages for the Prairie Ditch Parcel

(All Values in Acre Feet)

Month	River Headgate Diversions	Ditch Loss	Farm Headgate Delivery	Historical Consumptive Use	Irrigation Return Flows - Total Obligations	Net Depletions		Streamflow Return Requirement - Percent of Farm Headgate Delivery
						Total	Percent of Farm Headgate Delivery	
Jan	-	-	-	-	11.56	(11.56)	(2.9%)	
Feb	-	-	-	-	9.95	(9.95)	(2.5%)	
Mar	-	-	-	-	8.75	(8.75)	(2.2%)	
Apr	24.99	4.50	20.49	1.63	19.75	1.56	7.6%	92.4%
May	71.14	12.81	58.33	5.89	39.16	18.31	31.4%	68.6%

Jun	77.75	13.99	63.76	13.50	40.01	23.75	37.2%	62.8%
Jul	80.09	14.42	65.67	12.62	43.34	22.34	34.0%	66.0%
Aug	80.25	14.45	65.80	9.72	46.48	19.33	29.4%	70.6%
Sep	77.08	13.87	63.21	7.50	47.39	15.82	25.0%	75.0%
Oct	77.87	14.01	63.86	3.66	51.01	12.85	20.1%	79.9%
Nov	-	-	-	-	15.45	(15.45)	(3.9%)	
Dec	-	-	-	-	13.72	(13.72)	(3.4)%	
Total	489.17	88.05	401.12	54.51	346.56	54.51		

7.3.2. Study Period for Anderson Ditch Water Right: The historical use of the Anderson Ditch Water Right on the Trosper Ranch Parcel and Valley Choice Parcel (together, “Anderson Parcels”) depicted in **Exhibit 2** was analyzed from 1968 through 2016. This period included wet years, dry years, and average years during which the Anderson Ditch Water Right was used for its decreed irrigation purposes.

7.3.2.1. Historical Diversions for Anderson Ditch Water Right: The Anderson Ditch Water Right diverted an average of 816.03 acre feet per year during the study period.

7.3.2.2. Historically Irrigated Lands for Anderson Ditch Water Right: The Anderson Ditch Water Right was used on the Trosper Ranch Parcel, for which irrigated area ranged between 58.85 acres and 62.05 acres; and on the Valley Choice Parcel, for which irrigated area ranged between 26.1 acres and 40.4 acres. The total area irrigated under the Anderson Ditch Water Right ranged between 84.95 and 102.45 acres.

7.3.2.3. Ditch Efficiency for Anderson Ditch Water Right: Ditch losses averaged approximately 25 percent for delivery of the Anderson Ditch Water Right from the headgate 4.3 miles down ditch to the Anderson Parcels.

7.3.2.4. Farm Headgate Deliveries for Anderson Ditch Water Right: Farm headgate deliveries for the Anderson Ditch Water Right averaged 612.02 acre feet per year.

- 7.3.2.5. Crop Mix for Anderson Ditch Water Right: The crops grown on the Anderson Parcels included pasture grass, alfalfa, and potatoes.
- 7.3.2.6. On-farm Irrigation Efficiency for Anderson Ditch Water Right: The Anderson Parcels were flood irrigated and generally had an adequate water supply. Monte Vista's water resource engineers used a farm application efficiency of 60 percent.
- 7.3.2.7. Historical Consumptive Use for Anderson Ditch Water Right: The amount of Anderson Ditch Water Right historically consumed by irrigating the Anderson Parcels was 160.37 acre feet per year on average.
- 7.3.2.8. Historical Return Flows for Anderson Ditch Water Right: The portion of the Anderson Ditch Water Right delivered to the Anderson Parcels that was not consumptively used returned to the natural stream. Due to proximity of the Anderson Parcels to the Anderson Ditch and other surface waters, and soil characteristics of the Anderson Parcels, Monte Vista's water resource engineers estimated the split between surface return flows and groundwater return flows to be 60 and 40 percent, respectively.
- 7.3.2.8.1. Surface return flows averaged 239.65 acre feet per year.
- 7.3.2.8.2. Unlagged groundwater return flows averaged 159.77 acre feet per year; lagged groundwater return flows averaged 159.77 acre feet per year.
- 7.3.2.8.3. Total return flows averaged 399.42 acre feet per year.
- 7.3.2.8.4. The locations of historical return flows for the Anderson Ditch Water Right are shown in **Exhibit 3**.
- 7.3.2.9. Historical Net Stream Depletions for the Anderson Water Right:

Table 2. Aggregated Monthly Averages for Anderson Ditch Parcels

(All Values in Acre Feet)

Month	River Diversions	Ditch Loss	Farm Headgate Delivery	Reduced Historical Consumptive Use	Irrigation Return Flows - Total Obligations	Net Depletions		Streamflow Return Requirement - Percent of Farm Headgate Delivery
						Total	Percent of Farm Headgate Diversion	
Jan	-	-	-	-	13.72	(13.72)	(2.2%)	
Feb	-	-	-	-	13.78	(13.78)	(2.3%)	
Mar	-	-	-	-	13.70	(13.70)	(2.2%)	
Apr	45.92	11.48	34.44	4.51	32.03	2.35	6.8%	93.2%
May	141.35	35.34	106.02	24.92	64.03	40.14	37.9%	62.1%
Jun	159.24	39.81	119.43	39.90	65.82	53.55	44.8%	55.2%
Jul	153.25	38.31	114.94	34.90	64.87	49.27	42.9%	57.1%
Aug	124.39	31.10	93.30	29.39	56.73	39.57	42.4%	57.6%
Sep	105.33	26.33	79.00	18.67	51.32	27.36	34.6%	65.4%
Oct	86.54	21.64	64.91	8.07	47.56	16.21	25.0%	75.0%
Nov	-	-	-	-	13.33	(13.33)	(2.2%)	
Dec	-	-	-	-	13.55	(13.55)	(2.2%)	
Total	816.03	204.01	612.02	160.37	450.45	160.37		

7.4. Description of Changes to Water Rights:

7.4.1. Change to Additional Types of Use: In addition to the decreed use of irrigation for its interest in the Prairie Ditch and Anderson Ditch water rights (“Ditch Water Rights”), Monte Vista has quantified the fully consumable historical use allocation of its Ditch Water Rights and will use and reuse the fully consumable portion of its rights directly and after storage for all municipal uses, including but not limited to domestic, irrigation of lawns, gardens, parks, private and municipal facilities, industrial, commercial, fire protection, stock watering, recreation, piscatorial, and storage. The water will also be used for exchange, replacement, and augmentation. Monte Vista will use, reuse, successively use, and dispose of, by sale, exchange or otherwise use to extinction the fully consumable historical use allocation of the Ditch Water Rights.

7.4.2. Change to Additional Places of Use: Monte Vista adds as alternative places of use Monte Vista’s current and future service areas served by its municipal water supply, including areas served by contracts of and

obligations of Monte Vista. Monte Vista's current municipal boundaries are depicted on **Exhibit 4**. Monte Vista may use its changed water rights to meet its own replacement, augmentation, or delivery obligations in Water Division 3 to comply with the Groundwater Rules, and also to provide other water users or entities in Water Division 3 with replacement water under contractual agreements recognized by Rule 5.12 of the Groundwater Rules and C.R.S. § 37-92-501(4)(b)(I). Monte Vista will provide notice to the Division Engineer and opposers in this case of any such contractual agreements with other water users or entities within 35 days from the date such a contractual agreement is fully executed by Monte Vista and the contracting water user or entity.

- 7.4.3. Future Operations: Monte Vista intends to return the fully consumable historical depletions of its Ditch Water Rights to the Rio Grande by either leaving its pro-rata portion of the Ditch Water Rights in the Rio Grande or using future augmentation stations or measurement structures, and Monte Vista will exchange the changed Ditch Water Rights upstream to storage in Rio Grande Reservoir from which it will be released for replacement on the Rio Grande and/or other changed uses decreed herein.

7.5. Terms and Conditions for Use of Changed Water Rights

- 7.5.1. Future Deliveries: Prior to the beginning of the Division 3 Irrigation Season of each year, Monte Vista will provide notice to the Division Engineer and relevant ditch companies regarding its available capacity in Rio Grande Reservoir, and whether it intends to use its fully consumable changed water right for direct replacement of its injurious stream depletions, or for exchange into storage for subsequent use.
- 7.5.2. Future Diversions: When Monte Vista uses the Ditch Water Rights for changed uses, at Monte Vista's discretion with approval from the Division Engineer it will either (1) leave its pro-rata portion of its Ditch Water Rights in the Rio Grande, subject to the terms and conditions herein; or (2) return the historical depletions of its Ditch Water Rights to the Rio Grande via future augmentation stations and measurement structures.
- 7.5.2.1. Ditch Loss: Regardless of whether Monte Vista leaves its pro-rata portion of the Ditch Water Rights in the Rio Grande or returns that amount via a future augmentation station, the Ditch Water Rights shall continue to be assessed the same ditch loss as all other Prairie Ditch and Anderson Ditch water, and Monte Vista shall continue to deliver the assessed ditch loss to the Prairie Ditch and Anderson Ditch.

7.5.2.2. Future Diversion of Priority 11: Notwithstanding the continued delivery of ditch loss to the Prairie Ditch, if (1) Monte Vista is taking delivery of its changed interest in the Prairie Ditch by leaving such water in the Rio Grande without diversion, and (2) the Prairie Ditch is diverting less than 10 c.f.s., then Monte Vista shall not be entitled to use its changed interest in the Prairie Ditch for the changed purposes decreed herein.

7.5.2.3. Augmentation Structures: If deemed necessary by the Division Engineer during the Retained Jurisdiction Period described in Paragraph 22, that Monte Vista's Ditch Water Rights must be returned to the Rio Grande through any future augmentation structure, Monte Vista shall first reach agreement with the Rio Grande Water Users Association of the location of any future augmentation structure. Monte Vista shall then provide notice to the Division Engineer and all opposers in this case of the location(s) at which such augmentation station structure delivers water to the Rio Grande. Opposers shall have 63 days from the date of such notice to file comments with the Division Engineer. Monte Vista shall not use any future augmentation station noticed under this paragraph to deliver water until the 63-day comment period has expired and the Division Engineer has approved such augmentation structure.

7.5.2.3.1. Future Prairie Ditch Augmentation Station: If required by the Division Engineer, before using the Prairie Ditch water right for its changed uses, Monte Vista will oversee the installation of a Prairie Ditch augmentation station and measurement structure to facilitate and measure its returns to the Rio Grande near the Hart Parcel. The future Prairie Ditch augmentation station will generally be located in the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$, Section 22, T39N, R7E, above the headgate for the Hubbard Ditch.

7.5.2.3.2. Future Anderson Ditch Augmentation Station: If required by the Division Engineer for Monte Vista's before using the Anderson Ditch water right for its changed uses, Monte Vista will oversee the installation of an Anderson Ditch augmentation station and measurement structure to facilitate and measure its returns to the Rio Grande. The future Anderson Ditch augmentation station will generally be located in the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$, Section 23, T39N, R7E.

7.5.3. Seasonal Limits and Irrigation Use: The Ditch Water Rights shall only be used during the Water Division 3 Irrigation Season for either their originally decreed irrigation use or for their changed uses. Once Monte Vista uses a specific Ditch Water Right (either the Prairie Ditch water right or Anderson Ditch water right) for any changed use, Monte Vista will no longer use that same Ditch Water Right for irrigation.

7.5.4. Volumetric Limits:

7.5.4.1. Maximum Annual: In any single season, farm headgate deliveries for each of the Ditch Water Rights shall be limited as follows: 487.3 acre feet for the Prairie Ditch Water Right; and 988.0 acre feet for the Anderson Ditch Water Right, as shown in Table 3.

7.5.4.2. Maximum Monthly: In any single season, the maximum monthly farm headgate deliveries for each of the Ditch Water Rights shall be limited, as shown in Table 3.

Table 3. Maximum Annual and Monthly Farm Headgate Volume Limits

Water Right	April	May	June	July	August	Sept	Oct	Total
Prairie Ditch	68.3	70.6	68.3	70.6	70.6	68.3	70.6	487.3
Anderson Ditch	117.6	144.4	143.2	147.9	146.4	142.3	146.2	988.0

7.5.4.3. 20-Year Average Annual and Monthly: Over a rolling 20-year period, the average monthly and annual farm headgate deliveries for each of the Ditch Water Rights shall be limited as shown in Table 4.

Table 4. 20-Year Average Annual and Monthly Farm Headgate Volume Limits

Water Right	April	May	June	July	August	Sept	Oct	Total
Prairie Ditch	20.2	58.3	63.8	65.7	65.8	63.2	63.9	401.1
Anderson Ditch	34.4	106.0	119.4	114.9	93.3	79.0	64.9	612.0

7.5.5. Diversion Rate Limits: After accounting for historical ditch loss, Monte Vista's remaining diversion of the Anderson Ditch Water Right under paragraph 7.5.2 shall not exceed a rate of 2.42 cfs at any time. Monte Vista's remaining diversion of the Prairie Ditch Water Right under paragraph 7.5.2 shall not exceed a rate 1.15 cfs at any time. Such rates

include both Monte Vista's historical consumptive use portion of the Ditch Water rights and return flow replacement deliveries as described below.

7.5.6. Replacement of Historical Return Flows: Monte Vista shall maintain return flows from the historical use of the Ditch Water Rights in time, amount, and location. Irrigation return flows from Monte Vista's Ditch Water Rights will continue as they have historically accrued to the Rio Grande. For all irrigation seasons after which the Ditch Water Rights have been used for their changed uses decreed herein, historical return flows shall be replaced on a daily basis in accordance with the following terms and conditions, unless the conditions specified in Paragraph 9.5 are met.

7.5.6.1. Irrigation Season Return Flow Obligations: Daily irrigation season return flow obligations will be determined separately for the Prairie Ditch and Anderson Ditch Water Rights. The daily surface return flow obligations will be determined by multiplying Monte Vista's allocation of the daily farm headgate delivery at each specific ditch, in acre feet, by the monthly streamflow return percentage shown in Tables 1 and 2.

7.5.6.2. Non-irrigation Season Return Flow Obligations: Monte Vista's non-irrigation season lagged groundwater return flow obligations will be determined separately for the changed Prairie Ditch and Anderson Ditch Water Rights. The non-irrigation season lagged groundwater return flow obligations will be calculated monthly by multiplying the monthly accretion percentages by the total annual farm headgate delivery values in a given irrigation season. If necessary, the daily non-irrigation season lagged groundwater return flow volume can be determined by dividing the monthly volume by the number of days within a specific month during the non-irrigation season for each respective ditch. The monthly non-irrigation season accretion percentages are shown in parentheses in the Net Depletions portion of Tables 1 and 2.

Monte Vista will coordinate with both the Division Engineer and the San Luis Valley Irrigation District ("SLVID") regarding the maintenance of Monte Vista's non-irrigation return flow obligations. SLVID owns and operates Rio Grande Reservoir. Monte Vista, the Division Engineer, and SLVID may agree to aggregate Monte Vista's non-irrigation season return flow obligations to make monthly or early and late non-irrigation season return flow releases. In the event that non-irrigation

16CW3024

season return flows are aggregated, Monte Vista will cooperate with SLVID and the Division Engineer to ensure the release of the total non-irrigation season return flows due November and December to the Rio Grande are made after the irrigation season as determined by the Division Engineer pursuant to Rule 14 of the Groundwater Rules and prior to December 31 of a given year. Similarly, all aggregated non-irrigation season return flows due January, February, and March to the Rio Grande in the subsequent calendar year, shall not be released until after January 1 and must be fully released by the earlier of (1) March 31 of the that calendar year, or (2) the beginning of the irrigation season as determined by the Division Engineer pursuant to Rule 14 of the Groundwater Rules. These aggregated non-irrigation season return flows amounts will help facilitate Rio Grande Compact reporting and/or minimize the freezing of releases in winter.

7.5.6.3. Location: Groundwater return flows accrued to the Rio Grande at the locations described in paragraphs 7.3.1.8.4 and 7.3.2.8.4 of this decree. Monte Vista shall deliver water to the Rio Grande to meet its daily return flow obligations at or downstream of these locations, and in any instance at or above the downstream location where the calling water right is being administered on the Rio Grande.

7.5.6.4. Sources for Return Flow Replacement: Monte Vista will use the changed Ditch Water Rights for return flow replacement either directly or after storage in Rio Grande Reservoir. Monte Vista may use other fully consumable water sources, as long as such other water sources can be physically delivered at or above the historical location of return flows and as long as such other sources are decreed or lawfully available for such use or are approved for such use under a substitute water supply plan approved pursuant to C.R.S. § 37-92-308, or an interruptible supply agreement approved under C.R.S. § 37-92-309. The amount of water released for replacement of return flow obligations shall be sufficient to cover transit losses as determined by the Division Engineer, in addition to Monte Vista's return flow obligations.

7.5.6.5. If Monte Vista uses another water source to satisfy its return flow obligations that is not already approved for such use under this decree, Monte Vista shall give at least 35 days advance written notice of its use of such source to the Court, the Division Engineer, and all opposers in this case. The notice shall describe

16CW3024

(1) the water right by name and decree, if any; (2) the annual and monthly amount of water available to Monte Vista from the water right; (3) the location or locations at which the water will be delivered to the stream; (4) evidence that the claimed amount of water is and will not be used by any other person; and (5) the manner in which Monte Vista will account for use of the water to satisfy its return flow obligations. If any opposer or the Division Engineer wishes to object to the use of the noticed water right, such opposer or the Division Engineer shall file a written objection with the Court within 35 days after the date the notice is provided by Monte Vista. If no objection is so filed, Monte Vista may use the noticed water right upon approval of the Division Engineer and without further action of the Court. If an objection is filed, Monte Vista may file a response to such objection within 14 days after filing of the objection. If an objection is filed, Monte Vista may not use the noticed water right until the Court determines whether the water right may be used to satisfy return flow obligations hereunder, and if so, upon what necessary terms and conditions to avoid injury to vested water rights and decreed conditional water rights. If the notice requests temporary use of the noticed water right for a period not to exceed one year, then the Court shall grant an expedited hearing and promptly decide the disputed issues. If the notice requests permanent use of the noticed water right, the Court shall conduct whatever proceedings are needed to appropriately address and resolve the disputed issues.

7.5.7. Stream Transit Losses. To the extent Monte Vista releases water from Rio Grande Reservoir to meet replacement obligations, such water shall be assessed reasonable transit losses by the Division Engineer or Water Commissioner from the point of release to the point of replacement.

7.5.8. Reuse and Rediversion: Monte Vista may use the Ditch Water Rights for the changed uses after exchange and/or storage as described in this decree. Otherwise, Monte Vista may reuse the water rights changed in this decree by rediversion or for replacement after municipal uses within its service area only after (1) completing a consumptive use study that quantifies the portion of municipal treated effluent and/or lawn irrigation return flows associated with the fully consumable portion of its Ditch Water Rights that accrue to the Rio Grande; and (2) obtaining water court approval of that quantification and a plan for reuse under a separate water court application. Monte Vista's reuse of the water rights following separate water court approval will be administered and accounted for by the

Division Engineer in accordance with the terms and conditions of the water court decree approving such reuse.

7.5.9 Municipal Use: Before Monte Vista uses the changed Ditch Water Rights for municipal purposes as part of its existing or future potable water system, Monte Vista shall provide written notice of municipal use of the Ditch Water Rights to the Division Engineer, and all opposers in this case. The notice shall describe the location or locations at which the water will be diverted from the Rio Grande, a description of how the Ditch Water Rights will be used in Monte Vista's potable water system, and proposed accounting for municipal use. Opposers shall have 63 days from the date of such notice to file comments with the Division Engineer. Monte Vista shall not use the Ditch Water Rights for municipal use until the 63-day comment period has expired and the Division Engineer has approved such municipal use. The Court will retain jurisdiction to resolve any disputes arising out of the Division Engineer's approval or disapproval of Monte Vista's notice of municipal use for a period of 63 days following such decision. Once the Ditch Water Rights are approved for municipal use, the Ditch Water Rights shall not be used for their previously-decreed agricultural irrigation uses or for future agricultural irrigation uses unless approved pursuant to a future water court decree.

7.5.10 Dry-Up: The Prairie Ditch Water Rights historically irrigated up to 60.4 acres of the 820 acres to be irrigated under the total amount originally decreed to Priority No. 11. The Anderson Ditch Water Rights historically irrigated up to 102.45 acres of the 860 acres to be irrigated under the total amount originally decreed to the Anderson Ditch. Before Monte Vista uses the changed Ditch Water Rights for changed uses under this decree, Monte Vista shall work with the owners of lands historically irrigated by the changed Ditch Water Rights to dry up the historically irrigated lands to the satisfaction of the Division Engineer. This decree does not provide Monte Vista with an enforceable right to require dry-up of historically irrigated land absent an agreement with or other binding commitment from the affected landowner who is being asked to dry-up historically irrigated lands. Monte Vista shall provide written notice to the Division Engineer and opposers in this case with a copy of the applicable recorded dry-up covenant and that dry-up has been achieved. The notice shall describe the location of historical use and the location of dry-up, provide evidence of permanent dry-up, and provide evidence that the historically irrigated lands been revegetated, removed from irrigation, and in fact dried up. The Division Engineer shall have 63 days from the date of such notice to inspect the historically irrigated land and verify the amount of dry-up that has been achieved. Opposers shall have 63 days from the date of such notice to file comments with the Division Engineer. Monte Vista shall not

16CW3024

use the Ditch Water Rights for its changed uses until the 63-day comment period has expired and the Division Engineer has approved that adequate dry-up has occurred. The Court will retain jurisdiction to resolve any disputes arising out of the Division Engineer's approval or disapproval of Monte Vista's claimed dry-up for a period of 63 days following such decision. In the event it is discovered that the Ditch Water Rights or other ditch company shares are being used to irrigate any of the historically irrigated lands, then Monte Vista shall remove from its projections under this decree any deliveries of the Ditch Water Rights during the time period when the historically irrigated lands were receiving water from the Ditch Water Rights, and the Division Engineer may order more frequent dry-up reporting and the submittal of additional information with the dry-up reporting as the Division Engineer determines is reasonably necessary to ensure compliance with the dry-up requirements of this decree.

7.5.10.1 Prairie Ditch Parcel Specific Dry-up Requirements: The average annual historical consumptive use amount associated with Monte Vista's Prairie Ditch Water Right on the Hart Parcel is 54.51 AF, or an average of 0.91 AF per acre of historically irrigated land. If Monte Vista obtains and records a dry-up covenant for the Hart parcel, then as the Division Engineer approves dry-up of the Hart Parcel in accordance with this decree and the recorded dry-up covenant, Monte Vista shall receive a consumptive use credit of 0.91 AF per acre. Monte Vista shall account for its consumptive use credits using the monthly factors shown in Table 1 of Paragraph 7.3.1.9 of this decree. Within a given water year, once Monte Vista's consumptive use portion of its farm headgate delivery reaches its achieved dry-up consumptive use credit allocation, excess farm headgate delivery volumes will not be diverted by the Prairie Ditch but kept in the Rio Grande, except for the associated ditch loss then being assessed by the Prairie Ditch Company. The maximum acreage irrigated by the Prairie Ditch Water Right on the Hart Parcel was 60.4 acres. Once the Division Engineer approves that 60.4 acres on the Hart Parcel has been dried-up, Monte Vista's dry-up requirements for its Prairie Ditch Water Right under this decree will have been met, unless it is discovered that the parcel is being irrigated with the Ditch Water Rights or other ditch company shares, as discussed in Paragraph 7.5.10 above, and Monte Vista will be entitled to the full use of its Prairie Ditch Water Right. Any portion of Monte Vista's Prairie Ditch Water Right not associated with dry-up approved by the Division Engineer shall continue to be diverted for irrigation use under the Prairie Ditch. A map of the lands eligible for dry up is attached as **Exhibit 5.**

7.5.10.2 Anderson Ditch Parcel Specific Dry-up Requirements: The average annual historical consumptive use amount associated with Monte

16CW3024

Vista's Anderson Ditch Water Right on the Trosper Ranch and Valley Choice parcels is 160.37 AF, or an average of 1.63 AF per acre of historically irrigated land. Monte Vista has obtained and recorded dry-up covenants for portions of the Trosper Ranch and Valley Choice parcels, and may obtain additional dry-up covenants in the future. As the Division Engineer approves dry-up of the Trosper Ranch and Valley Choice parcels in accordance with this decree and the recorded dry-up covenants, Monte Vista shall receive a consumptive use credit of 1.63 AF per acre. Monte Vista shall account for its consumptive use credits using the monthly factors shown in Table 2 of Paragraph 7.3.2.9 of this decree. Within a given water year, once Monte Vista's consumptive use portion of its farm headgate delivery reaches its achieved dry-up consumptive use credit allocation, excess farm headgate delivery volumes will not be diverted by the Anderson Ditch but kept in the Rio Grande, except for the associated ditch loss then being assessed by the Rio Grande Anderson Ditch Association. The maximum acreage irrigated by the Anderson Ditch Water Right on the Trosper Ranch and Valley Choice parcels was 102.25 acres. Once the Division Engineer approves that 102.25 acres on the Trosper Ranch and Valley Choice parcels has been dried-up, Monte Vista's dry-up requirements for its Anderson Ditch Water Right under this decree will have been met, and it will be entitled to the full use of its Anderson Ditch Water Right. Any portion of Monte Vista's Anderson Ditch Water Right not associated with dry-up approved by the Division Engineer shall continue to be diverted for irrigation use under the Anderson Ditch. A map of the lands eligible for dry up is attached as **Exhibit 6**.

7.5.11 Prairie Ditch Diversions: Before using the Prairie Ditch Water Right for the changed uses under this decree, Monte Vista will coordinate with the Prairie Ditch Company to ensure that a programmable headgate with continuous measurement and data recording capabilities is maintained with the capability of making and maintaining changes in diversion that are accurate and adjustable to within an increment of 1.0 cfs or less, to the satisfaction of the Division Engineer. This decree does not require the Prairie Ditch Company to bear the expense of upgrading, installing, operating, or maintaining any diversions or measurement facilities that are needed for the implementation of this decree.

7.5.12 Anderson Ditch Diversions: Before using the Anderson Ditch Water Right for the changed uses under this decree, Monte Vista will coordinate with the Rio Grande Anderson Ditch Association to install a data recording device at its current diversion structure. The installed data recording device shall meet the Division 3 standards. That device will, at a minimum, record total daily diversions. Monte Vista will be responsible

16CW3024

for installing such device. This decree does not require the Anderson Ditch Association to bear the expense of upgrading, installing, operating, or maintaining any diversions or measurement facilities that are needed for the implementation of this decree.

Before using the Anderson Ditch Water Right pursuant to this decree, Monte Vista will also ensure that the return flow channel of the Consolidated Slough can be used or measured, to the satisfaction of the Division Engineer, an amount of water that ensures Monte Vista's foregone Anderson Ditch diversions are bypassed to the Rio Grande. These conditions will ensure that the amount of water not diverted at the Anderson Ditch headgate was similarly bypassed at the Consolidated Slough headgate. This decree does not require the Consolidated Ditch and Headgate Company to bear the expense of upgrading, installing, operating, or maintaining any diversions or measurement facilities that are needed for the implementation of this decree.

In addition to the diversion rate limit for the Anderson Ditch Water Right set forth in paragraph 7.5.5 above, the rate of water delivery of Monte Vista's changed Anderson Ditch Water Right shall be limited to the lesser of (1) the amount of water forgone at the Anderson Ditch headgate and (2) the rate of delivery through the return structure at the Consolidated Slough headgate.

7.5.13 Prioritization of Monte Vista's Exchange Operations: Prior to using its consumptive use credits associated with the Prairie Ditch Water Right and/or Anderson Ditch Water Right for the decreed changed uses, Monte Vista will first exchange those supplies to Rio Grande Reservoir, to the extent exchange potential exists between the river headgates, or future approved augmentation station return location, and Rio Grande Reservoir. Absent adequate exchange potential, the City may use its fully consumable consumptive use credits associated with the Prairie Ditch Water Right and/or Anderson Ditch Water Right for its decreed changed uses subject to paragraph 7.5.14 below. This prioritization of exchange is intended to provide for a sufficient amount of storage in Rio Grande Reservoir for the ongoing maintenance of Monte Vista's non-irrigation season return flows, including evaporation and Division 3 assessed transit losses. Once the target levels of 65.8 AF for its Prairie Ditch Water Right and 78.3 AF for its Anderson Ditch Water Right are stored in Rio Grande Reservoir, the City may use its fully consumable consumptive use credits directly for its other decreed uses.

7.5.14 Non-Irrigation Season Storage Check: By July 1 of each year, Monte Vista will prepare a comparison between the amount of Anderson Ditch and

16CW3024

Prairie Ditch water exchanged into Rio Grande Reservoir to the projected replacement obligation during the next non-irrigation season. The projected replacement obligation is the projected depletion from well pumping to be satisfied by reservoir releases plus the projected non-irrigation season return flow obligations for the Anderson and Prairie Ditches. For the purposes of this comparison, the non-irrigation season will be assumed to be November 1 through March 31. If Monte Vista does not have 60 percent of the projected replacement obligation in storage by July 1, then Monte Vista shall cease all use of the Prairie Ditch Water Right and/or Anderson Ditch Water Right for the changed uses decreed herein for the remainder of that irrigation season. Monte Vista shall continue to use any water available to its Prairie Ditch Water Right and/or Anderson Ditch Water Right to replace its return flow obligations for the same and, if possible, exchange such water for storage and subsequent release to replace its non-irrigation season return flow obligations.

8. **Conditional and Absolute Rights of Exchange:** Monte Vista will use an appropriative right of exchange to store the changed Ditch Water Rights in Rio Grande Reservoir, as shown in **Exhibit 7**. Monte Vista will release water stored in Rio Grande Reservoir to the Rio Grande when needed for uses including the replacement of return flow obligations for the changed Ditch Water Rights, as well the municipal uses described in Paragraph 7.4.1 of this decree. Monte Vista will also use an appropriative right of exchange to replace injurious stream depletions on the Rio Grande upstream of the points of diversion of the Ditch Water Rights described in Paragraph 7 of this decree and the points at which augmentation structures deliver such Ditch Water Rights to the Rio Grande. These rights are claimed as conditional rights of exchange, with a portion claimed absolute by operation of one of the exchanges since the filing of the original application in this case. In the original application, Monte Vista claimed the right to decree as absolute any portion of the exchanges that may be operated before entry of this decree, with the balance being decreed conditionally.

8.1. **Name of Exchange:** Monte Vista Rio Grande Reservoir Exchange.

8.1.1. **Upstream Terminus of the Exchange:** Rio Grande Reservoir with a point of discharge generally located on the dam in the NW1/4, SW1/4 of Section 13, Township 40 North, Range 4 West, NMPM, Hinsdale County, Colorado. Further described as 1558 feet from the South section line and 167 feet from the West section line of said Section 13. UTM Zone 13 North NAD83: X – 300,194 Y – 4,177,218.

8.1.2. **Downstream Termini of the Exchange:** The points at which augmentation structures deliver such Ditch Water Rights to the Rio Grande as described in Paragraph 7.5.2.3 of this decree, or, if Monte Vista elects to leave its pro rata portion of the Ditch Water Rights in the Rio Grande, the locations of the Prairie

Ditch river headgate and Consolidated Slough river headgate, described in Paragraphs 7.1.2 and 7.2.2, respectively. Because there are two locations operating as individual exchange-from points, each exchange operation constitutes its own conditional appropriative right of exchange. Each conditional appropriative right of exchange therefore cannot be made absolute until each exchange-from point is independently operated in priority and consistent with this decree.

8.1.3. Manner of Operation of the Exchanges: The exchanges will only operate at times when flows in the Rio Grande are sufficient for the proposed exchanges, when all intervening water rights senior to the exchanges are in priority, and when all other lawful requirements for the exchange are satisfied.

8.1.4. Sources of Substitute Supply: The historical consumptive use amounts attributable to Monte Vista's interests in the Ditch Water Rights as changed in this case.

8.1.5. Date of Appropriation: December 15, 2016.

8.1.6. How Appropriation was Initiated: Formulation of intent to apply water to beneficial use, City Council approval of the application filed for this decree, and filing of the application for this decree.

8.1.7. Amount Claimed: Maximum annual amounts of 181.7 acre feet from the changed interests in the McDonald Ditch and Prairie Ditch, conditional; and 338.2 acre feet from the changed interests in the Anderson Ditch, with 230.4 acre feet of that amount absolute and the remaining 107.8 acre feet conditional. Monte Vista diverted the absolute amount of the Anderson Ditch exchange from April 1, 2022, to August 21, 2022, in accordance with an approved substitute water supply plan. The maximum annual amount claimed includes the exchange of non-irrigation season return flow water, which must be released from Rio Grande Reservoir between November 1st and March 31st in accordance with the engineering completed in this case. The City's accounting forms and procedures in this case must allocate the amount of water exchanged that is fully consumable and can be used for its decreed uses from the amount of water that must be returned in the non-irrigation season to prevent injury to vested water rights owners.

8.1.8. Rate Claimed: 1.15 cfs conditional, from the Prairie Ditch river headgate (or return location from an approved future augmentation station) to Rio Grande Reservoir; and 2.42 cfs conditional, from the Consolidated Slough river headgate (or approved augmentation station) to Rio Grande Reservoir, with 1.09 cfs of that amount absolute and the remaining 1.33 cfs conditional. In aggregate, the maximum combined exchange rate is 3.57 cfs, of which 1.09 cfs has been made absolute and 2.48 cfs remaining conditional, which is the instantaneous maximum rate of exchange based on the sum of Monte Vista's interest in the diversion rates

decreed to each ditch, less ditch loss. The maximum exchange rate claimed includes the exchange of non-irrigation season return flow water, which must be released from Rio Grande Reservoir between November 1st and March 31st in accordance with the engineering completed in this case. The City's accounting forms and procedures in this case must allocate the amount of water exchanged that is fully consumable and can be used for its decreed uses from the amount of water that must be returned in the non-irrigation season to prevent injury to vested water rights owners.

8.1.9. Uses: All municipal uses, including but not limited to, domestic, irrigation of lawns, gardens, parks, private and municipal facilities, industrial, commercial, fire protection, stockwatering, recreation, piscatorial, and storage. The water will also be used for exchange, replacement, and augmentation.

8.2. Name of Exchange: Monte Vista Rio Grande Reach 1 Exchange.

8.2.1. Upstream Terminus of the Exchange: The uppermost stream location identified by the Rio Grande Decision Support System and administered on the Rio Grande for the replacement of injurious stream depletions. This is generally considered to be the Rio Grande Near Del Norte Gage, which is located in the NW¹/₄ of the NW¹/₄, Section 29, T40N, R5E

8.2.2. Downstream Termini of the Exchange: The points at which augmentation structures deliver such Ditch Water Rights to the Rio Grande as described in Paragraph 7.5.2.3 of this decree, or, if Monte Vista elects to leave its pro rata portion of the Ditch Water Rights in the Rio Grande, the locations of the Prairie Ditch river headgate and Consolidate Slough river headgate, described in Paragraphs 7.1.2 and 7.2.2, respectively. Because there are two locations operating as individual exchange-from points, each exchange operation constitutes its own conditional appropriative right of exchange. Each conditional appropriative right of exchange therefore cannot be made absolute until each exchange-from point is independently operated in priority and consistent with this decree.

8.2.3. Manner of Operation of the Exchanges: The exchanges will only operate at times when flows in the Rio Grande are sufficient for the proposed exchanges, when all intervening water rights senior to the exchanges are in priority, and when all other lawful requirements for the exchange are satisfied.

8.2.4. Sources of Substitute Supply: The historical consumptive use amounts attributable to Monte Vista's interests in the Ditch Water Rights as changed in this case.

8.2.5. Date of Appropriation: December 15, 2016.

8.2.6. How Appropriation was Initiated: Formulation of intent to apply water to beneficial use, City Council approval of the application filed for this decree, and filing of the application for this decree.

8.2.7. Amount Claimed: Maximum annual amounts of 181.7 acre feet from the changed interests in the McDonald Ditch and Prairie Ditch, conditional; and 338.2 acre feet from the changed interests in the Anderson Ditch, conditional.

8.2.8. Rate Claimed: 1.15 cfs conditional, from the Prairie Ditch river headgate (or return location from an approved augmentation station) to Rio Grande Reach 1; and 2.42 cfs conditional, from the Consolidated Slough river headgate (or approved augmentation station) to Rio Grande Reach 1. In aggregate, the maximum combined exchange rate is 3.57 cfs conditional, which is the instantaneous maximum rate of exchange based on the sum of Monte Vista's interest in the diversion rates decreed to each ditch, less ditch loss.

8.2.9. Uses: All municipal uses, including but not limited to, domestic, irrigation of lawns, gardens, parks, private and municipal facilities, industrial, commercial, fire protection, stockwatering, recreation, piscatorial, and storage. The water will also be used for exchange, replacement, and augmentation.

8.3 Terms and Conditions for Conditional Rights of Exchange: The exchange rights decreed herein shall only operate when the following terms and conditions are satisfied.

8.3.1 Water is physically available for diversion at the exchange-to point(s) and Monte Vista has available substitute supply at the exchange-from point(s), and exchange potential exists between the exchange-from and exchange-to structures involved. Exchange potential for any particular exchange shall exist when the operation of that exchange would not deprive any water right with a decreed priority senior to December 15, 2016, that is located in the stream reach between the exchange-from and exchange-to points of that particular exchange, of the delivery, diversion, or use of water to which such right is entitled under its decreed priority.

8.3.2 Pursuant to C.R.S. § 37-80-120(3), any substituted water provided under the exchange rights decreed herein shall be of a quality and continuity to meet the requirements of use to which senior appropriations have normally been used. Such substituted water shall be accepted by senior appropriators in substitution for water derived by exercise of their decreed rights.

8.3.3 When operating the exchange rights decreed herein, Monte Vista's use of the sources of substitute supply shall be consistent with the terms and conditions for the changes of the Ditch Water Rights decreed herein.

8.3.4 The priority date for the exchange rights decreed herein is December 15, 2016. The exchange rights are junior to all other water rights with decreed priorities

senior to that date, including rights of exchange and instream flow water rights located in the same area, which include the instream flow rights decreed in Case Nos. 83CW39, 83CW40, 83CW42, and 83CW49. Like other appropriative water rights, Monte Vista shall exercise these rights of exchange within the priority system, subject to the legal call of water rights that are senior in priority and with the ability to call out water rights that are junior in priority.

8.3.5 Monte Vista shall notify and obtain approval from the Water Commissioner before operating any of the exchanges decreed herein, and shall notify the Water Commissioner upon completion of such operation. The notification to the Water Commissioner before operating any of the exchanges shall include the amount of the exchange, the source(s) of substitute supply, the location(s) of the delivery of the substitute supply, the exchange to point(s) where the substitute supply will be diverted by exchange, and the duration of the proposed exchange(s).

8.3.6 Monte Vista's accounting of any exchange of water upstream through the Rio Grande Near Del Norte Gage ("Del Norte Index Gage") will occur on a daily basis and in a manner consistent with the Division Engineer's procedures and the Rio Grande Compact. Under current procedures, that accounting is as follows:

8.3.6.1 For exchanges of water through the Del Norte Index Gage into Rio Grande Reservoir, the Division Engineer adds all upstream diversions by exchange into Rio Grande Reservoir to the downstream Del Norte Index Gage streamflow the subsequent day for annual Rio Grande Compact purposes.

8.3.6.2 For releases of previously exchanged water from Rio Grande Reservoir that pass through the Del Norte Index Gage, the Division Engineer subtracts all upstream releases from Rio Grande Reservoir on behalf of Monte Vista from the downstream Del Norte Index Gage streamflow the subsequent day for annual Rio Grande Compact purposes.

8.3.6.3 To the extent the Division Engineer modifies the procedures described in paragraphs 8.3.6.1 and 8.3.6.2 in the future, Monte Vista's accounting of any exchange of water upstream through the Del Norte Index Gage will be consistent with the procedures then in effect.

9. **Plan for Augmentation**

9.1. **Structures to be Augmented:**

9.1.1. **Well No. 1**

9.1.1.1. **Date of Original Decree:** July 3, 1975, Case No. W-847.

9.1.1.2. Location: SE1/4, SE1/4, Section 36, Township 39 North, Range 7 East, NMPM, at a point 150 feet from the South Section line and 250 feet from the East Section line, in Rio Grande County, Colorado. See **Exhibit 4**.

9.1.1.3. Appropriation Date: September 30, 1950.

9.1.1.4. Amount Decreed: 1,100 gpm, being 2.45 cfs and 4.9 acre-feet of water in a period of 24 hours.

9.1.1.5. Uses: Domestic and municipal.

9.1.1.6. Source: Confined aquifer.

9.1.1.7. Permit Number: 4551

9.1.2. Well No. 2

9.1.2.1. Date of Original Decree: July 3, 1975, Case No. W-847

9.1.2.2. Location: SE1/4, SW1/4, Section 31, Township 39 North, Range 8 East, NMPM, at a point 2,420 feet from the West Section line and 900 feet from the South Section line, in Rio Grande County, Colorado. See **Exhibit 4**.

9.1.2.3. Appropriation Date: September 30, 1950

9.1.2.4. Amount Decreed: 1,800 gpm, being 4.01 cfs and 8.02 acre-feet of water in a period of 24 hours

9.1.2.5. Uses: Domestic and municipal.

9.1.2.6. Source: Confined aquifer

9.1.2.7. Permit Number: R-4552

9.1.3. Well No. 3

9.1.3.1. Date of Original Decree: July 3, 1975, Case No. W-847

9.1.3.2. Location: SW1/4, NW1/4, Section 31, Township 39 North, Range 8 East, NMPM, at a point 2,500 feet from the North Section line and 100 feet from the West Section line, in Rio Grande County, Colorado. See **Exhibit 4**.

9.1.3.3. Appropriation Date: April 30, 1957

9.1.3.4. Amount Decreed: 1,200 gpm, being 2.7 cfs and 5.34 acre-feet of water in a period of 24 hours

9.1.3.5. Uses: Domestic

9.1.3.6. Source: Confined aquifer

9.1.3.7. Permit Number: 4553

9.1.4. Well No. 4

9.1.4.1. Date of Original Decree: July 3, 1975, Case No. W-847

9.1.4.2. Location: SW1/4, SE1/4, Section 32, Township 39 North, Range 8 East, NMPM, at a point 2,725 feet from the West Section line and 100 feet from the South Section line, in Rio Grande County, Colorado. See **Exhibit 4**.

9.1.4.3. Appropriation Date: September 23, 1968

9.1.4.4. Amount Decreed: 2,300 gpm, being 5.12 cfs and 10.24 acre-feet of water in a period of 24 hours

9.1.4.5. Uses: Domestic and municipal

9.1.4.6. Source: Confined aquifer

9.1.4.7. Permit Number: R-13163-F

9.1.5. Well No. 5

9.1.5.1. Date of Original Decree: July 3, 1975, Case No. W-847

9.1.5.2. Location: NE1/4, SW1/4, Section 36, Township 39 North, Range 7 East, NMPM, at a point 2,575 feet from the South Section line and 1,550 feet from the West Section line, in Rio Grande County, Colorado. See **Exhibit 4**.

9.1.5.3. Appropriation Date: April 30, 1965

9.1.5.4. Amount Decreed: 600 gpm, being 1.34 cfs and 2.68 acre-feet of water in a period of 24 hours

9.1.5.5. Uses: Domestic and municipal

9.1.5.6. Source: Unconfined aquifer

9.1.5.7. Permit Number: 9347-F

9.1.5.8. Land Ownership Information: Applicant

9.1.6. Well No. 6

9.1.6.1. Date of Original and Subsequent Decrees: July 3, 1975, Case No. W-847; February 28, 2023, Case No. 22CW3024

9.1.6.2. Location: SW1/4, NE1/4, Section 36, Township 39 North, Range 7 East, NMPM, at a point 2,075 feet from the North Section line and 1,338 feet from the East Section line, in Rio Grande County, Colorado, at NAD 1983 UTM Zone 13 N coordinates of 4160204 m N, 398108 m E, as decreed in Case No. 22CW3024. See **Exhibit 4**.

9.1.6.3. Appropriation Date: June 30, 1949

9.1.6.4. Amount Decreed: 190 gpm, being .423 cfs and .846 acre-feet of water in a period of 24 hours

9.1.6.5. Uses: Irrigation

9.1.6.6. Source: Unconfined aquifer

9.1.6.7. Permit Number: N/A

9.1.7. Well No. 7

9.1.7.1. Date of Original and Subsequent Decrees: July 3, 1975, Case No. W-847; February 28, 2023, Case No. 22CW3035

9.1.7.2. Location: SW1/4, NE1/4, Section 36, Township 39 North, Range 7 East, NMPM, at a point 1,899 feet from the North Section line and 2,598 feet from the East Section line, in Rio Grande County, Colorado at NAD 1983 UTM Zone 13N

coordinates of 4160271 m N, 397725 m E, as decreed in Case No. 22CW3035. See **Exhibit 4**.

9.1.7.3. Appropriation Date: January 2, 1954

9.1.7.4. Amount Decreed: 1,900 gpm, being 4.23 cfs and 8.46 acre-feet of water in a period of 24 hours

9.1.7.5. Uses: Irrigation

9.1.7.6. Source: Unconfined aquifer

9.1.7.7. Permit Number: N/A

9.1.8. Well No. 8

9.1.8.1. Date of Original Decree: April 24, 1989, Case No. 88CW13; Well No. 8 was decreed as an alternate point for Well No. 1, Well No. 2, Well No. 3 and Well No. 4, which were originally decree on July 3, 1975, Case No. W-847.

9.1.8.2. Location: SW1/4, NE1/4, Section 36, Township 39 North, Range 7 East, NMPM, at a point 2,550 feet from the North Section line and 2,550 feet from the East Section line, in Rio Grande County, Colorado. See **Exhibit 4**.

9.1.8.3. Appropriation Date: September 30, 1950; April 30, 1957; September 23, 1968

9.1.8.4. Amount Decreed: 2,000 gpm, being 4.46 cfs

9.1.8.5. Uses: Domestic and municipal

9.1.8.6. Source: Confined aquifer

9.1.8.7. Permit Number: 033733-F

9.2. Augmentation Supplies:

9.2.1. The changed Prairie Ditch and Anderson Ditch Water Rights;

9.2.2. Water stored in Rio Grande Reservoir pursuant to the Monte Vista Rio Grande Reservoir Exchange and water exchanged in the Rio Grande pursuant to the Monte Vista Rio Grande Reach 1 Exchange;

- 9.2.3. Water acquired pursuant to contract or intergovernmental agreement with the Rio Grande Water Conservation District or subdistricts of the Rio Grande Water Conservation District which water has been separately approved for augmentation use or replacement of injurious depletions in accordance with the Groundwater Rules; and
- 9.2.4. Water acquired pursuant to contract or intergovernmental agreement with water users and quasi-governmental water providers in Water Division 3 which water has been separately approved for augmentation use or replacement of injurious depletions in accordance with the Groundwater Rules.
- 9.2.5. Additional Supplies of Augmentation Water. Pursuant to C.R.S. § 37-92-305(8), the Court may authorize Monte Vista to use supplies of augmentation water of limited duration, and additional or alternative sources of augmentation water for replacement in this augmentation plan, if such sources are part of a substitute water supply plan approved pursuant to C.R.S. § 37-92-308, or successor statutes, or are decreed or lawfully available for such use. This paragraph sets forth the information that must be provided by Monte Vista concerning the proposed additional sources, whether such sources are proposed for permanent addition to the plan for augmentation or for addition to the plan for augmentation for a limited time period, and the procedures under which these sources may be approved for use in this plan. This information and these procedures are adequate to prevent injury to other water rights that might otherwise result from the addition of these sources to this plan.
- 9.2.5.1. Additional Water Rights Separately Decreed or Lawfully Available for Augmentation Use. If a water right is decreed or lawfully available for augmentation use and not already approved for such use under this decree, Monte Vista shall give at least thirty-five (35) days advance written Notice of Use of Water Right for Augmentation (“Notice”) to the Court, the Division Engineer, and all opposers in this case. The Notice shall contain the following information: (1) the identity of the water or water right by name and decree, if any; (2) if the water or water right is not owned by Monte Vista, a copy of the agreement with the owner of the water or water right authorizing use of specific monthly and annual amounts of the water or water right by Monte Vista for a specific period of time; (3) if the water or water right is owned by Monte Vista, the annual and monthly amount of water available to Monte Vista from the water or water right; (4) the location or locations at which the water will

be delivered to the stream; (5) a written statement, signed by the owner of the water or water right or a person with authority to bind the owner, evidencing that the claimed amount of water will not be used by another person; (6) the manner in which Monte Vista will account for use of the water in the augmentation plan; and (7) confirmation that the use of the water or water right by Monte Vista is consistent with the underlying decree for the water right. If any opposer or the Division Engineer wishes to object to the addition of the noticed water or water right to this plan, such opposer or the Division Engineer shall file a written objection with the Court within 35 days after the date the Notice is provided by Monte Vista. If no objection is so filed, Monte Vista may use the noticed water or water rights to replace depletions in this plan for augmentation in the manner stated in the Notice upon approval of the Division Engineer and without further action of the Court. If an objection is filed, Monte Vista may file a response to such objection within 14 days after filing of the objection. If an objection is filed, Monte Vista may not use the noticed water or water rights until the Court determines that Monte Vista has provided all of the information required by this paragraph and further determines whether the water or water right may be used for replacement purposes under this plan for augmentation, and if so, what additional information or terms and conditions, if any, are required to prevent injury to vested water rights and decreed conditional water rights from use of the water or water rights in the plan for augmentation. If the notice requests temporary use of the noticed water right in this plan for a period not to exceed one year, then the Court shall grant an expedited hearing and promptly decide the disputed issues. If the notice requests permanent use of the noticed water right in this plan, the Court shall conduct whatever proceedings are needed to appropriately address and resolve the disputed issues. In any dispute over the addition of a new augmentation supply to the plan for augmentation, Monte Vista shall have the burden of proof at all times.

- 9.2.5.2. Other Additional Water Rights – Temporary Administrative Approval. If a water right is not decreed or otherwise lawfully available for augmentation use, and Colorado statutes or other governing authority provide a mechanism for using such water right without the need of a decree or well permit, Monte Vista shall provide written notice to the opposers herein of its request for approval of the State Engineer for use of such water or water right in the plan for augmentation decreed herein pursuant to

C.R.S. §§ 37-92-308 or successor statutes. Such notice shall be in addition to any notice required by the applicable statute. Monte Vista may use such water rights in this plan for augmentation upon the State Engineer's approval of the applicable administrative application for the term of such approval, unless such approval is reversed or modified on appeal or under retained jurisdiction. The State Engineer may not approve use of such water rights retroactively to the date of the written notice to the opposers herein required hereunder and may not approve use of such water rights that would occur during any time period prior to the date a copy of the State Engineer's approval is provided to the opposers.

9.2.5.3. Agreements for Additional Sources of Replacement Water Required. Monte Vista shall not use additional augmentation supplies discussed in this paragraph 9.2.5 unless Monte Vista has a written agreement with the owner(s) of the additional augmentation supplies allowing Monte Vista to do so or other document evidencing a right to the water. A copy of any such agreement or document shall be provided with the written notice to the opposers herein and the Division Engineer and/or State Engineer as required in paragraph 9.2.5.1 or 9.2.5.2 of this decree.

9.3. Complete Statement of Plan for Augmentation:

Monte Vista will replace or Remedy Injurious Stream Depletions attributable to pumping its Well Nos. 1-8 using the replacement sources identified in Paragraph 9.2 of this decree. In conjunction with contracts and/or intergovernmental agreements to replace depletions using replacement water with the Rio Grande Water Conservation District, subdistricts of the Rio Grande Water Conservation District, and other water users and quasi-governmental water providers in Water Division 3, the augmentation plan approved by this decree will provide for the replacement of depletions in time, place, and amount necessary to prevent injury to vested and conditionally decreed water rights. Monte Vista will use its contracts and/or intergovernmental agreements in conjunction with this decreed plan for augmentation to remedy its Injurious Stream Depletions on all stream reaches as currently required, and/or as required in the future by modifications to the Division 3 Groundwater Rules decreed in Case No. 15CW3024 or subsequent decrees.

9.3.1. Depletions: Monte Vista will determine the depletions that result from Monte Vista's pumping of Well Nos. 1-8 using the Rio Grande Decision Support System ("RGDSS") Model Response Functions in accordance with Rule 7. When Monte Vista pumps its wells in the confined and unconfined aquifers, the model currently shows that the pumping results in

instantaneous and delayed well depletions on impacted reaches of the Rio Grande, Conejos River, and Alamosa River.

Pumping from Monte Vista's confined wells will continue to deplete the Rio Grande and the Alamosa and Conejos Rivers after well pumping has ceased, and pumping from Monte Vista's unconfined wells will continue to deplete the Rio Grande after well pumping has ceased. Monte Vista shall replace all out-of-priority depletions that occur after pumping of any of its wells cease, as determined by the stream depletion model from the RGDSS Model Response Functions.

9.3.2. Replacements: Monte Vista will replace its injurious stream depletions identified in Paragraph 9.3.1 as follows:

9.3.2.1 Rio Grande Reach No. 1 (Rio Grande Near Del Norte Gage to the Excelsior Ditch Diversion): Monte Vista will use its changed Prairie Ditch and Anderson Ditch Water Rights to replace these depletions in Rio Grande Reach No. 1 by returning its decreed historical consumptive use interests to the Rio Grande via leaving water in the Rio Grande or using future augmentation stations for direct replacement downstream of its augmentation stations, or upstream through its Monte Vista Rio Grande Reach 1 Exchange. Monte Vista will also exchange the changed Prairie Ditch and Anderson Ditch Water Rights up the Rio Grande for storage in Rio Grande Reservoir for subsequent release and replacement of Injurious Stream Depletions in time, location, and amount.

9.3.2.2 Rio Grande Reach No. 2 (Excelsior Ditch Diversion to the Chicago Ditch Diversion): Monte Vista may enter into contracts and/or intergovernmental agreements to acquire replacement water with the Rio Grande Water Conservation District, subdistricts of the Rio Grande Water Conservation District, and other water users and quasi-governmental water providers in Water Division 3 to cover its injurious stream depletions identified in Paragraph 9.3.1. in time, location, and amount. To the extent necessary, Monte Vista will also use its changed Prairie Ditch and Anderson Ditch Water Rights to replace depletions in Rio Grande Reach No. 2 by returning its decreed historical consumptive use interests to the Rio Grande via leaving water in the Rio Grande or using future augmentation stations for direct replacement downstream of its augmentation stations, or from subsequent releases of its changed Prairie Ditch and Anderson Ditch Water Rights stored in Rio Grande Reservoir to replace injurious stream depletions within Rio Grande Reach No. 2.

9.3.2.3 Rio Grande Reach No. 3 (Chicago Ditch Diversion to the State Line): Monte Vista may enter into contracts and/or intergovernmental agreements to acquire replacement water with the Rio Grande Water Conservation District, subdistricts of the Rio Grande Water Conservation District, and other water users and quasi-governmental water providers in Water Division 3 to cover its injurious stream depletions identified in Paragraph 9.3.1. in time, location, and amount. To the extent necessary, Monte Vista will also use its changed Prairie Ditch and Anderson Ditch Water Rights to replace depletions

in Rio Grande Reach No. 3 by returning its decreed historical consumptive use interests to the Rio Grande via leaving water in the Rio Grande or using future augmentation stations for direct replacement downstream of its augmentation stations, or from subsequent releases of its changed Prairie Ditch and Anderson Ditch Water Rights stored in Rio Grande Reservoir to replace injurious stream depletions within Rio Grande Reach No. 3.

9.3.2.4 Alamosa/La Jara Reach (Alamosa River Below Terrace Reservoir Gage to its Confluence with the Rio Grande and the La Jara Creek at the Gallegos Ranch to its Confluence with the Rio Grande): The augmentation plan decreed herein does not cover depletions to the Alamosa/La Jara Reach. However, Monte Vista has entered and will enter into contracts and/or intergovernmental agreements to acquire replacement water, and/or forbearance agreements and other remedies, with the Rio Grande Water Conservation District, subdistricts of the Rio Grande Water Conservation District, and other water users and quasi-governmental water providers in Water Division 3 to replace its injurious stream depletions identified in Paragraph 9.3.1. in time, location, and amount.

9.3.2.5 Conejos River Reach No. 1 (Conejos River Near Mogote Gage to the Seldonia & Garcia Ditch Diversion): The augmentation plan decreed herein does not cover depletions to the Conejos River Reach No. 1. However, Monte Vista has entered and will enter into contracts and/or intergovernmental agreements to acquire replacement water, and/or forbearance agreements and other remedies, with the Rio Grande Water Conservation District, subdistricts of the Rio Grande Water Conservation District, and other water users and quasi-governmental water providers in Water Division 3 to replace its injurious stream depletions identified in Paragraph 9.3.1. in time, location, and amount.

9.3.2.6 Conejos River Reach No. 2 (Seldonia & Garcia Ditch Diversion to its confluence with the Rio Grande): The augmentation plan decreed herein does not cover depletions to the Conejos River Reach No. 2. However, Monte Vista has entered and will enter into contracts and/or intergovernmental agreements to acquire replacement water, and/or forbearance agreements and other remedies, with the Rio Grande Water Conservation District, subdistricts of the Rio Grande Water Conservation District, and other water users and quasi-governmental water providers in Water Division 3 to replace its injurious stream depletions identified in Paragraph 9.3.1. in time, location, and amount.

9.3.2.7 This decree does not preclude Monte Vista from entering into contracts and/or intergovernmental agreements pursuant to which Monte Vista receives benefits for the reductions in net stream depletions from groundwater pumping that result from the State Engineer's method of incorporating the effluent return flows from Monte Vista's confined aquifer wells in the calculation of such depletions under the applicable groundwater regulations. Such benefits may include replacement water from the Rio Grande Water Conservation District, subdistricts of the Rio Grande Water Conservation

District, and other water users and quasi-governmental water providers in Water Division 3 to offset its injurious stream depletions identified in Paragraph 9.3.1. in time, location, and amount.

9.3.3 Notice of Agreements: Monte Vista will enter into contractual agreements with other water users or entities as described in Paragraphs 9.3.2.4, 9.3.2.5, and 9.3.2.6 before April 1 of the first year in which Monte Vista operates the plan for augmentation decreed herein. Monte Vista will provide notice to the Division Engineer and opposers in this case of any such contractual agreements within 35 days from the date such a contractual agreement is fully executed by Monte Vista and the Rio Grande Water Conservation District, subdistricts of the Rio Grande Water Conservation District, or other water user or quasi-governmental water provider.

9.4 Annual Depletion Projection: In accordance with Rule 10.3, Monte Vista will provide to the State Engineer by April 15 of each year updated information regarding Well Nos. 1-8 (or replacement wells therefor), including (1) the structure identification number (“WDID”) assigned to each well; (2) the projected annual net groundwater consumptive use from the wells withdrawing groundwater; and (3) the calculations used to derive the projected annual net groundwater consumptive use. Monte Vista will use the Response Functions provided by the State Engineer to assess its projected annual and lagged depletions by stream reach. The content of Monte Vista’s annual projection will comply with existing and future versions of the Groundwater Rules. An annual projection is required unless the Groundwater Rules are changed to no longer require such a projection.

9.5 In accordance with the decree in Case No. 91CW29, Monte Vista will make replacements to the Rio Grande year-round, regardless of whether there is a calling water right, unless one of the following two conditions exist: (1) it is a year when Elephant Butte Reservoir has spilled or is certain to spill, and no annual credits or debits are computed under Article VI of the Compact; or (2) it is a year when Colorado has or is certain to obtain an annual credit of 150,000 acre-feet under the Rio Grande Compact. See Decree, Case No. 91CW29, ¶ 48.

10. Sustainable Water Supply:

Pursuant to the directive of the State Engineer in Rule 8 of the proposed Groundwater Rules, Monte Vista will impose a cumulative volumetric limit on annual average withdrawals from the wells it uses to withdraw groundwater from the confined aquifer equal to its annual average withdrawals from such wells from 1978 through 2000. The limit based on cumulative annual average withdrawal volume from the Monte Vista confined wells during the 1978 through 2000 period is 2,033 acre feet. This limit establishes how Monte Vista will meet its proportionate responsibility for ensuring that the five-year running average for groundwater withdrawals from the Response Area in which Monte Vista confined aquifer wells are located does not exceed the average annual withdrawals for the period of 1978 through 2000.

The volumetric limit will remain subject to adjustment to meet the objectives of the sustainability requirements of the Groundwater Rules and C.R.S. § 37-92-501(4)(a)(I)-(III), should the preferred methodologies to maintain a Sustainable Water Supply in the Confined

16CW3024

Findings of Fact, Conclusions of Law, Ruling of the Referee, Judgment and Decree of the Court

Page 35
Page 167 of 177

Aquifer System and manage Artesian Pressures change in the future. Monte Vista will claim credit for past and future water withdrawals from the confined aquifer that result in a cumulative annual average withdrawal volume less than the 2,033 acre foot limit, for example due to municipal conservation measures, and it may contract with or enter intergovernmental agreements with the Rio Grande Water Conservation District and/or subdistricts of the Rio Grande Water Conservation District and/or other water users and quasi-governmental water providers in Water Division 3 to transfer such credit for sustainability purposes, subject to and in accordance with any procedures or approvals required by rule or law. Monte Vista will provide the Division Engineer with notice of any such contracts within 30 days of the date on which the contract is fully executed. If Monte Vista ever constructs new or replacement wells that withdraw groundwater from the confined aquifer, those wells will be subject to the cumulative volumetric limit established through this application.

11. **Accounting:** Accounting for the changed Ditch Water Rights, the exchanges, and the augmentation plan approved in this decree will be on the accounting forms attached hereto as **Appendix A**, as they may be revised from time-to-time at the direction or upon the approval of the Division Engineer. The Rio Grande Water Conservation District or a subdistrict of the Rio Grande Water Conservation District may assume responsibility for accounting for the changed Ditch Water Rights, the exchanges, or all or part of the augmentation plan approved in this decree. Each accounting year shall consist of the period from November 1 through October 31. Accounting shall be done on a daily basis and submitted monthly to the Division Engineer and Water Commissioner, or more frequently if requested by the Division Engineer. Copies of such reports shall be made available to opposers at their request, in electronic format, in an Excel spreadsheet or comparable format if technology changes. The accounting forms may be changed from time-to-time so long as (1) all information in **Appendix A** is included in the accounting forms; (2) Monte Vista serves written notice of the proposed changes to the accounting forms on the Division Engineer and opposers; (3) opposers have 35 days after such notice of the proposed changes is served to provide comments to the Division Engineer; and (4) the Division Engineer approves the proposed changes after the expiration of the 35-day comment period. The Division Engineer may also request that changes be made to the accounting forms. If the Division Engineer requests that the accounting forms be changed, it is not necessary for the Division Engineer to wait 35 days to approve such requested change. The accounting forms shall include, at least on an annual basis, the information required by Rule 10.5 or subsequent versions of the Groundwater Rules to allow the Division Engineer to determine if the plan for augmentation was operated in compliance with this decree and the Groundwater Rules for the previous year, and whether the plan for augmentation will be in compliance with this decree for the upcoming year.

In accordance with Monte Vista's annual depletion project described in paragraph 9.4, Monte Vista's accounting shall also include a projection of the amount of depletions owed for the duration of lagged depletions, or for the duration allowed by the Groundwater Rules, whichever is less, and a projection of the amount of replacement supplies available for the duration of lagged depletions, or for the duration allowed by the Groundwater Rules, whichever is less. Existence of a contract with a subdistrict or other water user shall be sufficient for demonstrating adequate replacement supplies without the need to provide additional information regarding

replacement supplies, provided that the terms and conditions of such contract demonstrate that the contracted-for replacement supplies will adequately replace injurious stream depletions in time, location, and amount.

12. **Administration:**

- 12.1. **Monte Vista Coordination.** Monte Vista shall coordinate delivery of its replacement water sources with the Water Commissioner to ensure that any amounts required to satisfy return flow obligations are actually delivered to the location of the historical return flow obligation, and past any dry-up points. In the event that the delivery of water for historical return flows or to allow exercise of the changed uses decreed herein past dry-up points requires the installation of a bypass structure or the use of an existing structure, Monte Vista is responsible for either installing or modifying such structure, which may include installing a continuous recording measuring device approved by the Water Commissioner, or for securing the agreement to use an existing structure. Monte Vista shall inform the Division Engineer of such installation, modification, or agreement. Transit losses shall also be assessed, as determined by the Division Engineer or the Water Commissioner, between the point of release and the location of use.
- 12.2. **State Engineer Responsibilities.** Pursuant to C.R.S. §§ 37-92-305(8) and 37-92-501.5, the State Engineer, or his designated representative, shall curtail all out-of-priority diversions under this Decree, the depletions from which are not so replaced to prevent injury to vested and conditional decreed water rights. The Division Engineer, or his designated representative, will administer all such water transported in the Rio Grande and the Alamosa and Conejos Rivers under this Decree, including water for replacement of depletions, past intervening headgates to ensure that such water is not intercepted or otherwise diminished in quantity by diversion, use or other interference by intervening water rights and to assure that such water remains available and suitable for Monte Vista's uses under this Decree, except when any intervening headgate is diverting the entire flow of (sweeping) the river. In the event that delivery past headgates which sweep the river requires the installation of a bypass structure or the use of an existing bypass structure by agreement with a third-party, Monte Vista is responsible for either installing a new bypass structure with a continuous recording measuring device(s) as approved by the Water Commissioner or securing an agreement with a third-party to use an existing bypass structure and providing such information and agreement to the Division Engineer.

13. **Measurement:** Monte Vista shall install and maintain such additional measuring and recording devices reasonably required by the Division Engineer for the administration of the water rights and plan for augmentation described in this Decree.

CONCLUSIONS OF LAW

14. **Incorporation of Findings of Fact:** The foregoing Findings of Fact are hereby incorporated to the extent that they constitute Conclusions of Law.

15. **Notice & Jurisdiction:** The Water Court for Division 3 has jurisdiction over the subject matter of this proceeding and over all persons, owners or property, and water rights that may be affected hereby, whether or not those persons have appeared. C.R.S. §§ 37-92-203 and 37-92-302. The application in this matter and the resume publication of the application placed such persons on notice of the relief requested by the application and granted by this decree.

16. **Change of Water Rights Contemplated by Law:** The change of Monte Vista's Ditch Water Rights is contemplated by law, satisfies the requirements of section C.R.S. § 37-92-101 *et seq.*, including but not limited to §§ 37-92-103(5), 37-92-302, 37-92-304(6), and 37-92-305(3), and can be implemented pursuant to this Decree in accordance with said statutes and the terms and conditions of this Decree. The change of water rights decreed herein will not injuriously affect any owner of or person entitled to use water under a vested water right or decreed conditional water right, so long as operated in accordance with the terms of this Decree.

17. **Adjudication of Water Rights Contemplated by Law:** The Monte Vista Rio Grande Reservoir Exchange and Monte Vista Rio Grande Reach 1 Exchange are contemplated by law and satisfy the requirements of C.R.S. § 37-92-101 *et seq.*, including but not limited to §§ 37-92-103, 37-92-302, 37-92-305(1) and 37-92-305(9). The appropriations for the water rights were lawfully initiated on the dates shown in the Findings of Fact and pursued with reasonable diligence from the date of initiation. Applicant has established that water can and will be diverted under the exchanges, and that the water will be beneficially used and the project can and will be completed with diligence within a reasonable time.

18. **Plan for Augmentation Contemplated by Law:** The plan for augmentation approved by this Decree is contemplated by law and satisfies the requirements of C.R.S. § 37-92-101 *et seq.*, including but not limited to §§ 37-92-103, 37-92-302, 37-92-304(6), 37-92-305(3), 37-92-305(5), and 37-92-305(8), as well as the Groundwater Rules for Water Division 3. Operation of the plan for augmentation will not injuriously affect any owner of or person entitled to use water under a vested water right or decreed conditional water right, so long as operated and administered in accordance with the terms of this Decree. In conjunction with the contracts and/or intergovernmental agreements described in paragraphs 9.2.4 and 9.3 above, which are also contemplated by law and satisfy the requirements of the Groundwater Rules, this plan will ensure that Monte Vista adequately replaces all of its injurious depletions.

19. **Satisfaction of Burden of Proof:** Monte Vista has complied with all requirements and met all standards and burdens of proof, including but not limited to C.R.S. §37-92-302 through -305. Monte Vista is entitled to a decree confirming and approving the changes of water rights, conditional appropriative rights of exchange, and plan for augmentation sought herein, which will not injuriously affect the owners of or persons entitled to use water under vested or decreed conditional water rights as long as the change of water rights and plan for augmentation are

operated and administered in accordance with the terms and conditions described herein.

RULING, JUDGMENT, AND DECREE

20. The Findings of Fact and Conclusions of Law as set forth above are incorporated herein by reference and are hereby modified as necessary to constitute part of the Ruling and Final Judgment and Decree.

21. The Court hereby grants the changes of water rights and conditional appropriative right of exchange and approves the plan for augmentation sought in these proceedings, subject to the terms and conditions described in this decree.

22. **Retained Jurisdiction:** Pursuant to the provisions of C.R.S. § 37-92-304(6), the Court shall retain jurisdiction over the changes of water rights and plan for augmentation granted herein for reconsideration of the question of whether the provisions of this Decree are necessary or sufficient to prevent injury to vested water rights or decreed conditional water rights. The Court's retained jurisdiction shall commence upon entry of this Decree and shall automatically terminate upon the later of (1) five years after Monte Vista serves notice on the parties that it has operated the plan for augmentation by using at least 50 percent of its total average annual consumptive use credits under any combination of its Ditch Water Rights; or (2) five years after Monte Vista enters into its first agreement(s) with the Rio Grande Water Conservation District, subdistricts of the Rio Grande Water Conservation District, or other water user or quasi-governmental water provider to replace depletions to the Alamosa and Conejos Rivers as described in Paragraphs 9.3.2.4, 9.3.2.5, and 9.3.2.6. In addition, the Court shall retain perpetual jurisdiction to reopen and amend the plan for augmentation in order to comply with any changes to the Groundwater Rules, including any further proceedings under Rule 8. During the retained jurisdiction period, the Court's retained jurisdiction may be invoked by any party to this case by petition, with appropriate notice to all other parties. The petition shall set forth with particularity the specific injury alleged, together with proposed decretal language that the petitioner contends would remedy the alleged injury that is the basis for the petition. The party lodging the petition shall have the burden of going forward to establish a prima facie showing of the facts alleged in the petition. If the Court finds those facts to be established, Monte Vista shall bear the burden of proving that (a) any modification sought by Monte Vista will avoid injury to other appropriators, or (b) any modification sought by Opposers is not required to avoid injury to other appropriators, or (c) any term or condition proposed by Monte Vista in response to any Objector's petition avoids injury to other appropriators.

23. **No Injury:** If operated pursuant to the provisions of this Decree, no owners of, or persons entitled to use, water under a vested water right or a decreed conditional water right will be injured by the water rights, changes of water rights, and plan for augmentation approved by this Decree.

24. **No Precedent:** There was no trial in this matter and no issues were litigated. This Decree was completed as the result of substantial discussions, negotiations and compromises by,

16CW3024

Findings of Fact, Conclusions of Law, Ruling of the Referee, Judgment and Decree of the Court

between and among Monte Vista and opposers pertaining to all parts of the Decree. It is specifically understood and agreed by the parties hereto, and found and concluded by the Court, that the acquiescence of the parties to a stipulated decree under the specific factual and legal circumstances of this contested matter and upon the numerous and interrelated compromises reached by the parties shall never give rise to any argument, claim, defense or theory of acquiescence, waiver, bar, merger, stare decisis, res judicata, estoppel, laches, or otherwise, nor to any administrative or judicial practice or precedent, by or against any of the parties hereto in any other matter, case or dispute, nor shall testimony concerning such acquiescence of any party to a stipulated decree herein be allowed in any other matter, case or dispute. All parties stipulate and agree that they do not intend the Decree to have the effect of precedent or preclusion on any factual or legal issue in any other matter. The parties further stipulate and agree that they each reserve the right to propose or to challenge any legal or factual position in any other plan for augmentation or other matter filed in this or any other court without limitation by this Decree.

25. **Diligence**: The conditional water rights decreed by this Decree are continued in full force and effect until _____, 202_. If Monte Vista desires to maintain such conditional rights, an application for a finding of reasonable diligence shall be filed on or before _____, 202_, or a showing made on or before such date that the conditional water rights have become absolute by reason of completion of the appropriations.

IT IS ORDERED that this Ruling shall be filed with the Water Clerk for Water Division 3, subject to judicial review.

Dated: _____, 2023.

BY THE COURT:

Nicolas Sarmiento
Water Referee
Water Division 3

No protest was filed to this matter. The foregoing ruling is confirmed and approved, and is made the Judgment and Decree of this Court.

Dated: _____, 2023.

BY THE COURT:

Michael A. Gonzales
Chief Judge/Water Judge
Water Division 3

DISTRICT COURT, WATER DIVISION 3, COLORADO Alamosa County Courthouse 8955 Independence Way Alamosa, CO 81101 Phone: 719-589-4996	
CONCERNING THE APPLICATION FOR WATER RIGHTS OF CITY OF MONTE VISTA, IN ALAMOSA, CONEJOS, COSTILLA, HINSDALE AND RIO GRANDE COUNTIES, COLORADO	
<i>Attorneys for Applicant City of Monte Vista</i> Peter D. Nichols, #33167 Geoffrey M. Williamson, #35891 Megan Christensen, #50344 BERG HILL GREENLEAF RUSCITTI LLP 1712 Pearl Street Boulder, Colorado 80302 Phone Number: (303) 402-1600 Fax Number: (303) 402-1601 E-Mail: pdn@bhgrlaw.com; gmw@bhgrlaw.com; megan.christensen@bhgrlaw.com	▲ COURT USE ONLY ▲ Case Number: 16CW3024
STIPULATION BETWEEN APPLICANT CITY OF MONTE VISTA AND OPPOSER CITY OF ALAMOSA	

Applicant, the City of Monte Vista (“Applicant” or “Monte Vista”) and Opposer, the City of Alamosa (“Opposer”), by and through their attorneys, hereby stipulate and agree to the following:

1. Monte Vista and Opposer desire to enter into this Stipulation for the purpose of resolving Opposer’s opposition in this case.
2. Opposer consents to the entry of a decree in the above-captioned matter in the form and upon the terms and conditions contained in the attached proposed Findings of Fact, Conclusions of Law, Ruling of Referee, Judgment and Decree of the Court dated August 18, 2023, (“Proposed Decree”), attached hereto as **Exhibit A**. Opposer will not object to the entry of any modified form of the decree ultimately entered in this case, so long as the terms and conditions in the modified decree are no less restrictive on Applicant than those contained in the Proposed Decree and are not otherwise inconsistent with this Stipulation.
3. This Stipulation is entered into by way of compromise and settlement of this litigation. The agreement of the undersigned parties for entry of the Proposed Decree shall not be construed as concurrence by these parties beyond the decree adjudicated herein with any findings of fact or conclusions of law contained therein or with the engineering methodologies

utilized by either party in arriving at this Stipulation. Nothing contained in the Proposed Decree shall be binding upon either party in any proceeding other than the current proceeding.

4. Opposer shall remain on the Certificate of Service and shall be provided with a copy of all pleadings and additional proposed rulings and decrees in this case. Monte Vista will give Opposer notice of and the opportunity to review any changes to the Proposed Decree attached hereto as **Exhibit A**, including changes made before, during, or after any trial in this matter, before submitting the final decree to the Water Court for entry.

5. This Stipulation shall be enforceable by the parties either as an agreement or as an order of the Court.

6. Both Monte Vista and Opposer agree this Stipulation shall bind and benefit them and will be binding upon and benefit their assigns and successors in interest; however, except as may be expressly provided in any decree which may be entered by the Court in this matter, individuals other than the signatories to this Stipulation are neither bound by nor intended to benefit from this Stipulation.

7. Monte Vista and Opposer further stipulate and agree that each will bear its own costs and fees associated with its appearance in this matter.

8. The parties hereto represent and affirm the signatories to this Stipulation are legally authorized to bind the parties.

9. Monte Vista shall file a motion with the Court requesting that the Court enter an order approving this Stipulation, and Opposer consents to that motion.

10. Nothing in this Stipulation or any decree entered by the Court shall prevent Opposer from fully participating in any subsequent action that involves all or any portion of the water rights that are the subject of the above-captioned case.

Dated this ____ day of _____, 2023.

BERG HILL GREENLEAF RUSCITTI LLP

By: _____

Peter Nichols, #33167

Geoffrey M. Williamson, #35891

Megan Christensen, #50344

Attorneys for Applicant City of Monte Vista

ERICH SCHWIESOW, CITY ATTORNEY

By: _____

Erich Schwiesow, #23385

Attorney for Opposer City of Alamosa

**ALAMOSA CITY COUNCIL
COUNCIL COMMUNICATION**

Subject/Title:

Executive session pursuant to C.R.S. § 24-6-402(4)(b) and (4)(e) receive advice from the City Attorney and to determine positions and instruct negotiators for a CCRD mediation.