

NOTICE OF INCLUSION

This Notice of Inclusion is provided on behalf of the Huerfano County Water Conservancy District (“HCWCD”) pursuant to the terms of Paragraph 15 of the November 14, 2016 Findings of Fact, Conclusions of Law, and Judgment and Decree of the Water Court in Case No. 13CW3062, District Court, Water Division 2, State of Colorado (“Regional Augmentation Plan”).

This Notice of Inclusion concerns the requested addition of a new Participating Diversion into the Regional Augmentation Plan, whose depletions would then be included into and replaced under the terms and provisions of the Regional Augmentation Plan. The applicant seeking the inclusion of the requested Participating Diversion is Kent Mace and Amos Mace, 8055 County Road 570, Gardner, Colorado 81040 (“Mace”).

Included with and attached to this Notice of Inclusion are the following:

1. May 25, 2021 letter from Steve Smith, P.E., of Applegate Group, Inc. (“Applegate”), to HCWCD concerning completeness of the Mace application to include a Participating Diversion within the Regional Augmentation Plan.
2. May 25, 2021 engineering report from Applegate (“Applegate Report”) containing the analysis of whether Mace’s proposed uses and depletions fit within the terms of the Decree in Case No. 13CW3062 and whether Mace’s diversions can be included within the Regional Augmentation Plan as a Participating Diversion. The Applegate Report concludes that Mace’s proposed water use and depletions can be included and augmented pursuant to the terms of the Regional Augmentation Plan.
3. The application for Augmentation of Commercial Water User Diversions submitted by Mace, dated March 22, 2021, is attached to the Applegate Report.

The requested Participating Diversion for Mace is a well to be constructed upon approval of the Application for inclusion into the Regional Augmentation Plan. The well is to be located in the NE1/4 of the SE1/4 of Section 31, Township 26 South, Range 70 West of the 6th P.M.

As an opposer in Case No. 13CW3062, you have 63 days from the date of this Notice of Inclusion, for a commercial user, to file comments to the requested inclusion of Mace into the Regional Augmentation Plan as a Participating Diversion (“Comment Period”). Any comments to the Mace inclusion as a Participating Diversion must be in writing and received by the District within the Comment Period. Comments after such date may not be considered by the District. Any comments are to be submitted to all of the following:

Huerfano County Water Conservancy District
Attn: Carol Dunn
P.O. Box 442
La Veta, Colorado 81055
hcwcdistrict@gmail.com

Steven T. Monson
Ryan W. Farr
Monson, Cummins & Shohet, LLC
13511 Northgate Estates Drive, Suite 250
Colorado Springs, CO. 80921
stm@cowaterlaw.com; rwf@cowaterlaw.com

Rachel Zancanella
Supervisor for Decreed Augmentation Plan Coordinator
Office of the Division Engineer for Division 2
210 E. Abriendo Ave., Ste. B
Pueblo, CO 81004
rachel.zancanella@state.co.us

Lori Lest
Assistant Division Engineer
Office of the Division Engineer for Division 2
210 E. Abriendo Ave., Ste. B
Pueblo, CO 81004
lori.lest@state.co.us

Melissa van der Poel
Colorado Division of Water Resources
1313 Sherman St., Rm 818
Denver, CO 80203
melissa.vanderpoel@state.co.us

HCWCD will take action on the Application following the expiration of the Comment Period.

Dated this 12th day of July, 2021

MONSON, CUMMINS & SHOHET, LLC

/s/ Ryan W. Farr

Steven T. Monson, #11329

Ryan W. Farr #39394

Attorneys for Huerfano County Water Conservancy
District



Water Resource Advisors for the West

May 25, 2021

Carol Dunn, Administrator
Huerfano County Water Conservancy District
P.O. Box 442
LaVeta, CO 81055

RE: Application of Proposed Malachite Springs Well for Inclusion in the Regional Augmentation Plan Decreed for Huerfano County Water Conservancy District in Case No. 13CW3062

Dear Carol:

The Huerfano County Water Conservancy District (“District”) has received an application from Kent Mace of Gardner requesting inclusion in the District’s regional augmentation plan decreed in Case No. 13CW3062 (“Augmentation Plan”). After consultation with the District’s legal counsel, Steve Monson, it has been determined that the Malachite application is complete and that, Malachite’s proposed diversions and uses fit within the Augmentation Plan and can be incorporated into the Augmentation Plan per its terms. Attached is the completed application and supporting analysis.

Sincerely,
Applegate Group, Inc.

Steve Smith, P.E.
Vice President

SS/tmk

cc: Steve Monson

Attachment: Analysis Summary Letter for Malachite Springs Well

AG#:21-107



Water Resource Advisors for the West

May 25, 2021

Mr. Scott King, President
Huerfano County Water Conservancy District
c/o Administrator
P.O. Box 442
LaVeta, CO 81055

**RE: Application of Malachite Springs Well for Inclusion in the Regional Augmentation Plan
Decreed in Case No. 13CW3062**

Dear Scott:

The Huerfano County Water Conservancy District (“District”) has received an application from Kent Mace (“Applicant”) requesting inclusion in the District’s regional augmentation plan decreed in Case No. 13CW3062. That application is included as Attachment A. Pursuant to the requirements of the decree in Case No. 13CW3062, this letter describes the amount, timing and location of water use and stream depletions associated with Applicant’s proposed water use and the amount, timing and location of depletion replacement proposed to be provided by the District’s augmentation plan. If this proposal is acceptable to the District Board, the next step in inclusion of Applicant into the augmentation plan would be consultation with the Division Engineer’s Office followed by public notice per the terms of the decree.

Applicant’s Proposed Water Use

Applicant has prepared an application for a well permit to drill a well and to use water from that well for two purposes: sanitary facilities, cleaning, and operations of a small 4 to 6 site developed campground with no irrigated areas; and non-domestic use water tanks for general water haulage. Water use would be 10% depletive for use at the sanitary and cleaning facilities, based on onsite treatment via a non-evaporative septic system. Non-domestic water use for general water haulage is assumed to be 100% depletive. The well will be located in the NE ¼ SE ¼ Section 31, T26S, R70W, 6th P.M. Figure 1 shows the location of the well and the proposed campground. The well will be located within the Augmentation Plan Area as shown in Exhibit A to the decree in Case No. 13CW3062.

The Applicant anticipates drilling the well in the valley-fill aquifer surrounding the Huerfano River. Exhibit F to the decree for Case No. 13CW3062 indicates typical valley-fill aquifers are presented as a ½-mile buffer around the Huerfano River with additional aquifer width in the area of the proposed Malachite Well. The Malachite Well is located within the Huerfano River valley-fill aquifer. Typical parameters for valley-fill aquifers are presented in paragraph 10.2.4 of the decree for Case No. 13CW3062 and are summarized in Table 1. The aquifer width, W, was measured as the distance from the Huerfano River centerline to the edge of the alluvial aquifer and glacial moraine near the old Malachite School.

Parameter	Value	Unit
Distance from well to river, X	814	ft
Distance from river to boundary, W	2,928	ft
Distance from well to boundary, B	2,114	ft
Elevation difference, well to river	14	ft
Water table slope	1.7%	%
Saturated Thickness, b	20	ft
Hydraulic Conductivity, k	1,400	gpd/ft ²
Specific Yield (aka Storage Coefficient)	20	%
Transmissivity, T (= b x k)	28,000	gpd/ft

Table 1. Aquifer Parameters for Proposed Malachite Springs Well

Applicant has estimated its water use at approximately 1 acre-foot per year at full development that will be phased-in over the course of several years. Water use will be for sanitary facilities, cleaning, and operations of a small 4 to 6 site developed campground that will have no irrigated areas. Water use will generally be in the summer months, and it was assumed that water use will occur from April through October, which is a period consistent with anticipated camping at the site. It will also be used to fill non-domestic use water tanks for general water haulage applications. Haulage purpose water use will be 100% consumptive. The place of use will be the Malachite Springs Campground, shown on Figure 1.

Depletions

The terms of the decree in Case No. 13CW3062 provide direction for the determination of the timing of ground water depletions. Applicant’s well will be completed in a valley-fill aquifer and is not a significantly higher elevation than the river. As a result, the Glover Method will be used to determine the timing of groundwater depletions at the Huerfano River due to water pumped from Applicant’s well. The point of depletion to the Huerfano River due to withdrawals from the valley-fill aquifer by this well is taken to be in the SE ¼ NE ¼ of Section 31, T26S, R70W. Figure 1 shows the distance from the well to the point of depletion on the Huerfano River (referred to as the X distance). Figure 1 also shows the distance from the well to the boundary of the aquifer (referred to as the B distance) where it is bounded by the edge of the alluvial aquifer and the glacial moraine near the old Malachite School. The Glover X distance is 814 feet. The Glover B distance is 2,114 feet.

The unit response function (URF) for this well was calculated using the Glover Method using the parameters in Table 1. The URFs were truncated once 95% of the depletion accumulated, and the remaining 5% of the depletion was proportionately included in the prior lagging factors to achieve 100% replacement. The resulting URF is provided as Attachment B. Month one is the month of pumping. The URFs peak in month 2 after which they slowly taper down with approximately 90% of depletions accruing to the Huerfano River within the first year. Depletions will impact the Huerfano River about 3 miles upstream of its confluence with Muddy Creek.

Augmentation Plan

The District has developed and operated the regional augmentation plan since 2014, originally under approved Substitute Water Supply Plans and then as decreed in Case No. 13CW3062. The augmentation plan uses the District’s ownership in the William Craig Ditch, priority number seven on the Huerfano River,

to make replacements for depletions. At this stage of implementation, full dry-up of the historical irrigated acreage has been completed, allowing 100% of the water right changed in Case No. 13CW3062 to be used for augmentation purposes.

An augmentation station has been built on the William Craig ranch to deliver a portion of the priority number seven water back to the river. Also, a recharge facility has been constructed adjacent to the William Craig Ditch to generate accretions to the river during the non-irrigation season. Total deliveries through the augmentation station, total net recharge at the recharge facility, and total depletions of plan participants that were augmented during 2020 are summarized as follows. There were 14 ac-ft of surplus credits in 2020 operations, which included approximately 35% dry-up of the HCWCD’s William Craig water right. It is noted that HCWCD could use up to its full William Craig water right, which would generate an additional 120 ac-ft of historical consumptive use credits that would be available for augmentation of participants in the umbrella augmentation plan decreed in Case No. 13CW3062.

Water Year 2020 Operations	Ac-Ft
Augmentation station deliveries	24
Recharge accretions	26
Return flow replacement	26
Depletions augmented	10
Surplus credits	14

The existing facilities have been sufficient during the last seven years to provide year-round replacement of depletions attributable to the water users included in the regional augmentation plan. To further increase the capability of the augmentation plan, the District constructed a reservoir of about 46 acre-feet capacity upstream of the community of Gardner and adjacent to the Huerfano River, called the Sheep Mountain Augmentation Facility. Consumptive use credits from the William Craig Ditch will be exchanged upstream and stored in this reservoir for later release when needed to make replacement under the augmentation plan.

There were four water users included in the regional augmentation plan by decree. They were Gardner Public Improvement District, Huerfano County Road and Bridge, CO61 Water Association, and Paradise Acres Homeowners Association. Four participants have joined subsequent to the signing of the decree pursuant to paragraph 15 of the decree. The level of participation of the eight water users in 2020, that is, the acre-feet of annual consumption for which they arranged for augmentation by the District, is as follows.

Participant	Annual Consumption Contracted (AF)
Gardner Public Improvement District	5.0
Huerfano County Road & Bridge	3.0
CO61 Water Assn	0.5

Paradise Acres Homeowners Assn	0.5
Cummings	2.0
NuGro	2.0
SCG	3.0
Acme	1.0
Total	17.0

The average annual consumption by all users in the HCWCD system are as follows.

Participant	2020 Annual Consumption (AF)
Gardner Public Improvement District	4.98
Huerfano County Road & Bridge	2.95
CO61 Water Assn	0.36
Paradise Acres Homeowners Assn	0.23
Cummings	0.00
NuGro	0.72
SCG	0.35
Acme	0.25
Total	9.61

Because the newer participants are start-ups and the long lag times associated with well pumping, the participants' total depletion at the river in 2020 (9.61 acre-feet) was less than the contracted amount (17 acre-feet)

The Malachite consumption and depletion will also ramp up over a 3-year period. The Malachite application indicates the well will be developed sometime in 2021 and the sanitary and water haulage location and the campground will be built in 2022.

As noted in the decree, the average historical consumptive use associated with the District's ownership of the William Craig water right was approximately 170 acre-feet per year. The challenge is providing augmentation water on a year-round basis. For this reason, the recharge pond on William Craig Ranch was constructed and the Sheep Mountain Augmentation Facility (a 46-AF storage reservoir) was constructed. An analysis of the ability of the augmentation plan with these facilities to provide year-round augmentation through severe drought was previously conducted and the firm yield of the project, upon full dry-up, was

calculated to be 52 acre-feet per year. The participants' total depletions will remain within the firm yield of the augmentation plan.

The District is aware that other water users may apply or intend to apply to be included in the regional plan for augmentation. There are currently seven well users and one surface diverter requesting a total of 17 acre-feet. The proposed water use is summarized as follows:

Water Balance	AF/yr
Existing Participants' Contracted Depletions	17
Applicants' Requested Water Use	1
Total Proposed Water Use with Applicants' Use	18
Firm Yield	52

Method of Replacement

Depletions attributable to Applicant's well will affect the Huerfano River approximately five miles upstream of the town of Gardner (Figure 1). The decree in Case No. 13CW3062 allows for exchanges from the William Craig augmentation station and recharge pond upstream to the Huerfano River at Inlet to the Red Wing Augmentation Facility. This reach includes the Applicant's well depletion point, and this exchange can be used to exchange upstream of the Applicant's well depletion point to replace depletions in the appropriate time, place, and amount. Exchanges from the SMAF outlet to the Huerfano River at the Red Wing Augmentation Facility can also be used during winter months to make replacements to the Applicant's well depletion point when accretions are not available from William Craig recharge or from the William Craig augmentation station deliveries.

Conclusion

It is my opinion that the Applicant's proposed water use, and depletions can be augmented pursuant to the terms and conditions of the decree in Case No. 13CW3062 which authorized the District's regional augmentation plan. Please let me know if you have any questions.

Sincerely,

Applegate Group, Inc.



Steve Smith, P.E.
Vice President

cc: Steve Monson

Attachments: Malachite Springs Well Application to Join HCWCD Regional Augmentation Plan
Malachite Springs Well URF

AG#:21-107

HUERFANO COUNTY WATER CONSERVANCY DISTRICT
APPLICATION FOR AUGMENTATION OF COMMERCIAL WATER USER DIVERSIONS
HUERFANO RIVER SUBSTITUTE WATER SUPPLY PLAN AND REGIONAL AUGMENTATION PLAN
Case No. 13CW3062

1. Applicant's name, address, phone number and email:

Kent Mace
8055 County Road 570
Gardner, Co. 81040
(719) 989-1221
kent@cswoods.com

2. Name and description of diversion structure used to obtain water:

A new well will be drilled on the same property as, and in close proximity to, The Malachite Spring (DWR Structure ID 7902339). The new well will serve as a new point of diversion for The Malachite Spring and the water right diverted from it (CW 05CW0011)

2.1 If the structure is a well, provide the well permit number.

Well permit number will be provided upon well application submission.

2.2 If the structure is a well, attach a copy of the well permit to the application

Well Permit will be provided upon receipt of permit

2.3 Provide copies of all Water Court decrees concerning the diversion structure(s)

Will be provided once well is completed

3. Provide history, if any, of water use at this structure:

Water has been diverted from Malachite Spring for stock and domestic purposes for over a century. Diversion records as recent as 2014 are on file and available from the DWR.

4. Name, address, phone number and email of **each** owner of the diversion structure(s) and the property to be served by the structure or diversion:

Amos Mace
8055 CR 570
Gardner, Co. 81040
(970) 309-1799
amosmace@cswoods.com

5. Provide legal descriptions of **each** property to be served by the structure or diversion:

Tract "B-1" of Lot Line Rearrangement of Tracts "B" and "C" of Boundary Survey of Tracts A-G, recorded October 15, 1998 Reception No. 336204, Map No. 17-S-293 in Pocket 24 and Folder 1; Huerfano County Records. Said Lot Line Rearrangement having been recorded May 30, 2002, Reception No. 354140, Map No. 17-S-523 in Pocket No. 29 and Folder No. 1; Huerfano County Records, tract "B-1" being located in the SE 1/4, Section 31, Township 26 South, Range 70 West, 6th P.M., Huerfano County, Colorado being more particularly described as follows:

Beginning at the E 1/4 corner of said Section 31; thence S 00° 08' 17" E, along the East line of said Section 31, a distance of 181.50 feet; thence S 89° 51' 43" W, a distance of 330.00 feet; thence S 00° 08' 17" E, a distance of 772.24 feet, to a point on the northerly bank of the Huerfano River; thence S 48° 36' 53" W, along the said northerly bank, a distance of 1274.28 feet; thence N 07° 58' 41" W, a distance of 728.27 feet; thence N 48° 15' 53" E, a distance of 300.48 feet; thence N 18° 03' 02" W, a distance of 237.72 feet; thence S 73° 25' 56" W, a distance of 309.98 feet; thence N 33° 33' 25" W, a distance of 794.68 feet to a point on the North line of the said SE 1/4; thence N 87° 47' 43" E, along the said North line a distance of 1972.12 feet, to the Point of Beginning. SAID PARCEL OF LAND CONTAINS 38.27 ACRES, MORE OR LESS.

6. Location of structure or diversion (include quarter quarter, section, township, and range, and approximate feet from section lines; include a map of the location showing the diversion structure(s)):

New well will be located approximately 400' West of current Malachite Spring location. Exact location of the new well will be determined upon completion and provided to the HCWCD then.

7. GPS coordinates for structure or diversion (if available):

8. Provide a detailed description of proposed water uses for **each** property and the basis and calculation whereby you have estimated your water. Also, answer the applicable questions:

Water diverted from the new well will be used for two purposes. It will be used in sanitary facilities, cleaning, and operations of a small 4-6 site developed campground that will have no irrigated areas. It will also be used to fill non-domestic use water tanks for general water haulage applications.

- 8.1 For hotel, motel, lodge, guest ranch, cabins **with** kitchenettes– How many guest rooms and staff rooms? _____ What is the expected annual occupancy rate? _____
- 8.2 For hotel, motel, lodge, guest ranch, cabins **without** kitchenettes– How many guest rooms and staff rooms? _____ What is the expected annual occupancy rate? _____
- 8.3 For laundromats, how many washing machines? _____
- 8.4 For restaurants, with table/bar service, what is the expected average number of customers per year? _____
- 8.5 For restaurants with paper service only, what is the expected average number of customers per year? _____
- 8.6 For kennels, what is the expected average number of dogs boarded per year? _____
- 8.7 For offices, what is the square footage of finished floor space? _____
- 8.8 For campgrounds and RV parks with central public toilet and shower facility, how many campsites?
6
- 8.9 For campgrounds and RV parks with water/sewer hookups only, how many campsites? _____
- 8.10 For warehouses, what is the square footage of floor space? _____
- 8.11 For schools without cafeteria, gym and showers, how many students? _____
- 8.12 For schools with cafeteria, gym and showers, how many students? _____

- 8.13 For automobile service station without car wash, how many pumps? _____
- 8.14 For all commercial enterprises, how many square feet of irrigated lawn and garden? _____
- 8.15 For any other type of commercial enterprise, describe the number of employees, and the types of water use.

For the water haulage portion of the commercial enterprise all diversions will be counted as 100% consumptive use. The haulage of water will primarily be for use by campground users, local small scale agricultural and construction industrial water haulers, and to supplement non-domestic commercial water haulage users of the GPID water system. All water haulage will occur from an individually metered filling point.

- 8.16 For non-commercial enterprise related use, how many square feet of lawn and/or garden irrigation: _____
- 8.17 Number of single family dwellings: _____
- 8.18 Number and type of livestock and other animals: _____
- 8.19 Surface area of ponds (in square feet): _____

9. If one or more ponds are or will be present, please answer the following questions:
Location(s) of the pond(s).

- 9.1 Location of each pond: _____
- 9.2 Surface area of each pond: _____
- 9.3 Depth of each pond: _____
- 9.4 Sources used to fill each pond: _____
- 9.5 Use of water or destination after release from each pond, if any: _____

10. Type of wastewater treatment (e.g. septic tank and leach field, evapotranspiration system, sewer line to wastewater treatment plant):

Campground will include a septic tank and a leach field for its own sanitary facilities. No general purpose black water dump will be available on site.

11. If water use will be phased-in, please describe expected timing of projected water uses:

Water usage will be phased-in over the course of a number of years. The new well will be developed sometime during 2021. Sanitary facilities and water haulage location will be built in 2022. Campground development will start in 2022 and continue.

12. If able, provide projection of volume of water use on a monthly basis for upcoming year: _____

13. What is the date the structure was first used to divert water for **each** beneficial use:

New structure to serve as point of diversion for the Malachite Spring Water Right has not been built, and thus has not yet diverted any water.

14. Does the activity for which water use is requested require permits to legally conduct operations?

Yes, business permits from the state and county will be required.

15. If the commercial activity requires permits to legally conduct operations, please list and describe what permits you currently have and what, if any, permits of which you are still in need. If there are still needed permits to be obtained, please describe why they have not yet been obtained, a description of the steps necessary to obtain them, and an estimated timeframe to obtaining such permits:

This commercial activity will require permits. The complete list of permits has not yet been determined. This activity will take a minimum of 12 months to fully plan and permit.

16. Provide a detailed description, with relevant documentation, of any existing dispute or controversy involving the diversion structure(s) or property that is the subject of this application, including any outstanding matters in dispute with the Colorado Division of Water Resources:

There are no unresolved disputes associated with the Malachite Spring Structure or its associated water rights.

17. Indicate whether you are seeking a lease (provided depletion lagging is less than 6 years) or a purchase or a lease/purchase:

Kent Mace is seeking to purchase 1 full acre foot of augmentation water to support current and future commercial activities in the Upper Huerfano Drainage area.

I understand that the Board of Directors ("Board") of the Huerfano County Water Conservancy District ("HCWCD") will rely upon the statements I have made in this Application and that such statements are subject to the provisions of § 18-8-503, C.R.S. § 18-8-503, C.R.S. states that a person commits Second Degree Perjury if he/she makes a materially false statement (*i.e.*, one that he/she does not believe to be true) while under oath with the intent to mislead a public servant in the performance of the servant's duty. I further understand such statements are subject to the provision of § 18-8-306, C.R.S. § 18-8-306, C.R.S. states that a person commits the crime of Attempting to Influence a Public Servant if he/she attempts to influence a public servant by means of deceit, with the intent to alter the public servant's decision, vote, opinion, or action concerning any matter which is to be considered or performed by him/her or the agency or body of which he/she is a member.

I understand that the Board's approval of this Application may be rescinded, whether or not the Board institutes civil or criminal proceedings against the Applicant, if it is determined that one or more of my statements herein are materially false or misleading.

The Applicant further acknowledges and understands the following:

A. HCWCD charges a non-refundable application fee for processing this Application, the amount of which is determined on a case-by-case basis; subject to paragraph G below.

B. The amount of the actual application fee will be predicated upon the fees and costs incurred by HCWCD in determining if and how to incorporate my request for water into HCWCD's substitute water supply plan or regional augmentation plan.

C. These fees and costs are the result of administrative, legal, engineering, and miscellaneous fees and costs associated with proper application processing.

D. HCWCD will provide to me an estimated application fee subsequent to my submission of this Application. After being provided the estimated application fee I may choose to decline to have the Application processed, thereby avoiding payment of any application fee.

E. If I choose to have HCWCD process my application I must pay the entire estimated application fee set forth by HCWCD before HCWCD will conduct any application processing activities.

F. That HCWCD will endeavor to provide an accurate estimate; however, I understand in some circumstances, the estimated application fee may not be the same amount as the actual application fee. The amount of the actual application fee will be determined after the completion of the application processing. By authorizing the processing of this Application, I agree to pay the actual application fee which shall be the total of all reasonable administrative costs, engineering fees and costs, legal fees and costs, and any other fees and costs incurred by HCWCD in the processing of my Application. I agree to pay the actual application fee whether or not HCWCD ultimately approves my application, or whether or not I ultimately lease or purchase water from HCWCD.

G. Any amount of the estimated application fee paid by me that is over and above the actual application fee will be returned to me upon approval or denial of my application by HCWCD. Alternatively, any amount of the actual application fee that is over and above the estimated application fee is due by me upon the completion of the Application processing.

H. If I choose to proceed with the application process there is no guaranty or representation of success or the timeliness of inclusion into the HCWCD plan. I understand that if measuring devices or other equipment are necessary for the administration or acceptance of my diversions into the HCWCD plan, that I will be responsible for such costs. Such costs will be separate and in addition to the actual application fee.

I. If my application is successfully processed to include my diversions as augmented under the HCWCD's substitute water supply plan or the regional augmentation plan, I will be required to pay the difference between the estimated application fee and the actual application fee, if any, and to sign a purchase or lease agreement with HCWCD for the provision of the temporary or permanent replacement water, as the case may be under the circumstance. This lease or purchase agreement shall set forth the lease or purchase price and the terms and provisions for inclusion within HCWCD's plan.

J. Such lease or purchase agreement shall be upon terms satisfactory to HCWCD, and I have been encouraged to inquire as to the expected terms and prices for the provision of replacement water by HCWCD.

K. All water uses and the augmentation water supplied to me by HCWCD is subject to the HCWCD legally enacted rules and regulations as they now exist and as they may be added, amended, or supplemented in the future, and I agree to be bound by and comply with all such applicable HCWCD rules and regulations.

Applicant: KENT MACE
Title: OWNER
Date: 3-22-21

APPLICANT:

Kent Mace
Signature

KENT MACE , OWNER
PRINT Name Title

STATE OF COLORADO)
COUNTY OF HUERFANO) ss.

The foregoing instrument was acknowledged before me this _____ day of _____, 20__, by

Witness my hand and official seal.
My commission expires:

Notary Public

**This section to be completed after Applicant is provided an estimated application fee:
Please mark and sign only one selection.**

I hereby authorize Huerfano County Water Conservancy District to process this application, and thereby agree to pay the actual application fee.

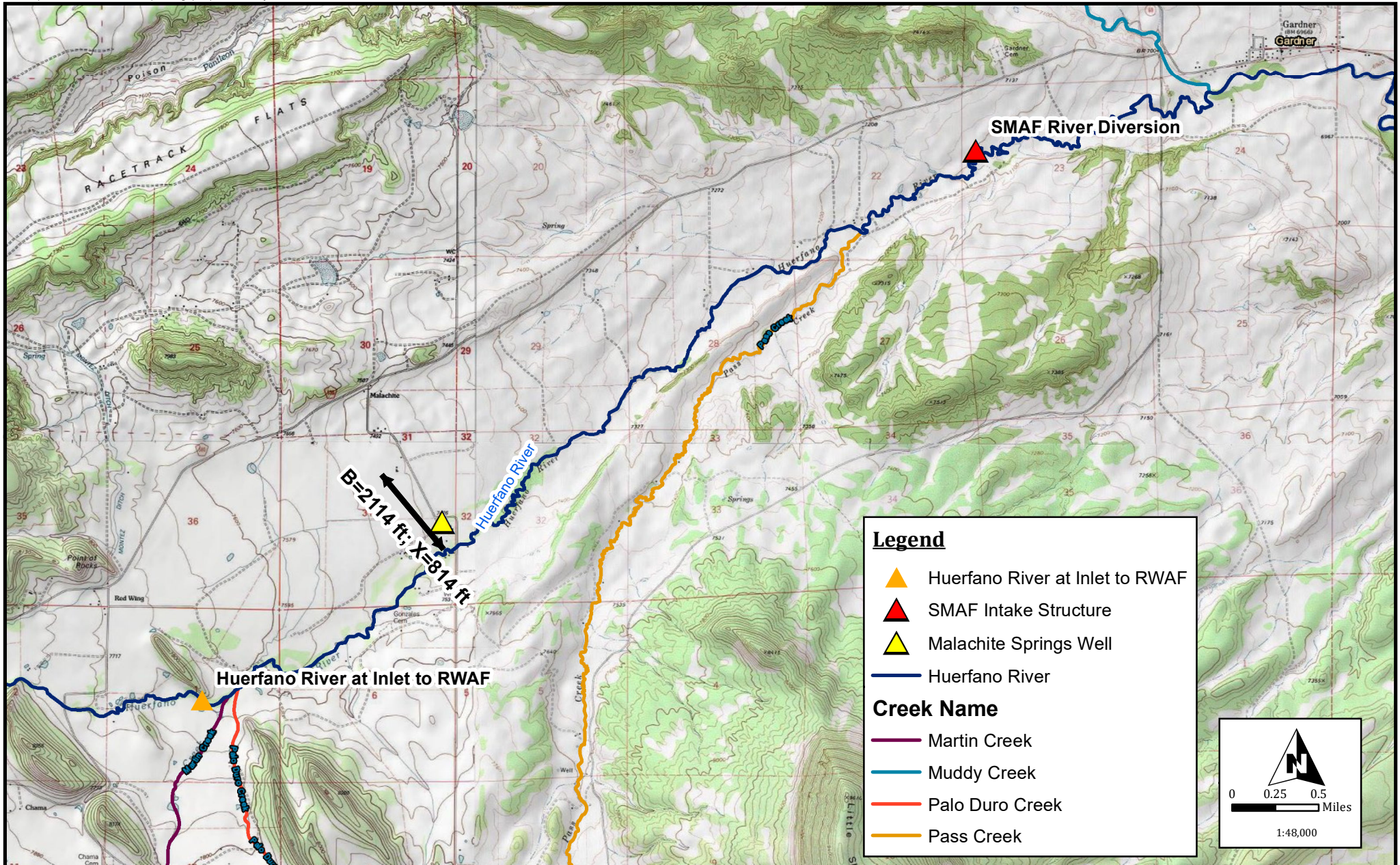
Signature

I hereby cancel my request for Huerfano County Water Conservancy District to process this application and thereby do not incur any fees or costs.

Signature

Attachment B – Malachite Springs Well URF

Month	URF
1	0.267
2	0.278
3	0.113
4	0.059
5	0.039
6	0.027
7	0.022
8	0.018
9	0.014
10	0.013
11	0.011
12	0.011
13	0.009
14	0.007
15	0.008
16	0.007
17	0.007
18	0.006
19	0.006
20	0.006
21	0.005
22	0.005
23	0.005
24	0.005
25	0.005
26	0.004
27	0.004
28	0.004
29	0.004
30	0.004
31	0.003
32	0.003
33	0.003
34	0.003
35	0.003
36	0.003
37	0.003
38	0.002
39	0.002
40	0.002
Total	1.0000



Applegate Group, Inc.
 Water Resource Advisors for the West
 1490 West 121st Ave., Ste 100 Phone: (303) 452-6611
 Denver, CO 80234-2728 Fax: (303) 452-2759
 www.ApplegateGroup.com e-mail: info@applegategroup.com

HCWCD

Malachite Springs Vicinity Map

Date: 12 May 2021
 Job #: 21-107
 Drawn By: DAB

Figure:
1
 Of: 1

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that on this 12th day of July, 2021, a true and correct copy of the foregoing, Notice of Inclusion on Application of Kent Mace and Amos Mace, 8055 County Road 570, Gardner, Colorado 81040 (“Mace”) for a Participating Diversion was sent in accordance with Exhibit H of the Decree in 13CW3062, District Court, Water Division 2, via regular mail and electronic mail, as indicated, to the following:

1. **Stephen Wardell and Carolyn Wardell**
2955 C.R. 611
Walsenburg, Colorado, 81089

With notice to:

Chip Cutler
Cutler Law Office, LLC
P.O. Box 743
329 W. Hwy 50
Salida, Colorado 81201
chip@cutlerlaw.org

2. **Fort Lyon Canal Company**
750 Bent Avenue
Las Animas, CO 81054

With notice to: Grosscup Balcomb & Green, P.C.
c/o David C. Hallford
Sara M. Dunn
P.O. Drawer 790
Glenwood Springs, Colorado, 81602
dhallford@balcombgreen.com
sarad@balcombgreen.com

3. **District 67 Irrigation Canals Assn.**
c/o Don Higbee, Secretary/Treasurer
18529 Highways 50 and 285
Lamar, Colorado, 81052

With notice to:

Shinn, Steerman & Shinn
c/o Donald L. Steerman
P.O. Box 390
Lamar, Colorado, 81052
shinnsteermanlaw@centurytel.net

4. **Donald Andreatta and Barbara Andreatta**
1370 County Road 358
La Veta, Colorado, 81055

With notice to:

Grosscup Balcomb & Green, P.C.
c/o David C. Hallford and Scott Grosscup
P.O. Drawer 790
Glenwood Springs, Colorado, 81602
dhallford@balcombgreen.com

5. **Colorado Water Conservation Board**
Stream and Lake Protection Section
1313 Sherman Street, Room 721
Denver, Colorado, 80203

and with notice to:

Office of the Colorado Attorney General, Natural Resources and Environment Section
1300 Broadway, 7th Floor
Denver, Colorado, 80203
Jen Mele jennifer.mele@coag.gov

6. Growing Roots, LLC

P.O. Box 928
Carmel Valley, CA 93924

With notice to:

Alperstein & Covell P.C.
c/o Andrea L. Benson, Cynthia F.
Covell, and Robert T. Donald
1600 Broadway, Suite 1070
Denver, Colorado, 80202
alb@alpersteincovell.com

7. Lucy R. Hibberd

327 S. 7th Street
Aspen, Colorado, 81611

With notice to:

Corona Water Law
c/o Craig Corona
420 E. Main Street, Suite 203
Aspen, Colorado, 81611
cc@craigcoronalaw.com

8. Colorado State Engineer

1313 Sherman Street, Room 818
Denver, Colorado, 80203

and with notice to:

Jeff Deatherage:
jeff.deatherage@state.co.us

Melissa van der Poel

melissa.vanderpoel@state.co.us

And with notice to:

Office of the Colorado Attorney
General, Natural Resources and
Environment Section
1300 Broadway, 7th Floor
Denver, Colorado, 80203

9. Colorado Division 2 Engineer

310 E. Abriendo Avenue, Suite B
Pueblo, Colorado, 81004

With notice to:

Bill Tyner: bill.tyner@state.co.us
Doug Brgoch: doug.brgoch@state.co.us
Lenna Rauber: lenna.rauber@state.co.us

and with notice to:

Office of the Colorado Attorney
General, Natural Resources and
Environment Section
1300 Broadway, 7th Floor
Denver, Colorado, 80203
paul.benington@coag.gov

10. Charles F. Rowland

P.O. Box 7
Gardner, Colorado, 81040

11. Tom and Mary Thayer

4008 C.R. 650
Rye, CO 81069

12. The Castle Ranch, LLC

5801 E. 6th Avenue Pkwy
Denver, CO 80220

With notice to:

Stephen H. Leonhardt
Bernard F. Gehris
Burns, Figa & Will, P.C.
6400 S. Fiddlers Green Circle
Suite 1000
Greenwood Village, CO 80111
sleonhardt@bfwlaw.com

and

Roger T. Castle, # 7621 Roger T.
Castle, P.C. 1580 Lincoln St, Suite 500
Denver, CO 80203 Phone: (303) 839-
8251 E-mail:

rtcpc@earthlink.net
roger@rtcastlelaw.com

MONSON, CUMMINS & SHOHET, LLC

/s/ Ryan W. Farr

Steven T. Monson, #11329
Ryan W. Farr, #39394
Counsel for Applicant, Huerfano County
Water Conservancy District