COLORADO
Division of Water Resources
Department of Natural Resources

April 30, 2026

Amber Pacheco, Deputy General Manager
Rio Grande Water Conservation District
8805 Independence Way
Alamosa, CO 81101

RE: 2026 ANNUAL REPLACEMENT PLAN APPROVAL: SPECIAL IMPROVEMENT SUBDISTRICT NO. 4 OF THE RIO GRANDE WATER CONSERVATION DISTRICT

Dear Ms. Pacheco:

Thank you for your April 15, 2026 submission of the Special Improvement District No. 4's proposed Annual Replacement Plan (ARP) for the 2026 Plan Year (**May 1, 2026 through April 30, 2027**).

My staff and I have reviewed the proposed ARP and its appendices, and it is hereby approved. A copy of this approval will be available on the DWR website at:

https://dwr.colorado.gov/division-offices/division-3-office

All information and data related to this approved ARP will be available on our website.

Enclosed, please find my approval of the 2026 ARP.

Very Sincerely,

Jason T. Ullmann, P.E.
Acting State Engineer
Director of Division of Water Resources

cc: Division 3

Review, Findings, and Approval of Subdistrict No. 4's 2026 Annual Replacement Plan

Background

Special Improvement District No. 4 ("Subdistrict"), a political subdistrict of the Rio Grande Water Conservation District ("RGWCD"), formed through Saguache County District Court in Case 2017CV30005, timely submitted its proposed Annual Replacement Plan ("ARP") pursuant to its Plan of Water Management ("PWM") approved by the State Engineer and noticed through Division No. 3 Water Court in Case No. 2020CW3003 on March 13, 2020.

The 2026 Plan Year ARP and its appendices were available for download through a link on the RGWCD website. The ARP, its appendices, and resolutions were provided to the State and Division Engineers on April 15, 2026. Copies of the ARP were made available for viewing at the State and Division Engineers' offices. This letter will be posted on DWR's website. My staff and I have conducted this review of the ARP and comments thereon in accordance with the operational timelines specified in the Court approved Rules Governing the Withdrawal of Groundwater in Water Division No. 3 (the Rio Grande Basin) and Establishing Criteria for the Beginning and End of the Irrigation Season in Water Division No. 3 for all Irrigation Water Rights ("Rules"), Case 2015CW3024.

DWR Review

As set forth in the Rules, I must determine whether the ARP presents "sufficient evidence and engineering analysis to predict where and when Stream Depletions will occur and how the Subdistrict will replace or Remedy Injurious Stream Depletions to avoid injury to senior surface water rights." (Rules 11.3). Also, "the ARP will include: a database of Subdistrict and Contract Wells that will be covered by the ARP; a projection of the groundwater withdrawals from Subdistrict and Contract Wells during the current Water Administration Year; a calculation of the projected stream depletions resulting from groundwater withdrawals from Subdistrict and Contract Wells; a forecast of the flows for Division No. 3 streams; detailed information regarding the methods that will be utilized to replace or remedy injurious stream depletions during the ARP Year, including any contractual agreements used for replacement or remedy of injurious stream depletions that will be in place; any information regarding the fallowing of Subdistrict Lands; information to document progress towards achieving and maintaining a Sustainable Water Supply; and, documentation that sufficient funds are or will be available to carry out the operation of the ARP." (Subdistrict PWM, Section 6.1.2). Finally, I must review the ARP pursuant to the statutory mandates, constitutional requirements, rules and regulations adopted in Division No. 3, and any letters, comments, or other objections submitted by water users regarding the adequacy of the ARP. There were no letters, comments, or other objections submitted regarding the 2026 ARP.

With the foregoing in mind, I turn to a review of the ARP. It would be unwieldy to include in my review every detail of the thorough ARP, so for the purpose of this letter, I incorporate it and its supplements by reference.

11.1.1 Database of All Wells to be Covered by the ARP

Structure Identification Number (WDID) (Section 1 of 11.1.1 of the ARP)

A comprehensive list of wells included in the ARP is necessary in order to allow DWR to verify which wells are authorized to operate in accordance with the ARP. To that end, the Subdistrict submitted the most current tabulation of the structure identification number (WDID) of each well included in the Subdistrict (see Appendix A of the ARP). The Subdistrict also supplied a spreadsheet to DWR of the list of Subdistrict Wells as a supplement to the 2026 ARP. Appendix A lists **153 wells**. Two wells, WDIDs 2505044 and 2505045, were petitioned into the Subdistrict, but are decreed as alternate points to surface water rights. They are still included in the well list, but their pumping is not added to the Application Workbook run.

No new wells were added to the Well List for 2026. The contract wells accepted by the Subdistrict in prior ARP Years are listed in Appendix B. The Subdistrict removed one contract well, WDID 2505384, from the 2026 ARP for not complying with the contract requirements. All historical groundwater withdrawals from these wells are still included in the Application Workbook calculations.

Other Well Identification Information (Section 2 of 11.1.1 of the ARP)

The requirement to provide the database of wells the Subdistrict has accepted as part of this ARP was satisfied under 11.1.1.1.

Subdistrict Wells with Plans for Augmentation (Section 3 of 11.1.1 of the ARP)

The Subdistrict indicates the ARP Well List includes some wells that may be either fully or partially augmented by an approved plan for augmentation which is administered separately of the Subdistrict's PWM. No wells covered by plans for augmentation were identified by the Subdistrict. Therefore, all wells on the ARP list will be treated as Subdistrict Wells and the Subdistrict will remedy injurious stream depletions and post-plan injurious stream depletions attributable to the well's total groundwater withdrawals as part of this ARP, with the exception of wells WDIDs 2505044 and 2505045, which were described above in section 1 of 11.1.1. "The Subdistrict and this Plan of Water Management or ARP cannot be used as a source of water for new or expanded consumptive use of groundwater which is not within the terms and conditions of a valid permit or decree which was in effect as of July 21, 2017, or for new or expanded plans for augmentation or other replacement plans without the approval of both the courts and the Subdistrict's Board of Managers." (PWM at 2.4.6)

I have reviewed Appendix A and Appendix B of the ARP and consulted with staff and find it to be an accurate inventory of Subdistrict Wells that meets the requirements of Rule 11.1.1.

Total Projected Annual Diversion for All Subdistrict Wells (Section 4 of 11.1.1 of the ARP)

The Subdistrict compared past years and considered operational changes anticipated from Subdistrict members for 2026. In 2023, stream flows and antecedent conditions were very similar to the 2026 forecast. The Subdistrict noted that year resulted in the greatest Groundwater Consumptive Use during the years since Subdistrict formation. Using this comparison, the Subdistrict ARP Well groundwater withdrawals in 2026 are projected to be **11,249 acre-feet**.

Subdistrict Historical Metered Pumping (acre-feet)

2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
12,893	13,491	11,748	13,135	9,236	11,151	12,027	12,014	9,682	10,079

2021	2022	2023	2024	2025	2026	2027	2028	2029	2030
10,333	7,632	11,249	8,744	9,564					

Note: Data for 2021 – 2025 was taken from Table 2.1 of the ARP

Subdistrict Projected Pumping (acre-feet)

Input to Application Workbook	Predicted	Percent	Consumptive Use Ratio
Sprinkler Irrigation	8,605	78	0.85
Leveled Flood Irrigation	161	1	0.60
Wild Flood Irrigation	1,052	11	0.40
Other Pumping	1,431	10	0.60
Total Groundwater Withdrawals	11,249		

Note: Data for 2026 was taken from Table 2.1 of the ARP

Expected Methods of Irrigation, the Combined Projected Number of Acres Irrigated and the Total Projected Acreage by Each Irrigation Method (Section 5 of 11.1.1 of the ARP)

Subdistrict ARP wells are projected to irrigate approximately 12,000 acres during the Plan Year, including 8,000 acres irrigated by center pivot sprinklers and 4,000 acres irrigated by flood application. The Subdistrict made this projection based on review of the breakdown of acres in the RGWCD's annual Irrigated Ag Census and information submitted with Participation or Inclusion Contracts.

Non-Irrigation Subdistrict Wells – Calculation of All Projected Withdrawals and Projected Net Groundwater Consumptive Use (Section 6 of 11.1.1 of the ARP)

Included in the ARP Well List are a number of wells with beneficial uses other than irrigation. The Subdistrict utilized information provided by DWR to estimate consumptive use rates used in the RGDSS Model to calculate stream impacts and returns. Beneficial

uses include municipal, domestic, commercial, industrial, and aquaculture. A spreadsheet was prepared by the Subdistrict to calculate the composite Consumptive Use Ratio that is a necessary input in the Application Workbook. A spreadsheet of the calculation prepared for use in the 2026 ARP was submitted as supplement to this ARP.

Other Data Necessary to Support the Projected Stream Depletions (Section 7 of 11.1.1 of the ARP)

No other data was provided.

Other Information Required by the State and Division Engineers and Reasonably Necessary to Evaluate the Proposed ARP (Section 8 of 11.1.1 of the ARP)

The supplemental information needed to evaluate the 2026 ARP and provided to the State Engineer included:

1. A Resolution from RGWCD approving the Subdistrict 2026 ARP.
2. An electronic copy of the Application Workbook used to prepare the tables included in this ARP.
3. The list of Subdistrict Wells included in the 2026 ARP in spreadsheet format matching the list presented in Appendix A. The spreadsheet should identify each WDID as sprinkler, flood, wild flood, other, according to the Subdistrict's designation for the depletion calculation.
4. A spreadsheet describing the pumping and consumptive use percentage for each of the Subdistrict wells that are classified as "Other Pumping" in the Application Workbook calculations.
5. A Well Injury Payment (or Forbearance) Yield Analysis. This is a description of the Subdistrict's approach to estimate the probable yield of replacement sources for the various forbearance contracts with ditches under WIP agreements.
6. An MOU between the Subdistrict and the Saguache Subdistrict regarding the remedying of the Saguache Subdistrict depletions owed to San Luis Creek.
7. An MOU between the Subdistrict and Subdistricts No. 5 and No. 1 regarding the remedying of the San Luis Subdistrict depletions owed to Saguache Creek.
8. An automatically renewable contract between the Subdistrict and the Town of Saguache regarding the remedying of depletions owed to San Luis Creek per the Town's 16CW3023 plan for augmentation.
9. A contract, effective 5/1/2026, between the Subdistrict and Tim Lovato regarding the remedying of the depletions owed to San Luis Creek per the Lovato SWSP 8297 for the 2026 ARP Year.
10. Operational Requests to the Division Engineer for the 2026 ARP
    - The Subdistrict requests to aggregate depletions between Stream Reaches as part of the anticipated operation in 2026.
    - The Subdistrict requests to aggregate depletions with other Subdistricts during the 2026 ARP year.

11.1.2 Projected Stream Depletions from the Wells Covered by the ARP based on the Applicable Response Function or Approved Alternative Method

The Response Function Application Workbook (or "Application Workbook") outputs identify total projected stream depletions for the Plan Year, a breakdown of the monthly stream depletions for San Luis, Saguache and Crestone Creeks and a projection of the Post-Plan Stream Depletions calculated as a result of the Plan Year groundwater withdrawals from Subdistrict ARP Wells. The Subdistrict used the current 7P101v2 Application Workbook to calculate projected stream depletions for this ARP.

The United States Department of Agriculture's Natural Resources Conservation Service ("NRCS") streamflow statistics are calculated over a 30-year period and updated each decade, in agreement with World Meteorological Organization (WMO) standards. This 30-year reference period was chosen to characterize the current hydro climatology at each station. The current medians and averages have been updated to include data for the water years 1991-2020. The current year streamflow projection is compared to the 30-year reference period to determine the percent of "normal" streamflow. The NRCS forecasts were reported as percent of the median in this report.

The annual streamflow forecasts the Subdistrict referenced in the ARP includes the NRCS April 1, 2026 figures. The Subdistrict used the flow predicted at 10% chance of exceedance for Saguache Creek to provide the most conservative estimate of depletions under likely stream conditions for 2026.

The NRCS does not prepare a forecast for North Crestone Creek. The Subdistrict made a comparison of the of the median streamflow for North Crestone Creek between 1991-2020 included in the Application Workbooks and the percent of median forecast for Saguache Creek at the 50% chance of exceedance level. The 1991-2020 median streamflow for North Crestone Creek was 7,470 acre-feet. The NRCS's April 1, 2026 forecast for Saguache Creek at the 50% chance of exceedance was 12,100 acre-feet which is 43% of the NRCS 30-yr Median Flow for Saguache Creek. The Subdistrict used this percentage to calculate a projected stream flow of 3,200 acre-feet for North Crestone Creek.

2026 Stream Flow – Saguache & North Crestone Creeks
(Section 1 of 11.1.2 of the ARP)

The flows the Subdistrict used in the Application Workbook for 2026 are shown in the table below.

Stream Flow Forecast - Saguache Creek, Crestone Creek

San Luis Creek Stream Flow Analysis	Apr-Sep (acre-feet)	% of median
NRCS 'April 1st' Forecast	(1)	(2)
Saguache Creek near Saguache (10% exceedance)	20,000	71
RGWCD estimate (4/8/2026)		

North Crestone Creek	3,200	43

(1) projected 50% exceedance streamflow at the gaging station
(2) NRCS 30-yr Median Flow: Conejos-168,000, Los Pinos-61,000, San Antonio-9,600, Rio Grande-480,000, Alamosa-61,000, Saguache- 28,000, La Jara-6,800

Projected Plan Year Stream Depletions (Section 2 of 11.1.2 of the ARP)

Subdistrict staff predicted stream depletions for the Plan Year caused by Subdistrict ARP Wells by utilizing the 7P101v2 Application Workbook developed for the San Luis Creek Response Area under the RGDSS Groundwater Model Phase 7.

The Application Workbook was built to be used for the whole Response Area. The Subdistrict referenced the Phase 6 instruction sheets for How to Adjust the Application Workbook for use with a Subset of Wells. They did not have a similar sheet for Phase 7, so they described the process they used for the subset of Subdistrict wells as listed on the 2026 ARP.

The San Luis Creek Response Area identifies adjustments for point source return flows, as listed below. Adjustments are made on appropriate pages of the Application Workbook.

- San Luis Creek Response Area - Reach 2 (Crestone Creek) from the Town of Crestone and the Baca Water & Sanitation District.

The Subdistrict ARP Wells do include the Town of Crestone and the Baca Water & Sanitation District wells associated with the point source return flow, so no adjustments were made.

<u>The Application Workbook output for this approval will be generated from DWR's Application Workbook run. The tables presented in this letter have been updated with DWR's calculations.</u>

DWR used actual 2021-2025 diversion records for Town of Crestone and Baca Water & Sanitation District wells to update the monthly point source return flows in the Application Workbook calculations which resulted in a correction to the depletion schedule. The recent reduction in pumping and system upgrades to stop pipeline leakage by the Baca Water & Sanitation District results in reduced point source discharge and the changes made by DWR better represent more accurate discharge numbers. The process used in the Phase 6 Application Workbooks used a constant monthly discharge amount based on the last year of record incorporated into that version of the Model. That older process does not reflect the recent changes in actual municipal pumping.

The Subdistrict ARP Well List currently includes nearly 100% of the wells that are operating in the Response Area. Historical groundwater withdrawals for 2021 – 2025 with consumptive use ratios are entered on the Net CU Worksheet tab for the years 2021 through 2025. The categories are sprinkler irrigation, leveled flood irrigation, wild flood irrigation, and "Other" pumping. Projected ARP Well groundwater withdrawal values

were used for 2026. The consumptive use ratio for "Other" wells is specific to the uses of those wells and can vary widely. The "Other Consumptive Use Ratio" for the whole Response Area is a composite derived from the individual well withdrawals and consumptive uses.

The Subdistrict provided a spreadsheet of "Other" wells included in the Subdistrict ARP Well list as a supplement to the ARP. The spreadsheet shows the individual well groundwater withdrawals and consumptive use factors to explain how the composite ratios were determined for the subset wells.

On the Net CU & Streamflow tab, the Subdistrict utilized the streamflow information provided by Division 3 staff on April 2, 2026 for the period 2011-2025. In (Column 12), the Subdistrict calculated the Net Groundwater Consumptive Use (Jan-Dec) for the period 2011-2020 for the Subdistrict wells using the diversion records provided by Division 3 staff on April 2, 2026.

The Subdistrict has no Recharge that Offsets Groundwater for calculation of the Net Groundwater Consumptive Use. The projected Net Groundwater Consumptive Use for the Plan Year is **8,687 acre-feet**.

Following determination of the Net Groundwater Consumptive Use, the stream depletions are calculated for the Plan Year and projected into the future. The locations of the stream depletions and monthly quantities are tabulated in the ARP. The total stream depletions are **473 acre-feet** for Subdistrict wells. Including the obligations of contract entities on San Luis Creek, the total stream depletions are **473.54** acre-feet.

Subdistrict Projected Depletions (acre-feet)

Stream Reach	May-Oct, Apr	Nov-Mar	Total	Post Plan
Crestone Creek	-43	-4	-47	97
Saguache Creek	8	26	34	400
San Luis Creek	88	398	486	2,077
Total Depletions	53.1	419.9	473	2,574
San Luis Creek- Town of Saguache	0.0810	0.3737	0.4547	1.5
San Luis Creek- Lovato	0.0160	0.0738	0.0898	0.3
Total Depletions w/contracts	53.1970	420.3475	473.54	2,576

Post-Plan Stream Depletions are estimated to accrue to impacted streams for approximately 9 years. Based on predictions from the Application Workbook, there would be a total of **2,574 acre-feet** of Post-Plan Stream Depletions as shown in the table above. With contract entities, the total is **2,576 acre-feet.**

11.1.3 Description of How Injurious Stream Depletions from Groundwater Withdrawals by Wells Included in the ARP will be Replaced or Remedied

Amounts and Sources of Replacement Water for 2026 Plan Year
(Section 1 of 11.1.3 of the ARP)

The Subdistrict has assembled a portfolio of water supplies for the replacement of Injurious Stream Depletions and remedies other than water. The ARP identifies the water rights, their availability and their amounts in Table 3.1 of the ARP.

The adequacy of replacement sources for the ARP Year is dependent upon contracted amounts the Subdistrict has acquired as well as the availability of the source to pay depletions in place and time. For purposes of review of adequacy of replacement sources, there are three categories defined below, with examples described for each.

In Storage: Reservoir water in storage under the control of the Subdistrict. This water is available for release at the direction of the Subdistrict.

In Season: Ditch water that will become available to the Subdistrict when in priority during the irrigation season in the amount of depletion owed to streams daily by the Subdistrict. For some sources, water not used to pay daily depletions may be stored for Subdistrict use later.

On Call: Remedies, such as forbearance, that are available in the amount of depletion owed to streams daily by the Subdistrict, limited to when the forbearance ditch is the calling water right. I note that forbearance depends on climate and actual days when a ditch is the calling water right and the exact yield per year is indeterminate. It is also noted that the amount of forbearance water usable by the Subdistrict is limited by their depletions owed daily to streams. In addition, several Subdistricts are seeking forbearance agreements with the same ditches. DWR considers these potential competing agreements when evaluating forbearance as a replacement source.

This replacement water or remedy will be available to replace Injurious Stream Depletions as directed by the Division Engineer. A summary of the portfolio items is shown in the Replacement Sources tables on the following pages. I will approve up to the full amount itemized in the Replacement Sources tables and stated in the following sections for use in the 2026 ARP.

Subdistrict No. 4 Replacement Sources
San Luis Creek (acre-feet)

	Water Right Name	**Submitted in ARP 4/15/2026**	**Approved in SWSPs**	**Remaining 4/15/2026 & Approved for 2026 ARP**
	In Storage - None			0
	In Season - None			0
	On Call *	**Limit**	**Expected Yield**	**DWR Expected Yield**
WDID	**WIP (aka Forbearance)**			
	Kerber Creek			
2500747	1920 Ditch – (3 yr. 2028)	No limit		
2500541	Clayton Ditch D (1 cfs of 3.4 cfs) 29.4% - Dragos – (3 yr. 2027)	No limit		

2500541	Clayton Ditch D (1.7 cfs of 3.4 cfs) 50.0% - Wagner – (5 yr. 2027)	No limit		
2500541	Clayton Ditch D (0.7 cfs of 3.4 cfs) 20.6% - Hutchinson – (5 yr. 2027)	No limit		
2500693	Clayton Ditch FG – (5 yr. 2027)	No limit		
2500545	Clayton Old Channel Ditch – (5 yr. 2027)	No limit		
2500546	Cody Ditch – (5 yr. 2027)	No limit		
2500551	Daniels Fish Arroya Ditch – (5 yr. 2029)	No limit		
2500552	Daniels Fish Ditch No. 4 – (5 yr. 2029)	No limit		
2500823	Goodwin Hamby – Dragos (3 yr. 2027)	No limit		
2500583	Hall Ditch 1 – (3 yr. 2028)	No limit		
2500680	Wells Kerber Ditch – (5 yr. 2029)	No limit		
2500682	Wells North Ditch – (5 yr. 2029)	No limit		
2500683	White Ditch – (5 yr. 2027)	No limit		
	San Luis Creek			
2500713	Dittrich Steel Ditch - Arrowpoint (3 yr. 2028)	No Limit	No decreed water rights	Not Accepted
2500577	Greer Ditch No. 1 (5 yr. 2029)	No limit		
2500578	Greer Ditch No. 2 (5 yr. 2029)	No limit		
2500579	Greer Ditch No. 3 (5 yr. 2029)	No limit		
2500614	Kennedy Ditch 2 – (1 yr. 2027)	No limit		
2500641	San Luis Co Ditch – Frees – (5 yr. 2031)	No limit		
2500641	San Luis Co Ditch – Valley View Farms (5 yr. 2029)	No limit		
2500641	San Luis Co Ditch – SD 4 (1yr. 2027)	No limit		
2500646	Schilling Ditch – (3 yr. 2027)	No limit		
2500647	Schultz Dittrich Ditch – Blumenhein (3 yr. 2027)	No limit		
2500929	Schultz Dittrich Ditch No. 2 – Blumenhein - (3 yr. 2027)	No limit		
2500695	Schultz Dittrich No. 14 Ditch – Arrowpoint (3 yr. 2028)			
2500695	Schultz Dittrich No. 14 Ditch – Ridgely (3 yr. 2028)	No limit		
2500657	Squires Ditch (5 yr. 2031)	No limit		
2500661	Steel Ditch No. 2 – Arrowpoint (3 yr. 2028)			
2500668	Tobler Ditch – (1 yr. 2027)	No limit		
2500669	Tobler Rominger Ditch – (1 yr. 2027)	No limit		
	Kelly Creek			
2500692	Clayton Ditch ABC – (5 yr. 2027)	No limit		
2500822	Clayton Ditch ABC ALT – Dragos – (3 yr. 2027)	No limit		
	Cottonwood Creek			
2500542	Clayton Ditch E (5 yr. 2027)	No limit		
	***Total On Call- Forbearance**		**>482**	**Up to 88***

*Note: DWR Analysis

Subdistrict No. 4 Replacement Sources

Crestone Creek (acre-feet)

	Water Right Name	**Submitted in ARP**	**Approved in SWSPs**	**Remaining 4/15/2026 & Approved for 2026 ARP**
	In Storage - None			**0**
	In Season - None			0
	On Call	**Limit**	**Expected Yield**	**DWR Expected Yield**
WDID	**WIP (aka Forbearance)**			
2500503	Allen Ditch – (1 yr. 2027)	No limit		
2500504	Allen Ditch No 1 – (1 yr. 2027)	No limit		
2500507	Baca Grant No 4 Irrigating D No 3 – (1 yr. 2027)	No limit		
2500508	Baca Grant No 4 Irrigating D No 4 – (1 yr. 2027)	No limit		
2500509	Baca Grant No 4 Irrigating D No 5 – (1 yr. 2027)	No limit		
2500510	Baca Grant No 4 Irrigating D No 6 – (1 yr. 2027)	No limit		
2500511	Baca Grant No 4 Irrigating D No 7 – (1 yr. 2027)	No limit		
2500512	Baca Grant No 4 Irrigating D No 8 – (1 yr. 2027)	No limit		
2500513	Baca Grant No 4 Irrigating D No 9 – (1 yr. 2027)	No limit		
2500514	Baca Grant No 4 Irrigating D No 10 – (1 yr. 2027)	No limit		
2500515	Baca Grant No 4 Irrigating D No 11 – (1 yr. 2027)	No limit		
2500516	Baca Grant No 4 Irrigating D No 12 – (1 yr. 2027)	No limit		
2500517	Baca Grant No 4 Irrigating D No 13 – (1 yr. 2027)	No limit		
2500534	Charles Ditch – (1 yr. 2027)	No limit		
2500573	Gash Ditch – (1 yr. 2027)	No limit		
2500686	Cedars Ditch (5 yr. 2029)	No limit		
	Total On Call- Forbearance		**>-79**	**0***

*Note: DWR Analysis. The depletion schedule is negative for all irrigation season months on Crestone Creek.

Subdistrict No. 4 Replacement Sources

Saguache Creek (acre-feet)

	Water Right Name	**Submitted in ARP**	**Approved in SWSP's**	**Remaining 4/15/2026 & Approved for 2026 ARP**
SWSP	In Storage			0
	None			
	In Season	**Limit**	**Expected Yield**	**DWR Expected Yield**
SWSP	**In Season**			
9367	Malone Sullivan No. 1 *(60% of 152.0 af)	152.0	152.0	
9367	Heimberger Ditch No.1 *(60% of 34.7)	34.7	34.7	
9367	Malone Ditch *(60% of 82.1)	82.1	82.1	
8308	North Star Water Rights – WDIDs 2605057, 2605685, 2605690, 2605689, 2605049,	±763.2	±763.2	

	2605041 – Model Layer 2 *(457.1 af)			
8308	North Star Water Rights – WDIDs 2605057, 2605685, 2605690, 2605689, 2605049, 2605041 – Model Layer 1 *(0 af)	±288.7	±288.7	
	Total In Season	1,320.7	1,320.7	Up to 8
	On Call	**Limit**	**Expected Yield**	**DWR Expected Yield**
WDID	Forbearance			
	None			**0**

* Note: Yield for the entire SWSP is shown, reduced by the amounts available at this time.

After Acquired Sources of Remedy (Section 2 of 11.1.3 of the ARP)

DWR recognizes the Subdistrict will continue to work to acquire additional sources of remedy and may, with approval from the Division Engineer, use those sources to remedy injury under this ARP.

Operation of the 2026 Annual Replacement Plan (Section 3 of 11.1.3 of the ARP)

The Subdistrict's portfolio of replacement sources does not include any reservoir water sources.

The ARP provides documentation that the Subdistrict has implemented "well injury payment" (WIP) agreements (also known as forbearance agreements) with many ditches located on Kelly Creek, Kerber Creek, San Luis Creek and Crestone Creek for the Plan Year. At times when Kelly Creek, Kerber Creek, and San Luis Creek, are connected, the calling right can be on Kelly Creek or Kerber Creek. The majority of the well injury payment agreements allow the Subdistrict to exercise these agreements in its sole discretion.

The Subdistrict will administer the remedy of depletions to San Luis Creek on behalf of the Saguache Subdistrict, the Town of Saguache and Tim Lovato for the 2026 ARP Year. The Saguache Subdistrict acquired the same WIP agreements on San Luis Creek as the Subdistrict. Proper agreements for other contract entities must be in place for approval of the 2027 ARP. Alternatively, the Subdistrict may find a different solution to incorporate entities that are currently not listed in the WIP agreements.

The Subdistrict submitted an MOU that states the Saguache Subdistrict will pay depletions on Saguache Creek on behalf of the Subdistrict using In-Season replacement sources owned or leased by the Saguache Subdistrict. Historical consumptive use was approved for augmentation under SWSP 9367 on lands served by the Malone Sullivan Ditch No. 1, Heimberger Ditch No. 1, and Malone Ditch. Currently, 60% of the historical consumptive use, **161.94 acre-feet,** of these water rights approved under SWSP 9367 will be available at the ditch headgates to replace injurious stream depletions through storage, recharge, or direct use, including by exchange.

In 2024, the Saguache Subdistrict and Subdistrict No. 1 each purchased three irrigation wells from North Star Farm. In 2026, the historically groundwater irrigated acres on all fields will be fallowed. SWSP 8308 allows the historical consumptive use to be diverted at alternate points and delivered to Saguache Creek to pay the Subdistrict, Subdistrict No. 1 and Saguache Subdistrict depletions. Multiple augmentation wells were anticipated under SWSP 8308, WDID 2606025 has been drilled and is in use. WDIDs 2606028 and 2606030 have been drilled but have not been used yet. All depletions from these wells are covered by the Saguache Subdistrict at 100% CU. Currently, the Subdistrict has yield information and infrastructure in place to use **457.1 acre-feet**.

The Subdistrict also describes additional potential methods of delivering augmentation water from the fallowed lands to Saguache Creek. The concepts include by direct pipeline to Saguache Creek, by pipeline to Saguache Creek via Warner Arroyo, and by pipeline directly to the injured ditch. Any such mechanisms must be approved by the Division Engineer.

The Phase 7 Model did not predict stream depletions to streams other than San Luis Creek, Saguache Creek and Crestone Creek in amounts above the minimum threshold to reliably predict impacts. Therefore, no replacements to any stream other than San Luis Creek, Saguache Creek and Crestone Creek will be made.

The Rules require remedies sufficient to also remedy total Post-Plan Stream Depletions caused by current and past years' ARP Wells groundwater withdrawals that deplete the streams after the term of this ARP. Section 4.1.5 of the Subdistrict's PWM includes the provision, "the Subdistrict may continue to assess fees until all Post-Plan Injurious Stream Depletions caused by past groundwater withdrawals from Subdistrict Wells have been remedied." This allows the Subdistrict to provide a financial guarantee to assure that all Post-Plan Injurious Stream Depletions will be replaced or otherwise remedied if the Subdistrict were to fail or otherwise not be allowed to continue groundwater withdrawals.

If the Subdistrict were to fail, the individual well owners in the Subdistrict would have to obtain plans for augmentation or take other measures to comply with the Rules. Presumably, those plans would be required to replace Post-Plan Injurious Stream Depletions into the future. In the interim, the Subdistrict or the Rio Grande Water Conservation District will remedy Post-Plan Injurious Stream Depletions by supplying water or through agreements pursuant to which injury to water rights is remedied by means other than providing water to replace stream depletions.

Anticipated Funding for Plan Year (Section 4 of 11.1.3 of the ARP)

The Subdistrict submitted sufficient financial information to document the purchase and leases of replacement water for the 2026 Plan Year.

11.1.4 Contractual Arrangements among Water Users, Water User Associations, Water Conservancy Districts, Subdistricts,

and/or the Rio Grande Water Conservation District

Subdistrict No. 5 Memorandum of Understanding (Section 1 of 11.1.4 of the ARP)

The Subdistrict included an MOU with the ARP that provides for the San Luis Creek Subdistrict to administer the remedy of depletions to San Luis Creek on behalf of the Saguache Subdistrict for the 2026 ARP Year. Saguache Subdistrict will reimburse the Subdistrict through financial means for the cost of making those replacements.

Well Injury Payment Agreements (Section 2 of 11.1.4 of the ARP)

Pursuant to section 37-92-501(4)(b)(I)(B), C.R.S., the Subdistrict has reached agreement with a multitude of ditches whereby they accept that, subject to the specific provisions of the well injury payment agreement, injury to their water rights resulting from the use of groundwater by ARP Wells may be remedied by means other than providing water to replace stream depletions, when they are the calling right on the San Luis Creek system or Crestone Creek.

Analysis: The Subdistrict reviewed stream flows on San Luis, Kerber, and Crestone Creeks for the current and past years and used the peak and average flows to calculate the percent of priorities that have agreed to WIP agreements for the Plan Year within those stream flow ranges. From this, they determined the anticipated acre-feet that will be remedied by WIP on each creek under various stream flow conditions. On the San Luis Creek system, WIP agreements have been made for Priorities No 1 through 36. The Subdistrict indicates that, given the expected stream flows and historical administration of the creek, it is reasonable to assume the calling priority for the season will be senior to Priority No. 36. The Subdistrict notes water diverted under Priority No. 33 in the San Luis Company Ditch cannot physically reach its decreed location of use, so a call on this priority would not be honored.

The Subdistrict has secured WIP agreements with all of the water rights owners on Crestone Creek with water rights senior to the wells.

It is noted that the majority of these agreements allow the Subdistrict to remedy injurious stream depletions under the agreement or by providing water at the Subdistrict's sole discretion. Two of the agreements do not allow this flexibility, the Clayton Ditch ABC and the Clayton Ditch D agreements with Jeffrey & Lucinda Dragos, so are "mandatory" forbearance agreements.

Subdistrict Nos.' 1 and 5 Memorandum of Understanding (Saguache Creek) (Section 3 of 11.1.4 of the ARP)

The Subdistrict has signed a Memorandum of Understanding, whereby Saguache Subdistrict (No. 5) will utilize its sources of replacement to remedy injurious stream depletions to Saguache Creek. The MOU was made between Subdistrict No. 5 and Subdistrict No.'s 1 and 4. Saguache Subdistrict will be responsible for providing

replacement water in an amount equal to the sum of depletions from Subdistrict No. 1, Subdistrict No. 4 and Subdistrict No. 5.

Contracts with Saguache Response Area Well Owners
(Section 4 of 11.1.4 of the ARP)

The Subdistrict included contracts with the ARP that provide for the San Luis Creek Subdistrict to administer the remedy of depletions to San Luis Creek on behalf of the Town of Saguache (16CW3023) and Tim Lovato (SWSP 8297) for the 2026 ARP Year. The Town of Saguache and Tim Lovato will reimburse the Subdistrict through financial means for the cost of making those replacements.

The Subdistrict has paid depletions to San Luis Creek exclusively through well injury payment (WIP) agreements. In order to approve this arrangement for the ARPs, DWR will require all WIP agreements to be made between the respective ditch representatives and with all entities that the Subdistrict has agreed to pay depletions. Proper agreements must be in place for approval of the 2027 ARP. Alternatively, the Subdistrict may find a different solution to incorporate entities that are currently not listed in the WIP agreements.

11.1.5 Documentation of Progress towards Achieving and Maintaining a Sustainable Water Supply

Water Levels, Pressure Levels, and/or Groundwater Withdrawals
(Section 1 of 11.1.5 the ARP)

Rule 8.1.7 of the Groundwater Rules includes provisions for meeting the requirements for achieving and maintaining a Sustainable Water Supply in the confined aquifer. Per the State Engineer's approval letter for the PWM, dated March 13, 2020, the San Luis Creek Response Area five-year running average groundwater withdrawals were greater than their proportionate share of the 1978-2000 average groundwater withdrawals for the San Luis Creek Response Area, but only by about 4.5%. At the time, Subdistrict Wells included by petition only accounted for about 67% of the Response Area groundwater withdrawals. The 1978-2000 average groundwater withdrawals for the San Luis Creek Response Area is **10,856 acre-feet**, incorporating the CAS stipulation. Without the stipulation, the average is **9,869 acre-feet**.

By addition of contract wells, Subdistrict metered groundwater withdrawals now account for approximately 99.6% of the total metered groundwater withdrawals annually over the period 2011-2025 in the San Luis Creek Response Area. The current five-year running average for the period 2021-2025 for ARP wells is **9,513 acre-feet**, using the pumping figures reported in Table 1 of the Application Workbook. For the last **four** years, the Subdistrict's groundwater withdrawals have met the Sustainable Water Supply metric. The PWM requires specific actions to be taken to achieve and maintain the goal.

Subdistrict Average Groundwater Withdrawals (acre-feet)

ARP Year	5-Year Average	2011 to-date Average
Average GW Withdrawal (1978-2000) = 9,869		
Projected - 2026	9,696	10,892
Actual – 2025 (2021-2025)	9,513	10,868
Actual – 2024 (2020-2024)	9,607	10,958
Actual – 2023 (2019-2023)	9,795	11,128
Actual – 2022 (2018-2022)	9,948	11,118
Actual – 2021 (2017-2021)	10,827	11,435

The Subdistrict anticipates groundwater withdrawals of 11,249 acre-feet in 2026 due to similar pumping in similar stream flow forecast years. This would produce an average (2022-2026) of **9,696 acre-feet**, within the sustainability metric.

Based on the trend of the Subdistrict's five-year average, the Subdistrict **will remain in compliance** with the Sustainable Water Supply Requirement of the Rules.

For comparison, the longer-term average 2011-2025 (15 years) of metered pumping for ARP wells is 10,868 acre-feet. As additional years are added to the period of metered pumping in Division 3, this average can be compared to the 1978-2000 (23 years) estimated groundwater withdrawals reported in the State Engineer's annual memorandum, "Five-year Average Groundwater Withdrawals in Confined Aquifer Response Areas", published July 1, 2025.

Included in Appendix G is the State Engineer's memo dated July 1, 2025, regarding the Composite Water Head for Confined Aquifer Response Areas in Division 3: July 2025 Requirement of Division 3 Groundwater Rules Section 8.1.4. The Composite Water Head for San Luis Creek Response Area for 2025 was 1.56 feet, the lowest level since 2015, but all years since 2015 are above the base year of 2015.

2025 Composite Water Head by Response Area

Response Area	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025
San Luis Creek	0.00	1.99	3.11	5.27	2.32	2.67	2.59	2.65	1.60	1.84	1.56

Listing of Irrigated Acres Proposed to be Temporarily or Permanently Fallowed and Associated Water Rights (Section 2 of 11.1.5 the ARP)

The Subdistrict has purchased the "Peachwood Farm" property that includes 12 farmed sprinkler circles and thirteen irrigation wells. A portion of the lands has been placed in a groundwater conservation easement, and a portion of the acreage will be dried up. The retirement of these twelve quarters will be completed over the course of the next four years. Taking these lands out of production will contribute to the Subdistrict's goal for achieving sustainability. A description of these lands, water rights, and the retirement plan is included in Appendix H of the ARP.

Listing of Water Rights Proposed to be Temporarily or Permanently Retired and Historical Operations of Each Water Right (Section 3 of 11.1.5 the ARP)

The groundwater rights associated with the Peachwood Farm purchase are to be permanently retired. The retirement of these water rights has not yet occurred, but will be completed once drought tolerant cover has been established on the previously irrigated lands.

Other Proposed Actions to be Taken as Applicable (Section 4 of 11.1.5 the ARP)

No listing of other proposed actions was submitted with this ARP

Findings:

Based on the information provided in the ARP and discussed above, I make the following findings:

1. The projected groundwater withdrawals are based upon the inventoried Subdistrict Wells, their historical pumping, and projected stream flows. The inventory of wells is consistent with the information in DWR's databases. The historical pumping associated with the Wells is based on diversion records on file with the DWR. The method implemented by the Subdistrict to project groundwater withdrawals for the ARP Wells for 2026 is consistent with historical pumping information and streamflow forecast from the Division Engineer's projection and the NRCS Forecast.

2. DWR identified some anomalies in the point source discharge figures submitted for the Subdistrict's Application Workbook calculations requiring a correction to the depletion schedule. The Application Workbook output for this approval was generated from DWR's Application Workbook run. The ARP Year depletion schedule and other Application Workbook output tables are included as an Exhibit to this letter.

3. Projected stream depletions are calculated based on Application Workbooks generated from RGDSS Groundwater Model runs. The Application Workbooks are based on the RGDSS Model Phase 7, which was approved by the PRT. For this Plan Year, the Subdistrict used the 7P101v2 Application Workbook in determining stream depletions for the Subdistrict. The ARP Year depletion schedule is included as an Exhibit to this letter.

4. The ARP identifies the sources, availability, and amounts of replacement water and remedies that the Subdistrict will use to remedy Injurious Stream Depletions during the coming year and demonstrates the sufficiency of such water to remedy such Injurious Stream Depletions:

San Luis Creek

The Subdistrict depletions for San Luis Creek for this ARP are 88 acre-feet during the irrigation season, and 398 acre-feet during the non-irrigation season for a total of 486 acre-feet.

- Irrigation Season: The Subdistrict indicates they expect to yield a total of >482 acre-feet from well injury payment agreements. My staff reviewed the historical calls on San Luis Creek for the ditches expected to generate well injury payment amounts during the irrigation season. A copy of the analysis is included as an Exhibit. The potential 88 acre-feet needed from well injury payments indicates sufficient water to cover Injurious Stream Depletions for the Plan Year for both Subdistrict No. 4 and Subdistrict No. 5 and contract entities.

- Non-Irrigation Season: The Subdistrict is not obligated to pay depletions on San Luis Creek during the non-irrigation season at this time.

Saguache Creek

The Subdistrict depletions for Saguache Creek for this ARP are 8 acre-feet during the irrigation season, and 26 acre-feet during the non-irrigation season for a total of 34 acre-feet.

- Irrigation Season: Saguache Subdistrict expects to generate 1,321 acre-feet of replacement water from the dry-up of lands described in SWSP 9367 and SWSP 8308 under 100% confirmed dry up. Currently, the available HCU is 162 acre-feet from SWSP 9367 and 457 acre-feet from SWSP 8308. The current expected yield of 619 acre-feet is adequate to cover Subdistrict's No. 5, 4, 1 depletions, totaling about 148 acre-feet. The portfolio of water from in season sources in the 2026 ARP Year indicates sufficient firm water to cover Injurious Stream Depletions.

- Non-Irrigation Season: The Subdistrict is not obligated to pay depletions on Saguache Creek during the non-irrigation season at this time.

Crestone Creek

The Subdistrict injurious depletions for Crestone Creek for this ARP are -42.5 acre-feet during the irrigation season. and -4.1 acre-feet during the non-irrigation season for a total of -46.6 acre-feet.

- Irrigation Season: The Subdistrict has WIP agreements in place to cover all rights that are senior to wells. The annual depletions are negative as well as each month of the irrigation season, so no replacement is required.

- Non-Irrigation Season: The Subdistrict is not obligated to pay depletions on Crestone Creek during the non-irrigation season at this time.

5. Section 4.1.5 of the Subdistrict's PWM includes the provision, "the Subdistrict may continue to assess fees until all Post-Plan Injurious Stream Depletions caused by past

groundwater withdrawals from Subdistrict Wells have been remedied." This allows the Subdistrict to provide a financial guarantee to assure that all Post-Plan Injurious Stream Depletions will be replaced or otherwise remedied if the Subdistrict were to fail or otherwise not be allowed to continue groundwater withdrawals.

6. Upon approval of the Subdistrict's PWM, it was concluded a small percentage and volume of reduction in groundwater withdrawals is needed to reach the Sustainable Water Supply parameter during the timeframe stated in the Rules and the PWM requires specific actions to be taken to achieve the goal. The Subdistrict is in compliance with this metric.

The Subdistrict has presented sufficient evidence and engineering analysis to predict where and when Injurious Stream Depletions will occur and how they will replace those Injurious Stream Depletions to avoid injury to senior surface water rights under the following Terms and Conditions.

This ARP is hereby approved pursuant to the following Terms and Conditions:

1. This ARP shall be valid for the period of **May 1, 2026, through April 30, 2027**, unless otherwise revoked, modified, or superseded by me, a decree, or order of the court.

2. The Subdistrict must replace or remedy the Injurious Stream Depletions resulting from Subdistrict ARP Well groundwater withdrawals.

3. Contract wells will be covered to the extent of their permitted/decreed uses.

4. Deliveries (including transit losses) of stored water made available for the replacement of Injurious Stream Depletions shall be determined by the Division Engineer pursuant to this ARP and associated decrees, policies and statutes. An MOU describing any exchange must be submitted and signed by all parties prior to operating the exchange.

5. If the limit is reached for any particular forbearance agreement, then the Subdistrict will need to remedy Injurious Stream Depletions to that particular ditch or canal with another remedy.

6. The Division Engineer shall determine on an ongoing basis whether he can administer the operations under each well injury payment agreement. If the Division Engineer cannot, then that operation shall cease. General Forbearance Protocols for the San Luis Valley River Systems for 2026 were prepared by the Division Engineer. A copy of the protocols is included with this letter.

7. The Subdistrict shall provide daily replacement water accounting (including, but not limited to diversions, depletions, replacement sources, and river calls) on a monthly basis. *This accounting must include remedies made by the Subdistrict*

for other entities included in the ARP by contract. The accounting must be emailed to the Division Engineer (Craig.Cotten@state.co.us), the Water Commissioners (thomas.torrez@state.co.us), (robert.mondragon@state.co.us), the Subdistrict Coordinator (deborah.sarason@state.co.us), and Water Accounting Operations Specialist (michelle.lanzoni@state.co.us) within 10 days after the end of the month for which the accounting applies. Accounting and reporting procedures are subject to approval and modification by the Division Engineer.

8. The Subdistrict must adhere to the terms and conditions of any SWSP(s) incorporated as part of the ARP. The use and inclusion of any new replacement water within the ARP may occur only after SWSP approval or approval by the Water Division No. 3 Water Court for a change of water right. Prior to the use of any new replacement water, the State Engineer will evaluate for use as an amendment under this ARP.

9. Regarding the Subdistrict's request to aggregate depletions owed between stream reaches, at this time, the Subdistrict owes to only a single reach on any river system. Therefore, there is no possibility of aggregating stream depletions.

10. Regarding the Subdistrict's request to aggregate depletions with other subdistricts, the Subdistrict may make requests for these types of changes formally to the Division Engineer, providing details of the request and documentation supporting the need to make a change to the approved ARP depletion schedule. The Division Engineer will consider such a request when it is made, under the protocol of DWR and in light of the conditions on the particular stream at the time and, if deemed appropriate, approve the request. The Subdistrict will not adopt any change until after approval by the Division Engineer.

11. The Subdistrict is relying heavily upon forbearance agreements to meet the requirements for mitigation of injurious stream depletions. The Subdistrict is strongly encouraged to actively pursue permanent replacement sources to cover depletions in the event that the forbearance agreements are not sufficient. In the unlikely event that the well injury payment agreements do not yield the amounts needed to cover depletions as expected during the 2026 ARP Year, the Subdistrict will invoke its "After Acquired Sources of Remedy" clause in the ARP and will acquire sufficient additional sources to satisfy the depletion schedule approved under this ARP. If the Subdistrict is unable to acquire sufficient additional sources, the Subdistrict will not be able to continue operation under this ARP.

12. All deliveries of replacement water shall be measured in a manner acceptable to the Division Engineer. The Subdistrict shall install and maintain measuring devices as required by the Division Engineer for operation of this approved ARP.

13. The Subdistrict must submit an Annual Review of its ARP pursuant to Rule 12.

14. The Subdistrict must replace or remedy all Injurious Stream Depletions caused by non-augmented pumping associated with Subdistrict ARP Wells.

15. The Subdistrict must comply with the Rules, the Subdistrict PWM, and this ARP.

Approval of this ARP does not authorize any change, increase, or expanded use of any water right or permit. Any change, increase, or expansion of a water right or permit will need to comply with existing decrees and or permits, the Confined Aquifer New Use Rules, the Measurement Rules, the Rio Grande Basin Groundwater Use Rules, and may require approval of the Water Court.

The approval of this ARP is made with the understanding that if the ARP proves insufficient to remedy Injurious Stream Depletions, the State Engineer has the authority to invoke the retained jurisdiction of the Division No. 3 Water Court.

I want to thank you for your cooperation and compliance with this approved ARP and for your continued cooperation and compliance in the future. Your efforts are greatly appreciated. If you have any questions do not hesitate to contact any of my staff in Denver or Alamosa.

Sincerely,

Jason T. Ullmann, P.E.
State Engineer
Director of the Division of Water Resources

Exhibits:

A: Application Workbook 2026 Stream Depletion Tables (prepared by DWR)
B: Subdistrict No. 4 2026 ARP Application Workbook Table 2.6
B: General Forbearance Protocols for the San Luis Valley River Systems for 2026
C: DWR analysis of Forbearance Yield

ec: Craig Cotten, Division Engineer
Chad Wallace, Second Assistant Attorney General
David W. Robbins, Hill & Robbins
Peter Ampe, Hill & Robbins
Clinton Phillips, Davis Engineering Service, Inc.
DWR electronic notification lists
Division 3 Water Court

Table 1

San Luis Creek Response Area Estimated Net Groundwater Consumptive Use Worksheet

(units of acre-feet)

	San Luis Creek Response Area Pumping									Recharge that Offsets Groundwater						
Year	Irrigation Pumping to Center Pivots	Sprinkler Efficiency	Irrigation Pumping to Leveled Flood Irrigation	Leveled Flood Efficiency	Irrigation Pumping to Wild Flood (Unleveled) Irrigation	Wild Flood (Unleveled) Efficiency	Other Pumping	Other Consumptive Use Ratio	Groundwater Consumption	Recharge Source 1	Recharge Source 2	Recharge Source 3	Recharge Source 4	Other Recharge Offsets	Total	Net Groundwater Consumptive Use
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)	(17)
2021	8,272	85%	70	60%	792	40%	1,220	70.7%	8,252	0	0	0	0	0	0	8,252
2022	5,018	85%	63	60%	1,211	40%	1,360	72.3%	5,771	0	0	0	0	0	0	5,771
2023	8,605	85%	161	60%	1,052	40%	1,432	68.4%	8,811	0	0	0	0	0	0	8,811
2024	6,704	85%	55	60%	896	40%	1,089	70.3%	6,855	0	0	0	0	0	0	6,855
2025	7,507	85%	104	60%	960	40%	993	70.5%	7,527	0	0	0	0	0	0	7,527
2026	8,605	85%	161	60%	1,052	40%	1,431	70.0%	8,833	0	0	0	0	0	0	8,833
2027																
2028																
2029																
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Avg	7,221	0.85	91	0.60	982	0.40	1,219	0.704	7,443	0	0	0	0	0	0	7,443

Explanation of Columns

(1) Calendar Year
(2) Determined from metered groundwater pumping associated to sprinkler
(3) Consumptive use ratios of total pumping associated with sprinkler irrigation practices
(4) Determined from metered groundwater pumping associated to leveled flood
(5) Consumptive use ratios of total flood pumping associated with leveled flood irrigation practices
(6) Determined from metered groundwater pumping associated to wild flood (unleveled)
(7) Consumptive use ratios of total flood pumping associated with wild flood (unleveled) irrigation practices
(8) Determined from metered groundwater pumping associated to other pumpings that contains M&I pumping
(9) Estimated consumptive use ratio based on operations metered in Col8
(10) Calculated as Col2*Col3 + Col4*Col5 + Col6xCol7 + Col8*Col9
(11) - (15) Determined by engineering consultant to the District from analysis of historic diversions and recharge decrees

2026

Table 2.6

SD4 San Luis Creek Response Areas Monthly Stream Depletions for Plan Year

(units of ac-ft)

	San Luis Creek Response Area Total												
	2026								2027				
Stream Reach	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	Total
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)
Crestone Creek	-5.6	-4.3	-10.6	-10.6	-6.3	-0.6	-4.2	-3.5	1.9	1.1	0.7	-4.6	-46.6
Saguache Creek	3.0	1.0	0.3	0.2	0.4	0.6	0.2	0.3	7.2	6.7	11.3	2.6	33.7
San Luis Creek	2.9	0.3	0.0	0.1	0.0	0.0	-0.2	14.5	86.2	131.8	166.0	84.3	486.0
Total	0.3	-3.0	-10.2	-10.3	-5.9	-0.1	-4.2	11.2	95.3	139.6	178.0	82.3	**473.0**

Table 2.6

Town of Saguache San Luis Creek Response Areas Monthly Stream Depletions for Plan Year

(units of ac-ft)

	San Luis Creek Response Area												
	2026								2027				
Stream Reach	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	Total
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)
San Luis Creek	0.0016	0.0010	0.0007	0.0007	0.0006	0.0005	0.0004	0.0006	0.0084	0.1047	0.2597	0.0757	0.4546

Table 2.6

Lovato San Luis Creek Response Areas Monthly Stream Depletions for Plan Year

(units of ac-ft)

	San Luis Creek Response Area												
	2026								2027				
Stream Reach	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	Total
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)
San Luis Creek	0.0003	0.0002	0.0001	0.0002	0.0001	0.0001	0.0001	0.0001	0.0017	0.0207	0.0513	0.0149	0.0898

Table 2.7

San Luis Creek Response Area Post Plan Net Stream Depletions

(units of ac-ft)

Years (May-Apr)	Crestone Creek	Saguache Creek	San Luis Creek				Total
2027-2046	97	400	2,077	0	0	0	2,574

2026

Table 2.6

San Luis Creek and Subsets Response Areas Monthly Stream Depletions for Plan Year

(units of ac-ft)

	San Luis Creek Response Area Total												
	2026								2027				
Stream Reach	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	Total
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)
Crestone Creek	-5.6	-4.3	-10.6	-10.6	-6.3	-0.6	-4.2	-3.5	1.9	1.1	0.7	-4.6	-46.6
Saguache Creek	3.0	1.0	0.3	0.2	0.4	0.6	0.2	0.3	7.2	6.7	11.3	2.6	33.7
San Luis Creek	2.8819	0.3315	0.0293	0.0536	0.0172	-0.0257	-0.1988	14.4993	86.2375	131.9650	166.3026	84.4100	486.5030
Total	0.2778	-3.0064	-10.1935	-10.3140	-5.9225	-0.0496	-4.2340	11.2162	95.2812	139.7510	178.3243	82.4173	**473.5478**

2026

Table 2.6

SD4 San Luis Creek Response Areas Monthly Stream Depletions for Plan Year

(units of ac-ft)

	San Luis Creek Response Area Total												
	2026								2027				
Stream Reach	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	Total
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)
Crestone Creek	-5.6	-4.3	-10.6	-10.6	-6.3	-0.6	-4.2	-3.5	1.9	1.1	0.7	-4.6	-46.6
Saguache Creek	3.0	1.0	0.3	0.2	0.4	0.6	0.2	0.3	7.2	6.7	11.3	2.6	33.7
San Luis Creek	2.9	0.3	0.0	0.1	0.0	0.0	-0.2	14.5	86.2	131.8	166.0	84.3	486.0
Total	0.3	-3.0	-10.2	-10.3	-5.9	-0.1	-4.2	11.2	95.3	139.6	178.0	82.3	**473.0**

Table 2.6

Town of Saguache San Luis Creek Response Areas Monthly Stream Depletions for Plan Year

(units of ac-ft)

	San Luis Creek Response Area												
	2026								2027				
Stream Reach	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	Total
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)
San Luis Creek	0.0016	0.0010	0.0007	0.0007	0.0006	0.0005	0.0004	0.0006	0.0084	0.1047	0.2597	0.0757	0.4546

Table 2.6

Lovato San Luis Creek Response Areas Monthly Stream Depletions for Plan Year

(units of ac-ft)

	San Luis Creek Response Area												
	2026								2027				
Stream Reach	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	Total
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)
San Luis Creek	0.0003	0.0002	0.0001	0.0002	0.0001	0.0001	0.0001	0.0001	0.0017	0.0207	0.0513	0.0149	0.0898

Updated 4/30/2026

General Forbearance Protocols

for San Luis Valley River Systems

Subdistricts No. 1, No. 2 (Rio Grande Alluvium), No. 3 (Conejos), No. 4 (San Luis Creek), No. 5 (Saguache), No. 6 (Alamosa La Jara), and Trinchera Subdistrict will be operating under ARPs and will replace depletions to their affected streams on May 1st, the beginning of the **2026** ARP year. Along with the replacement of stream depletions, the State and Division Engineer may allow the owners of the calling ditch(es) to forbear or choose to not take the water that otherwise would have been allocated to that ditch in exchange for receiving payment in some other form. This forbearance is authorized under Colorado Revised Statute 37-92-501 (4)(b)(1)(B), which states that the State Engineer shall "Recognize contractual arrangements among water users, water user associations, water conservancy districts, ground water management subdistricts, and the Rio Grande Water Conservation District, pursuant to which... injury to senior surface water rights resulting from the use of underground water is remedied by means other than providing water to replace stream depletions."

In order to assist the Subdistricts, water users, and Water Commissioners in determining whether a forbearance contract will be allowed, the following are general guidelines regarding those forbearance contracts for the **2026** ARP year:

- A water right must be the calling water right in order to forbear. In other words, the ditch must be legally and physically entitled and able to receive and divert all of the replacement water that would have been placed into the river or stream reach and made available for that ditch, and the ditch owner(s) could have decided to take the replacement water available instead of forbearing.

- The owner(s) of a ditch that cannot physically divert all of the water under its priorities due to an inadequate ditch size or other physical restrictions cannot forbear for the amount that the ditch is not able to divert. However, this ditch may be able to forbear up to the amount that it is physically and legally able to divert.

- The owner(s) of a ditch that physically is not able to divert the replacement water entitled to it at certain times of the year (for instance during low flow periods), due to an inadequate diversion dam or headgate, or other reasons, cannot forbear during that time of year unless and until the ditch or associated structures are repaired and are physically able to take water. Under certain circumstances this could require the complete drying up of the river or stream.

- If it is certain that the owner(s) of a ditch would have declined to take water in their ditch on a given day that they were in priority to take water, for instance, if that owner cannot take their full priority due to a break in the ditch bank, or if the owner has not called for that water right in the ditch, etc., the ditch owner cannot forbear for that water right on that day.

- Forbearance will be allowed on water rights that are not large enough to cover the entire daily replacement amount. A ditch may be forbearing only a portion of the total daily replacement amount due to the size of the water right. In such cases, there may be several water rights in various ditches that are forbearing at the same time in order to meet the entire replacement obligation of the Subdistrict(s).

- A ditch may operate under a partial forbearance contract, i.e. a situation in which select owners of ditch rights choose to participate in the forbearance agreement. This is allowed with the understanding that the ditch company, Subdistrict, or other appropriate party will manage the partial flow and partial forbearance throughout the ditch system to the satisfaction of all water rights owners in that priority. Prior to operation, the manager of the ditch with partial forbearance must inform the Water Commissioner how they will operate the ditch in order to be in compliance. Without this communication, forbearance is not allowed.

- During times when the river reaches become disconnected, each stretch will be treated as its own calling system. This is true even when non-native water, such as augmentation, storage and transmountain, is delivered across reaches that would otherwise be disconnected. Only RGDSS modelled stream reaches and their connected tributaries may have ditches eligible for forbearance.

- If replacement water delivery could not make it physically to a calling ditch in any particular RGDSS reach, then no forbearance is allowed, and water delivery will be required at the top of the reach. On a day when water could be placed into the river system for replacement of injurious depletions, and a section(s) of the stream is dry between the replacement source and the calling priority ditch(es), forbearance by that ditch(es) will not be allowed unless the stream was live at the time the forbearance began or the delivery would generate a live stream to the point of the call. The determination of the physical properties controlling these situations shall be at the discretion of the Division Engineer and his staff.

- A forbearance that results in a section of the river drying up cannot be used to create a futile call. The river must be administered to replicate what conditions would have taken place had a continuous deliverance of water occurred.

- Ditches with a forbearance contract must have accurate, reliable, and operational measurement devices, headgates and diversion structures for the ditch.

DWR Analysis of Forbearance Yield
Last updated 4/30/2026

This analysis is done by DWR for Subdistricts that rely on forbearance amounts during the irrigation season. This includes those subdistricts with depletion obligations on the Conejos River, Alamosa River, San Luis Creek, La Jara Creek, and Sangre De Cristo Creek. While subdistricts also have valid forbearance agreements on the Rio Grande and Saguache Creek, DWR did not prepare forbearance yield estimates on these systems because adequate wet water sources are available to cover all depletion obligations.

Conejos River

- DWR staff prepared an analysis using the current streamflow numbers and forecast flows for the irrigation season, which is projected to end on November 1st, 2026. The focus of the analysis was to determine which ditches might be the calling priorities throughout this period. A similar analysis was completed for the irrigation month of April 2027 using average conditions because a reliable 2026-2027 winter forecast is not yet available. The Subdistrict has secured forbearance contracts with numerous ditches ranging from the three No. 1 priority ditches through very junior water rights.

- These agreements for ditches that are likely to be the calling rights on the Conejos for the 2026 irrigation season and April of 2027 could possibly account for the values shown in the table below. The table shows the estimated forbearance amounts, the estimated percent of forbearance to cover irrigation season depletions and the total irrigation season depletions owed by each subdistrict on the Conejos System.

	Forbearance Estimate	Irrigation Season % of Depletions	Irrigation Season Depletions
SD 3	1,860 AF	82 %	2,258 AF
SD 6	2,800 AF	82 %	3,419 AF
SD T	130 AF	66 %	196 AF

Alamosa River

- DWR staff prepared an analysis using the current streamflow numbers and forecasted flows for the irrigation season, which presumptively ends on November 1st, 2026. The focus of the analysis was to determine which ditches might be the calling priorities throughout this period. A similar analysis was completed for the irrigation month of April 2027, using average conditions because a reliable 2026-2027 winter forecast is not yet available. The Subdistrict has secured forbearance contracts with numerous ditches ranging from the No. 1 priorities through very junior rights on the Alamosa River.

- These agreements for ditches that are likely to be the calling rights on the Alamosa for the 2026 irrigation season and April of 2027 could possibly account for the values shown in the table below. The table shows the estimated forbearance amount, the estimated percent of forbearance to cover the irrigation season depletions and the total irrigation season depletions owed by each subdistrict.

	Forbearance Estimate	Irrigation Season % of Depletions	Irrigation Season Depletions
SD 3	49 AF	88 %	56 AF
SD 6	125 AF	84 %	149 AF

San Luis Creek

- DWR staff prepared an analysis using the current streamflow numbers and forecasted flows for the irrigation season, which presumptively ends on November 1st, 2026. The focus of the analysis was to determine which ditches would be the calling priorities on all streams where the Subdistrict owes depletions. The Subdistrict secured numerous forbearance contracts for priorities senior and junior to the projected call(s). Based on current snowpack and streamflow's estimated peak, the call on San Luis Creek will in all probability not be junior to the Priority No. 35, and a majority of the irrigation season will be dominated by more senior calling water rights. Even if the streamflows are underestimated, the Subdistrict has contracts with all owners of water rights senior to Priority No. 50 that can divert water, which would reinforce the analysis of forbearance being a valid replacement source. From the first day of the 2026 irrigation season to the end of April 2027, the call on San Luis Creek will, in all probability, not be junior to Priority No. 50 on the river system allowing for forbearance coverage until the end of the ARP year.

La Jara Creek

- DWR staff prepared an analysis using the current streamflow numbers and forecasted flows for the irrigation season, which presumptively ends on November 1st, 2026. The focus of the analysis was to determine which ditches might be the calling priorities throughout this period. A similar analysis was completed for the irrigation month of April 2027, using average conditions because a reliable 2026-2027 winter forecast is not yet available. The Subdistrict has secured forbearance contracts with numerous ditches ranging from the No. 1 priorities through very junior rights on La Jara Creek.

- These agreements for ditches that are likely to be the calling rights on La Jara for the 2026 irrigation season and April of 2027 could possibly account for the values shown in the table below. The table shows the estimated forbearance amount, the estimated percent of forbearance to cover irrigation season depletions and the total irrigation season depletions owed by each subdistrict.

	Forbearance Estimate	Irrigation Season % of Depletions	Irrigation Season Depletions
SD 3	190 AF	96 %	198 AF
SD 6	30 AF	96 %	31 AF
SD T	25 AF	96 %	26 AF

Sangre De Cristo Creek

- DWR staff prepared an analysis using the current streamflow numbers and forecasted flows for the irrigation season, which presumptively ends on November 1st, 2026. The focus of the analysis was to determine which ditches would be the calling priorities on Sangre De Cristo where the Subdistrict owes depletions. The Subdistrict secured numerous forbearance contracts for all priorities projected to be the calling rights. Based on current snowpack and streamflow's estimated peak, the call on Sangre De Cristo Creek will in all probability not be junior to the Priority No. 32 and a majority of the irrigation season is estimated to be a Priority No. 3. Even if the streamflows are underestimated, the Subdistrict has contracts with all owners of water rights senior to Priority No. 86 that can divert water, which would reinforce the analysis of forbearance being a valid replacement source. From the first day of the 2026 irrigation season to the end of April 2027, the call on Sangre De Cristo will, in all probability, not be junior to Priority No. 39 on the river system allowing for full forbearance coverage until the end of the ARP year.