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. 1 OF THE RIO GRANDE WATER CONSERVATION DISTRICT

Dear Ms. Pacheco:

Thank you for your April 15, 2026 submission of the Special Improvement District No. 1'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.
State Engineer
Director of Division of Water Resources

cc: Division 3

Review, Findings, and Approval of Subdistrict No. 1's 2026 Annual Replacement Plan

Background

Special Improvement District No. 1 ("Subdistrict"), a political subdistrict of the Rio Grande Water Conservation District ("RGWCD"), timely submitted its proposed Annual Replacement Plan ("ARP") pursuant to its Second Amended Plan of Water Management as amended on June 6, 2017 and approved by the State Engineer on October 16, 2017 ("Second Amended PWM"), which revised the Amended Plan of Water Management ("Amended PWM") decreed by the Division No. 3 Water Court in Case Nos. 2006CV64 and 2007CW52[1] ("May 2010 Decree") and upheld by the Colorado Supreme Court in Case No. 10SA224.[2]

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 filed with the Court and with 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 May 2010 Decree and contained in Appendix 5 of the Second Amended PWM.

DWR Review

As set forth in the May 2010 Decree, I must determine whether the ARP presents "sufficient evidence and engineering analysis to predict where and when Injurious Stream Depletions will occur and how the Subdistrict will replace those Injurious Stream Depletions to avoid injury to senior surface water rights" (May 27, 2010 Decree, Term and Condition #2). Also, "[t]he Annual Replacement Plan …shall identify the sources, availability and amounts of replacement water the Subdistrict will use to remedy Injurious Stream Depletions during the coming year and shall demonstrate the sufficiency of such water to remedy such Injurious Stream Depletions" (May 2010 Decree, Term and Condition 6). Finally, I must review the ARP pursuant to the statutory mandates, constitutional requirements, Rules and Regulations[3] adopted in Division No. 3, and any letters, comments, or other objections submitted by water users regarding the adequacy of the ARP. No letters, comments, or other objections to the 2026 ARP were received.

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[1] *In the matter of the Rio Grande Water Conservation District*, Findings of Fact, Conclusions of Law, Judgment and Decree, Case Nos. 06CV64 and 07CW52, District Court, Water Division No. 3, Colorado (May 27, 2010).

[2] *San Antonio, Los Pinos and Conejos River Acequia Preservation Ass'n v. Special Improvement Dist. No. 1 of Rio Grande Water Conservation Dist*., 270 P.3d 927 (Colo. 2011).

[3] *The Rules Governing the Withdrawal of Groundwater in Water Division No. 3 (the Rio Grande Basin) and Establishing Criteria for the Beginning and End of the Irrigation Season in Water Division No. 3 for all Irrigation Water Rights, Case 2015CW3024, ("Rules") were approved as promulgated in the March 15, 2019 ruling of the Division No. 3 Water Court*.

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 3,624 wells. The Subdistrict submitted a separate letter requesting to include in the 2026 ARP WDID 2014692 a supplemental well to an existing Subdistrict well, WDID 2013465. A copy of the letter is included as an exhibit. The total number of wells is 3,625.

The Subdistrict added 8 new WDIDs in the 2026 ARP by contract or other mechanism, including the well mentioned in the previous paragraph. The Subdistrict included WDID 2014688 as a replacement well for an existing Subdistrict well, WDID 2005102, which was removed. WDID 2014678 was added and is a partial replacement of an existing dually completed Subdistrict well, WDID 2005468. Two supplemental wells to existing Subdistrict wells were added, 2014684, 2014696. Three wells for commercial use were accepted by contract, WDIDs 2008808, 2014694, 2706077.

The contract wells accepted by the Subdistrict in 2026 are listed in Appendix P. Contract wells were reviewed for the terms of the contracts, associated permits and decrees for each well, and historical meter records. Any well used for any beneficial uses not authorized by permit and/or decree for those structures cannot be covered by the 2026 ARP and the owners will be notified by separate correspondence.

Wells that have submitted an SWSP and/or started the process of changing an existing permitted/decreed use to a Non-Exempt use described in the participation contract can be conditionally accepted. These wells cannot be operated until the SWSP and/or decree is finalized and approved. Should an SWSP become invalid during the ARP Year or the change of use in a court case be denied, the well can no longer be covered by the ARP and the owners will be notified.

All wells accepted as contract wells for this ARP approval have permitted and/or decreed limits, and they will only be accepted for groundwater withdrawals up to those respective limits. If historical records indicate a pattern of exceedance of these limits in the past, owners of these wells may be notified by separate correspondence that their wells are being conditionally accepted, and that exceedance of the legal limits will not be covered under this ARP. The Subdistrict will be copied on all separate correspondence sent for these purposes.

Great Sand Dunes National Park Service Contract

The Subdistrict continued a contract made in 2020 with the Great Sand Dunes National Park Service (GSDNP) (see Appendix O). The GSDNP wells (WDIDs 3505620, 3505052, 3505053) lie outside the Subdistrict No. 1 Response Area, but inside the RGDSS Model Domain in an area for which no RGDSS Response Function was developed. Therefore, under Rule 7.5, the GSDNP provided a Glover analysis as an alternative to determine stream depletions due to GSDNP groundwater use.

The analysis was determined to be an acceptable and reliable method of estimating stream depletions caused by GSDNP wells for purposes of the Subdistrict ARP. The Subdistrict also supplied a letter dated April 29, 2026, attached, describing DWR's acceptance of a defined temporary sustainability metric for GSDNP as required by DWR's Rules and Regulations[3].

The wells included under this contract are accepted for the 2026 ARP. Appendix O of the ARP includes updated tables showing historical pumping and estimated Net Groundwater Consumptive Use and monthly net stream depletions for the GSDNP wells for the 2026 ARP Year. Valid forbearance contracts were also submitted with the ARP.

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

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

Subdistrict Wells with Plans for Augmentation (Section 4 of 11.1.1 of the ARP)

The database of Subdistrict Wells includes some wells that are part of an augmentation plan. The augmentation plans vary in their conditions, but generally they coordinate surface rights and other wells in administration of their respective augmentation plan. They are included in the list for fee determination. If any portion of their legally decreed groundwater withdrawals is not covered by their individual augmentation plans, it is subject to the Subdistrict fees and the Subdistrict will replace Injurious Stream Depletions due to that pumping as part of this ARP. Some wells in this list had independent water rights prior to gaining coverage through an augmentation plan. The Second Amended PWM does not allow expansion of "any existing beneficial use or allow a water right to be used for a beneficial use not contained in a valid Decree or Permit." (Second Amended PWM at 2.5.1)

Paragraphs 7 and 8 on page 43 of the April 10, 2013 Decree[4] clarified that the Subdistrict is required to include a list of Augmentation Plan Wells including both those wells that are listed as Subdistrict Wells but that have augmentation plans associated with them as well as those wells located within the Subdistrict Territory that have augmentation plans and that will operate independently of the Subdistrict. This list of Augmentation Plan Wells must include the well WDID number, the structure name, the owner's name, the augmentation

[4] *Concerning the Office of the State Engineer's Approval of the Plan of Water Management for Special Improvement District No.1 of the Rio Grande Water Conservation District,* Findings of Fact, Conclusions of Law, Judgment and Decree, Case Nos. 06CV64 and 07CW52, District Court, Water Division No. 3, Colorado (April 10, 2013).

plan decree case number, an explanation of the augmentation plan and an explanation of the way the Subdistrict treated the Augmentation Plan Wells. The Subdistrict must also include a map with the locations of both types of Augmentation Plan Wells indicated on the map and hyperlinks to the court decrees for each court-decreed augmentation plan.

96CW0038 Crites Augmentation Plan

The Subdistrict reports that the Plan of Augmentation decreed in 96CW0038 known as the Crites Augmentation Plan will not be in operation for 2026. The WDID for the well associated with the Plan of Augmentation is 2013777. This well has no legal water right outside of its plan for augmentation and, therefore, cannot divert groundwater or operate as a Subdistrict No. 1 Well in 2026.

82CW0017 SRS Augmentation Plan

The Plan of Augmentation decreed in 82CW0017 known as the SRS Augmentation Plan will not be in operation for 2026. The wells associated with the Plan of Augmentation are 2008188, 2008189, 2008190, 2008191 and 2008192. All the wells associated with the 82CW0017 decree will operate as Subdistrict No. 1 Wells as part of the 2026 ARP.

99CW0025 Bradley Augmentation Plan

The Plan of Augmentation decreed in 99CW0025 known as the Bradley Augmentation Plan will not be in operation for 2026. The wells associated with the Plan of Augmentation are 2010235 and 2013884. The wells associated with the 99CW0025 decree will not be operated during 2026.

Subdistrict No. 1 will remedy injurious stream depletions caused by all the groundwater withdrawals from the wells that are part of these plans for augmentation and will meet the requirements for aquifer sustainability in compliance with the rules and regulations for Water Division No. 3 promulgated by the Colorado State Engineer and the Plan of Water Management.

Appendix B of the ARP contains the list of augmentation wells, a map of the fields associated with those augmentation plans, as well as a description of the details regarding each augmentation well.

I have reviewed Appendix A, Appendix B, and Appendix P of the ARP and consulted with staff and find it to be an accurate inventory of Subdistrict Wells and augmented wells that meets the requirements of the May 2010 and April 2013 Decrees.

Total Combined Projected Annual Diversion for All Subdistrict Wells
(Section 5 of 11.1.1 of the ARP)

Based on projected Subdistrict operations, weather predictions and antecedent conditions, the ARP anticipates that 2026 sprinkler irrigation pumping will be **220,000 acre-feet**.

Subdistrict Historical Metered Pumping (acre-feet)

2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
330,092	264,912	236,076	242,647	211,699	242,701	242,397	269,870	218,394	248,981

2021	2022	2023	2024	2025	2026	2027	2028	2029	2030
212,530	209,478	223,326	175,488	183,912					

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	220,000	98.4	0.92
Leveled Flood Irrigation	600	0.3	0.60
Wild Flood Irrigation	0	0	0.40
Other Pumping	3,000	1.3	0.46
Total Groundwater Withdrawals	223,600		

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 6 of 11.1.1 of the ARP)

Each irrigation season, the RGWCD conducts a field survey of the irrigated acreage on the Valley floor within the RGWCD boundaries to record crop types grown by field. Table 2.0 is the summary of "irrigated acres, cropping patterns and irrigation methods" on parcels that are part of this ARP's Subdistrict Farm Units. The data was derived from the irrigated agriculture field survey by spatially "capturing" any fields that lie within any of the landowner parcels that are part of the Farm Units.

The ARP shows that the Subdistrict categorized 168,253 acres in 2025. Of this total, 125,834 acres were irrigated and 42,419 acres were fallowed or in CREP programs. It is noted that "Potatoes", "Barley", and "Alfalfa" are the highest acreage categories, followed by "Cover Crop" with 15,448 acres.

Non-Irrigation Subdistrict Wells – Calculation of All Projected Withdrawals and Projected Net Groundwater Consumptive Use (Section 7 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 calculate the 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.

Great Sand Dunes National Park Service Contract

The historical pumping for the GSDNP wells from 2011 through 2025 is shown in the table below.

GSDNP Historical Metered Pumping (acre-feet)

2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
9.95	10.48	9.74	10.50	10.79	16.36	7.28	5.60	7.75	11.62

2021	2022	2023	2024	2025	2026	2027	2028	2029	2030
5.79	7.63	4.77	6.03	5.52					

Note: Data for 2011 – 2025 was taken from Table 1 of the Appendix O of the ARP.

The estimated projected pumping for 2026 supplied by the GSDNP is **8.65 acre-feet**. The Consumptive Use percentage is 10%.

Other Data Necessary to Support the Projected Stream Depletions (Section 9 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 10 of 11.1.1 of the ARP)

Farm Unit Data

Information collected for the Subdistrict Farm Units included identification of the wells and surface rights allocated to the irrigated fields on the lands comprising each Farm Unit. A summary of the ditches and pro rata shares of surface water allocated to fields in this ARP's Farm Units is included in Appendix E. This represents the "surface water source" for Subdistrict No. 1. The groundwater source is represented by the database of Subdistrict Wells described in Section 11.1.1, above, and found in Appendix A.

Total Diversion by Ditch

In accordance with Paragraph 2.D of Appendix 1 of the Second Amended PWM, Table 3.2 of the ARP shows diversions to the ditch service areas in the Subdistrict. The diversions shown are from DWR's 2024 diversion records and represent the total irrigation water for the ditches for the 2025 irrigation season, but only a portion of the water for some ditches is delivered within the Response Area.

Ditches and Pro Rata Shares

The pro rata surface water allocated to the Subdistrict Farm Units is shown in Appendix E of the ARP.

Surface Water Credit

The amount of Surface Water Credit exchanged between farm units for the 2025 fees was 25,813.43 acre-feet. The ARP notes that the surface water exchanged for 2026 is not available until May and therefore was not included in the ARP.

Hydraulic Divide Study (Sub-Section e)

The Second Amended PWM clarifies that the Subdistrict will continue its efforts to restore and maintain the historical Hydraulic Divide, in order to reduce stream depletions to the river from well pumping within the Subdistrict. The Hydraulic Divide is a shallow groundwater divide that separates the Closed Basin in the San Luis Valley from the remainder of the Rio Grande Basin. The Hydraulic Divide is found to the north of the Rio Grande in the area generally from Del Norte to Alamosa. Recent water level measurements in wells along the north side of the Rio Grande indicate that the Hydraulic Divide has retreated south to the Rio Grande or very near the river.

Davis Engineering Service, Inc. prepared a report entitled "Engineering Report on San Luis Valley Groundwater Level Study" from data initially collected in the spring of 2007 which described both the historical evidence of the Hydraulic Divide and the current location and condition of the divide. The study wells have continued to be measured annually to add to the study. Maps displaying the interpreted groundwater contours and location of the Hydraulic Divide have been prepared from the 2025 groundwater measurements.

Other

The following supplemental information is needed to evaluate the 2026 ARP and is provided as a supplement to the ARP:

1. Resolution from RGWCD approving the Subdistrict 2026 ARP.
2. Spreadsheet showing calculations and projections used to determine Recharge Decree offsets for use in the Application Workbook.
3. Application Workbook supporting the calculations submitted in the ARP.
4. 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.
5. 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.
6. Resolution from RGWCD to use allocated Closed Basin Project water in the 2026 ARP.
7. Resolution from RGWCD to act as a financial guarantor for the Subdistrict.

8. Copies of the new CREP contracts made since the 2025 ARP.
9. Updated Pumping and Depletion tables for GSDNP wells and valid forbearance contracts, tracking of sustainability requirements.
10. Operational Requests to the Division Engineer for the 2026 ARP
    - The Subdistrict anticipates requesting 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.
    - The Subdistrict requests the Division Engineer allow a portion of the Closed Basin Project (CBP) production that is generated during the irrigation season be used to offset the Subdistrict's non-irrigation season depletions, though not to exceed the allocation approved by the CBP Operating Committee. This becomes necessary when the depletions owed for all RGWCD Subdistricts combined in any one or more months during the non-irrigation season are greater than the production of the Closed Basin Project production in those months.
    - The Subdistrict requests to release water held in reservoir storage for temporary storage in the unconfined aquifer.

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 Saguache Creek and three reaches on the Rio Grande and a projection of the Post-Plan Stream Depletions calculated as a result of the predicted Plan Year groundwater withdrawals from Subdistrict ARP Wells. The Subdistrict used the current 7P101 Application Workbook to calculate projected stream depletions for this ARP.

The April through September streamflow forecasts included in the ARP are made by the Division Engineer and are based upon guidance given by forecasts from the United States Department of Agriculture's Natural Resources Conservation Service (NRCS), the National Weather Service NWS), and the National Center for Atmospheric Research (NCAR).

The 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 most recent 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 include the April 1, 2026 Division Engineer's Rio Grande Compact Ten Day Report for the Rio Grande and the NRCS April 1, 2026 for Saguache Creek.

2026 Stream Flow Forecast – Rio Grande (Section 1 of 11.1.2 of the ARP)

The April - September flow for the Rio Grande is 172,000 acre-feet for use in the Application Workbook for 2026. The annual flow is estimated to be ±**270,000 acre-feet**. 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.

Rio Grande Stream Flow Forecast

Rio Grande Stream Flow Analysis	Apr-Sep Forecast (acre-feet)	% of median	Estimated Additional (acre-feet)	Jan - Dec Forecast (acre-feet)
	(1)	(2)	(3)	
Division Engineer, Ten Day, 4/6/2026	172,000	36	98,000	270,000
Saguache Creek, NRCS "April 1st (10% exceedance)	20,000	71		

(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
(3) January through March and October through December

2026 Stream Flow Forecast – Conejos River (Section 2 of 11.1.2 of the ARP)

The Subdistrict used the Division Engineer's streamflow forecast and the data collected from the Division Engineer's Rio Grande Compact Ten Day Report. This forecast was based upon the NRCS forecast (projected 50% exceedance streamflow at the Conejos River near Mogote, Los Pinos River near Ortiz, and San Antonio River at Ortiz gaging stations for the period April-September), the NWS forecast, and the WRF-Hydro forecast.

Conejos Stream Flow Forecast

Conejos Stream Flow Analysis	Apr-Sep Forecast (acre-feet)	% of median	Estimated Additional (acre-feet)	Jan - Dec Forecast (acre-feet)
	(1)	(2)	(3)	
NRCS 4-1-2026				
Conejos River near Mogote	44,000	26		
San Antonio River at Ortiz	1,600	17		
Los Pinos River near Ortiz	11,000	18		
TOTAL				
Division Engineer, Ten Day, 3/31/2026				
Conejos River near Mogote	59,000	35		
San Antonio River at Ortiz	2,500	22		
Los Pinos River near Ortiz	14,000	26		

TOTAL	75,500		34,500	110,000

(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
(3) January through March and October through December

Projected Annual Recharge Credit (Section 3 of 11.1.2 of the ARP)

The ARP next indicates projected recharge credit as an offset to projected pumping. Major ditches that bring surface water into the Subdistrict have recharge decrees, as detailed in the ARP.

Paragraph 3.C of Appendix 1 of the Second Amended PWM requires that recharge credit be based upon anticipated hydrologic conditions for the 2026 ARP Plan Year using historical diversion records and the terms of the recharge decrees. The ARP developed trend lines for each canal/ditch by plotting historical annual river flows and corresponding recharge credits, in order to provide a reasonable method for predicting probable recharge credit quantities for 2026. The mathematical process used to develop the trend lines developed for each of the four canals/ditches and resulting equations describing the trend lines are included in Appendix D.

The projected recharge offsets were reduced based on the pro-rata shares per ditch within the Subdistrict boundary. Further, the projected recharge credits were reduced by the projected consumption attributable to the surface water directly used through sprinkler irrigation (92%) and flood irrigation (60%), which is also outlined in the ARP. In the Phase 7 Model, the sprinkler efficiency was updated to 92% for this Response Area. The direct use figures were adjusted to accommodate this change.

Calculated Projected Recharge Decree Credits for Subdistrict No. 1
During Current Irrigation Year
(Units in acre-feet)

	Rio Grande Canal	San Luis Valley I.D.	Prairie Ditch	SLV Canal	Totals
Total Consumable	45,261	3,285	2,900	2,035	53,481
% Within Subdistrict No. 1	93.98%	100%	99.20%	80.87%	
Total Consumable Within Subdistrict No. 1	42,535	3,286	2,877	1,646	50,344
Surface Water Through Sprinklers @92%	-2,180	0	-178	-109	-2,467
Surface Water Used for Flood @60%	-250	0	0	0	-250
Totals	**40,105**	**3,286**	**2,699**	**1,537**	**47,627**

Projected recharge decree credits for the Subdistrict for 2026 are calculated as **47,627 acre-feet** using a Rio Grande annual streamflow forecast of 270,000 acre-feet.

Projected Plan Year Stream Depletions (Section 4 of 11.1.2 of the ARP)

Subdistrict staff predicted stream depletions caused by Subdistrict ARP Wells utilizing the Application Workbook, 7P101, developed for the Subdistrict No. 1 Response Area under the RGDSS Groundwater Model Phase 7.

The Application Workbook was built to be used for the whole Response Area. The Subdistrict has elected to use the Application Workbook for the subset of wells represented by the Subdistrict ARP Wells. There are no point source returns to streams identified in the Subdistrict No. 1 Response Area.

DWR identified some anomalies in the pumping figures submitted for the Subdistrict's Application Workbook calculations requiring a correction to the depletion schedule. 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.

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 represented in the ARP.

No adjustments were made in the Application Workbook for groundwater withdrawals of the subset wells for any years prior to 2021. The projected Net Groundwater Consumptive Use for the Plan Year is **156,498 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 also tabulated in the ARP. The total stream depletions are **4,037 acre-feet** for Subdistrict wells.

Subdistrict Projected Depletions (acre-feet)

Stream Reach	May-Oct, Apr	Nov-Mar	Total	Stream Total	Post Plan
Rio Grande 1 Del Norte- Excelsior	1,570	1,215	2,786		18,351
Rio Grande 2 Excelsior- Chicago	717	697	1,414		7,172
Rio Grande 3 Chicago- State Line	-172	-23	-195	4,004	-513
Saguache Creek	8	25	33		417
Total Depletions	2,123	1,914	4,037		25,427

Post-Plan Stream Depletions are estimated to accrue to impacted streams for approximately **19 years**. Based on predictions from the Application Workbook, there would be a total of **25,427 acre-feet** of Post-Plan Stream Depletions.

Great Sand Dunes National Park Service Contract

The Net Groundwater Consumptive Use for the GSDNP wells typically represents 100% of the depletions from the current year projected pumping and is considered to be a conservative representation. From Appendix O, the estimated Net Groundwater Consumptive Use for 2026 is **0.87 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 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. 1 Replacement Sources
Rio Grande (acre-feet)

	Water Right Name	**Submitted in ARP**	**Approved in SWSP's**	**Remaining 4/15/2026 & Approved for 2026 ARP**
SWSP	**In Storage**			
5346	Williams Creek Squaw Pass (Navajo Devel.) [1]	134.8	2,584.8	134.8 (Parker Squaw Vintage)
5346,5506	Williams Creek Squaw Pass (SLVID) [1]	56.5	56.49	56.5
5346,5506	Tabor Ditch No. 2 & Enlargement (SLVID) [1]	45.1	105.3	45.1
5346,5506	Tabor Ditch No. 2 & Enlargement (CPW) [1]	0	272.5	0
5346,5506	Piedra River, TM, Piedra Water Rights (CPW)	500.0	500	500 (CPW DLF#2 SWSP)
5346,5506	Pine River Weminuche Pass (SLVWCD)	1,000.0	500+500	1,000
5346,5506	Treasure Pass TM Diversion (Underwood/Cook)	730.76	432.3+ 298.5	781.5 (Treasure Pass Vintage)
5346,5506	Treasure Pass TM Diversion (Klecker Ranch)	50.7	100	
	Total Transbasin	**2,518**		**2,518**
13CW3002	Santa Maria Reservoir Co Leases			
5491	2012 - 3270.8 shares @ 0.9443 af/share	1,252.11	3,089	2,800 (Native in RG)
5491	2013 - 3235.8 shares @ 0.72 af/share	2,328.8	2,330	
5491	2014 - 3320.8 shares @ 1.288 af/share	4,278.2	4,277	130 (SM Native in RG)
5491	2015 - 3095.8 shares @ 1.86 af/share	3,568.2	5,758.2	
5491	2016 - 1645.0 shares @ 0.968 af/share	533.59	1,592.36	5,000 (Native in C)
6164	Mammoth Land Holdings Exchange (SMRC for TM)	49.3		
	Total SMRC	**12,010**		**7,930**
	Total In Storage	**14,528**		**10,448**
[1] Several Transbasin replacement supplies included in previous ARPs were completely consumed during the 2018 Plan Year. They are listed in the above table for tracking purposes.				
	In Season - None			0
	On Call	**Limit**	**Expected Yield**	**DWR Expected Yield**
WDID	**Forbearance**			
2000812	Rio Grande Canal (contract provided) 1 yr. 2027	900		

2000623	Commonwealth-Empire (contract provided) 1 yr. 2027	500		
2000566	Centennial Ditch (contract provided) 1 yr 2027	10 days		
2000575	Chicago (contract provided) 10 yr. 2036	24-hour request		
2000627	Excelsior Ditch (contract provided) 1 yr. 2027	1,000		
200773	New Ditch (contract provided) 10 yr. 2036	24-hour request		
2000798	Prairie (contract provided) 1 yr. 2027	100		
2000753	Monte Vista Canal (contract provided) 1 yr. 2027	300		
2000631	Farmers Union Canal (contract provided) 1 yr. 2027	1,000		
2000816	Rio Grande Lariat Ditch (contract provided) 1 yr. 2027	500		
	Total On Call- Forbearance	5,300	**800 to 1400[2]**	**Up to 800***
	CBP Allocation (as of March 2026) for SD-1, 2, 3, 5, 6	3,900	1,903	
	Total On Call- Non-Irrigation Season		1,903	**Up to 1,903**

**Note: DWR Analysis*

[2] See Operation section of the ARP.

Subdistrict No. 1 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, 2605041 – Model Layer 2 *(457.1 af)	±763.2	±763.2	
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

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

Great Sand Dunes National Park Service Contract

The Subdistrict has acquired forbearance agreements with The Nature Conservancy, Great Sand Dunes National Park, Colorado Division of Parks & Wildlife (San Luis Lakes), and Rio Grande Water Conservation District for the 2026 ARP Year. The agreements represent all affected water rights holders on Medano Creek. It is expected all depletions to Medano Creek during the 2026 ARP Year will be remedied through these forbearance agreements.

Operation of the 2026 Annual Replacement Plan (Section 2 of 11.1.3 of the ARP)

The ARP states that the most current RGDSS Groundwater Model (7P101) does not predict depletions by Subdistrict Wells to streams other than the Rio Grande. The Phase 7 Model also calculates depletions to Saguache Creek. The Subdistrict's portfolio of replacements includes sources for both the Rio Grande and Saguache. The Subdistrict currently has no obligations to other streams.

Rio Grande

Subdistrict water that is currently in storage will be released, including transit losses, from Rio Grande, Santa Maria/Continental or other Reservoirs in the upper Rio Grande at the direction of the Division No. 3 Division Engineer, in time and amounts required to offset Injurious Stream Depletions as shown in Table 2.6 of the ARP. All Plan Year Injurious Stream Depletions will be replaced or remedied in the time, location and amount that they occur, beginning the first day of the Plan Year. These releases of water will be performed under the provisions of section 37-87-103, C.R.S.

The ARP provides documentation that the Subdistrict has renewed forbearance agreements for the 2026 Plan Year with several canals located on the main stem of the Rio Grande. Exercise of these agreements is at the discretion of the Subdistrict.

The Subdistrict also states they have forbearance agreements to remedy injurious depletions from the Great Sand Dunes National Park wells. All injurious depletions will be remedied through these forbearance contracts in the 2026 ARP.

The ARP notes that sections 37-80-120, 37-83-104, and 37-83-106, C.R.S. allow for exchanges to occur between reservoirs without a decreed exchange right, if recognized by the Division Engineer. The ARP states that appropriate accounting between the Division Engineer's Office and the Subdistrict will occur on a regular and routine basis as these exchanges occur and that they will be documented and reported in the 2026 Annual Report. The Division Engineer's Office will be notified in advance of these exchanges, and the exchanges must be documented and approved by the Division Engineer prior to them occurring.

The ARP includes a resolution by the Centennial Ditch. The resolution allows replacement water to be carried through the Centennial Ditch for delivery when the Rio Grande is dry below the Excelsior Ditch. The water will be measured and delivered directly to the Rio Grande at the point the Centennial Ditch can return water directly to the Rio Grande. That point is above any water right that may be injured while in priority. The Centennial Ditch

must be adequate to efficiently deliver water around the dry stretch of river to the satisfaction of the Division Engineer prior to this being considered a viable option. The Centennial Ditch Company's water rights are senior enough to accomplish this carriage in most foreseeable situation (Priority Nos. 32 and 173).

In virtually all conditions, including 0% Compact Curtailment, replacement of injurious depletions is required to be made to the lower reach of the Rio Grande for replacement of Injurious Stream Depletions to the Rio Grande Compact as well as any ditches in the reach.

Saguache Creek

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, **161.28 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, San Luis Creek Subdistrict 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.

Lagged Depletions

The Rio Grande Water Conservation District Board of Directors has passed a resolution to act as a financial guarantor for the Subdistrict to assure that all Post-Plan Injurious Stream Depletions will be replaced or otherwise remedied if the Subdistrict were to fail or otherwise be unable to replace Post-Plan Injurious Stream Depletions. The Subdistrict provided a copy of the resolution with the ARP.

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 Groundwater Rules. Presumably, those plans would be required to replace these Post-Plan Injurious Stream Depletions into the future. In the interim, the Subdistrict or the Rio Grande Water

Conservation District will remedy those Post-Plan Injurious Stream Depletions by supplying water or through agreements of the type contemplated by Colo. Rev. Stat. § 37-92-501(4)(b)(I)(B), pursuant to which injury to water rights is remedied by means other than providing water to replace stream depletions.

Anticipated Funding for the Plan Year (Section 3 of 11.1.3 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

Forbearance Agreements (Section 1 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 forbearance 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 Rio Grande. Forbearance agreements were also obtained for remedy of depletions from the Great Sand Dunes National Park.

Closed Basin Project Production of Calendar Year 2026 (Section 2 of 11.1.4 of the ARP)

According to the information provided in the ARP, the projected production of the Closed Basin Project delivered to the Rio Grande is 6,500 acre-feet during calendar year 2026. The 2026 allocation of the Closed Basin Project production will be 60% to the Rio Grande and 40% to the Conejos River.

Per a letter from the Rio Grande Water Users Association dated April 10, 2026, the Board of Directors passed a motion to specifically allocate 3,900 acre-feet (1,700 in 2026 and 2,200 acre-feet in 2027) of the Rio Grande's share of the usable yield of the Closed Basin Project to replace the stream depletions of the Rio Grande Water Conservation District Subdistricts. Similarly, the Board of Directors of the San Luis Valley Water Conservancy District agreed to the allocation as stated in their letter to the Rio Grande Water Conservation District on April 7, 2026.

Further, the Water Users understand that there may be circumstances during the irrigation season when the Subdistricts cannot deliver water to the Rio Grande below the Chicago Ditch due to intervening dry stream reaches or excessive losses in deliveries. In those circumstances, the Water Users believe Project Water is an appropriate replacement source but intend that the use of the allocation described be minimized during the irrigation season.

A copy of each letter reporting the approval was provided with the ARP. The resolution from RGWCD allowing the Subdistrict to use Closed Basin Project water in the 2026 ARP was provided as supplemental information.

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

The Subdistrict has signed a Memorandum of Understanding, whereby Saguache Subdistrict will utilize its sources of replacement to remedy injurious stream depletions to Saguache Creek. The MOU was made between Subdistrict No. 5 and Subdistrict Nos. 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.

Resolution for the District to Act as Financial Guarantor of the Replacement Obligations of Subdistrict No. 1 (Section 3 of 11.1.4 of the ARP)

The Subdistrict continues to pursue permanent and renewable water supplies to address depletion obligations. It is currently not feasible to secure sufficient long-term supplies to fully cover all post-plan depletions. RGWCD formally commits to act as a financial guarantor. In the event the Subdistrict is unable to meet its replacement obligations, RGWCD will utilize its financial resources to acquire replacement water or compensate affected parties, ensuring that senior water rights remain protected. This provision serves as a temporary but critical safeguard, maintaining compliance and operational continuity while long-term solutions are developed.

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 of the ARP)

Unconfined Aquifer Change in Storage Volumes (Sub-Section a)

Appendix J of the ARP shows a tabulation of groundwater levels measured in unconfined and confined wells both within the boundaries of Subdistrict No.1 and the study area for the Change in Unconfined Aquifer Storage – West Central San Luis Valley for the study period, as required by the Second Amended PWM. A tabulation of measured values obtained during the previous 12 months is also included.

The Second Amended PWM includes a required objective of recovering groundwater levels to the extent necessary to achieve unconfined aquifer storage levels between 200,000 and 400,000 acre-feet below the storage level that existed on January 1, 1976. This is measured by a monthly study titled “Study of the Change in Unconfined Aquifer Storage” and utilizes

measured groundwater levels from RGWCD monitoring wells located throughout the study area which is approximately the same area included within the Subdistrict.

Change in Unconfined Aquifer Study
(on accumulated monthly basis)
(acre-feet)

Change in Storage since from January 1976 through March 2026	-1,250,027
Change in storage through December 1, 2025. 5-year running average	-1,264,011
Amount below the lowest goal level	864,011

The Second Amended PWM states that "[a]ll measurements used to gauge success in reaching Unconfined Aquifer Storage goals will be based on a five-year running average of annual storage levels derived from the average of monthly levels" (Second Amended PWM at 3.4.7).

Projections of Unconfined Aquifer Change in Storage Volumes (Sub-Section b)

The Subdistrict was asked to include a plan to achieve and maintain a sustainable aquifer as part of their ARP. Each year since 2020, the Subdistrict has provided a graph of the historical Unconfined Aquifer Storage levels showing the amount of recovery needed to reach the Subdistrict's target for compliance with the sustainability metric by 2031. The current estimated rate of recovery needed to achieve the sustainability level in the aquifer is **197,738 acre-feet/yr**.

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

Fallowing irrigated land is one way to attain the storage goals discussed above. The Second Amended PWM (paragraph 3.4.4) states that "up to 20,000 acres of land previously irrigated in 2000 must be withdrawn from irrigation by December 31, 2016 or a reduction in annual consumptive use of groundwater withdrawals in the amount of 40,000 acre-feet per year. In a similar manner, if the goals in Section 3.4.3.3. above are not achieved, up to 30,000 acres in total must be designated for reduction by December 31, 2018 or a reduction in annual consumptive use of groundwater withdrawals in the amount of 60,000 acre-feet per year. If the goals in Section 3.4.3.3. above are not achieved, up to 40,000 acres in total must be designated for reduction by December 31, 2021 or a reduction in annual consumptive use of groundwater withdrawals in the amount of 80,000 acre-feet per year" in order to progress toward the Unconfined Aquifer storage goal.

RGWCD Staff have been compiling irrigated acreage coverage for the calendar year 2000 by digitizing past RGWCD irrigated cropland census maps for the area within the Subdistrict's boundary. This information will serve as a basis to determine the previously irrigated lands in the calendar year 2000 that have been fallowed as a part to the Second Amended PWM

through the Conservation Reserve Enhancement Program ("CREP"), other conservation programs or the Subdistrict conservation programs.

While Subdistrict efforts have achieved a significant reduction in pumping, the reduction in pumping has not yet resulted in sustained increases in aquifer levels due to the persistence of drought conditions and high volumes of groundwater pumping in extraordinarily dry years.

2026 Contracted Conservation Reserve Enhancement Program Lands (Sub-Section a)

Local USDA FSA field offices located in Alamosa, Rio Grande, and Saguache Counties and the Subdistrict staff implemented the Rio Grande CREP signup process beginning in May 2013 per the 2008 Farm Bill.

A map and legal descriptions for the existing CREP parcels are included in Appendix L along with the wells and surface rights associated with the parcels. A summary of the acreage under CREP contracts is shown below. CREP signups is ongoing, but the Subdistrict submitted no new CREP contracts for the 2026 ARP.

2026 Subdistrict No. 1 CREP Enrollment (acres)

Rio Grande River CREP Enrollment Year	**Permanent**	**Temporary**	**Total**
2014	919	1,050	1,969
2015	680	1,206	1,886
2016	1,164	751	1,915
2017	0	480	480
2018	242	1,510	1,752
2019	0	597	597
2020	605	120	725
2021	600	0	600
2022	0	100	100
2023	0	485	485
2024	123	248	371
2025	0	0	0
TOTAL	**4,333**	**6,547**	**10,880**

Temporary Land Retirement - Fallow (Sub-Section b)

In 2026, the Subdistrict offered a one-year ranked fallow program. This program allows for producers to bid on which field is fallowed and a ranking calculation was developed using a 5-year average diversion and the offered price by the Contractor. A summary of the reduction in acres and diversions is shown in the table below.

2026 One Year Fallow Contracts

Contracts	Irrigated Acres	5 Year Average Diversion (acre-feet)	Estimated Reduction (acre-feet)	Temporary Reduced Application (acre-ft/ac)
110	12,900	19,737	16,552	1.28

A table listing the legal descriptions for these temporary fallow parcels is included in Appendix L along with the wells associated with the parcels.

Well Purchase Program (Sub-Section c)

The Subdistrict chose not to fund their Well Purchase Program in 2026. Under the program, wells are purchased by the Subdistrict, taking them out of production. The table below summarizes the effect of the wells identified for this program for the three years it was offered.

2021 - 2025 Subdistrict No. 1 Well Purchase Program

Year	Number of Wells	Retired Land (acres)	Retired Pumping* (acre-ft)	Retired Application (acre-ft/ac)
2021	19	1,375	1,766	1.28
2022	16	1,149	1,009	0.88
2023	15	1,303	1,651	1.27
2025	4	570	730	1.28
TOTAL	**54**	**4,397**	**5,156**	

10-year average of historical pumping

Senate Bill 22-028, The Groundwater Compliance and Sustainability Fund (Sub-Section d)

In accordance with the provisions of CRS § 37-60-134, also referred to as SB22 - 028, funds were made available for disbursement to well owners who qualify and provide documentation in support of a verifiable reduction in groundwater withdrawals from non-exempt wells that are subject to aquifer sustainability requirements as outlined in the State's Rules and Regulations for Groundwater Withdrawals in Colorado Water Division No. 3 ("Regulations"). The Board of Directors of the RGWCD, in collaboration with the Colorado Water Conservation Board ("CWCB") and the State Engineer, established eligibility and application criteria for disbursement of money from the fund.

The Subdistrict offered additional financial incentives to applicants who were accepted into the program. There were multiple application phases for this program. The first phase only accepted applications where complete and permanent dry-up of lands would occur. In later phases, applications were accepted for partial dry up of lands.

Groundwater Compact Compliance & Sustainability Fund
(SB22-028)

Year	Dry-Up Contract	Number of Wells	Retired Land (acres)	Retired Pumping (acre-ft)	Retired Application (acre-ft/ac)
2024	Full	43	2,706		
2024	Partial	1	124		
2025	Full	8	486		
Total		52	3,316	6,177	1.86

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

Based on total head-gate diversions, the Subdistrict diverted approximately 2,369 acre-feet towards recharge to the unconfined aquifer on the White, McConnell, Lacy and West Medano Ranch properties during the irrigation season. The Subdistrict did not use the wells located on these parcels for any purpose in 2025.

A map of the locations of the lands purchased by the RGWCD is included in Appendix M.

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

The Board of Managers of the Subdistrict and the Subdistrict members remain keenly aware of the PWM deadlines to achieve and maintain sustainability of the unconfined aquifer and have increased assessments to generate funds to further long-term conservation.

Examples of past conservation measures are: purchasing wells, informing constituents of aquifer level through a monthly email publication; public forums to provide education on sustainability, aquifer conditions and programs offered through the Subdistrict; online surveys to solicit input on conservation ideas; expanded options on fallow programs to increase enrollment; and, mailing out end of year water report by farm to raise water use awareness, with a customized calculation on what a 10% cut back would look like on a field by field basis.

The Subdistrict is currently engaged in a public process to amend and restate the current approved PWM, with the intent to balance water imported into the Subdistrict against groundwater pumping and rely upon natural inflow into the aquifer system to recover the unconfined aquifer. The revised PWM contemplates charging an over pumping fee to its individual members in the event that pumping exceeds imported water. Funds generated from this action will be used to fund conservation programs for Subdistrict members. The Subdistrict filed the PWM in court under 07CW0052 on September 8, 2023 and a trial to hear the issues is scheduled for **June 2026**.

Great Sand Dunes National Park Service Contract

GSDNP obtained approval of the State Engineer per a letter dated April 29,2026 (Appendix O) that describes a Sustainability Metric that is acceptable for a five-year period extending from October 1, 2025 through September 30, 2030. The proposed metric is to limit total pumping from the GSDNP wells to 54.02 acre-feet, averaging 10.80 acre-feet/year. GSDNP is in the process of obtaining a decreed Plan for Augmentation and this metric will be reevaluated at the end of the period for incorporation into the Plan. The total pumping for 2021- 2025 was 28.25 acre-feet, below the five-year total and the annual limit per the previous 2020-2025 metric. The expected pumping for 2026 is 8.65 acre-feet, within the proposed new metric.

Findings:

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

1. The Plan of Augmentation decreed in 96CW0038 known as the Crites Augmentation Plan will not be in operation during 2026. The wells associated with the 96CW0038 decree cannot operate outside of its decreed plan.

2. The Plan of Augmentation decreed in 82CW0017 known as the SRS Augmentation Plan will not be in operation during 2026. All the wells associated with the 82CW0017 decree will operate as Subdistrict No. 1 Wells as part of the 2026 ARP.

3. The Plan of Augmentation decreed in 99CW0025 known as the Bradley Augmentation Plan will not be in operation during 2026. The wells associated with the 99CW0025 decree will not be operated in 2026.

4. The Subdistrict accepted a contract from the GSDNP for wells that lie outside of the Subdistrict No. 1 Response Area, but within the Model Domain. Tables showing historical pumping and estimated Net Groundwater Consumptive Use and projected monthly net stream depletion for the GSDNP wells were provided for 2026 by the Subdistrict as well as documentation of compliance of the proposed Sustainability Metric accepted for the GSDNP wells by DWR. The approval letter is attached.

5. The projected pumping is based upon the inventoried Subdistrict Wells, their historical pumping, and CREP fallowing. The inventory of wells, after adjustment as described above, 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 pumping for the Wells for 2026 is consistent with historical pumping information and streamflow forecast and includes lands fallowed under CREP, through the Well Purchase Program, and Senate Bill 22-028 contracts within the Subdistrict for 2026.

6. The Second Amended PWM requires an estimation of projected recharge using historical information. Projected annual recharge offsets are based on historical

recharge records and the relationship between historical streamflows and recorded historical recharge volumes. The historical recharge offset is based on diversion records on file with DWR and is calculated pursuant to methods approved by the Water Court.

7. DWR identified some anomalies in the pumping 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.

8. 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. The 7P101 Application Workbook was used in determining stream depletions. The ARP Year depletion schedule is included as an Exhibit to this letter.

9. It is noted that Subdistrict No. 1 has delivered sufficient replacements to streams to remedy injurious depletions for most of the past ARP Years and remedied any underestimation discovered in the Annual Review prior to the start of the next ARP Year. The Subdistrict remains in compliance with Rules 3.7, 4.13, 4.26, 5.13, 11.3, 12.1, 12.4.3; the Second Amended PWM, Appendix 1, Section 11.A; the May 2010 Decree, Sections I.A.¶8, II.A.¶36, II.C.¶74.

10. The yield of the CBP and timing of deliveries is not adequate to cover all subdistrict non-irrigation season depletions. CBP delivers water to Stream Reach 3 of the Rio Grande. Under certain conditions, including 0% curtailment, there is no exchange potential available to the upper reaches. The Subdistrict must provide enough replacement water to remedy any shortage of CBP deliveries allocated to the Subdistrict.

11. 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:

Rio Grande

The Subdistrict depletions on the Rio Grande are 2,114 acre-feet during the irrigation season and 1,890 acre-feet during the non-irrigation season for a total of 4,004 acre-feet.

- Irrigation Season: The Subdistrict has 10,996 acre-feet in storage in Beaver, Rio Grande, Continental and Santa Maria Reservoirs. The Subdistrict indicates a yield of up to 1,400 acre-feet from forbearance agreements during the 2026 irrigation season and in April 2027, totaling 12,396 acre-feet. Currently, aggregation of accretions on Stream Reach 3 of the Rio Grande is not allowed due to the lack of exchange potential. The total amount

of accretions is 172 acre-feet. The Subdistrict has adequate replacements without the contribution of the accretions.

The confirmed portfolio of water from storage in the 2026 ARP Year **indicates sufficient firm water** to cover Injurious Stream Depletions in the unlikely event that no forbearance is available.

- Non-irrigation Season: The Subdistrict has 1,903 acre-feet of Closed Basin Project water allocated to pay non-irrigation season depletions and additional storage in Water District 20 Reservoirs to remedy potential shortages.

Saguache Creek

The Subdistrict depletions for Saguache Creek for this ARP are **8 acre-feet** during the irrigation season and **25 acre-feet** during the non-irrigation season for a total of **33 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 134 acre-feet from SWSP 9367 and 457 acre-feet from SWSP 8308. The current expected yield of 591 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.

12. The Rio Grande Water Conservation District Board of Directors has passed a resolution to act as a financial guarantor for the Subdistrict to assure that all Post-Plan Injurious Stream Depletions will be replaced or otherwise remedied if the Subdistrict were to fail or otherwise be unable to replace Post-Plan Injurious Stream Depletions.

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 has accepted a contract with GSDNP wells outside of Response Area No. 1 and whose impacts are determined pursuant to Rule 7.5 by using an approved alternate method of calculating injurious stream depletions. This action is approved for this ARP year.

3. The Subdistrict must replace or remedy the Injurious Stream Depletions resulting from Subdistrict Well pumping, regardless of the state of the Hydraulic Divide.

4. **In virtually all conditions, including 0% Compact Curtailment, replacement of injurious depletions is required to be made to the lower reach of the Rio Grande for replacement of Injurious Stream Depletions to the Rio Grande Compact as well as any ditches in the reach.**

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

6. 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.

7. 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.

8. The Division Engineer shall determine on an ongoing basis whether he can administer the operations under each forbearance agreement. If the Division Engineer cannot, then that operation shall cease. General Forbearance Protocols for the Rio Grande River System for 2026 were prepared by the Division Engineer. A copy of the protocols is included with this letter.

9. The Subdistrict shall provide daily replacement water accounting (including, but not limited to diversions, depletions, replacement sources, and river calls) on a monthly basis. The accounting must be emailed to the Division Engineer (Craig.Cotten@state.co.us), the Water Commissioner (sam.riggenbach@state.co.us), the Subdistrict Coordinator (deborah.sarason@state.co.us), and the 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.

10. The Subdistrict must adhere to the terms and conditions of the SWSP(s) incorporated as part of the ARP. The use and inclusion of any new replacement water within the ARP is subject to SWSP approval or approved 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.

11. Regarding the Subdistrict's request to aggregate depletions owed between stream reaches on the Rio Grande, as long as there is a curtailment in effect on the Rio Grande to satisfy Compact obligations, the depletions owed to all reaches may be aggregated, or summed, on a daily basis through the irrigation season. Due to the current dry conditions and 0% curtailment on the Rio Grande and Conejos, aggregation is not allowed. Should conditions improve, this situation may change. It is acceptable

for depletions between stream reaches to be aggregated during the non-irrigation season.

12. 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.

13. CBP deliveries may only be credited against irrigation and non-irrigation season depletions that occur during the same calendar year and during the same ARP Year. **For 2026 and going forward, only the CBP deliveries generated during the non-irrigation season may be used to remedy Subdistrict non-irrigation season depletions.** The Subdistrict must provide replacement water to remedy any shortage of CBP deliveries allocated to the Subdistrict. It is noted the Rio Grande Water Users offered to make CBP water available to pay depletions during the irrigation season should the current dry conditions persist such that replacement water cannot be delivered to Rio Grande Stream Reach 3. This will only be allowed after approval of the Division Engineer.

14. 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.

15. The Subdistrict must submit an Annual Review pursuant to Term and Condition #17 of the May 2010 Decree. The Annual Review will include information pertinent to the operation of the ARP in regard to the GSDNP contract wells.

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

17. The Subdistrict must comply with the May 2010 Decree approving its Amended PWM, the April 2013 Decree, the Second Amended PWM, the approval conditions of the Second Amended PWM, and this ARP.

18. The Subdistrict must continue to work toward sustainability of the unconfined aquifer in accordance with the PWM.

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: Letter, Request to Add Replacement Well WDID 2706366
B: Letter to GSDNP regarding a defined temporary sustainability metric
C: Application Workbook 2026 Stream Depletion Tables (prepared by DWR)
D: Subdistrict No. 1 2026 ARP Application Workbook Table 2.6
E: General Forbearance Protocols for the San Luis Valley River Systems for 2026

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

Rio Grande Water Conservation District
8805 Independence Way • Alamosa, Colorado 81101
Phone: (719) 589-6301 • Fax: (719) 992-2026
Protecting & Conserving San Luis Valley Water

RE: Request for Inclusion of WDID 2014692 – Bowsher Farms LLC in 2026 ARP

Dear Craig and Deb,

On behalf of Subdistrict No. 1 of the Rio Grande Water Conservation District, I am writing to formally request the inclusion of **Bowsher Farms LLC well, WDID 2014692**, in the approval of the **2026 Annual Replacement Plan (ARP)**.

This well and its associated participation contract were reviewed and formally accepted by the Subdistrict No. 1 Board of Managers at our December meeting. However, it has come to our attention that **WDID 2014692** was inadvertently omitted from the final 2026 ARP list submitted for approval.

We respectfully request that the Division of Water Resources recognize this well as an approved participant under the 2026 ARP, consistent with the Board's prior approval. All applicable documentation supporting the participation contract and board action is available and can be provided upon request.

Please let us know if any additional information or formal amendment documentation is required to facilitate this inclusion.

Thank you for your time and continued coordination on Subdistrict matters. We appreciate your assistance in resolving this oversight.

Sincerely,

Quinton Norris
Program Manager, Subdistrict No.1
Rio Grande Water Conservation District

COLORADO
Division of Water Resources
Department of Natural Resources
Water Division 3 - Main Office

April 30, 2026

Andrea Compton, Superintendent
United States Department of the Interior
Great Sand Dunes National Park and Preserve
11500 State Hwy 150
Mosca, CO 81146

Subject: **Proposed Sustainability Metric for Future Groundwater Withdrawals by Great Sand Dunes National Park and Preserve**

Dear Ms. Compton,

The Great Sand Dunes National Park and Preserve ("Park") submitted a proposed Sustainability Metric to satisfy their obligations under their contract allowing participation in the Subdistrict No 1 2026 ARP. The proposal is to limit the pumping from the Park's wells to a total of 54.02 acre-feet from October 1, 2025, through September 30, 2030. This amounts to an average of 10.80 acre-feet/year over the five-year period.

The Park's approach in developing the metric involved examining historical groundwater withdrawal records and establishing a current pumping limit that would not exceed historical withdrawals. During the Park's research of historical pumping records, they found that the available data was limited for years prior to 2000 and were constricted to the records available from 1992 to 1994, and 2000 through 2019, because of the consistency and reliability of the data involved.

The average groundwater pumping for the 1992 through 1994 period was found to be 15.3 gallons per visitor to the park. Using this data and other sources of information, it was estimated that the average pumping volume for the entire pre-2000 timeframe equaled 10.804 acre-feet per year. If this average annual pumping volume is maintained for a 5-year period, the total volume over that timespan would equal 54.02 acre-feet. This proposed Sustainability Metric was considered reasonable, given the limited amount of historical data that is available, and the Colorado Division of Water Resources approved this proposed Sustainability Metric in 2021.

On April 16, 2026, the Park provided their annual diversion volume data from 2020 to 2025 that supplied a total volume of 28.25 acre-feet over the 5-year term of the Sustainability Metric. This equates to an average annual pumping volume of 5.65 acre-feet, which is well within the limitations set by their proposed Sustainability Metric. The Park does expect this average annual pumping volume to increase closer to the historical average over each 5-year period with increased visitation to the National Park Services nationally as a whole.

The Park is in the process of obtaining a decreed Plan for Augmentation per DWR's Groundwater Use Rule 6.1.2 which must include the Park's detailed Sustainability Metric. This

proposal is considered acceptable for the five-year term described, with the condition the Sustainability Metric must be reviewed and finalized for incorporation into the Plan for Augmentation when it is brought to court. The Sustainability Metric will be reevaluated at that time. This will be the last approval of a temporary Sustainability Metric.

The proposed Sustainability Metric for the Great Sand Dunes National Park of 54.02 acre-feet of total pumping volume for the period of October 1, 2025, through September 30, 2030, is hereby approved. Be advised that this approval will expire on September 30, 2030, or on the date that the pumping volume reaches 54.02 acre-feet, whichever comes first. A new Sustainability Metric must be developed, and in place, at the time that this approval expires in order for the Park wells to continue to operate after that time.

Sincerely,

Craig W. Cotten, Division Engineer, Division 3
Colorado Division of Water Resources

ec: Division 3

Table 1

Response Area No.1 Estimated Net Groundwater Consumptive Use Worksheet

(units of acre-feet)

	Response Area No.1 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	209,752	0.92	149	0.60	0	0.40	3,034	54.4%	194,713	79,155	11,330	6,738	7,883	0	105,106	89,607
2022	206,943	0.92	38	0.60	0	0.40	2,846	47.3%	191,758	88,880	7,501	1,804	4,811	0	102,995	88,763
2023	220,676	0.92	29	0.60	0	0.40	2,924	45.0%	204,354	116,542	42,670	19,768	20,723	0	199,704	4,650
2024	172,204	0.92	519	0.60	0	0.40	3,206	48.7%	160,301	99,869	10,716	8,838	8,604	0	128,027	32,274
2025	181,165	0.92	586	0.60	0	0.40	2,975	43.9%	168,328	85,058	12,965	8,938	8,468	0	115,428	52,900
2026	220,000	0.92	600	0.60	0	0.40	3,000	45.5%	204,125	40,105	3,286	2,699	1,537	0	47,627	156,498
2027																
2028																
2029																
2030																
2031																
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Avg	201,790	0.92	320	0.60	0	0.40	2,998	0.475	187,263	84,935	14,745	8,131	8,671	0	116,481	70,782

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

Table 2.6

Response Area No.1 Monthly Net Stream Depletions for Plan Year

(units of ac-ft)

	Response Area No.1 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)
Rio Grande Del Norte-Excelsior	167.2	191.2	228.9	251.8	245.3	248.0	241.7	249.9	248.0	227.8	247.9	237.4	2,785.1
Rio Grande Excelsior-Chicago	108.9	103.1	105.7	90.0	92.1	92.5	110.8	137.5	146.5	145.1	157.3	124.6	1,414.2
Rio Grande Chicago-State Line	-2.9	-9.6	-35.4	-54.6	-24.9	-22.1	-9.4	0.0	-4.8	-5.2	-3.5	-22.9	-195.1
Saguache Creek	2.3	1.0	0.3	0.2	0.4	0.6	0.2	0.3	6.8	6.3	11.0	3.5	32.7
Total	275.5	285.7	299.5	287.4	312.9	319.1	343.3	387.7	396.5	373.9	412.8	342.6	**4,037.0**

Notes for columns:

(1) Stream reach

(2)-(13) Monthly Net Stream Depletions in acre-feet

(14) Total Plan Year Net Stream Depletions in acre-feet

Table 2.7
Response Area No.1 Post Plan Net Stream Depletions

(units of ac-ft)

Years (May-Apr)	Rio Grande Del Norte-Excelsior	Rio Grande Excelsior-Chicago	Rio Grande Chicago-State Line	Saguache Creek	Total
2027-2061	18,350	7,172	-513	417	25,427

Table 2.6

Response Area No.1 Monthly Net Stream Depletions for Plan Year

(units of ac-ft)

	Response Area No.1 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)
Rio Grande Del Norte-Excelsior	167.2	191.2	228.9	251.8	245.3	248.0	241.7	249.9	248.0	227.8	247.9	237.4	2,785.1
Rio Grande Excelsior-Chicago	108.9	103.1	105.7	90.0	92.1	92.5	110.8	137.5	146.5	145.1	157.3	124.6	1,414.2
Rio Grande Chicago-State Line	-2.9	-9.6	-35.4	-54.6	-24.9	-22.1	-9.4	0.0	-4.8	-5.2	-3.5	-22.9	-195.1
Saguache Creek	2.3	1.0	0.3	0.2	0.4	0.6	0.2	0.3	6.8	6.3	11.0	3.5	32.7
Total	275.5	285.7	299.5	287.4	312.9	319.1	343.3	387.7	396.5	373.9	412.8	342.6	**4,037.0**

Notes for columns:

(1) Stream reach

(2)-(13) Monthly Net Stream Depletions in acre-feet

(14) Total Plan Year Net Stream Depletions in acre-feet

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.