

## TRIVIEW METROPOLITAN DISTRICT – Summary of Legal Water Entitlements (updated 6-20-25)

The following discussion summarizes legal water rights available to the Triview Metropolitan District as of the date set forth above, and represents an update from a prior summary provided in 2017, as updated again in 2023. The 2017 Summary consisted only of Denver Basin supplies, with a passing reference to the 1<sup>st</sup> block of Fountain Mutual Irrigation Company (“FMIC”) rights which Triview had recently purchased. Since that time, Triview has embarked on an aggressive campaign to purchase both renewable water supplies and associated infrastructure rights, enabling the District to largely wean itself from the non-renewable Denver Basin groundwater which has supported the development within the District to date. Since the 2023 update, Triview has implemented that plan, and now the water rights, contractual rights, and infrastructure described herein, being complete, allows Triview may be able to meet in excess of 80-85% of build out water demand (estimated to be approximately 2,200 AF) through the use of renewable water supplies, as begun to occur with the completion of the Northern Delivery System project in the summer of 2024. Triview’s current water demand is approximately 1000 AF annually. The following discussion is intended to illustrate the legal sources of Triview’s available physical water supplies, where such water supplies are/may be utilized, the number of single family homes/equivalents (SFE’s) which are able to be served by such water supplies, and ultimately to demonstrate the sufficiency, reliability, resiliency and purposeful redundancy of Triview’s water portfolio.

### Denver Basin:

This summary of legal and physical supplies from the Denver Basin aquifers underlying and adjacent to the District, for purposes of both simplicity and conservatism are a “straight line” calculation of legal water availability based on a 100-year aquifer life from the date of adjudication of each water court decree, and do not include “banked” supplies. Triview owns and controls all Denver Basin groundwater supplies underlying the properties included within the District. The District also owns a large quantity of decreed nontributary Denver Basin groundwater underlying the large-lot Bent Tree subdivision just to the northwest of the District’s boundaries. The District also has appropriate rights of exchange for re-use of treated Denver Basin supplies following an initial municipal use, along with quantified rights to re-use Lawn Irrigation Return Flows (LIRFs).

<u>Case No.</u>	<u>Aquifer (Status)</u>	<u>Annual Acre Feet<sup>1</sup></u>	<u>Augmentation Source/Use</u>	<u>SFE’s Supplied<sup>2</sup></u>
81CW173	Arapahoe (NT)	202 annual acre feet	A 50.7 AF portion augments a like amount of 85CW13, per 98CW134. <b>147.26 AF remains available</b> without augmentation <sup>3</sup> .	<b>368 SFEs</b>

<sup>1</sup> Based upon a 100-year aquifer life, as provided by statute and decree.

<sup>2</sup> Based upon a 0.4 acre foot (AF) per single family residence (SFE) allocation, per Triview Resolution 2022-04.

<sup>3</sup> Such calculation includes foregoing the use of 2% of withdrawals, as provided by statute and decree.



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<b>Case No.</b>	<b>Aquifer (Status)</b>	<b>Annual Acre Feet<sup>1</sup></b>	<b>Augmentation Source/Use</b>	<b>SFE's Supplied<sup>2</sup></b>
81CW173	Laramie-Fox Hills (NT)	493 annual acre feet	A 323 AF portion augments a like amount of 87CW40, per 95CW153, and the 160 AF remainder augments a like amount of 85CW153, per 88CW23(A). <sup>3</sup>	n/a
82CW22	Dawson (NNT)	462 annual acre feet	Not currently used in Dist. system	n/a
82CW295	Denver (NT)	<b>464.44 annual acre feet</b>	A 308.44 acre foot portion augments a like amount of 21CW3001 Denver/Arapahoe per 21CW3001. <b>A 156 acre foot portion remains available</b> for direct use, no augmentation required (NT), though the District also has no infrastructure at present to access these out-of-district supplies.	<b>390 SFEs</b>
82CW295	Arapahoe (NT)	299 annual acre feet	A 264 acre foot portion augments a like amount of 97CW39 Denver/Arapahoe per 15CW3076. A 29 AF remains portion augments a like amount of 21CW3001 Denver/Arapahoe per 21CW3001.	n/a
82CW295	Laramie-Fox Hills (NT)	215 annual acre feet	Augments 97CW39 Denver/Arapahoe per 15CW3076. <sup>3</sup>	n/a
85CW13	Denver (NNT)	1,164 annual acre feet	Augmented by 98CW134, 88CW23(A), and 14CW3053 augmentation plans	See 98CW34, 88CW23(A), and 14CW3053
87CW40	Arapahoe (NNT)	581 annual acre feet	Augmented by 95W153 and 14CW3053 augmentation plans	See 95CW153, 14CW3053
88CW23(A)	(Augmentation Plan)	<b>160 acre feet</b> augmented	Augments a portion of the NNT Denver from 85CW153 using 160 acre feet of NT LFH from 81CW173	<b>400 SFEs</b>
95CW153	Augmentation Plan	<b>323 acre feet</b> augmented	Augments a portion of the NNT Arapahoe from 87CW40 using 323 acre feet of NT LFH from 81CW173	<b>807 SFEs</b>

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97CW39	Dawson (NNT)	177 annual acre feet	Not anticipated for use in Triview's system	n/a
97CW39	Denver (NNT)	402 annual acre feet	Augmented by 15CW3076 (see below)	See 15CW3076 Aug Plan – Below
97CW39	Arapahoe (NNT)	202 annual acre feet	Augmented by 15CW3076 (see below)	See 15CW3076 Aug Plan – Below
97CW39	Laramie-Fox Hills (NT)	133 annual acre feet	Augments 97CW39 Denver/Arapahoe per 15CW3076 augmentation plan. <sup>3</sup>	n/a
97CW68	Denver (NNT)	7.9 annual acre feet	Augmented by 14CW3053	See 14CW3053 Aug Plan - Below
97CW68	Arapahoe (NNT)	2.6 annual acre feet	Augmented by 14CW3053	See 14CW3053 Aug Plan - Below
97CW68	Laramie-Fox Hills (NT)	<b>2.8 annual acre feet</b>	No augmentation required (NT)	<b>7 SFE</b>
98CW134	Augmentation Plan	<b>50.7 acre feet</b> augmented	Augments a portion of the NNT Denver from 85CW13 using 50.7 acre feet of NT Arapahoe from 81CW173	<b>126 SFEs</b>
14CW3053	Dawson (NNT)	3.6 annual acre feet	Not anticipated for use in Triview's system	n/a
14CW3053	Denver (NNT)	18.3 annual acre feet	Augmented by 14CW3053 (see below)	See 14CW3053 Aug Plan - Below
14CW3053	Arapahoe (NNT)	15.8 annual acre feet	Augmented by 14CW3053 (see below)	See 14CW3053 Aug Plan - Below
14CW3053	Laramie-Fox Hills (NT)	<b>9.5 annual acre feet</b>	No augmentation required (NT)	<b>23 SFEs</b>
14CW3053	Augmentation Plan	<b>1,255.8 acre feet</b>	Augments the remainder of the NNT Denver from 85CW13, the remainder of the NNT Arapahoe from 87CW40, and all of the NNT Denver and Arapahoe from 97CW68 and 14CW3053, using 75 acre feet of Town of Monument Surface supplies for post-pumping depletions.	<b>3,139.5 SFEs</b>



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<b>Case No.</b>	<b>Aquifer (Status)</b>	<b>Annual Acre Feet<sup>1</sup></b>	<b>Augmentation Source/Use</b>	<b>SFE's Supplied<sup>2</sup></b>
15CW3076	Augmentation Plan	<b>604 acre feet</b> augmented	Augments Denver/Arapahoe from 97CW39 using LFH from 97CW39, LFH from 82CW295, and a portion of the Arapahoe from 82CW295	<b>1,510 SFEs</b>
21CW3001	Denver (NNT)	254 acre feet	Augmented by 21CW3001	See 21CW3001 Aug Plan, below
21CW3001	Arapahoe (NNT)	203 acre feet	Augmented by 21CW3001	See 21CW3001 Aug Plan, below
21CW3001	Laramie-Fox Hills (NT)	122 acre feet	Augments 21CW3001	n/a
21CW3001	Augmentation Plan	<b>457 acre feet</b> augmented	Augments the Denver/Arapahoe from 21CW3001 using LFH from 21CW3001, and a portion of both the NT Denver and Arapahoe from 82CW295	<b>1,142.5 SFEs</b>
		<b><u>TOTAL NT/Augmented Annual Acre Feet Available = 3,327.24 annual AF</u></b>		
		<b><u>TOTAL SFE's potentially legally served = 7,913 SFE's</u></b>		

The foregoing describes the District's *legal* Denver Basin supplies, and the District has infrastructure constructed, available, and in use for the physical production and use of the vast majority of such Denver Basin supplies (excepting NT Denver aquifer groundwater underling the Bent Tree parcel, Decreed in 82CW295 and not dedicated to augmentation). The District currently has sufficient wells, tanks and treatment infrastructure in place sufficient to produce the above-described groundwater, and to provide water service to exiting and future water users (9 active wells, two treatment plants, and two tanks totaling 2.6 million gallons of storage). In the immediate and near-term, the District has more than sufficient Denver Basin water resources to support not only the District customers as they exist today, but at buildout.

However, the allocation of Denver Basin groundwater based on a 100-year aquifer life, as mandated by Colorado statue, has in recent years been challenged by computer modeling, and by evidence of significantly declining static aquifer levels in some parts of the Denver Basin aquifers. Opinions vary as to how long Denver Basin supplies may represent sustainable production, but there is a growing consensus that these aquifers will not in fact provide the 100-year supply as forecast, or 50 years, or less. Stated another way, the above figures concerning available



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acre feet of supply are what is termed “paper water”, as the yield of the aquifers may well be less, or shorter in time, than modelling would predict. It is water that is there on paper, but when needed may not be the “wet water” necessary to flow from a tap. The Denver Basin aquifers are generally not subject to recharge, and therefore every acre foot pumped is one less acre foot that will be available in the future. Nonetheless, there are currently approximately 2,700 Single Family Equivalents (SFE) constructed within the District consisting of single family homes, multifamily homes, apartment complexes, retail customers, commercial customers, and irrigation uses. It is anticipated that the District will have approximately 4,000-5,000 SFE’s upon full build out of properties included within the District, meaning *the District’s current Denver Basin legal water supply is nearly double what would be required to service the District at full build out*, again assuming a 100-year aquifer life, but not including the effects of renewable water supplies. Recognizing the non-renewable nature of Denver Basin groundwater supplies, and the unreliability of modeling resulting in likely unsustainable pumping, the District recognized the need to plan for the future, to extend the life of the Denver Basin aquifer water supplies for as long as possible, and to shift the District to the use renewable water rights and resources to accomplish these goals. The District has taken substantial steps in this regard as concerns obtaining the legal rights to re-use to extinction portions of fully-consumable augmented Denver Basin water supplies treated at the District’s shared Waste Water Treatment Facility (WWTF), and in recent years has taken a lead role in the acquisition of renewable water resources, and the contracts and infrastructure necessary to deliver such renewable water to the District’s customers. In short, the District has embarked upon the implementation of what is known as a “conjunctive use” water project, utilizing surface and groundwater resources conjunctively to sustainably meet demand and to drought-proof our municipal water supplies. Our plan, now implemented, is that our Denver Basin wells serve as a supplemental supply of water to help meet summer time peak water use, along with a drought reserve, to supplement our renewable water supply when the district’s renewable water rights produce less than their average yield.

### Local Re-Use.

When the District was first formed, the idea of “renewable” water was often confused with the concept of “reusable water”. The former represents sources of supply that will not materially diminish over time, being sourced from precipitation that predictably occurs each year, while the latter represents a legal concept of water that is used repeatedly to extinction. Denver Basin groundwater can be “reusable”, in that once augmented the re-use of return flows from such supplies can be used again and again, as discussed below, but it is never renewable, and it cannot form the vehicle for sustainable water service beyond the finite lives of the Denver Basin aquifers. Nonetheless, the strategy early in the District’s history based on the confusion of terms, was to maximize the potential for re-use, without truly considering sustainable renewable supplies. The District was decreed an appropriative right of exchange in Case No. 87CW74 (diligence granted in Case Nos. 14CW3036 and 20CW3076) which allows Triview to withdraw shallow alluvial groundwater tributary to Monument Creek from a series of alluvial wells, allowing the re-use of treated effluent from Triview’s shared WWTF, including as a source of augmentation supply for depletions in Monument Creek. An “exchange” is a legal

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fiction whereby a diversion may be made at an upstream location, of water that is available at a downstream location, provided no water users in between these locations (the “exchange reach”), are injured thereby. In Triview’s case, effluent discharged from the WWTF originating from either nontributary or augmented not-nontributary Denver Basin groundwater is available for re-use, but could be diverted at an upstream location through alluvial wells to which such effluent is “exchanged”. Such an exchange of treated effluent conceptually allows Triview to re-use (and re-use, and re-use, etc., to extinction) its treated effluent, as was initially the intention of Triview’s founders (Triview put a good deal of “purple pipe” in the ground intended to move non-potable water supplies to irrigation re-use). The effect of such re-use could be to multiply the District’s available water supplies, or viewed from a different perspective, reduce pumping for 1<sup>st</sup>-time use of Denver Basin water supplies as such water gets a second, third, etc. use within the system. This is similar to what our neighbor, Donala Water & Sanitization District, remains committed to as they work to develop water treatment facilities that would allow direct or indirect re-use of treated effluent within their system. Triview is no longer anticipating re-use of treated effluent in a non-potable “purple pipe” irrigation systems, nor direct re-use of such effluent within the municipal system, though as discussed below Triview’s delivery of renewable supplies includes the use and re-use of all water in Triview’s system to extinction. The water rights associated with Triview’s alluvial wells and exchange may, therefore, prove themselves unnecessary as Triview’s alternate re-use systems develop (more on that below). However, some discussion of this re-use component remains appropriate in light of Triview’s plans for re-use in a larger and more integrated way.

When water is delivered to a residence for in-house uses (i.e. bathing, laundry, cooking, etc.), the vast majority of such water is not “consumed”, but rather is delivered to the sanitary sewer system and treated at the WWTF. The resulting treated effluent – approximately 90% of the water used for in-house purposes, is then released to Monument Creek, where legal and physical mechanisms can be put place to allow its re-use. In order to operate the District’s decreed exchange and directly re-use such treated effluent, Triview would need to (a) construct alluvial wells near Monument Creek (which may, or may not, physically produce decreed amounts of suitable quality), (b) acquire the real property interests for the construction of those wells (potentially requiring the use of eminent domain authority), (c) obtain the various environmental permits necessary to work within the creeks (which are uncertain), (d) construct pipeline infrastructure to deliver such water to the District, and (e) construct additional treatment facilities (surface water treatment is more complex than existing Denver Basin treatment available to the District) in order to attempt to treat such water to drinking water standards and thereby allow for re-use. If such infrastructure were able to be developed, each gallon of water pumped from the Denver Basin aquifers could be used, and portions thereof re-used, over and over, until extinction. Triview’s engineering consultants at RESPEC have previously provided Triview with conservative estimates to describe how one (1) acre foot of water pumped results in approximately 1.7 acre feet of water available through use and re-use. Said another way, re-use of available supplies may allow for up to a 70% reduction in pumping from finite Denver Basin supplies, and indeed a 70% increase in efficiency for Triview’s

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renewable supplies discussed below. Again, Triview is not aloof to the benefits of re-use, but intends to integrate its re-use processes into a system that simultaneously allows for delivery of Triview’s renewable supplies. This re-use process, regardless of source, and how it results in a multiplication of 1<sup>st</sup>-use water, is summarized as follows:

- Approximately 46% of the water delivered to Triview residences is utilized for “in-house” purposes (*i.e.* purposes which result in water being delivered to the WWTF);
- Of this 0.46 acre feet utilized in house, approximately 90% (0.42 acre feet) is unused, and can be recovered and re-used as treated effluent exchanged to Triview’s decreed alluvial well sites for re-diversion.
- By re-using such 0.42 acre feet a second time, pumping/delivery for the next acre foot of demand is reduced by a like amount (*i.e.* only 0.58 acre feet of new supply must be added to the re-usable 0.42 acre feet to obtain 1 acre foot of supply) ;
- Of the 0.42 acre feet re-used in house, 90% is re-usable (0.38 acre feet), reducing pumping for the next acre foot required by a like amount, and of such 0.38 acre feet 90% is re-usable (0.34 acre feet), etc., etc., etc.
- We can therefore calculate that, based on this re-use after re-use protocol, every acre foot of water delivered will eventually result in up to 1.7 acre feet of “wet” water, with a corresponding reduction in the amount of first-time pumping from the Denver Basin, and an effective expansion and extension of the District’s usable water supplies (real life system losses will reduce this maximum 70% benefit, but the viability of the concept is nonetheless well established).

Triview has, through a good deal of planning and evaluation over the past several years, determined that a local re-use program is economically inefficient when including infrastructure necessary for reliable delivery of renewable water supplies, as well as being difficult and costly to implement. At present, Triview’s decreed Upper Monument Creek exchange is limited to a relatively small portion of its available water supplies, and only a portion of its Denver Basin supplies. Other system losses will be incurred, and the rate of “re-diversion” through the alluvial wells is limited to 800 gallons per minute, though physical supplies available from the wells may well be less and of questionable quality. As such, Triview has implemented a larger integrated re-use system, components of which are discussed in greater detail below, whereby our reusable water is carried in Monument and Fountain Creeks to the Arkansas River, captured, and piped back to the District’s use through Colorado Springs Utilities (“Utilities”) Southern Delivery System (“SDS”), treated by Utilities in their system, and then delivered to Triview via our own Northern Delivery System (“NDS”). While there are likewise system losses in this methodology, the reduction in new infrastructure, the certainty of success, along with the ability to utilize the same systems for delivery of Triview’s renewable water supplies, makes this system as a whole far more efficient for Triview’s purposes. Triview has thereby avoid the costs associated with construction and testing of alluvial wells, associated piping, land

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acquisition costs for those wells, new treatment facilities, and terminal storage for re-treated supplies – though the legal mechanism to such re-use remains in place for local re-use of portions of the District’s water supplies through the 87CW74 appropriative right of exchange, at least for now.

### **Renewable Water Supplies.**

The District, being aware of the finite nature of Denver Basin aquifer supplies, embarked roughly a decade ago on a phased project to acquire both the renewable water rights necessary to reliably supply the Triview’s customers for the foreseeable future, as well as the infrastructure and contractual agreements necessary to facilitate the delivery of these water supplies. Triview has been and remains a participant with other El Paso County special districts and municipalities in the Pikes Peak Regional Water Authority (“PPRWA”), and both through PPRWA and on its own has investigated numerous options for delivery of renewable water supplies to the District from the Arkansas River and its tributaries. PPRWA studied means to delivery water around the City of Colorado Springs, a study which has now matured over time into what is described as the “Loop” Project headed up by the Woodmoor Water & Sanitation District, whereby water could be piped through new and existing infrastructure (the Cherokee Metropolitan District owns and controls the “Sundance Pipeline” which extends from approximately the intersection Black Forest Road and Hodgen southeast to the intersection of Tamlin Road and Powers Boulevard) from the Chilcott Ditch system near the City of Fountain north along the eastern edges of Colorado Springs for delivery of water to northern-El Paso County water providers. Triview has participated in PPRWA projects tangentially related to the Loop Project, including a re-use study that determined the Fountain Mutual Irrigation Company (“FMIC”) system to be a better alternative, and concluded that for a number of reasons the Loop Project was not a viable means for delivery of Triview’s supplies (including both cost and the fact that the bulk of Triview’s renewable water rights are on the Arkansas River, not Fountain Creek). While the Loop Project may ultimately prove viable for its participants, with a price-tag in the hundreds of millions of dollars, and with the Loop Project being an infrastructure project only and not including actual water rights, Triview has taken another path. Triview has acquired a number of renewable water rights, quite deliberately located in different drainages and basins (the Upper Arkansas, the Lower Arkansas and the Fountain Creek drainages) as a means for drought resilience, as drought often effects one part of the State of Colorado differently that it affects others. While working to implement the delivery plan and develop necessary infrastructure, Triview was able to lease a significant portion of its water rights to agricultural and other entities, and thereby derive a revenue stream from these assets. With delivery of renewable water supplies to Triview’s municipal uses starting in late summer of 2024 through the Northern Delivery System, this concept is now a reality. Triview’s current renewable water rights portfolio is described as follows:

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### FMIC Water.

Triview for several years monitored the market for potential renewable water rights, and worked to structure its budget so that it might have the means to purchase appropriate surface water supplies when the opportunities presented itself. In December of 2016 Triview purchased its first renewable water, being 500 shares in the FMIC. FMIC is a mutual ditch company which diverts renewable surface water supplies from Fountain Creek, a tributary of the Arkansas River, just below Utilities Las Vegas Road wastewater treatment plant in south-central Colorado Springs. These shares have historically had a “firm yield” of 0.7 acre feet per share, and since that initial purchase Triview’s FMIC interests have expanded to 1,057 shares, with an average annual yield of 739.9 acre feet of renewable water supply. Triview’s ownership interests in FMIC also include a pro-rata storage interest in Big Johnson Reservoir, helping to insure a reliable yield of FMIC water supplies. Triview is now the largest single shareholder in FMIC, and much of the company has been purchased by municipal water providers, including Utilities, the City of Fountain, the Widefield Water & Sanitation District, and the Colorado Center Water District. It is Triview’s hope that we can continue to enter into mutually beneficial relationships with these entities to improve the FMIC system and operations and maximize the use of these water supplies. As described in greater detail below, Triview allows its FMIC water to run down Fountain Creek to infrastructure available on the Arkansas River, and ultimately delivery therefrom to Triview through SDS and NDS. Triview has changed these water rights to Triview’s municipal use, including augmentation of depletions resulting from the use of other water rights (Case Nos. 16CW3010, 18CW3016, and 21CW3022). 244 Shares of Triview’s supply are subject to a long-term lease with Fountain Valley Power, providing a source of cooling supply for their power plant located between Colorado Springs and Pueblo, which results in annual revenue to Triview of approximately \$184,000, though it also means that approximately 170.8 annual acre feet of average yield from these FMIC water rights remain unavailable to the District’s use. As such the currently average yield of Triview’s FMIC water rights is anticipated as 569.1 acre feet.

### Upper Arkansas Water Rights.

Triview acquired two historical irrigation water rights in Chaffee County, Colorado, between the Towns of Buena Vista and Salida, on the upper reaches of the Arkansas River. These water rights have been changed to Triview’s municipal uses in Case Nos. 22CW3004 (Bale Ditch water rights) and 21CW3044 (AVIC water rights), and completion of infrastructure necessary to place these water rights to Triview’s uses is currently under construction. A change of water rights of this nature requires engineering analysis of the historical consumptive use (“HCU”) component of irrigation uses (how much plants actually consumed), as only the HCU can be changed to other/municipal purposes, with the return flow components associated with historical irrigation having been relied upon by other water users downstream for their own appropriations. Triview acquired the irrigated acreage/farm associated with the AVIC water rights, and annexed such land into the Town of Buena Vista to facilitate the

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effective dry up, revegetation and ultimately public use of this historical farm while Triview takes the HCU of these water rights down the Arkansas River to storage and delivery to the District’s municipal uses. As to the Bale Ditch water rights, Triview did not acquire the historically irrigated acreage, but rather contractual rights for dry-up and revegetation (as to a portion of these water rights, retail development has already constructed effectively taking care of these issues). The AVIC water rights are anticipated to yield approximately 570 annual acre feet of average supply, while the Bale Ditch water rights are anticipated to yield an additional 105.3 acre feet of supply, for a total Upper Arkansas water rights yield of approximately 675 acre feet annually, on average, for Triview’s municipal purposes.

### **Lower Arkansas Water Rights.**

Triview has acquired a couple different water rights associated with the purchase of the Stonewall Springs Reservoir Complex (“SSRC”), an infrastructure project described further below: (1) a junior 2016-priority water storage right for 2,050 acre feet of water (not decreed for municipal use, but decreed for virtually all purposes which a municipality would use water, *except domestic uses*); and (2) an approximately 40% interest in the Excelsior Irrigating Company (“EIC”), the owner of the Excelsior Ditch water rights. The 2,050 acre foot SSRC Storage Right is, in all candor, of little value in that it can only be diverted in-priority and a 2016 water right is virtually never in priority (the last time “free river” conditions, conditions in which a junior water right such as this could divert in priority, occurred on the Arkansas River was 1999). The EIC water rights, however, are of substantial value. The EIC water rights were changed from their historical irrigation uses by the Arkansas Groundwater Users Association (“AGUA”), which has since been reorganized as the Arkansas Groundwater and Reservoir Association (“AGRA”), in Case No. 04CW62 which allowed for augmentation uses of these water rights. Triview now has obtained a decree changing this water right to Triview’s municipal purposes in Case No. 21CW3082, though the HCU for the EIC water rights was established in the prior 04CW62 proceeding, and Triview therefor knew exactly what it was purchasing in 2020 when evaluating the EIC water rights. Triview’s 40% interest in the Excelsior Ditch yields on average, approximately 568 acre feet annually.

### **Arkansas River Infrastructure – Contract Water Rights – Exchanges.**

Triview’s purchase in 2020 that included the EIC water rights described above, also included the SSRC Project, a three-reservoir complex with total storage capacity of nearly 20,000 acre feet, when completed. The SSRC was decreed for water storage in Case No. 16CW3093, such reservoirs to be the reclamation use following the mining of gravel reserves on the property. Triview owns all of the surface and mineral rights associated with the approximately 900 acre property, which when fully developed for water storage will include the +/- 2,050 acre foot South Reservoir, the +/- 8,000 acre foot Central Reservoir, and the +/- 11,000 acre foot East Reservoir. The South Reservoir had been largely excavated

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at the time of Triview’s purchase, and over the past several years has been brought to completion at a current storage capacity of 1,650 acre feet. Water was placed in storage by Triview’s agricultural partner, AGRA in May of 2023, and Triview began utilizing the South Reservoir itself in the summer of 2024. While the South Reservoir, alone, may largely meet Triview’s water storage needs, Triview anticipates development of the remainder of the SSRC Project with other municipal partners, providing a much-needed regional water storage facility, uniquely situated below Pueblo Reservoir, and below the confluence of Fountain Creek with the Arkansas River. Such partnerships are likewise anticipated to provide Triview with a substantial revenue stream, helping to retire debt incurred in the acquisition of water resources, and ultimately reducing the burdens of rates and fees on Triview’s residents and commercial customers.

*Triview has secured a long-term water storage contract (40 years) from the United States Bureau of Reclamation for 999 acre feet of storage in Pueblo Reservoir, and such contract further allows for Triview’s use of the North Outlet Works (“NOW”), the location of discharge to Utilities’ SDS infrastructure. Triview has also secured a contract with Utilities to allow the conveyance, treatment and delivery of water from Pueblo Reservoir allowing for conveyance through the SDS, treatment of such water within Utilities’ municipal system, and delivery of such water to Triview at Utilities’ Highway 83 Tank Site. Triview has obtained decreed appropriative rights of exchange on the Arkansas River and on Fountain Creek in Case No. 21CW3058 allowing the movement of water between the SSRC and Pueblo Reservoir, between the confluence of Fountain Creek and Pueblo Reservoir, from the Excelsior augmentation station to Pueblo Reservoir, and from the confluence of Fountain Creek and the Arkansas River up Fountain Creek to the FMIC headgate and into storage in Big Johnson Reservoir.*

### **NDS Project.**

With the Utilities CTD contract, Triview succeeded in taking previously stranded water assets on Fountain Creek and the Arkansas River, and managed to move them within a “stones throw” of the District. The last piece of the puzzle was the infrastructure necessary for delivery of water from Utilities’ Highway 83 Tank Site (just to the east of Highway 83 and Old Northgate Road) the approximately 6 miles northwest to Triview’s municipal service area and infrastructure. The NDS Project accomplished that goal, with a pump station located adjacent to Utilities’ Highway 83 Tank and connected thereto, followed by a pipeline under Old Northgate Road, Roller Coaster Road and Baptist Road, and connecting to Triview’s existing high-altitude tank. From this point, water is now distributed to Triview’s customers, and to our NDS Participant, Forest Lakes Metropolitan District. The NDS Project was completed in summer of 2024 and is now fully operational.



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### Operations – How it all works together. (Conjunctive Use Water Project)

It is Triview's intention to utilize all available water supplies to their fullest extent, and once augmentation and replacement obligations are met to use and re-use such water to its extinction, while maximizing the use of renewable supplies. Triview now is able to meet upwards of 80% of its demand utilizing renewable supplies, with only peaking being handled by Denver Basin groundwater pumping (*i.e.* during peak hours of summer demand). Triview's water originates at various points, but ultimately travels in a circle from Triview's municipal service area, down Monument Creek and Fountain Creek following treatment at the WWTF on Monument Creek (or downstream on Fountain Creek should Triview ultimately elect to participate in the NMCI project) to storage in either the SSRC or Pueblo Reservoir (or both), and back to Triview via the SDS and NDS Project. Water from the Upper Arkansas rights flow directly downstream from Chaffee County and into Pueblo Reservoir without the need to operate an exchange, which is of significant benefit since exchange potential on the Arkansas River can be unpredictable, but return flows from those Upper Arkansas water rights will then join the circle of use and re-use. Triview has a total of approximately 2,000 annual acre feet of renewable water rights, on average, which applying the 0.4 af/SFE math set forth in the Denver Basin section results in water rights sufficient for service to approximately 4,900 SFEs which is slightly in excess of the number of SFE's anticipated at buildout. However, applying the 1.7 multiplier described for reuse, Triview may be able to parlay its 2,000 annual acre feet of renewable supplies into something like 3,300 annual acre feet of renewable supplies, allowing Triview the ability to withstand drought (via substantial carry-over storage in the SSRC), to derive revenue streams from excess supplies, and ultimately to potentially assist other water providers with short or long term leases of supply. Even though Triview appears to have substantial excess water supplies, it must be remembered that these are average numbers, and must be reduced due to transit losses and evaporative loss. There will be times when Triview must again rely on Denver Basin groundwater supplies when drought rears its ugly head. For this reason, it is essential that Triview maintain and exercise its groundwater rights and infrastructure, so that it will be available when needed, and the infrastructure will not atrophy from non-use.

CDC