

District Court, Water Division No. 2, State of Colorado Judicial Building 501 N. Elizabeth Street Pueblo, CO 81003 719-404-8700	DATE FILED: June 29, 2016 11:01 AM CASE NUMBER: 2003CW19 Court Use Only
CONCERNING THE APPLICATION OF THE UPPER SOUTH PLATTE WATER CONSERVANCY DISTRICT AND THE CENTER OF COLORADO WATER CONSERVANCY DISTRICT IN PARK COUNTY	Case No. 2003CW019 Water Division No. 2
FINDINGS OF FACT, CONCLUSIONS OF LAW AND JUDGMENT AND DECREE OF THE WATER COURT	

This matter, having come before the Court upon the application for an augmentation plan and for conditional exchanges filed by the Upper South Platte Water Conservancy District (“Upper South Platte District”) and Center of Colorado Water Conservancy District (“Center District”), and the Court, being fully advised in the premises, hereby makes the following findings of fact, conclusions of law, judgment and decree.

FINDINGS OF FACT

1. **Name, address and telephone number of Applicants.** The Upper South Platte District and the Center District are collectively referred to as “Applicants.”

Upper South Platte Water Conservancy District
 P. O. Box 612
 Fairplay, Colorado 80440
 (303) 781-2430

Center of Colorado Water Conservancy District
 P.O. Box 1747
 Fairplay, CO 80440-1747
 (303) 838-0302

2. **Application.** The application was filed with the Water Clerk, Water Division No. 2, on February 28, 2003. An amended application was filed, by leave of court, on September 27, 2012. The application and the amended application shall be collectively referred to as the “Application.” Timely and adequate notice of the Application was given in the manner required by law. The Court has jurisdiction over the subject matter of this proceeding and over all persons who have standing to appear as parties, whether or not they have appeared.

3. **Statements of Opposition.** Timely statements of opposition were filed by the Colorado Water Conservation Board (“CWCB”), the State and Division Engineers (“Engineers”), the Twin Lakes Reservoir and Canal Company (“Twin Lakes”), Centennial

Water and Sanitation District (“Centennial”), the Canon Heights Irrigation and Reservoir Company (“Canon Heights”), the Colorado Division of Parks and Wildlife and the Parks and Wildlife Commission (“Parks”) and the City of Aurora, Colorado, acting by and through its Utility Enterprise (“Aurora”). The time for filing statements of opposition and has expired.

4. **Stipulations.** Stipulations were entered into between Applicants and the Objectors as follows:

- 4.1. CWCB on May 27, 2016;
- 4.2. Engineers on May 9, 2016;
- 4.3. Twin Lakes on August 2, 2013;
- 4.4. Centennial on June 24, 2015;
- 4.5. Canon Heights on November 14, 2013;
- 4.6. Parks on October 7, 2014; and
- 4.7. Aurora on March 17, 2016.

PLAN FOR AUGMENTATION

5. **Background.** Pursuant to this “blanket plan” or “umbrella plan” for augmentation, Applicants will augment all consumptive use depletions of participants in Applicants’ augmentation plan (“Participating Diversions”), including but not limited to depletions associated with wells, pipelines, ponds, pumps and springs that divert tributary water for irrigation, stock watering, gravel mining, industrial, domestic and commercial uses within Park County in the drainages of the Badger and Currant Creeks, which are tributary to the Arkansas River as shown in **EXHIBIT A** (“Service Area”), in Water Division No. 2. Applicants do not seek to augment Participating Diversions within the portion of Park County located within the drainage of Four Mile Creek and its tributaries. Applicants’ plan for augmentation will not allow Participating Diversions in any county other than Park County in Water Division No. 2. Water used for augmentation will derive from the sources listed in ¶ 6 of this decree and the exchanges decreed herein. New Participating Diversions may be added to this plan pursuant to the procedure set forth in ¶ 9. Applications for participation in this plan are attached as **EXHIBIT B** for illustration only.

6. **Water Rights and Structures to be Used for Augmentation.**

6.1. **Shares of Twin Lakes Reservoir and Canal Company.** Applicants will use Twin Lakes Reservoir and Canal Company (“Twin Lakes”) shares as an augmentation source. Applicants and their related entities currently own six (6) Twin Lakes shares as tenants-in-common, represented currently by Stock Certificate Nos. 8514, 8519, 8669, 8670 and 8668. Twin Lakes water will be delivered to the affected stream system to augment depletions caused by Participating Diversions as provided in ¶ 10.7.1 of this Decree.

6.1.1. Each Twin Lakes share represents a *pro rata* interest in the water rights described in ¶¶ 6.1.2. and 6.1.3. below. Applicants are entitled to use the actual consumptive use associated with each Twin Lakes share annually. However, Applicants are only entitled to receive delivery in accordance with all of the terms and conditions of Twin Lakes' Articles of Incorporation and By-laws, and only of their *pro rata* share of the actual volume of water available from exercise of the water rights represented by Twin Lakes shares. Further, the Division Engineer may assess transit losses for deliveries of Twin Lakes water.

6.1.2. Colorado River Water Rights.

- A. Structure Name: Independence Pass Transmountain Diversion System.
- B. Previous Decrees: Civil Action No. 3082, District Court, Garfield County, entered August 25, 1936; Case No. W-1901, District Court, Water Division No. 5, entered May 12, 1976.
- C. Amount: 625 cfs for direct flow, with an annual limit of 68,000 acre-feet and a 10-year limit of 570,000 acre-feet.
- D. Priority date: August 23, 1930, Priority No. 431.
- E. Source: Roaring Fork River and its tributaries, tributary to the Colorado River.
- F. Uses: Direct flow and storage in Twin Lakes Reservoir for irrigation, domestic, commercial, industrial, municipal and all beneficial uses.

6.1.3. Arkansas River Water Rights.

- A. Structure Name: Twin Lakes Reservoir.
- B. Previous Decrees: Civil Action No. 2346, District Court, Chaffee County, entered July 14, 1913, as modified by Case No. W-3965, District Court, Water Division No. 2, entered April 19, 1974.
- C. Amounts: 54,452 acre-feet (20,645.3 acre-feet for Priority No. 3 and 33,806.7 acre-feet for Priority No. 4)
- D. Priority Dates: December 15, 1896 for Priority No. 3; March 29, 1897 for Priority No. 4.
- E. Source: Lake Creek and its tributaries, tributary to the Arkansas River.

F. Uses: Storage for irrigation, domestic, commercial, industrial and municipal purposes; and the change of location of use from lands served by the Colorado Canal in Crowley and Pueblo Counties, Colorado, to any site in the Arkansas River basin of Colorado below the Twin Lakes Reservoir which are capable of being served water by diversions from the Arkansas River.

6.1.4. Additional Shares. Applicants may add additional Twin Lakes shares owned or leased by Applicants as augmentation water to this plan without further judicial proceedings or approval, as follows: To add additional Twin Lakes shares to the plan, Applicants shall file and serve copies of the share certificates issued in the Applicant's name, or of the lease or other documents evidencing Applicants' right to use the shares, with the Court, parties and the Division Engineer. If no objection to the addition of the shares to the plan is filed with the Court within thirty-five (35) days, then the shares shall be automatically added to the plan. If an objection to the addition of the shares is filed with the Court, then the Court shall determine whether, and on what terms, the shares may be added to the plan pursuant to its retained jurisdiction described in ¶ 28.4 herein. Within thirty-five (35) days after Twin Lakes shares are added to the plan either automatically or by order of the Court, Applicants will submit the share certificates to Twin Lakes for legending in accordance with the Twin Lakes Bylaws and shall be bound by the provisions of ¶ 6.1.5 below with respect to such additional Twin Lakes shares.

6.1.5. Twin Lakes' By-Laws. In accordance with the By-Laws of Twin Lakes, the following conditions shall govern the use of the Twin Lakes shares in this plan:

A. No later than thirty-five (35) days after entry of this decree, stock certificates for each share of the stock of Twin Lakes involved in this augmentation plan shall be delivered to the Secretary of the Company to be legended as required by the Bylaws of Twin Lakes.

B. No share of stock of Twin Lakes that is included in this augmentation plan shall be sold or transferred without prior approval of this Court, except to a designated successor to Applicants herein that certifies to Twin Lakes that the stock, after transfer, shall continue to be held and used in accordance with the terms and conditions of this augmentation plan.

C. Twin Lakes is not required to make any delivery of water upon the shares of Twin Lakes stock included in this augmentation plan except in accordance with the By-laws, and such delivery shall be subject to all of the restrictions incorporated within those Articles and By-laws.

D. This Court shall retain jurisdiction to approve any proposed sale or transfer of any shares of Twin Lakes stock included in this

augmentation plan pursuant to ¶ 28.4.

6.1.6. Use of Twin Lakes Water for Augmentation. Applicants' *pro rata* allocation of water available to Applicants' Twin Lakes shares will vary from year to year, and in no event shall Twin Lakes be required under this plan to deliver to Applicants (or to the Division Engineer for the benefit of Applicants) an amount of water greater than the amount of water represented by Applicants' *pro rata* interest in the water diverted by Twin Lakes during the year in question, plus the amount of water, if any, properly stored in the Twin Lakes system in previous years and carried over pursuant to the By-laws and policies of Twin Lakes.

A. In previous augmentation plan cases approving the use of water available to Twin Lakes shares, each such share was considered to have a "firm" yield of 0.78 acre-foot of water available for replacement purposes per year, without consideration of any water that a shareholder may have carried over pursuant to the By-laws and policies of Twin Lakes. The firm yield represents the approximate yield of one share over a two to three year drought period. Based upon an analysis performed by the Office of the Division Engineer, approximately 0.73 acre-feet of the firm yield has been transbasin water originating from the Colorado River Water Rights described in ¶ 6.1.2 above.

B. The native component of the yield available under Applicants' Twin Lakes shares has not previously been decreed for augmentation use. Applicants reserve the right to claim augmentation credit for the native component of their Twin Lakes shares in this plan for augmentation at a future date, if Applicants and/or Twin Lakes change the native component of Applicants' shares in a separate application to permit the use of this water for augmentation purposes in this plan. Unless and until such a change of the use of the native component associated with Applicants' Twin Lakes shares has been approved, the replacement source for this plan for augmentation shall be limited to the transbasin water (i.e., the Colorado River Water Rights) associated with such shares.

6.2. Water from Water Division No. 1. Applicants own the following fully consumable water rights¹ in Water Division No. 1 that Applicants changed for use in Water Division No. 2 in Case No. 12CW214, District Court, Water Division No. 1, (collectively referred to as "Division No. 1 Water Rights"). Division No. 1 Water Rights will be trucked from Division 1 to storage and released to the affected stream system to augment depletions caused by Participating Diversions as provided in ¶ 10.7.2 of this Decree. Use of the Division No. 1 Water Rights in this plan for augmentation is subject to the terms and conditions in Case No. 12CW214, as if set forth fully herein.

¹ Center District alone owns those water rights described in Paragraphs 6.2.1, 6.2.2, 6.2.6 and 6.2.7 below.

6.2.1. Randall Ditch (WDID 2300987).

A. Original Decree Information. The Randall Ditch water rights were originally adjudicated for irrigation purposes as Priority Nos. 91 and 133 in Civil Action No. 341, District Court, Park County, entered October 18, 1889, as amended by a decree of District Court, Park County entered July 30, 1896.

B. Change Decree Information.

i. The Randall Ditch water rights were changed and the historical consumptive use was quantified by the Center District and Centennial Water and Sanitation District (“Centennial”) in Case No. 05CW111, District Court, Water Division No. 1.

ii. The Center District seeks to change 165.8 acre-feet of the Randall Ditch consumptive use credits in Case No. 12CW214, District Court, Water Division No. 1 to use as an augmentation source in this decree, as more fully described in ¶ 6.2.1.J.

C. Original Point of Diversion. SE1/4 of the SE1/4 of Section 13, Township 8 South, Range 76 West, of the 6th P.M., Park County, Colorado. UTM Coordinates NAD83, Zone 13S, Easting: 428619, Northing: 4355901.

D. Additional Points of Diversion and Places of Storage Authorized in Case No. 05CW111. The decree in Case No. 05CW111 authorized the following additional points of diversion and places of storage for the Center District for the Randall Ditch water rights:

i. Gloria Z Reservoir (WDID 2303007): The Gloria Z Reservoir will be located in the S1/2 of the S1/2 of Section 29 and the N1/2 of the N1/2 of Section 32, Township 9 South, Range 77 West of the 6th P.M., Park County, Colorado. UTM Coordinates NAD83, Zone 13S, Easting: 411710, Northing: 4342940.

ii. CCWCD Sacramento Creek Ditch No. 1 (WDID 2301148): The CCWCD Sacramento Creek Ditch No. 1 is located in the SE1/4 of the SW1/4 of Section 29, Township 9 South, Range 77 West of the 6th P.M., Park County, Colorado. UTM Coordinates NAD83, Zone 13S, Easting: 411546.7, Northing: 4343160.

iii. CCWCD Westerman Ditch (WDID 2301149) Diversion: The CCWCD Westerman Ditch Diversion is located in the NE1/4 of the SW1/4 of Section 30, Township 9 South, Range 77 West

of the 6th P.M., Park County, Colorado. UTM Coordinates NAD83, Zone 13S, Easting: 409949.7, Northing: 4343578.

iv. Johnson Reservoir No. 1 (WDID 2303008): The Johnson Reservoir No. 1 is located in the SW1/4 of the NW1/4 of Section 31, Township 7 South, Range 75 West of the 6th P.M., Park County, Colorado. UTM Coordinates NAD83, Zone 13S, Easting: 428940, Northing: 4361530.

v. Jefferson Creek Ditch No. 1 (WDID 2301150): The Jefferson Creek Ditch No. 1 is located in the NW1/4 of the NW1/4 of Section 31, Township 9 South, Range 75 West of the 6th P.M., Park County, Colorado. UTM Coordinates NAD83, Zone 13S, Easting: 428811.9, Northing: 4342504.

vi. Smelter Pipeline Reservoir (WDID 2304497): The Smelter Pipeline Reservoir is located in the NE1/4 of Section 13, Township 9 South, Range 78 West of the 6th P.M., Park County, Colorado. UTM Coordinates NAD83, Zone 13S, Easting: 408740, Northing: 4347100.

vii. London Mining and Smelter Ditch (WDID 2301104): The London Mining and Smelter Ditch is located on the left bank of Mosquito Creek at a point whence the E1/4 corner of Section 13, Township 9 South, Range 78 West of the 6th P.M., Park County, Colorado, bears South 58 30' East 1892 feet. UTM Coordinates NAD83, Zone 13S, Easting: 409300.7, Northing: 4347696.

viii. Spinney Mountain Reservoir (WDID 2304013): Spinney Mountain Reservoir is located in the S1/2 of Section 25, Township 12 South, Range 74 West of the 6th P.M., Park County, Colorado; the left abutment of said dam is located at a point whence the southwest corner of Section 36, Township 12 South, Range 74 West of the 6th P.M., bears South 23 26' West 8314.3 feet, Park County, Colorado. UTM Coordinates NAD83, Zone 13S, Easting: 446141, Northing: 4313879.

ix. Baker Reservoir (WDID 2303982): Baker Reservoir is located in Section 29, Township 7 South, Range 75 West of the 6th P.M., Park County, Colorado. UTM Coordinates NAD83, Zone 13S, Easting: 431920, Northing: 4363150.

x. Tarryall Reservoir (WDID 2303977): The dam for Tarryall Reservoir is located in the NE1/4 of the SE1/4 of Section 36, Township 9 South, Range 74 West of the 6th P.M.,

Park County, Colorado. UTM Coordinates NAD83, Zone 13S, Easting: 447735, Northing: 4341645.

xi. Chatfield Reservoir (WDID 0803514): The reservoir formed by Chatfield Dam, an existing structure located on the mainstem of the South Platte River. The right abutment is located in Douglas County, Colorado, in Sections 6 and 7, Township 6 South, Range 68 West of the 6th P.M.; the left abutment is located in Jefferson County, Colorado, in Section 1, Township 6 South, Range 69 West of the 6th P.M. Center is a participant in the proposed reallocation of storage space in Chatfield Reservoir (“Reallocation Project”) and as of the date of this Decree, the Center District has the right to acquire 131 acre-feet of storage space in Chatfield Reservoir upon completion of the reallocation process, which will reallocate 20,600 acre-feet of flood capacity in Chatfield Reservoir for other beneficial uses. UTM Coordinates NAD83, Zone 13S, Easting: 494200, Northing: 4377700.

xii. Comments: The Center District has no right to divert the Randall Ditch water rights at the alternate points of diversion decreed in Case No. 05CW111 in this case, except those listed in ¶¶ 6.2.1.D.i. to 6.2.1.D.xi. The Center District will not divert or release the Randall Ditch water rights from the alternate points of diversion described in ¶¶ 6.2.1.D.iii. to 6.2.1.D.v. and 6.2.1.D.ix. to 6.2.1.x.

E. Additional Point of Diversion Awarded in Case No. 12CW214. In Case No. 12CW214, The Center District was awarded an additional point of diversion for its 165.8 acre-feet of the Randall Ditch consumptive use credits, at Middle Fork CR59 Pump Station (WDID 2306853) at the bridge on County Road 59 over the Middle Fork of the South Platte River, which is located in the SE1/4 of Section 10, Township 12 South, Range 75 West, 6th P.M., Park County, Colorado. UTM Coordinates NAD83, Zone 13S, Easting: 434556.7, Northing: 4319049.

F. Source. Michigan Creek, tributary to the South Platte River.

G. Appropriation dates and amounts.

i. Priority No. 91: May 1, 1878 for 11.75 c.f.s.

ii. Priority No. 133: April 1, 1881 for 11.75 c.f.s.

H. Originally Decreed Use. Irrigation.

I. Decreed Changed Uses. In Case No. 05CW111, the Center District and Centennial changed the Randall Ditch water rights to the following uses: municipal, augmentation, domestic, industrial, commercial, irrigation, stockwatering, recreation, fish and wildlife preservation and propagation, fire protection, aquifer recharge purposes, substitution and exchange and replacement, including both immediate application for such purposes and storage for subsequent application for such purposes.

J. Amount Available. The Center District owns the Randall Ditch water rights, the average annual consumptive use of which was quantified as 677 acre-feet in Case No. 05CW111. Pursuant to a lease (“Lease”) between the Center District and Centennial, the Center District has the right to the first 200 acre-feet per year of available consumptive use from the Randall Ditch and Sessions Ditch water rights changed in Case No. 05CW111 with the balance being leased to Centennial. Of the 200 average annual acre-feet that the Center District is entitled to during the term of the lease with Centennial, 165.8 acre-feet of the Randall Ditch consumptive use credits are available as an augmentation source in this decree and in Case No. 12CW50.

K. Diversion of the Center District’s 165.8 acre-feet of the Randall Ditch consumptive use credits pursuant to this decree shall be subject to the diversion rates, volumetric limits, return flow obligations and terms and conditions established in the decree in Case No. 05CW111 which are set forth in **EXHIBIT C** attached hereto and incorporated by this reference.

6.2.2. Sessions Ditch (WDID 2300986).

A. Original Decree information. The Sessions Ditch water right was originally adjudicated for irrigation purposes as Priority No. 127 in Civil Action No. 341, District Court, Park County entered October 18, 1889, as amended by a decree of District Court, Park County entered July 30, 1896.

B. Change Decree Information.

i. The Sessions Ditch water right was changed and the historical consumptive use was quantified by the Center District and Centennial in Case No. 05CW111, Water Division No. 1.

ii. The Sessions Ditch water right was changed again by the Center District in Case No. 12CW214, District Court, Water Division No. 1.

C. Originally Decreed Point of Diversion. NW1/4 of the SE1/4 of Section 13, Township 8 South, Range 76 West, of the 6th P.M., Park County, Colorado. UTM Coordinates NAD83, Zone 13S, Easting: 428112, Northing: 4356229.

D. Additional Points of Diversion and Places of Storage Authorized in Case No. 05CW111. The decree in Case No. 05CW111 authorized the following additional points of diversion and places of storage for the Center District for the Sessions Ditch water right:

- i. Gloria Z Reservoir: See ¶ 6.2.1.D.i.
- ii. CCWCD Sacramento Creek Ditch No. 1: See ¶ 6.2.1.D.ii.
- iii. CCWCD Westerman Ditch Diversion: See ¶ 6.2.1.D.iii.
- iv. Johnson Reservoir No. 1: See ¶ 6.2.1.D.iv.
- v. Jefferson Creek Ditch No. 1: See ¶ 6.2.1.D.v.
- vi. Smelter Pipeline Reservoir: See ¶ 6.2.1.D.vi.
- vii. London Mining and Smelter Ditch: See ¶ 6.2.1.D.vii.
- viii. Spinney Mountain Reservoir: See ¶ 6.2.1.D.viii.
- ix. Baker Reservoir: See ¶ 6.2.1.D.ix.
- x. Tarryall Reservoir: See ¶ 6.2.1.D.x.
- xi. Chatfield Reservoir: See ¶ 6.2.1.D.xi.

E. Additional Point of Diversion Awarded in Case No. 12CW214. In Case No. 12CW214, the Center District was awarded an additional point of diversion for the Sessions Ditch water right at the County Road 59 Pump described in ¶ 6.2.1.E.

F. Source. Michigan Creek, tributary to the South Platte River.

G. Appropriation date and amount. Priority No. 127, July 31, 1880, 1.15 c.f.s.

H. Originally Decreed Use. Irrigation.

I. Changed Decree Uses. In Case No. 05CW111, the Center District and Centennial changed the Sessions Ditch to the following uses in addition to irrigation: Municipal, augmentation, domestic, industrial, commercial, stockwatering, recreation, fish and wildlife

preservation and propagation, fire protection, aquifer recharge purposes, substitution and exchange and replacement, including both immediate application for such purposes and storage for subsequent application for such purposes.

J. Amount Available. The Center District owns the Sessions Ditch water right, the average annual consumptive use of which was quantified as 29.2 acre-feet in Case No. 05CW111. Pursuant to the Lease described in ¶ 2.1.6, the Center District has the right to the first 200 acre-feet per year of available consumptive use from the Randall Ditch and Sessions Ditch water rights, which includes all of the available consumptive use from the Sessions Ditch water right for use in this plan and in Applicants' augmentation plans adjudicated in Case Nos. 02CW389 and 12CW50, District Court, Water Division No. 1.

K. Comments: Diversion of the Sessions Ditch water rights pursuant to this decree shall be subject to the diversion rates, volumetric limits, return flow obligations and terms and conditions established in the decree in Case No. 05CW111 which are set forth in **EXHIBIT C**, attached hereto and incorporated by this reference.

6.2.3. Parmalee No. 2 and 3 Ditches.

A. Original Decree Information. The Parmalee Ditch No. 2 was originally adjudicated for irrigation in Civil Action 1678, District Court, Park County, entered May 22, 1913. The Parmalee Ditch No. 3 was originally adjudicated for irrigation in Civil Action 1678, District Court, Park County, entered May 22, 1913.

B. Change Decree Information.

i. On June 28, 2006 in Case No. 03CW231, District Court, Water Division No. 1 ("03CW231 Decree"), the Court approved a change of water rights 0.63 cfs of the Parmalee Ditch No. 2 ("Ditch No. 2") and 0.58 c.f.s. of the Parmalee Ditch No. 3 ("Ditch No. 3") and abandoned 0.84 cfs of the Parmalee Ditches' water rights to the stream. Applicants currently own 0.194 c.f.s of the 0.37 c.f.s (or 52.45 percent) of the Parmalee Ditches' water rights changed in the 03CW231 Decree.

ii. Subsequent to the entry of the decree in Case No. 03CW231, in Case No. 06CW270, District Court, Water Division No. 1, the Applicants' changed their 0.194 c.f.s. interest in the Parmalee Ditches.

iii. In Case No. 12CW214, District Court, Water Division No. 1, the Applicants seek to change their 0.194 c.f.s. interest in the Parmalee Ditches.

C. Originally Decreed Points of Diversion.

i. Parmalee Ditch No. 2: Section 5, Township 7 South, Range 72 West of the 6th P.M., at a point whence the S $\frac{1}{4}$ corner of Section 32, Township 6 South, Range 72 West bears North 9°4' West 2,613 feet.

ii. Parmalee Ditch No. 3: Section 5, Township 7 South, Range 72 West, at a point whence the S $\frac{1}{4}$ corner of Section 32, Township 6 South, Range 72 West bears North 14°55' West 2,700 feet.

D. Actual Point of Diversion for Parmalee Ditch Nos. 2 and 3 (WDID 8000792): UTM Coordinates NAD83, Zone 13S, Easting: 459841.6, Northing: 4369369.

E. Additional Points of Diversion and Places of Storage Authorized in Case No. 06CW270. The decree in Case No. 06CW270 authorized additional points of diversion and places of storage for Applicants' interest in of the changed Parmalee Nos. 2 and 3 Ditch water rights as follows:

i. Chatfield Reservoir: See ¶ 6.2.1.D.xi.

ii. Spinney Mountain Reservoir: See ¶ 6.2.1.D.viii.

iii. The London Mining and Smelter Ditch: See ¶ 6.2.1.D.vii

iv. The Smelter Pipeline Reservoir: See ¶ 6.2.1.D.vi.

v. Lake Ditch (WDID 8000656): At a point on the northeast bank of the North Fork of the South Platte River whence the Southwest corner of Section 7, Township 7 South, Range 73 West bears North 21' East 851 feet. UTM Coordinates NAD83, Zone 13S, Easting: 447923, Northing: 4366043. The Lake Ditch is used to fill the Silver Tip Lodge Reservoirs Nos. 1 - 5.

vi. Silver Tip Lodge Reservoirs Nos. 1 - 5 (WDID 8003350): NW $\frac{1}{4}$ of Section 18, Township 7 South, Range 73 West, 6th P.M., Park County, Colorado. UTM Coordinates NAD83, Zone 13S, Easting: 448136, Northing: 4366045.

F. Additional Point of Diversion Awarded in Case No. 12CW214. In Case No. 12CW214, Applicants were awarded an additional point of diversion for the Parmalee Ditch Nos. 2 and 3 water rights at the County Road 59 Pump described in ¶ 6.2.1.E.

G. Source. Deer Creek, tributary to the North Fork of the South Platte River.

H. Appropriation Date and Amounts for Parmalee No. 2. May 1, 1867; 0.83 c.f.s.

I. Appropriation Date and Amounts for Parmalee No. 3. May 1, 1867; 0.58 c.f.s.

J. Original Decreed Uses. Irrigation.

K. Changed Uses Authorized in Case No. 06CW270. Municipal, industrial, augmentation, recharge and recreational.

L. Ownership Information. Applicants own an average of 17.5 acre-feet per year of historical consumptive use associated with the Parmalee No. 2 and 3 Ditches.

M. Comments. Diversion of the Parmalee No. 2 and 3 water rights are subject to the diversion rates, volumetric limits, return flow obligations and terms and conditions established in Case No. 06CW270 which are set forth in the following tables (reproduced from ¶ 2.1.1, 8.2.1.2 and 8.2.1.3 of the Decree in Case No. 06CW270):

Parmalee No. 2 and 3 Ditches Fully Consumable Flow Rate and Return Flow Requirement (cfs).

	<i>2006 Decree Fully Consumable Flow Rate</i>	<i>2006 Decree Monthly Return Flow Requirement</i>	<i>Applicants' Pro Rata Interest in Fully Consumable Flow Rate</i>	<i>Applicants' Pro Rata Monthly Return Flow Requirement</i>
April 20-30	0.05	0.03	0.03	0.016
May	0.14	0.08	0.07	0.041
June	0.24	0.13	0.13	0.068
July	0.21	0.11	0.11	0.058
August	0.13	0.07	0.07	0.037
September	0.11	0.06	0.06	0.031
October 1-14	0.08	0.04	0.04	0.021

Fully Consumable Volume (acre-feet).

	<i>2006 Decree Monthly Volumetric Limitation</i>	<i>Applicants' Pro Rata Interest in Volume</i>
April 20-30	1.2	0.6
May	8.4	4.4
June	14.4	7.6
July	13.2	6.9
August	7.8	4.1
September	6.6	3.5

October 1-14	2.4	1.3
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Annual and 10 Year Maximum Consumable Volume (acre-feet).

	<i>2006 Decree Volumetric Limitation</i>	<i>Applicants' Pro Rata Interest in Volume</i>
Annual Maximum	42.6	22.3
10 Year Maximum	334	175.2

6.2.4. Flume Ditch (WDID 8000794).

A. Original Decree Information. The Flume Ditch was originally adjudicated in Civil Action 1678, District Court, Park County, entered May 22, 1913.

B. Change Decree Information.

i. Case Nos. W-7434 and 80CW169: In Case Nos. W-7434 and 80CW169, District Court, Water Division No. 1, 3.93 c.f.s of the 4.41 c.f.s originally decreed to this structure was transferred out of the Flume Ditch.

ii. Case No. 03CW231: In Case No. 03CW231, District Court, Water Division No. 1, the balance of 0.48 c.f.s of the 4.41 c.f.s originally decreed to this structure was changed, 0.29 c.f.s of the Flume Ditch was quantified and 0.19 c.f.s was abandoned to the stream. Applicants own 0.152 c.f.s of the 0.29 c.f.s (or 52.45 percent) of the water right changed in the 03CW231 Decree.

iii. Case No. 06CW270: Subsequent to the entry of the decree in Case No. 03CW231, in Case No. 06CW270, District Court, Water Division No. 1, the Applicants changed their 0.152 c.f.s. interest in the Flume Ditch.

iv. Case No. 12CW214: Center District and Upper South Platte District further changed their 0.152 c.f.s. interest in the Flume Ditch in Case No. 12CW214.

C. Originally Decreed Point of Diversion. The Flume Ditch was originally decreed at a point whence the SE Corner of Section 4, Township 7 South, Range 72 West bears South 89°30' East 4,791 feet. UTM Coordinates NAD83, Zone 13S, Easting: 460000, Northing: 4367987.

D. Additional Points of Diversion and places of storage authorized in Case No. 06CW270. The decree in Case No. 06CW270 authorized additional points of diversion and places of storage for Applicants' share of the Flume Ditch water right as follows:

- i. Chatfield Reservoir: See ¶ 6.2.1.D.xi.
- ii. Spinney Mountain Reservoir: See ¶ 6.2.1.D.viii.
- iii. The London Mining and Smelter Ditch: See ¶ 6.2.1.D.vii.
- iv. The Smelter Pipeline Reservoir: See ¶ 6.2.1.D.vi
- v. Lake Ditch: See ¶ 6.2.3.E.v
- vi. Silver Tip Lodge Reservoirs Nos. 1 – 5: See ¶ 6.2.3.E.vi

E. Additional Point of Diversion Awarded in Case No. 12CW214.
In Case No. 12CW214, Applicants were awarded an additional point of diversion for the Parmalee Ditch Nos. 2 and 3 water right at the County Road 59 Pump described in ¶ 6.2.1.E.

F. Source. Deer Creek, tributary to the North Fork of the South Platte River.

G. Appropriation date and amount. May 1, 1867; 4.41 c.f.s.

H. Originally Decreed Use. Irrigation.

I. Changed Decreed Uses Authorized in Case No. 06CW270.
Municipal, industrial, augmentation, recharge and recreational.

J. Ownership Information. Applicants own an average of 12.5 acre-feet per year of historical consumptive use associated with the Flume Ditch quantified and changed in Case Nos. 03CW231 and 06CW270, District Court, Water Division No. 1.

K. Comments. Diversion of the Flume Ditch water right shall be subject to the diversion rates, volumetric limits, return flow obligations and terms and conditions established in the decree in Case No. 06CW270 which are set forth in the following tables (reproduced from ¶¶ 8.2.2.1, 8.2.2.2 and 8.2.2.3 of the Decree in Case No. 06CW270):

Flume Ditch Fully Consumable Flow Rate and Return Flow Requirement (cfs).

	<i>2006 Decree Fully Consumable Flow Rate</i>	<i>2006 Decree Monthly Return Flow Requirement</i>	<i>Applicants' Pro Rata Interest in Fully Consumable Flow Rate</i>	<i>Applicants' Pro Rata Monthly Return Flow Requirement</i>
April 20-30	0.07	0.04	0.04	0.021

May	0.1	0.05	0.05	0.026
June	0.19	0.10	0.10	0.052
July	0.16	0.09	0.08	0.047
August	0.1	0.05	0.05	0.026
September	0.08	0.04	0.04	0.021
October 1-14	0.04	0.02	0.02	0.010

Fully Consumable Volume (acre-feet).

	<i>2006 Decree Monthly Volumetric Limitation</i>	<i>Applicants' Pro Rata Interest in Volume</i>
April 20-30	1.6	0.8
May	6.4	3.4
June	11.2	5.9
July	9.6	5.0
August	6.4	3.4
September	4.8	2.5
October 1-14	2.4	1.3

Annual and 10 Year Maximum Consumable Volume (acre-feet).

	<i>2006 Decree Volumetric Limitation</i>	<i>Applicants' Pro Rata Interest in Volume</i>
Annual Maximum	30.4	15.9
10 Year Maximum	238	124.8

6.2.5. Applicants' Option to acquire additional interests in the Parmalee Ditch No. 2 and 3 and Flume Ditch. In addition to the water rights described in ¶¶ 6.2.3 and 6.2.4., the Applicants' have a first option to purchase 10 acre-feet of excess consumptive use credits associated with the Parmalee Ditch No. 2 and 3 and Flume Ditch water rights, which are in excess of the requirements of the augmentation plan adjudicated in Case No. 03CW231. This represents an additional 0.065 cfs of the Parmalee Ditch Nos. 2 and 3 water rights and an additional 0.051 cfs of the Flume Ditch water right. The 10 acre-feet of excess consumptive use credits adjudicated in Case No. 03CW231 that will be acquired by Applicants and not allocated to the Case No. 03CW231 plan for augmentation will be utilized in this Plan. Following the removal of the excess consumptive use credits from Case No. 03CW231 and the acquisition by Applicants of those excess consumptive use credits, Applicants shall serve at least thirty-five (35) days advance written notice to the Division Engineer, the Court and all the Opposers of their intent to use the amount of excess consumptive use credits acquired from the Parmalee Ditch No. 2 and 3 and Flume Ditch water rights and the dry year yield of the Parmalee Ditch No. 2 and 3 and Flume Ditch water rights. The dry-year yield of the additional interests in the Parmalee Ditch Nos. 2 and 3 and the Flume Ditch water rights equals 4.2 acre-feet per year and 2.9 acre-feet per year, respectively, based on the findings in Case No. 03CW231.

6.2.6. James Tingle Reservoir (WDID 2304016). Center owns 30 acre-feet of the first fill and 30 acre-feet of the refill water storage right for the James Tingle Reservoir.

A. Decree Information. A water storage right for James Tingle Reservoir was adjudicated in Case No. 09CW180, District Court, Water Division No. 1.

B. Legal description of location of dam centerline. 920 feet from the East section line and 960 feet from the South section line in the SE1/4 of the SE1/4 of Section 18, Township 8 South, Range 75 West, 6th P.M., Park County, Colorado. UTM Coordinates NAD83, Zone 13S, Easting: 430100, Northing: 4356000.

C. Filling Structure. Sessions Ditch, which has a capacity of 13 c.f.s. See ¶ 6.2.2.

D. Source. Michigan Creek, tributary to Tarryall Creek, tributary to the South Platte River.

E. Date of appropriation. April 22, 2009.

F. Amounts. 235 acre-feet per year, 5.5 acre-feet of which is absolute and the remainder of which is conditional, and one refill conditional, at the rate of 13 c.f.s, 6.28 c.f.s of which is absolute and the remainder of which is conditional. The maximum annual diversion for Center District's interest in the James Tingle Reservoir water storage right is 30 acre-feet of the first fill and 30 acre-feet of the refill, for a total of 60 acre-feet.

G. Decreed Uses. Municipal, augmentation, domestic, industrial, commercial, irrigation, stock watering, recreation, fish and wildlife preservation and propagation, fire protection, aquifer recharge purposes, substitution and exchange and replacement.

H. Point of Rediversion. Pursuant to the decree entered in Case No. 12CW214, after storage in James Tingle Reservoir, the Center District's interest in the James Tingle Reservoir water right may be released from James Tingle Reservoir and rediverted, minus any applicable transit losses, at the County Road 59 Pump described in ¶6.2.1.E.

6.2.7. London Mining and Smelter Ditch Enlargement (WDID 2301104) and London Mining and Smelter Reservoir 1st Enlargement (WDID 2304497). The Center District adjudicated a conditional enlargement of the Smelter Pipeline Reservoir called the London Mining and Smelter Reservoir First Enlargement and a conditional enlargement of the London Mining and Smelter Ditch, which such ditch is the filling source for the Smelter Pipeline Reservoir.

- A. Decree Information. Case No. 09CW145, District Court, Water Division No. 1.
- B. Appropriation date. September 2, 2009.
- C. Amounts. 1.5 c.f.s. and 50 acre-feet of storage in the Smelter Pipeline Reservoir.
- D. Legal description of location of reservoir. NE1/4 of Section 13, Township 9 South, Range 78 West of the 6th P.M., Park County, Colorado. UTM Coordinates NAD83, Zone 13S, Easting: 0408740, Northing: 4347100.
- E. Filling Structure. London Mining and Smelter Ditch Enlargement, on the left bank of Mosquito Creek at a point whence the E1/4 corner of Section 13, Township 9 South, Range 78 West of the 6th p.m. bears south 58 degrees 30' East 1,892 feet.
- F. Decreed Uses. Augmentation, substitution, exchange, domestic, commercial, industrial, irrigation, livestock, recreation, fish and wildlife, propagation and fire protection.
- G. Point of Rediversion. Pursuant to the decree entered in Case No. 12CW214, after storage in London Mining and Smelter Reservoir 1st Enlargement, Applicants may release water so stored from the London Mining and Smelter Reservoir 1st Enlargement and redivert the water so released, minus any applicable transit losses, at the County Road 59 Pump described in ¶6.2.1.E.
- H. Additional Comments. The Smelter Pipeline Reservoir is adjudicated as a place of storage for the Randall Ditch, Sessions Ditch, Parmalee No. 2 and 3 Ditch, and Flume Ditch water rights described above.

6.3. Additional Water Rights. Pursuant to C.R.S. § 37-92-305(8), the Court may authorize Applicants to use additional or alternative sources of water for replacement in this plan for augmentation, including water leased by Applicants, if such sources are part of a substitute water supply plan approved pursuant to C.R.S. § 37-92-308, or if such sources are decreed or lawfully available for augmentation use. This paragraph sets forth the procedure under which these sources may be added to this plan:

6.3.1. If a water right is decreed or lawfully available for augmentation use and not already approved for such use under this decree, Applicants shall serve written Notice of Use of Water Rights for Augmentation to the Court, the Division Engineer and all objectors in this case. Applicants shall have the burden of proving that use of the additional water rights will not result in material injury to other water rights. The Notice of Use of Water Rights for

Augmentation shall include: the name and decree for the water right; written documentation evidencing Applicants' right to use such water right, either by ownership, by lease, or by other written agreement and that the claimed amount of water will not be used by another water user; the annual and monthly amount of water available to Applicants from the source; the location or locations at which the water will be delivered to the stream; the date of initial use and the duration of use of the new source; identification of any exchange reach, including the upstream and downstream termini for any exchange operation; proposed terms and conditions for any exchange; and a proposed revision of the accounting forms for this augmentation plan reflecting the inclusion of such water right. Notice of Use shall request that the Court enter an order affirming or denying Applicants' proposal to use the additional sources and that the Court attach the order to the final decree in this case.

6.3.2. The Division Engineer and/or the State Engineer or an objector hereto may file an objection with this Court under the caption of this case within sixty-three (63) days after service of Applicants' Notice of Use.

6.3.3. Any objection shall be filed with the Court and served on all parties hereto, and shall state with particularity the specific factual bases for the objection. Applicants shall have twenty-one (21) days after service of the objection to file and serve a response to the objection. If an objection is filed, Applicants may not use the additional water rights until the Court has determined whether and under what terms and conditions the water rights may be used in this plan for augmentation.

6.3.4. If an objection was filed, the Court shall schedule a hearing to determine whether and under what terms and conditions the water rights may be used in this plan for augmentation.

6.3.5. If no objection to the Notice of Use is timely filed, or following entry of an order of this Court resolving any objections to the Notice of Use and allowing the use of such right, the Court shall promptly enter an order affirming Applicants' right to use such additional water rights to replace depletions pursuant to this plan for augmentation.

6.3.6. If a new source requires the operation of a new exchange, or expansion of any existing exchange reach, then Applicants shall obtain approval of the Division Engineer prior to operating such exchange.

6.4. Storage of Augmentation Water. Applicants may store augmentation water described in ¶¶ 6.1 to 6.3 in storage vessels ("Storage Vessels") for subsequent release as needed to augment out of priority depletions from Participating Diversions. Storage Vessels will be located on Currant Creek, Tallahassee Creek, Thirty-One Mile Creek, Badger Creek, and/or their tributaries as necessary to augment depletions from one or more Participating Diversions to satisfy a call from the CWCB or another senior diverter. Storage Vessels shall include water tanks, water bladders, cisterns

and other structures that can be used to store fully consumable water on a temporary or permanent basis. Storage Vessels shall be filled with replacement water from ¶¶ 6.1 to 6.3 either by an in priority exchange as identified in ¶ 11, by an in priority administrative exchange approved by the Division Engineer or by trucking water into storage. The capacity of each Storage Vessel shall be limited to the capacity reasonably necessary to provide replacement to the tributary stream. Storage Vessels shall be constructed or installed so that they are fully-enclosed and do not (1) intercept groundwater, (2) intercept precipitation, (3) incur seepage losses, (4) incur evaporation losses, or (5) supply water to overlying or adjacent vegetation. The storage structures listed in ¶¶ 6.4.3 and 6.4.8 below are not classified or considered to be Storage Vessels, and are herein referred to as "Storage Reservoirs." The Storage Reservoirs shall be constructed in order to: (1) not intercept ground water, (2) pass precipitation, and (3) pass inflows not subject to capture by Applicants as provided herein. Applicants shall only truck replacement water to a Storage Vessel or Storage Reservoir for subsequent release and shall not release water directly from a truck to the stream to satisfy a calling senior water right. The deliveries to a Storage Vessel or Storage Reservoir by exchange will be metered and the deliveries by truck will be metered or calculated as the truck capacity multiplied by the number of deliveries to a Storage Vessel or Storage Reservoir. The release from a Storage Vessel or Storage Reservoir will be metered. Storage Vessels or Storage Reservoirs will not be operated to increase the yield of the available replacement supplies or to increase the volume of depletions augmented in Case No. 03CW19. Instead, Storage Vessels or Storage Reservoirs will simply provide a mechanism to make deliveries at or above an intervening calling right so that depletions can continue out-of-priority. Applicants have identified the following locations of Storage Vessels and Storage Reservoirs, which may be used to replace depletions from Participating Diversions. A map depicting the Storage Vessels and Storage Reservoirs is attached hereto as **EXHIBIT D**. Applicants will have the ability to store augmentation water in at least one of the below locations on Currant Creek and one of the below locations on Badger Creek before it accepts any applications for a Participating Diversion within those particular drainages so that the Applicants have the ability to store water and to replace depletions within those particular drainages:

6.4.1. Currant Creek No. 1 is a storage tank site located immediately adjacent to Currant Creek. Currant Creek No. 1 will be located in the NE1/4 NE 1/4 Section 31, Township 14 South, Range 73 West of the 6th P.M., Park County, Colorado.

6.4.2. Currant Creek No. 2 is a storage tank site located immediately adjacent to Currant Creek. Currant Creek No. 2 will be located in the N1/4 N1/4 Section 22, Township 15 South, Range 73 West of the 6th P.M., Park County, Colorado.

6.4.3. Currant Creek No. 3 is an on-channel reservoir located above the headgate of the Dell Ditch, which is the senior calling water right on the portion of Currant Creek within Park County. Currant Creek No. 3 is located in

the NE1/4 NW1/4 Section 15, Township 15 South, Range 73 West of the 6th P.M., Park County, Colorado.

6.4.4. Currant Creek No. 4A is a storage tank site located immediately adjacent to Currant Creek. Currant Creek No. 4 will be located in the NE1/4 NW1/4 Section 9, Township 15 South, Range 73 West of the 6th P.M., Park County, Colorado.

6.4.5. Currant Creek No. 4B is a storage tank site located immediately adjacent to Currant Creek. Currant Creek No. 4 will be located in the NW1/4 NE1/4 Section 9, Township 15 South, Range 73 West of the 6th P.M., Park County, Colorado.

6.4.6. Badger Creek No. 1 is a storage tank site located immediately adjacent to Badger Creek. Badger Creek No. 1 will be located in the SW1/4 SW1/4 Section 13, Township, 15 South Range 76 West of the 6th P.M., Park County, Colorado.

6.4.7. Badger Creek No. 2 is a storage tank site located immediately adjacent to Badger Creek. Badger Creek No. 2 will be located in the NW1/4 SW1/4 Section 13, Township 15 South, Range 76 West of the 6th P.M., Park County, Colorado.

6.4.8. Badger Creek No. 3 is an unadjudicated on-channel reservoir. Badger Creek No. 3 is located in the NW1/4 SW1/4 Section 13, Township 15 South, Range 76 West of the 6th P.M., Park County, Colorado.

6.4.9. Applicants may identify additional locations of Storage Vessels, but not Storage Reservoirs by filing and serving with the Court, parties and the Division Engineer written notice of the locations and specifications of each Storage Vessel. If no objection to the Storage Vessel is filed with the Court within thirty-five (35) days, then Applicants shall be automatically authorized to utilize the Storage Vessel to make replacements. If an objection to the Storage Vessel is filed with the Court, then the Court shall determine whether, and on what terms, the Storage Vessel may be used to make replacements, pursuant to its retained jurisdiction described in ¶ 28.7 herein.

6.4.10. Applicants will not store water at any of the above locations until they have obtained the right to store water from the owner(s) of such properties.

7. **Structures to be Augmented.** Applicants will augment Participating Diversions in a manner to prevent injury to other water rights. The Participating Diversions, the land on which such diversions are located and the land upon which the water is used must be included within the Service Area shown on **EXHIBIT A**, as it may be amended.

8. **Basis for Determining Amount of Replacement Water.**

8.1. **Measurement of Actual Diversions.** All Participating Diversions shall be measured/metered and the owners of the Participating Diversions shall provide diversion records to the Applicants. Metered diversion records shall be used for accounting, whenever available to Applicants. Applicants shall provide meter readings/diversion records for the Participating Diversions to the Division Engineer on a monthly basis or as otherwise directed by the Division Engineer. If the owner of the Participating Diversion does not provide such diversion records/meter readings to Applicants, Applicants shall use procedures established in their rules and regulations to force the owner’s compliance with this provision. If Applicants’ efforts to force compliance are unsuccessful, then Applicants shall proceed with the procedure set forth in ¶ 9.10 herein to remove the Participating Diversion from this augmentation plan. Applicants will be responsible for replacing lagged depletions, pursuant to ¶ 10.4 herein for a Participating Diversion that has been removed from the plan until the Participating Diversion has been withdrawn from the plan as set forth in ¶ 9.10.2.B.

8.2. **Presumptive Diversion Values and Consumptive Use Criteria.** Applicants shall apply the following presumptive diversion values instead of actual metered diversion amounts only in the following circumstances: to calculate the amount of water that a Participating Diversion must purchase or lease from the Applicants and for which notice of the application is provided described in ¶ 9.2; to determine the amount of uncommitted replacement water that remains available to the Applicants as described in ¶ 9.3.1; to complete the projection described in ¶ 26; and to complete accounting described in ¶ 25, if a Participating Diversion fails to provide timely diversion records to the Applicants or there is a meter malfunction. Applicants shall apply the following consumptive use criteria to the presumptive diversion values or actual metered diversion amounts to determine the depletions caused by Participating Diversions.

8.2.1. **Residential Indoor diversion values.**

Residential Dwellings	80 gpd per person	3 persons/dwelling	365 days/year	0.27 acre-feet/year
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8.2.2. **Indoor consumptive use criteria.** Indoor consumptive use, which includes all types of indoor use, shall be determined by the type of sewage disposal system used.

Central Sewer Systems	5% of diversions
Non-evaporative Leach Field Septic Systems	10% of diversions
Evapotranspiration Septic Systems	100% of diversions

8.2.3. **Outdoor Irrigation consumptive us criteria.** The outdoor irrigation consumptive use (acre-feet) shall be based on the elevation corrected Blaney-Criddle analysis for 1000 square feet of bluegrass as shown in **EXHIBIT E.**

8.2.4. Livestock diversion values/consumptive use criteria. Livestock (12 gallons per head per day) and poultry (0.25 quarts per chicken per day) use shall be 100 percent consumptive.

8.2.5. Pond consumptive use criteria. The evaporation consumptive use shall be based on the acreage of exposed surface area as shown in **EXHIBIT F**.

8.2.6. Commercial/industrial diversion values and consumptive use criteria. The consumptive use for all commercial or industrial uses, whether based upon metered/measured diversions or the table attached as **EXHIBIT G** of presumptive diversion amounts, will be calculated based upon the method of sewage disposal system utilized as set forth in ¶ 8.2.2. Commercial or industrial diversions with both inside and outside uses shall be subject to the provisions of ¶¶ 8.2.2. thru 8.2.5. Commercial and industrial uses that are not based upon the presumptive depletions table in **EXHIBIT G** shall have depletions based on a separate engineering analysis submitted with the Notice of Customer Application as set forth in ¶ 9.3. The engineering analysis shall consider the method of sewage disposal system and may assume that diversions are 100 percent consumptive.

9. **Procedure to Participate in and be Removed from the Plan.**

9.1. **Application.** The owner of any structure who wishes to participate in this plan for augmentation must submit to Applicants an application for inclusion in the plan ("Customer Application"). The Customer Application forms are attached hereto as **EXHIBIT B** for illustration purposes only. The forms may be supplemented or amended to meet continuing requirements of Applicants and/or the State and Division Engineers.

9.2. **Notice to Opposers.** Upon receipt of a Customer Application, Applicants shall provide the parties of record in this case with a Notice of Customer Application ("Customer Application Notice"), a copy of the Customer Application, and a copy of any supplemental information at the mail and/or email addresses listed in **EXHIBIT H**. Any party of record may change the address to which the notice is sent by: 1) mailing a change of address to Applicants at the addresses in ¶ 1; 2) filing change of address with the Water Court; or 3) serving such change of address on Applicants' counsel.

9.3. **Contents of Notice.**

9.3.1. The Customer Application Notice shall include the application and such supplemental information as may be submitted with the application. The Notice shall specify the amount of uncommitted replacement water available to Applicants after the approval and inclusion of the proposed Participating Diversion in this augmentation plan, based on the presumptive values contained in ¶ 8.2. or an engineering analysis described in ¶ 8.2.6.

9.3.2. If the proposed Participating Diversion is located within or upstream of an instream flow or other vested water right senior to the proposed Participating Diversion, or if an instream flow or other vested water right is located within and is senior to an exchange that must operate in order to divert the Participating Diversion out of priority, the Customer Notice Application must include a Storage Vessel plan. The Storage Vessel plan shall describe the plan to use a Storage Vessel or Storage Reservoir or install one or more Storage Vessels described in ¶ 6.4 to truck water to or to exchange water to such vessels and to release water from such vessels as needed to prevent injury to vested water rights including the instream flow right. The notice shall contain the exact location of the Storage Vessel(s) or Storage Reservoir, the maximum volume of water the vessel or reservoir holds and the plan to fill the vessel(s) or reservoir with available augmentation supplies in an amount needed to fully augment out-of-priority depletions in the amount, time, and location to prevent injury as well as reasonable transit losses. Any comments or protests to the Storage Vessel plan shall proceed under the procedures identified in ¶¶ 9.4 to 9.6.

9.3.3. If a Customer Application claims that C.R.S. §37-92-102(3)(b), applies, the Customer Application shall include an affidavit from a person with personal knowledge of the use claimed to be in existence on or before the CWCB appropriated the potentially affected instream flow water right. The affidavit will set forth the person's name, how the personal knowledge was obtained, the amount diverted, and a description of the uses. If available, the Application will include documentary evidence showing the structure existed before the CWCB appropriated the potentially affected instream flow water right. If the CWCB disputes whether C.R.S. §37-92-102(3)(b) applies, then the CWCB shall proceed under the procedures identified in ¶¶ 9.4 to 9.8.

9.4. **Comments on Application for Non-Commercial/Non-Industrial Uses.** For Customer Applications for uses other than commercial or industrial, any Opposer may file written comments with Applicants and the State Engineer within thirty-five (35) days of the date the Customer Application Notice was provided to the Opposers.

9.5. **Comments on Application for Commercial/Industrial Uses.** For Customer Applications for commercial or industrial uses, any Opposer may file written comments with Applicants and the State Engineer within sixty-three (63) days of the date the Customer Application Notice was provided to the Opposers.

9.6. **Action by Applicants on the Application.**

9.6.1. **No comments filed.** If Applicants have not received written comments on a Customer Application and the time for filing written comments has expired, then Applicants may approve the Customer Application, provide written notice of the approval to the Opposers in this case, and submit any necessary documents to the State Engineer for processing, if necessary pursuant to ¶ 9.9.

9.6.2. Comments filed. If timely written comments are received by Applicants, Applicants shall either: 1) approve the Customer Application notwithstanding the party's comments; 2) accept or resolve the issues with the party who provided the comments and approve the Customer Application; or 3) deny the Customer Application. If Applicants approve the Customer Application, then they shall provide written notice of such approval to the Opposers in this case.

9.7. Protests. Any Opposer who submitted written comments on a Customer Application pursuant to ¶¶ 9.4 or 9.5 and who objects to the approval of the Customer Application by Applicants pursuant to ¶ 9.6.2 may, within sixty-three (63) days of notice of the approval by Applicants, petition the Water Court for a hearing under the Court's retained jurisdiction as provided by ¶ 28.2. The Court shall consider whether Applicants have complied with the terms and conditions of this decree related to the inclusion of a new Participating Diversion in this plan for augmentation, including but not limited to whether C.R.S. §37-92-102(3)(b) applies to the Participating Diversion's water uses. The mailing or emailing of the notice of approval shall trigger the sixty-three (63) day period. Such hearing shall be pursuant to the Water Right Determination and Administration Act of 1969, C.R.S. §37-92-101 et. seq., and Applicants shall have the burden of proving that the inclusion of the new Participating Diversion in this plan for augmentation conforms to the terms and conditions of this decree and that C.R.S. §37-92-102(3)(b) applies to the Participating Diversion's water uses, if claimed.

9.8. Inclusion in or Exclusion from Plan. New Participating Diversions shall be made part of this plan: 1) automatically by the Applicants' approval of an application for which no comments were timely received pursuant to ¶¶ 9.4. to 9.5; 2) automatically by Applicants approval of an application for which no protests were timely filed pursuant to ¶ 9.7; or 3) by an order of the Water Court for an application for which protests were timely filed pursuant to ¶ 9.7. New Participating Diversions shall not be made part of the plan if: 1) Applicants deny the application; or 2) the Water Court denies an application for which protests were timely filed pursuant to ¶ 9.7.

9.9. Submission of Well Permits or Other Applications to the State Engineer. Upon a Participating Diversion's inclusion in the plan, if such Participating Diversion requires a well permit or other authorization from the State Engineer's Office, the owner of the Participating Diversion will submit the relevant information to the State Engineer for approval. If applicable, the owner of the Participating Diversion will include a well permit application, the appropriate application fee and a summary of the process followed in ¶¶ 9.1. through 9.8. To the extent that global positioning system (GPS) data is available to Applicants and/or the owner of the Participating Diversion, Applicants shall provide the GPS data to the State Engineer.

9.9.1. Consideration by State Engineer. In considering applications for well permits for Participating Diversions under the terms of this plan for augmentation, the State Engineer shall exercise his statutory authority with respect to the design, construction, location and permitting of such

Participating Diversions and shall do so as to prevent injury to other wells and other owners of water rights. Additionally, permits issued by the State Engineer pursuant to C.R.S. §37-90-137(2) shall require the water user to install a totalizing flow meter as a condition of diverting water under this plan. The State Engineer shall evaluate any well permit applications in accordance with the requirements of C.R.S. §37-90-137(2). For any well added to this plan as a Participating Diversion, no diversions from such well shall be authorized until the State Engineer issues a well permit pursuant to this decree. Any well constructed as a replacement for a well already included as a Participating Diversion in this decree and pursuant to a valid well construction permit issued by the State Engineer shall be covered by this plan for augmentation, provided the replaced well is properly abandoned.

9.10. ***Procedure to Remove Participating Diversions from Plan.*** Applicants shall replace all out-of-priority depletions from a Participating Diversion pursuant to the terms of this decree unless or until Applicants have removed and, in the case of lagged depletions, withdrawn the Participating Diversion from this augmentation plan.

9.10.1. ***Notice and Comment.*** Applicants shall give notice of their proposal to remove a Participating Diversion to the parties. Such notice shall identify the structure to be removed and, if the Participating Diversion is a well, shall describe the amount and timing of any lagged or post-pumping depletions to be augmented by Applicants pursuant to ¶ 10.2 and shall describe the amount and timing of such post-pumping or lagged depletions to be augmented by Applicants as provided in ¶ 10.2. Any party may send comments to Applicants within sixty-three (63) days of receipt of such notice.

9.10.2. ***Removal by Applicants.***

A. ***Surface Diversions.*** If the Participating Diversion to be removed is a surface diversion, then after the sixty-three (63) day comment period has expired the Participating Diversion shall be automatically removed from this plan upon certification by Applicants that the Participating Diversion has ceased diversions.

B. ***Wells and Other Structures With Lagged or Post Pumping Depletions.*** If the Participating Diversion is a well or other structure with lagged or post-pumping depletions, the Participating Diversion shall be withdrawn from the plan after the post-pumping or lagged depletions have been replaced pursuant to ¶ 10.4 . Applicants shall file the Notice of Removal and the Participating Diversion shall be automatically removed from the plan. If the Participating Diversion is a well, then Applicants shall notify the Division Engineer and the Division Engineer shall cancel the well permit associated with the well. If the Participating Diversion is a well, then Applicants shall notify the Division Engineer, and the Division Engineer shall cancel the well permit associated with the well. The owner of the well shall either: re-

permit the well under C.R.S. § 37-92-602, if possible, within sixty-three (63) days of removal from the plan for augmentation; plug and abandon the pursuant to the “Rules and Regulations for Water Well Construction, State Board of Examiners of Water Well Construction and Pump Installation Contractors”; or cease operating until such time as the well is covered under a court approved plan for augmentation or substitute water supply plan. Failure of the well owner to re-permit the well under C.R.S. § 37-92-602 or to operate the well pursuant to a court approved plan for augmentation or substitute water supply plan may result in curtailment of the well by the Division Engineer.

9.10.3. Challenge to Depletions Analysis. The Court shall retain jurisdiction to determine challenges to the post-pumping or lagged depletions associated with a Participating Diversion, pursuant to ¶ 28.5.

9.10.4. Revised Accounting. Once a Participating Diversion is removed from this plan pursuant to ¶ 9.11., Applicants’ accounting shall be amended to reflect the addition of the commensurate available replacement water for re-sale.

10. Operation of Augmentation Plan. The plan for augmentation shall operate as described herein and shall be subject to the terms and conditions listed in ¶ 24.

10.1. Depletions. Depending upon the type of diversion structure (*i.e.*, a well, a surface water diversion or pond), Participating Diversions may create both instantaneous and lagged depletions to the stream system. Diversions from Participating Diversions shall be metered pursuant to ¶ 8.1. and assigned presumptive diversion amounts pursuant to ¶ 8.2. Consumptive use amounts will be determined pursuant to ¶¶ 8.2.2 and 8.2.5.

10.2. Steady State Depletions. Depletions caused by Participating Diversions from indoor uses, including in-house domestic use, restaurant, hotel, retail stores, office, kennels, laundromats, warehouse, automobile service stations, and other similarly situated commercial and industrial uses are presumed to occur on a year-round, steady-state basis. Daily replacement obligations will be determined by dividing the total annual presumed or calculated depletion by 365.

10.3. Lagged Depletions. Participating Diversions from wells used for irrigation will result in lagged or delayed depletions to the stream system resulting from well pumping located at a distance from a live stream. To ensure that all out of priority depletions for indoor uses are replaced to prevent injury to senior vested water rights, Applicants will replace the steady state depletions associated with well pumping for all indoor uses from the commencement of inclusion of a Participating Diversion in the Plan. Applicants will replace the net amount of the lagged depletions from well pumping based on the timing of irrigation depletions to a live stream in accordance with the table attached as **EXHIBIT E**. Replacements will be made from

the sources listed in ¶ 6, subject to the terms and conditions of this decree. Accounting for lagged irrigation depletions and releases to replace the same will be made according to the schedule provided in the table attached as **EXHIBIT E**, and coordinated with the Water Commissioner. The point of impact of a groundwater diversion is the shortest distance from the groundwater diversion to the nearest flowing stream.

10.4. *Post-Pumping Depletions.* If a Participating Diversion with lagged depletions is removed from the plan, to prevent injury from depletions caused by the pumping of wells and other structures with lagged depletions, Applicants will make replacement beginning with the commencement of a Participating Diversion and continue such replacement for the number of years after the cessation of diversions from the Participating Diversion identified in the table below based on the distance of the Participating Diversion to the surface stream.

Distance from Participating Diversion to Stream (feet)	Number of Years that Lagged Depletions Impact Stream
Less than 200	1
200 to 500	3
500 to 1,000	6
1,000 to 2,500	9
2,500 to 5,000	12
Over 5,000	13

10.5. *Instream flow water rights.* The CWCB's instream flow water rights, including those decreed on Badger Creek in Case No. W-4205, on Currant Creek in Case No. 95CW231, Thirty-one Mile Creek in Case No. 04CW87 and on Tallahassee Creek in Case No. 95CW232, may be injured if Applicants fail to replace depletions in time, place and amount. Subject to the provisions of ¶ 9.3.3., if the CWCB places a call on a decreed instream flow reach that would otherwise result in the curtailment of a Participating Diversion, Applicants will either curtail the diversion, if the diversion has no lagged depletions, or augment the out-of-priority depletions in time, place and amount with augmentation water released from storage to the extent necessary to prevent injury to the instream flow water right. A CWCB call shall affect all of Applicants' Participating Diversions on an instream flow reach, unless the owners of the Participating Diversions have met their burden of proof that C.R.S. § 37-92-102(3)(b) applies, pursuant to the procedures in ¶ 9.3.3. Any such Participating Diversion must be authorized pursuant to ¶ 9. This provision shall be subject to the following express terms and conditions:

10.5.1. The CWCB call must be recognized and administered by the Division Engineer.

10.5.2. Applicants' replacement obligation for Participating Diversions within or upstream of a given instream flow reach shall be limited to the out-of-priority depletion attributable to a Participating Diversion, which may be the total amount of the diversion in the event the diversion is 100% depletive to any portion of the instream flow reach. Applicants shall make replacements

for the Participating Diversion at a point at or upstream of such Participating Diversion to the extent necessary to prevent injury or shall curtail the subject Participating Diversion.

10.5.3. If a protest to an analysis prepared for ¶ 9.3.2 is resolved in favor of the Applicants, to the extent that the augmentation water will protect vested senior water rights, including instream flow rights, Applicants may add Participating Diversions that would otherwise deplete the senior instream flow right, subject to the other terms and conditions of this decree. If a protest to an analysis prepared for ¶ 9.3.2 is resolved in favor of the CWCB, Applicants shall not add Participating Diversions that would deplete the senior instream flow right.

10.6. ***Limits on Participating Diversions.*** Participating Diversions accepted into this plan for augmentation and the amount of depletions authorized by the plan for augmentation shall be limited to 50.0 acre-feet annually, without additional Water Court approval. Applicants currently have 111² acre-feet of dry year yield available for use in this plan for augmentation. The firm yield stated herein is based upon the dry year yield of the Applicants' replacement supplies as firmed by the Applicants' storage capacity. The dry year yield of consumptive use credits associated with the direct flow rights and the Twin Lakes shares is 190.0 acre-feet, which includes the Twin Lakes shares (3.0 acre-feet), the Randall Ditch (165.8 acre-feet), the Parmalee Ditch Nos. 2 and 3 (12.6 acre-feet) and the Flume Ditch (8.6 acre-feet). The Division No. 1 replacement supplies are firmed and retimed to meet demand by the Applicants' current operational storage space, and which are comprised of 25 acre-feet in Smelter Pipeline Reservoir and 30 acre-feet in James Tingle Reservoir. After completion of the Reallocation Project and the addition of the 131 acre-feet of operation storage space in Chatfield Reservoir, Applicants will have 134³ acre-feet of annual firm yield available for use in this plan for augmentation. Applicants may use up to 50.0 acre-feet of dry year yield water from Division 1 water sources in this plan for augmentation. The amount of water from Division 1 sources used in this plan for augmentation, the plan for augmentation in Case No. 02CW389, and the plan for augmentation in Case No. 12CW50 may not exceed a combined total of 108 acre-feet before the Reallocation Project is completed, or 131 acre-feet after the Reallocation Project is completed.

10.6.1. Applicants have the right to acquire more Twin Lakes shares and to add them to this plan as detailed in ¶ 6.1.4 with notice but without any further approvals. Each additional share of Twin Lakes water added to the plan will add an amount equal to the then-current dry year yield per share of augmentation water to the plan.

10.6.2. The 50 acre-feet limitation is also subject to modification due to Applicants' right to identify and include additional augmentation sources pursuant to ¶ 6.3.

² 108 acre-feet of this dry year yield is water from Division 1 sources.

³ 131 acre-feet of this annual firm yield is water from Division 1 sources.

10.6.3. For purposes of determining uncommitted augmentation water available to the Applicants under this plan, the presumptive diversion values combined with the consumptive use criteria specified in ¶ 8.2. *et. seq.* shall be used to determine total amount of water committed.

10.6.4. To maximize the beneficial use of Applicants' available augmentation water supplies, Applicants shall have the right to petition the Court to adjust the depletion amounts as described in ¶ 28.5 herein to substitute depletions calculated from actual metered diversions using the consumptive use criteria in ¶ 8.2 for one or more Participating Diversions in place of the presumptive depletions specified in this ¶ 8.2 based upon no less than 5 years of metered diversion records for each such Participating Diversion for which actual metered diversions are proposed to be used to determine depletions. Water made available by the Water Court's adjustment of the depletion amounts shall be available for subsequent use by Applicants to augment additional new Participating Diversions.

10.6.5. When the Applicants' depletions under this plan for augmentation reach 40 acre-feet annually, then Applicants must file a notice with the Court and serve the notice on the Opposers that shows that they have sufficient storage space to carry over water in wet years for use in dry years to safely augment 50 acre-feet of depletions annually ("Notice of Storage Capacity"). Any Opposer may within sixty-three (63) days of the Notice of Storage Capacity file a petition with the Water Court for a hearing, under the Court's retained jurisdiction as provided by ¶ 28.3, and serve such petition on the other Opposers. Service of the Notice of Storage Capacity shall trigger the sixty-three (63) day period. At such hearing the Applicants shall have the burden of proving that they have sufficient operational storage available to augment 50 acre-feet of depletions annually. If no petition is filed within sixty-three (63) days of the Notice of Storage Capacity, the cap on annual depletions augmented under this plan shall automatically be 50 acre-feet per year.

10.7. *Operations and Replacement of Depletions.* Applicants shall replace depletions from Participating Diversions in time, place and amount, as required by this decree. If applicants are not able to replace depletions from a potential Participating Diversion in time, place and amount, then the Applicants shall not accept the potential Participating Diversion as a Participating Diversion under this plan for augmentation. Replacements shall be made from the sources listed in ¶ 6 on a daily basis during the irrigation season and on a weekly basis during the non-irrigation season, unless the Division Engineer requires replacements more or less frequently. Applicants will physically deliver augmentation water from any of the sources identified in ¶ 6 to replace out of priority depletions as follows:

10.7.1. *Replacements Using Twin Lake Shares.*

A. During times when a senior unsatisfied call originates from the Arkansas River mainstem and water rights on Currant, Tallahassee and/or Badger Creeks and their tributaries are called out by the

Arkansas River mainstem call, Applicants may make replacement of depletions directly to the Arkansas River using its Twin Lakes Shares at or above the point of depletion caused by the Participating Diversion or above the senior calling right as determined by Applicants.

B. During times when a senior unsatisfied call originates on Currant, Tallahassee and/or Badger Creeks, Applicants may:

i. Divert the water associated with their Twin Lakes Shares directly from the Arkansas River mainstem by pump at a point upstream from Parkdale which is in the NW1/4 of Section 18, Township 18 South, Range 71 West, 6th P.M., Fremont County, and deliver and exchange said water to Storage Vessels or Storage Reservoirs described in ¶ 6.4, and release water from storage; or

ii. Release previously stored water associated with their Twin Lakes Shares from storage facilities on Currant, Tallahassee and/or Badger Creeks to a point at or above the point of depletion caused by the Participating Diversion or at or above the senior calling right as determined by Applicants.

C. During times when the exchanges described in ¶ 11 are in priority, Applicants can exchange water up Currant, Tallahassee and/or Badger Creeks to the point of depletion to replace depletions.

10.7.2. Replacements Using Division No. 1 Water Rights. During times when a senior unsatisfied call originates from within the Currant, Tallahassee, Badger Creek or Arkansas river drainages, Applicants may:

A. Release previously stored water associated with their Division No. 1 Water Rights from storage facilities on Currant, Tallahassee and/or Badger Creeks to a point at or above the point of depletion caused by the Participating Diversion or at or above the senior calling right as determined by Applicants; or

B. Truck and deliver the Division No. 1 Water Rights to Storage Vessels or Storage Reservoirs described in ¶ 6.4 and release such water from the vessels or reservoir at a point at or above the point of depletion caused by the Participating Diversion or at or above the senior calling right, including a calling senior instream flow water right owned by the CWCB, pursuant to ¶ 10.5.

APPROPRIATIVE RIGHTS OF EXCHANGE

11. **Conditional Appropriative Rights of Exchange.** Applicants seek to confirm and approve the following conditional appropriative rights of exchange. A map depicting such exchanges is attached hereto as **EXHIBIT I.**

11.1. **Exchange reaches and maximum exchange rates and volumes.**

Stream	Upper Terminus	Lower Terminus	Rates
Currant Creek	SE ¼ § 12, T14S, R74W, 6th PM	Confluence Tallahassee Creek at lat 38 29 44N long 105 24 16W	2.0 cfs, Conditional
Tallahassee Creek	Confluence Currant Creek at lat 38 29 44N long 105 24 16W	Confluence Arkansas River at lat 38 29 16N long 105 22 48W	2.0 cfs, Conditional
Badger Creek	NW ¼ §27, T14S, R76W, 6th PM	Confluence Arkansas River § 28, T49 N, R10E, NMPM	3.0 cfs, Conditional

11.2. **Operation.** Water will be released from Twin Lakes Reservoir, described in ¶ 6.1., to the Arkansas River and then exchanged up Currant, Tallahassee and/or Badger Creeks to the points of depletion of the Participating Diversions or to a location where Applicants can divert the water for storage or trucking to storage. Water may be exchanged to any identified or subsequently identified locations as long as the exchange locations are between the upper and lower termini for each exchange as identified herein.

11.3. **Limitation of Exchanges.** Exchanges, including any future administrative exchanges, may only operate to: Storage Vessels; Storage Reservoirs; other storage structures; or points of depletion of interruptible water uses such as irrigation and pond use. Applicants will not operate exchanges to points of depletion to augment non-interruptible water uses such as domestic uses or uses causing lagged depletions.

11.4. **Appropriation Date.** December 4, 2002.

11.4.1. **How appropriation was initiated.** Adoption of resolutions evidencing Applicants' intent to appropriate said exchanges.

11.4.2. **Amount claimed absolute.** NA.

11.5. **Uses.** Substitution and exchange.

11.6. **Sources of Exchange Water.** See ¶ 6.1.

CONCLUSIONS OF LAW

12. The Court concludes that the Application herein is one contemplated by law, and the District Court, Water Division No. 2 has exclusive jurisdiction over the subject matter of this proceeding. C.R.S. §37-92-203.

13. The Application herein was filed with the Water Clerk in accordance with the provisions of C.R.S. §37-92-302(1)(a).
14. Timely and adequate notice of this filing and of the contents of the Application was given in the manner provided by law, and this Court has jurisdiction over all persons or entities affected hereby, whether or not they have appeared.
15. Statements of opposition were filed as described in ¶ 3. The time for filing additional statements of opposition has expired. C.R.S. §§37-92-302(1)(c) and 37-92-304(3).
16. Applicants have demonstrated that they have a specific plan and intent to divert, store, or otherwise capture, possess, and control the quantity of water by exchange for the claimed beneficial uses.
17. Applicants have demonstrated that unappropriated water is available at the upstream points of exchange in the amounts and from the sources claimed.
18. Applicants have demonstrated that water can and will be diverted and beneficially used, and that the exchanges can and will be completed with diligence and within a reasonable time.
19. Applicants have demonstrated that the plan for augmentation claimed herein will not injuriously affect the owner of or persons entitled to use water under a vested water right or decreed conditional water right. C.R.S. §37-92-305.
20. Subject to the terms of this decree, the plan for augmentation described herein meets the requirements of C.R.S. §§37-80-120, 37-92-103(9) and 37-92-305. The claim for approval of a plan for augmentation should be approved subject to the provisions of this decree.
21. Applicants have complied with all requirements and met all standards and burdens of proof and are therefore entitled to a decree confirming and approving the subject appropriative rights of exchange and plan for augmentation described herein.

JUDGMENT AND DECREE

22. The Findings of Fact and Conclusions of Law enumerated above are incorporated herein as if set out in full.
23. **Terms and Conditions of Exchanges.** Applicants' conditional appropriative rights of exchange are hereby approved, subject to the following terms and conditions:
 - 23.1. The appropriation date for all exchanges is December 4, 2002. The priority of Applicants' appropriative rights of exchange shall be administered based upon the filing of the Application on February 28, 2003. The water rights shall be junior to the priority of water rights for which applications were filed in previous years. As between all rights applied for in the same calendar year, priority shall be determined by the appropriation dates and shall not be affected by the date of entry of ruling or decree.

23.2. The exchanges shall be operated only at times when the exchanges are in priority and there is a live stream between the point of introduction of such water into the stream and the upstream diversion point, except that Applicants shall not operate an exchange up streams on which the CWCB holds an instream flow right at times when the instream flow water right is not being fully satisfied and the CWCB has placed call recognized and administered by the Division Engineer pursuant to the provisions of ¶ 10.5 of this decree.

23.3. The rate and volume of water diverted at the upstream termini shall not exceed the rate and volume of water introduced to the river at downstream termini, less transit losses.

23.4. Applicants shall not operate any exchange so as to prevent the diversion or, in the case of an instream flow right, operation of any intervening water right, including decreed exchanges, senior to February 28, 2003, if such diversion or operation would have been legally possible in the absence of Applicants' exchange.

23.5. Applicants shall provide notice to and obtain approval from the Water Commissioner prior to initiating any of the exchanges.

23.6. Pursuant to C.R.S. §37-92-305(5), any substituted water used in this exchange shall be of a quality and quantity sufficient to meet the requirements for which the senior appropriators have historically used the water. The substituted water shall be accepted by the senior appropriators in substitution for water derived by the exercise of their decreed appropriative rights.

23.7. The Division Engineer may charge Applicants appropriate transit losses on any water delivered as a substitute supply for the exchanges decreed herein from the upstream location of the delivery of the substitute supply to the stream to the downstream point of exchange.

23.8. If Applicants do not own a structure identified in this decree, Applicants must obtain the legal right to use the structure by consent, condemnation or other lawful means.

23.9. All calling water rights with priorities senior to the priorities of the exchanges decreed herein and with points of diversion located between the exchange-from point and the exchange-to point and senior instream flow water rights, must be satisfied either with the remaining flows in the stream or with a lawful replacement source supplied by Applicants.

23.10. The approval of exchanges of replacement water to a point of depletion on a stream as authorized in this decree does not constitute authorization for Applicants to the exchange of water directly to a well, pond that exposes surface water or other structure with lagged depletions.

23.11. To the extent that a Participating Diversion is located upstream of the claimed exchanges, this plan for augmentation will rely on administrative exchanges unless or until Applicants obtain decreed exchanges.

24. **Terms and Conditions of Plan for Augmentation.** Subject to the provisions of this decree and the terms and conditions below, the plan for augmentation is approved.

24.1. Applicants shall not enter into any contract to provide augmentation water to any Participating Diversion until such time as they can demonstrate to the reasonable satisfaction of the Division Engineer that they can provide augmentation water in time, place and amount to prevent injury to other water users.

24.2. Parties seeking participation in this plan, in cooperation with Applicants, shall follow the process outlined in ¶ 9. Applicants shall not provide a Customer Application Notice to Opposers if such Customer Application is not completed to the satisfaction of the Applicants and Applicants shall not include any Participating Diversion in this plan that has not completed the procedure approved by this decree.

24.3. All Participating Diversions must be located within Applicants' Service Area, depicted in **EXHIBIT A**. No structures will be included as Participating Diversions in this plan if the depletions from such structures are above the point of storage of replacement water, except by an in-priority exchange described in ¶ 11. All consumptive use depletions from the Participating Diversions must be replaced at or above the calling senior water right or at or above point of depletion as determined by Applicants directly or by exchange.

24.4. This plan for augmentation shall permit Participating Diversions to make out-of-priority diversions provided that such diversions are located within the boundaries of the Service Area and provided that the consumptive use depletions from such diversions are calculated and replaced directly or by exchange in time, place and amount pursuant to this decree.

24.5. Applicants shall replace all out-of-priority depletions that result from the operation of Participating Diversions. Applicants shall require metering of all Participating Diversions pursuant to ¶ 8.1. Applicants shall replace the depletions on a daily basis during the irrigation season and a weekly basis during the non-irrigation season or more or less frequently as directed by Division Engineer. If any Participating Diversion's depletions calculated using actual meter readings and the consumptive use criteria in ¶¶ 8.2.2 through 8.2.6 are greater than the presumptive depletions, Applicants shall replace the additional depletions on a daily basis during the irrigation season and a weekly basis during the non-irrigation season or more or less frequently as directed by Division Engineer. Applicants shall also substitute the depletion calculated based upon the meter readings for the presumptive depletion in their annual projection for the coming year as required in ¶ 26.

24.6. Entry of this decree neither validates any expansion of use of any well included as a Participating Diversion nor affirms that each well is operating in compliance with its well permit. If the actual uses of a well exceed the uses

identified in the well permit, the well shall be curtailed, and the well owner shall obtain a new well permit pursuant to C.R.S. §37-90-137(2), or a successor statute.

24.7. When Applicants make augmentation releases to replace downstream depletions from Participating Diversions, the Division Engineer or his designated representative may assess reasonable transportation losses between the point of such augmentation releases or bypass flows to the point of depletion on the stream of a particular Participating Diversion when determining the amount of water available for such uses by Applicants.

24.8. If a valid unsatisfied call is placed on Badger Creek, Tallahassee Creek or Carrant Creek below a Participating Diversion's out-of-priority depletion and the call is senior to Applicants' exchanges, Applicants shall: 1) replace the Participating Diversion's depletions at or above the calling water right's point of diversion by any source available to Applicants; 2) curtail the Participating Diversion, if the diversion has no lagged depletions; or 3) curtail the Participating Diversion, if the diversion has lagged depletions, and make replacements at or above the calling water right's point of diversion by any source available to Applicants that is approved under this plan for augmentation. Applications to become a Participating Diversion will not be approved if none of the above measures can be employed to prevent the out-of-priority depletions from injuring a calling senior water right.

24.9. Adequate control, compliance monitoring, accounting and measuring devices, acceptable to the Division Engineer or Water Commissioner and properly maintained will be required for the administration of these water rights and this plan.

24.10. Applicants hereby give the Division Engineer's Office authority to release any augmentation waters produced by Applicants' stock from storage in Twin Lakes Reservoir as necessary to properly administer this plan for augmentation, provided that Applicants have failed to make such releases.

24.11. Participating Diversions that will result in lagged depletions cannot be augmented with deliveries of augmentation water to the mainstem of the Arkansas River if the lagged depletions will extend beyond the time when the call may change to originate from within Carrant Creek, Tallahassee Creek and/or Badger Creek. During those times, local replacements will be made.

24.12. Nothing in this decree amends, changes or alters any contractual or deed relationship existing between Aurora and the Applicants. Applicants shall provide Aurora with a list of all Participating Diversions at least once every ten years.

24.13. All provisions of the decrees for the replacement sources described herein, including return flow obligations and volumetric limitations, continue to apply to those water rights.

24.14. Pursuant to ¶ 10.7.2 Applicants may divert replacement water from locations in Division Nos. 1 and 2, truck such replacement water to storage locations on Carrant and Badger Creeks, and release such replacement water for augmentation of

out-of-priority depletions caused by Participating Diversions. Applicants shall at all times comply with the Colorado Aquatic Nuisance Species Act (§§ 33-10.5-101 to 108) and the Aquatic Nuisance Species Regulations (2 C.C.R. 405-1, Chp. 8), as those laws and regulations currently exist and as are amended in the future. At the time of this adjudication, Applicants point of diversion for the Division 1 Water Rights at the County Road 59 Pump in Park County is not located in a known area of the South Platte River containing aquatic nuisance species and is not presently subject to the decontamination and inspection provisions of the statute and regulations. At the time of this adjudication, Applicants point of diversion for the Twin Lakes Shares at Parkdale on the Arkansas River in Fremont County is not located in a known area of the Arkansas River containing aquatic nuisance species and is not presently subject to the decontamination and inspection provisions of the statute and regulations. Prior to making any diversion of water from its points of diversion on the Arkansas River or the South Platte River as adjudicated herein, Applicants shall confirm that such areas have not been designated by Colorado Parks and Wildlife as containing aquatic nuisance species.

24.15. Applicants' Storage Vessels and Storage Reservoirs identified in ¶ 6.4 shall have operable outlet structures capable of making releases of water to the stream for augmentation and measuring devices capable of measuring such releases as may be required by the Division Engineer.

24.16. Pursuant to ¶10.7.2., Applicants may divert replacement water from locations in Division No. 1 and truck such replacement water to Storage Vessels or Storage Reservoirs described in ¶ 6.4 for subsequent release for augmentation of out-of-priority depletions caused by Participating Diversions. The proposed location and capacity of each Storage Vessel or Storage Reservoir and the plan for filling such vessel or reservoir shall be provided by the Notice of Application described in ¶ 9.2 for a certain Participating Diversion. Prior to use by the Applicants to augment a Participating Diversion, the Water Commissioner shall confirm that each Storage Vessel or Storage Reservoir: 1) has been filled with an appropriate replacement source; 2) is capable of releasing and delivering replacement water to the stream; 3) is capable of measuring the releases; and 4) has an adequate filling plan.

24.17. The diversions for greenhouse irrigation shall be metered separate from other uses. Applicants shall report the presumptive diversions, metered diversions, and the area of bedded material on a monthly basis as part of its accounting, and Applicants shall notify each customer when the customer's greenhouse depletions have reached 80 percent of the annual amount allocated to that customer.

25. **Accounting.** Applicants shall provide the Division Engineer with accounting records and reports that contain information necessary for the Division Engineer to evaluate Applicants' compliance with this decree as reasonably requested by the Division Engineer. The accounting year shall be November 1st through October 31st of each year. Applicants shall provide the Division Engineer with an annual report no later than December 31st of each year that summarizes the information contained in the monthly accounting and that includes such other information as is reasonably requested by the Division Engineer.

25.1. This decree does not establish or require any specific accounting form, but all information contained in **EXHIBIT J** attached hereto must be included in all versions of the accounting form. If the Participating Diversion is also utilizing a Storage Vessel or Storage Reservoir, the amount of water transported to and released from the Storage Vessel or Storage Reservoir as well as the source of the water needs to be included in the accounting form as well. The form, format, and any changes thereto must be approved by the Division Engineer. The accounting form or format should adhere to all applicable policy, guidelines, and protocol established by the Division Engineer. Within sixty-three (63) days of the entry of this decree, Applicants shall serve the initial accounting forms on Opposers and the Division Engineer. Objectors shall have forty-nine (49) days from the date of the notice to serve comments on the accounting forms to Applicants and the Division Engineer.

25.2. The contents of the accounting forms and reports may be modified with the approval by the Division Engineer, without modification of this decree, after service of written notice to objectors. Objectors shall have forty-nine (49) days from the date of the notice to serve comments on the accounting forms to Applicants and the Division Engineer.

25.3. All accounting shall be performed daily and should be submitted monthly, unless required more often at the request of the Division Engineer or Water Commissioner. Daily accounting shall be submitted to the Division Engineer and Water Commissioner no later than thirty-five (35) days following the last day of any given month. All depletions must be replaced weekly during the irrigation season and monthly during the non-irrigation season to the extent reasonably practical and any shortages in replacement must be balanced with releases or bypass of consumptive use water on a weekly basis during the irrigation season and a monthly basis during the non-irrigation season. Copies of all accounting required by this decree shall be provided to objectors upon request and payment of reasonable costs therefore.

26. **Projection.** No later than March 1st of each year, and at such other times as the Division Engineer may require, the District shall submit a report to the Division Engineer identifying the following: 1) the number of Participating Diversions; 2) the Participating Diversions' locations; 3) the Participating Diversions' diversion amount and type of use; 4) the type of wastewater treatment systems associated with the Participating Diversions; 5) the projected amount and timing of depletions for all Participating Diversions for the following 12 months; 6) the dates and amounts of planned augmentation releases less transportation losses as determined by the Division Engineer; 7) the amount and location of uncommitted replacement water remaining under this augmentation plan; and 8) any diversion previously augmented by this plan, which will no longer participate in this plan. By November 15th of each year, Applicants shall submit a report on actual operations during the prior reporting period under the plan for augmentation and on planned operations for the upcoming winter season. This report shall include actual releases of water for augmentation and available information on well pumping and lawn irrigation.

26.1. This decree does not establish or require any specific projection form, but all information contained in **EXHIBIT K** attached hereto must be included in all versions of the projection form. The form, format, and any changes thereto must be approved

by the Division Engineer. The projection form or format should adhere to all applicable policy, guidelines, and protocol established by the Division Engineer. Within sixty-three (63) days of the entry of this decree, Applicants shall serve the initial projection forms on Opposers and the Division Engineer. Objectors shall have forty-nine (49) days from the date of the notice to serve comments on the projection forms to Applicants and the Division Engineer.

26.2. The contents of the projection form may be modified with the approval by the Division Engineer, without modification of this decree, after service of written notice to objectors. Objectors shall have forty-nine (49) days from the date of the notice to serve comments on the projection form to Applicants and the Division Engineer.

26.3. Applicants shall update the projection if 1) new Participating Diversions are added to the plan; 2) if well meter readings show an increase in depletions than what was previously projected using the presumptive values; and/or 3) the replacement supply available is less than previously projected. Applicants shall make copies of their projection available to objectors upon request and upon payment of reasonable reproduction costs.

27. **Measuring Devices.** In addition to the measuring devices expressly required herein, Applicants shall install and maintain, at Applicants' expense, such additional meters, gages or other measuring devices as are reasonably required by the Water Commissioner or Division Engineer for administration of this decree. Applicants shall report the readings of such meters, gauges or other measuring devices pursuant to C.R.S. § 37-92-502(5)(a) as required by this decree or more frequently as required by the Water Commissioner and/or Division Engineer.

28. **Retained Jurisdiction.** Pursuant to C.R.S. §37-92-304, the Court shall retain jurisdiction over this case as described below. The Court's jurisdiction may be invoked by any existing party to this case, or successors-in-interest thereto, by petition to the Court and upon proper notice to all other parties. Any such request shall state with particularity the factual bases for requesting that the Court evaluate injury to vested water rights. Unless otherwise stated herein, the party filing the petition shall have the burden of going forward to establish the *prima facie* facts alleged in the petition. If the Court finds those facts to be established, Applicants shall have the burden of proof to show: 1) that any modification sought by Applicants will avoid injury to other appropriators; 2) that any modification sought is not required to avoid injury to appropriators; or 3) that any term or condition proposed by Applicants in response to the petition does avoid injury to other appropriators.

28.1. The Court retains jurisdiction over this case for reconsideration on the question of injury to the vested water rights of others or to reconsider the presumptive diversion values and consumptive use criteria of ¶ 8.2 et. seq. beginning on the date of the decree and continuing for a period of five (5) years after Applicants provide written notice to Opposers that they have replaced depletions from at least five (5) Participating Diversions on Currant Creek, five (5) Participating Diversions on Badger Creek, five (5) Participating Diversions on Tallahassee Creek, and five (5) Participating Diversions on Thirty-One Mile Creek for a combined total of 25 acre-feet of replacement. If no petition is filed within five (5) years after such

notice, and the retained jurisdiction period has not been extended by the Court in accordance with the provisions of the C.R.S. §37-92-304, then this retained jurisdiction period shall automatically expire.

28.2. The Court retains jurisdiction indefinitely to admit or deny new Participating Diversions in this plan for augmentation pursuant to ¶ 9.7 and to consider the location and types of uses that can be augmented within Applicants' boundaries.

28.3. The Court shall retain jurisdiction to conduct a hearing based on the Notice of Storage Capacity pursuant to ¶ 10.6.5.

28.4. The Court shall retain jurisdiction indefinitely to approve any proposed sale or transfer of any shares of Twin Lakes stock included in this augmentation plan to any party other than a designated successor of Applicants herein that certifies that the stock shall continue to be held and used in accordance with the terms and conditions of this augmentation plan.

28.5. The Court shall retain jurisdiction indefinitely to substitute depletions calculated from actual metered diversions using the consumptive use criteria in ¶¶ 8.2.2, 8.2.3, 8.2.4, 8.2.5, and 8.2.6 for those depletions calculated using the presumptive diversion values in ¶¶ 8.2.1, 8.2.4, and 8.2.6 for one or more Participating Diversions. Such petition shall be based on no less than five (5) years of metered diversion records for each Participating Diversion for which Applicants seek to use actual metered diversions to determine depletions. The Court shall either adjust the depletion amount or retain the presumptive depletion amount for the Participating Diversions.

28.6. The Court shall retain jurisdiction indefinitely to determine challenges to the post-pumping or lagged depletions associated with a Participating Diversion that Applicants seek to remove from this plan for augmentation. The party challenging the post-pumping or lagged depletions shall have the burden of proof to present evidence under the Court's retained jurisdiction that the provisions of ¶ 10.4 should not apply.

28.7. The Court shall retain jurisdiction indefinitely to add replacement sources, including, but not limited to, additional Twin Lakes shares under ¶ 6.1.4, the native component of Applicants' Twin Lakes shares referred to in ¶ 6.1.6.B, pursuant to ¶ 6.3, and to add additional locations of Storage Vessels referred to in ¶ 6.4.9.

29. It is ordered that the conditional exchange rights awarded herein are hereby continued in full force and effect until June 30, 2022. If Applicants desire to maintain such conditional decree, an application for a finding of reasonable diligence or an application claiming that the conditional rights have become absolute rights by reason of the completion of the appropriation shall be filed on or before June 30, 2022.

30. Pursuant to C.R.S. §37-92-305(8), the State Engineer shall curtail all out-of-priority diversions, the depletions from which are not so replaced as to prevent injury to vested water rights.

31. A copy of this decree shall be filed with the State Engineer and the Division Engineer.
32. Except to the extent that the Court has specifically retained jurisdiction, this Judgment and Decree is final.

DATED: June 29, 2016

BY THE COURT:

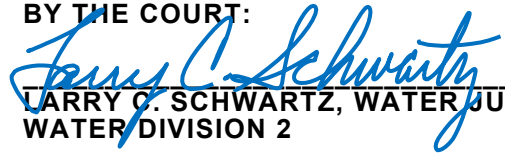
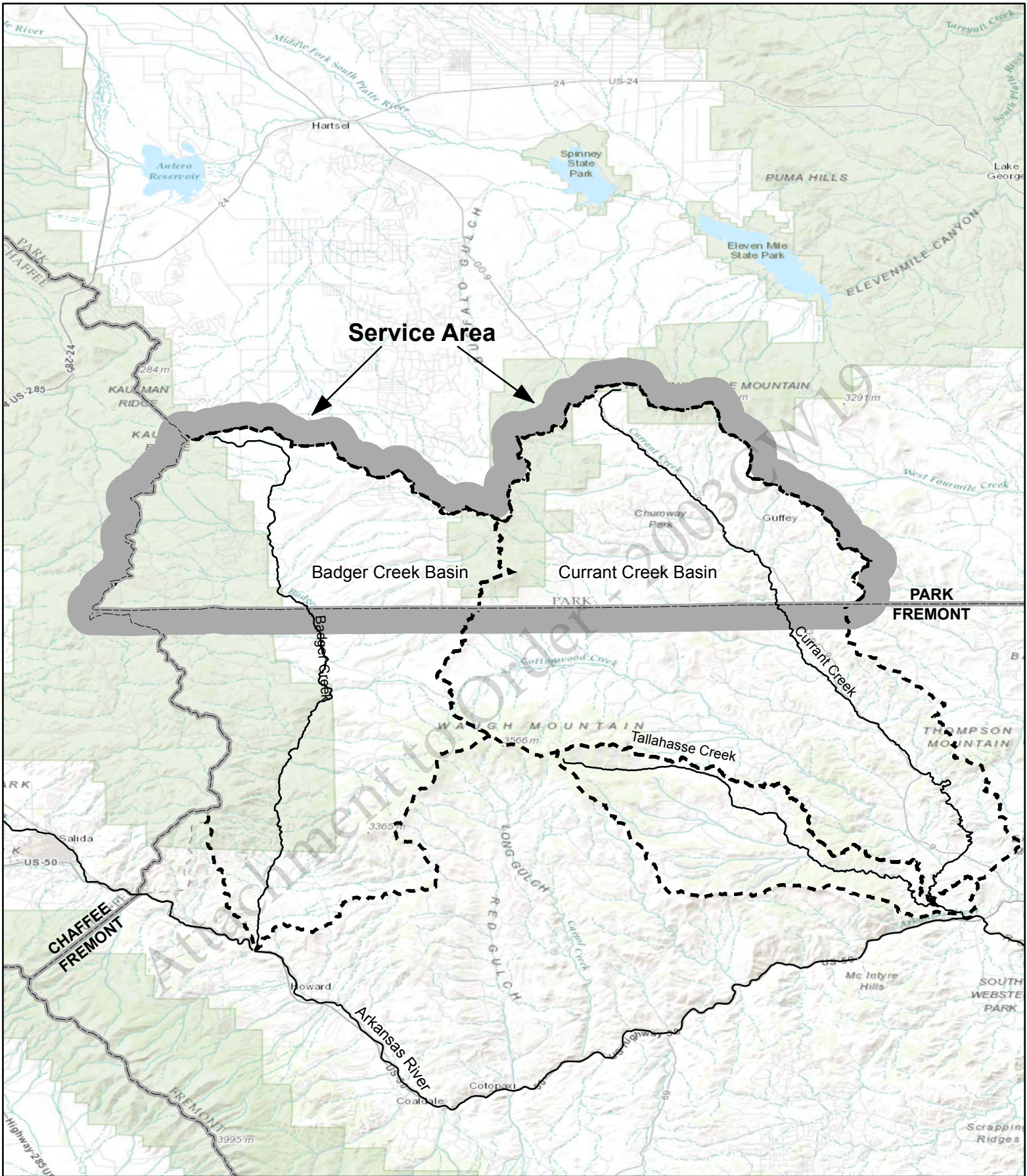

LARRY C. SCHWARTZ, WATER JUDGE
WATER DIVISION 2

EXHIBIT LIST

- A. Service Area Map
- B. Application for Participation
- C. Terms and Conditions in Case No. 05CW331
- D. Map of Storage Vessels and Storage Reservoirs
- E. Lawn Irrigation
- F. Pond Evaporation
- G. Presumptive Depletions
- H. Notification List
- I. Map of Exchanges
- J. Accounting Form
- K. Projection Form



N

0 5 10 Miles

Exhibit A

TZA Water Engineers February 2016

a Lamp Rynearson Company

EXHIBIT B-1

Use This Form For All Water Uses Except For Commercial (Business) Uses

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

2. Name of structure or diversion used to obtain water: _____
3. Name, address, phone number and email of **each** owner of property to be served by the structure or diversion: _____

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

5. Location of structure or diversion (include quarter quarter, section, and approximate feet from section lines; include a map of the location): _____

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

7. Provide a detailed description of proposed water uses for **each** property (e.g. indoor, irrigation, livestock, ponds): _____

8. Square feet of lawn and/or garden irrigation: _____
9. Number of single family dwellings: _____
10. Number and type of livestock and other animals: _____
11. Surface area of ponds (in square feet): _____
12. Type of wastewater treatment (e.g., septic tank and leach field, evapotranspiration system, sewer line to wastewater treatment plant): _____

13. Approximate distance to the nearest flowing stream: _____
14. Name of the nearest flowing stream: _____

I understand that the Board of Directors (“Board”) of the Headwater Authority of the South Platte will rely upon the statements I have made in this Application and that such statements are subject to the provisions of C.R.S. § 18-8-503. C.R.S. § 18-8-503 states that a person commits second degree perjury if he/she makes a materially false statement (i.e., one that he/she does not believe to be true) while under oath with the intent to mislead a public servant in the performance of the servant’s duty.

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

APPLICANT:

 PRINT Name *Title*

STATE OF _____)
) ss.
 COUNTY OF _____)

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

Witness my hand and official seal.
 My commission expires:

 Notary Public

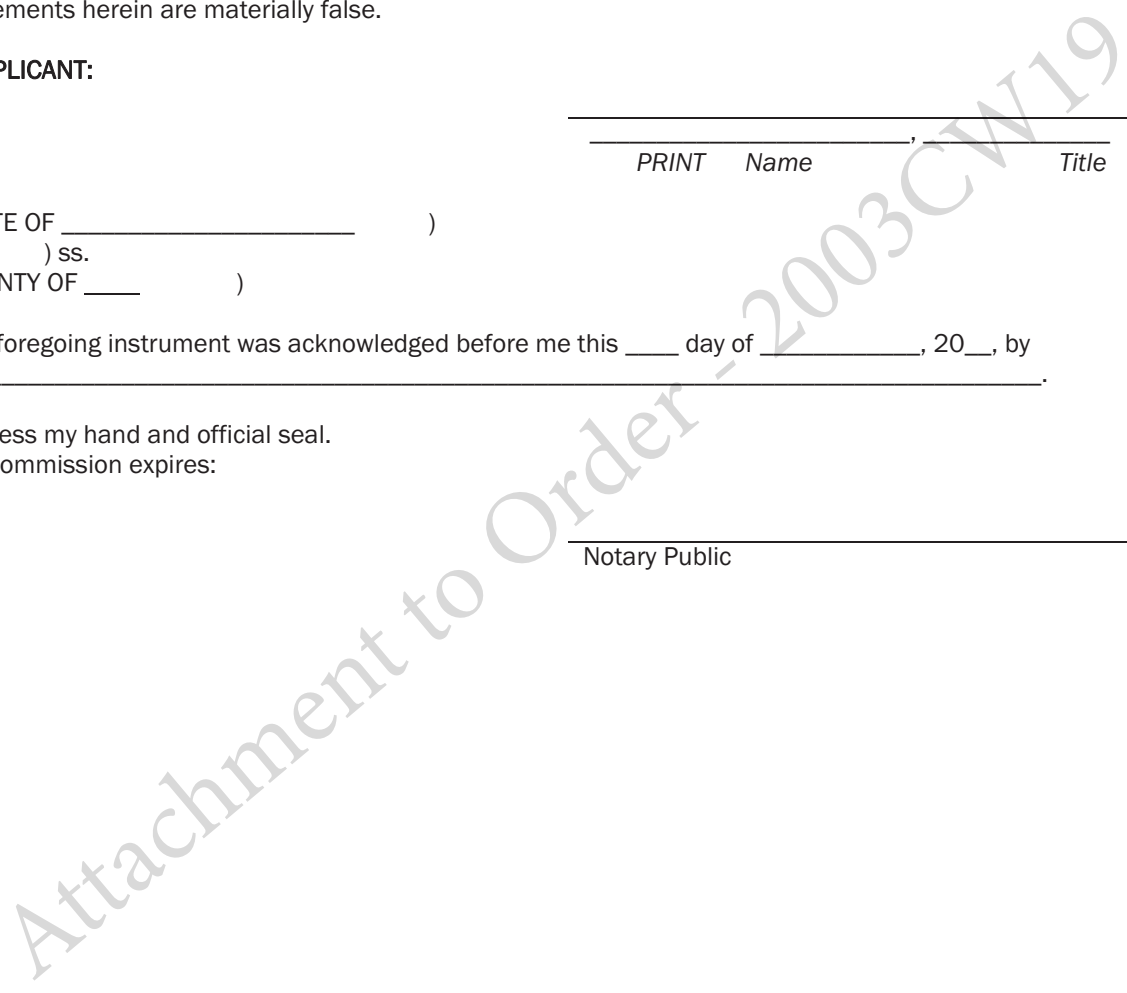


EXHIBIT B-2

Form of Commercial Application

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

2. Name of structure or diversion used to obtain water: _____
3. Name, address, phone number and email of each owner of property to be served by the structure or diversion: _____

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

5. Location of structure or diversion (include quarter quarter, section, and approximate feet from section lines; include a map of the location): _____

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

7. Provide a detailed description of proposed water uses for each property and answer the applicable questions: _____

 - 7.1. For hotel, motel, lodge, guest ranch, cabins with kitchenettes- How many guest rooms and staff rooms? _____ What is the expected annual occupancy rate? _____
 - 7.2. For hotel, motel, lodge, guest ranch, cabins without kitchenettes- How many guest rooms and staff rooms? _____ What is the expected annual occupancy rate? _____
 - 7.3. For laundromats, how many washing machines? _____
 - 7.4. For restaurants, with table/bar service, what is the expected average number of customers per year? _____
 - 7.5. For restaurants with paper service only, what is the expected average number of customers per year? _____
 - 7.6. For kennels, what is the expected average number of dogs to boarded per year? _____
 - 7.7. For offices, what is the square footage of finished floor space? _____
 - 7.8. For campgrounds and RV parks with central public toilet and shower facility, how many campsites? _____
 - 7.9. For campgrounds and RV parks with water/sewer hookups only, how many campsites? _____
 - 7.10. For warehouses, what is the square footage of floor space? _____
 - 7.11. For schools without cafeteria, gym and showers, how many students? _____

- 7.12. For schools with cafeteria, gym and showers, how many students? _____
- 7.13. For automobile service station without car wash, how many pumps? _____
- 7.14. For all commercial enterprises, how many square feet of irrigated lawn and garden? _____
- 7.15. For any other type of commercial enterprise, describe the number of employees, process water, wash water, or other types of water use?

- 7.16. Square feet of lawn and/or garden irrigation: _____
- 7.17. Number of single family dwellings: _____
- 7.18. Number and type of livestock and other animals: _____
- 7.19. Surface area of ponds (in square feet): _____
- 8. Type of wastewater treatment (septic tank and leach field, evapotranspiration system, sewer line to wastewater treatment plant): _____
- 9. Approximate distance to the nearest flowing stream: _____
- 10. Name of the nearest flowing stream: _____

I understand that the Board of Directors ("Board") of the Headwater Authority of the South Platte will rely upon the statements I have made in this Application and that such statements are subject to the provisions of C.R.S. § 18-8-503. C.R.S. § 18-8-503 states that a person commits second degree perjury if he/she makes a materially false statement (i.e., one that he/she does not believe to be true) while under oath with the intent to mislead a public servant in the performance of the servant's duty.

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

APPLICANT:

 PRINT Name, Title

STATE OF _____)
) ss.
 COUNTY OF _____)

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

Witness my hand and official seal.
 My commission expires:

 Notary Public

10. Terms and Conditions to Prevent Injury: The requested changes of the Water Rights and the proposed plan for augmentation including substitution and exchange are approved subject to the following terms and conditions:

10.1 Diversion season: The subject Randall Ditch water rights shall be diverted only from May 1 through September 30 of each year, and only during periods when they are in priority. The subject Sessions Ditch water right shall be diverted only from April 1 through July 31 of each year, and only during periods when it is in priority.

10.2 Diversion limits: The diversion limits contained in paragraphs 10.2.1 through 10.2.4 below are based on historical diversions of the Water Rights and, as such, include historical consumption, return flows and ditch loss. In order to properly account for all necessary components for documenting compliance with the limitations imposed in paragraphs 10.2.1 through 10.2.4 below, the diversions attributable to the Water Rights shall be the sum of (1) the total combined diversions at any one or more of the points of diversion and places of storage described in paragraph 7.3 above under the Water Rights plus any transit losses assessed by State water administration officials and (2) any water not diverted under the Water Rights, but left in Michigan Creek in order to replicate the historical return flows described in paragraph 10.3 below.

10.2.1 Maximum annual volumetric limits: The maximum annual volume of diversions under the Water Rights, in acre-feet, shall be limited to the following:

Randall Ditch, May 1, 1878 priority:	1,724 acre-feet
Randall Ditch Enlargement, April 1, 1881 priority:	2,134 acre-feet
Sessions Ditch, July 31, 1880 priority:	185 acre-feet

10.2.2 Forty seven year cumulative volumetric limits for Randall Ditch water rights: The volume of diversions during any 47-year period under the Randall Ditch water rights, in acre-feet, shall be limited to the following:

Randall Ditch, May 1, 1878 priority: 44,862 acre-feet
 Randall Ditch Enlargement, April 1, 1881 priority: 21,131 acre-feet

10.2.3 Forty four year cumulative volumetric limit for Sessions Ditch water right: The volume of diversions during any 44-year period under the Sessions Ditch water right, in acre-feet, shall be limited to the following:

Sessions Ditch, July 31, 1880 priority: 2,922 acre-feet

10.2.4 Maximum monthly volumetric limits: The maximum monthly volume of diversions under the Water Rights, in acre-feet, shall be limited to the following:

	April	May	June	July	August	September
Randall Ditch May 1, 1878 Priority	0	443	699	582	186	676
Randall Ditch Enlargement April 1, 1881 Priority	0	267	626	722	548	336
Sessions Ditch July 31, 1880 Priority	16	59	69	71	0	0

10.2.5 Except as otherwise provided in this paragraph, if the Water Rights are transferred or leased to an entity other than Centennial, or used by an entity other than Center of Colorado, the Water Rights must be diverted in order of priority. This provision shall not preclude diversions of the Water Rights out of the order of their priorities if a volumetric limit described above on one or more of the Water Rights is reached and one or more of the other Water Rights remains in priority. In addition, the above provision shall apply only to use of the Water Rights under this decree.

10.3 Depletion credits and return flow obligations: Applicants shall be required to replicate historical return flows from the use of the Water Rights except during

periods when there is no downstream call (as “call” is defined in paragraph 8.3.5) on Michigan Creek, Tarryall Creek below its confluence with Michigan Creek or the South Platte River below its confluence with Tarryall Creek from water rights with priorities senior to May 27, 2005. Under conditions in which there is no such call, any water diverted or stored under the Water Rights for purposes of replicating historical return flows will be retained for use as described above in paragraphs 7.1 and 7.2, except that such diverted or stored water may not be reused or successively used to extinction. The amount and timing of depletions and return flows varied with conditions, but the pattern of depletions and return flows is recognized and preserved by the conditions contained in this decree. For purposes of calculating depletion credits and return flow obligations, the amount of water available to the Water Rights in priority each day (“Available Diversion”) will be determined based upon the flow at the MCHJEFCO gage, located on Michigan Creek just upstream of both the Randall Ditch and the Sessions Ditch headgates. In determining the available flow, the gaged flow shall be reduced by any other senior water rights transferred, transmountain water, or reservoir releases upstream of the gage. Any calls made by Applicants under the Randall Ditch water rights and/or the Sessions ditch water right shall be placed only at the respective headgates of those ditches as described in paragraphs 6.1.2 and 6.2.2 above, and the amount of water available in priority to satisfy such calls shall be determined as provided in this paragraph 10.3.

10.3.1 Irrigation season depletion credits and return flow obligations:
Applicants’ irrigation season depletion credits and irrigation season return flow obligations shall be determined as follows:

10.3.1.1 Calculation of irrigation season depletion credits and return flow obligations: Applicants’ irrigation season depletion credits and irrigation season return flow obligations shall be determined on a daily basis by multiplying the appropriate monthly percentages from the following tables by the Available Diversion for that day under each of the Water Rights:

RANDALL DITCH May 1, 1878 Priority					
	May	June	July	August	September
Depletion credit	64%	64%	59%	57%	59%
Return flow obligation	36%	36%	41%	43%	41%

RANDALL DITCH ENLARGEMENT April 1, 1881 Priority					
	May	June	July	August	September
Depletion credit	44%	38%	31%	14%	54%
Return flow obligation	56%	62%	69%	86%	46%

SESSIONS DITCH July 31, 1880 Priority				
	April	May	June	July
Depletion credit	58%	54%	54%	40%
Return flow obligation	42%	46%	46%	60%

10.3.1.2

Delivery of irrigation season return flow replacements:
 The required irrigation season return flow replacements shall be made within 24 hours of the Available Diversion upon which they are based by one or more of the following methods:

10.3.1.2.1

Leaving an amount of water equivalent to the amount of the required irrigation season return flow replacement undiverted in Michigan Creek at the headgates of the Randall and/or Session Ditches.

10.3.1.2.2 Releasing to, returning to or leaving in Michigan Creek, Tarryall Creek or the South Platte River at or above the location of the downstream call (as “call” is defined in paragraph 8.3.5) water from any source described in paragraph 8.2 which is decreed for replacement or augmentation or is legally permitted to be fully consumed and which can be provided in the amount, at the time and at the location required hereunder.

10.3.1.3 Diversion of irrigation season depletion credits: The amounts available for diversion by Applicants at the points of diversion and places of storage described in paragraph 7.3 above, including diversions for replacement of non-irrigation season return flows required pursuant to paragraph 10.3.2 below, shall be limited to the amount of the irrigation season depletion credits calculated in accordance with paragraph 10.3.1.1 above.

10.3.2 Non-irrigation season return flow obligations: Applicants’ non-irrigation season return flow obligations shall be determined as follows:

10.3.2.1 Calculation of non-irrigation season return flow obligations: Applicants’ non-irrigation season return flow replacement obligation shall be determined on a daily basis by multiplying the appropriate monthly percentages from the following tables by total Available Diversions under each of the Water Rights during the immediately preceding irrigation season:

	Randall Ditch May 1, 1878 Priority	Randall Ditch Enlargement April 1, 1881 Priority	Sessions Ditch July 31, 1880 Priority
August	1.78%*	0.07%*	1.36%
September	1.49%*	0.07%*	0.00%
October	0.56%	0.07%	0.45%

	Randall Ditch May 1, 1878 Priority	Randall Ditch Enlargement April 1, 1881 Priority	Sessions Ditch July 31, 1880 Priority
November	0.82%	0.04%	0.60%
December	0.93%	0.04%	0.45%
January	0.83%	0.04%	0.30%
February	0.75%	0.02%	0.30%
March	0.68%	0.02%	0.30%
April	0.07%	0.02%	0.19%**

* To be used only in years when no water is diverted under the subject Randall Ditch water rights after July 31.

** To be used only in years when no water is diverted under the Sessions Ditch water right before May 1.

10.3.2.2 Delivery of non-irrigation season return flow replacements:
 The required non-irrigation season return flow replacements shall be made on a daily basis by one or more of the following methods:

10.3.2.2.1 Releasing fully consumable water from storage in the surface reservoir(s) described in paragraph 10.4 below to Michigan Creek.

10.3.2.2.2 Releasing to, returning to or leaving in Michigan Creek, Tarryall Creek or the South Platte River at or above the location of the downstream call (as "call" is defined in paragraph 8.3.5) water from any source described in paragraph 8.2 which is decreed for replacement or augmentation or is legally permitted to be fully consumed and which can be provided in the amount, at the time and at the location required hereunder.

10.4 Groundwater return flow facilities: The groundwater return flow facilities will consist of the Randall Ditch and/or Sessions Ditch headgate(s), described in

paragraphs 6.1.2 and 6.2.2, the Randall Ditch and/or Sessions Ditch, and one or more surface reservoirs to be located in Sections 18 and 19, Township 8 South, Range 75 West of the 6th P.M., Park County, Colorado.

10.4.1 Surface reservoir(s): One or more surface reservoirs will be constructed on the lands historically irrigated by the Randall Ditch and/or Sessions Ditch, located in Sections 18 and/or 19, Township 8 South, Range 75 West of the 6th P.M., Park County, Colorado. The capacity of the reservoir(s) will be at least 152 acre-feet, plus such additional capacity as may be necessary to offset losses from seepage and evaporation, which capacity is adequate to store the quantity of water required to replace maximum year non-irrigation season return flows. Water will be diverted and measured by flumes or flow meters at the existing headgate(s) of the Randall Ditch and/or Sessions Ditch described in paragraphs 6.1.2 and 6.2.2 under the Water Rights, and delivered through the existing Randall Ditch and/or Sessions Ditch to the surface reservoir(s). The reservoir(s) will be equipped with a staff gage or equivalent water level elevation measurement device, an outlet and a measuring device on the outlet to allow for controlled releases to Michigan Creek and measurement of such releases.

10.4.2 Required amount of diversions for return flows: Diversions for the purpose of providing the non-irrigation season return flow replacements required under paragraph 10.3.2 above shall be made when the Water Rights are in priority during the irrigation season of each year out of the available depletion credits determined in accordance with paragraph 10.3 above, and in an amount sufficient to fulfill the groundwater return flow replacement obligations described in paragraph 10.3.2.1 above. Such diversions shall be made into the facilities described in paragraph 10.4.1 above at the rates set forth in this paragraph 10.4.2. For each acre-foot of Available Diversion under each of the Water Rights during the irrigation season, Applicants will divert to storage the appropriate percentage of the Available Diversion under each of the Water Rights, as shown in the table below:

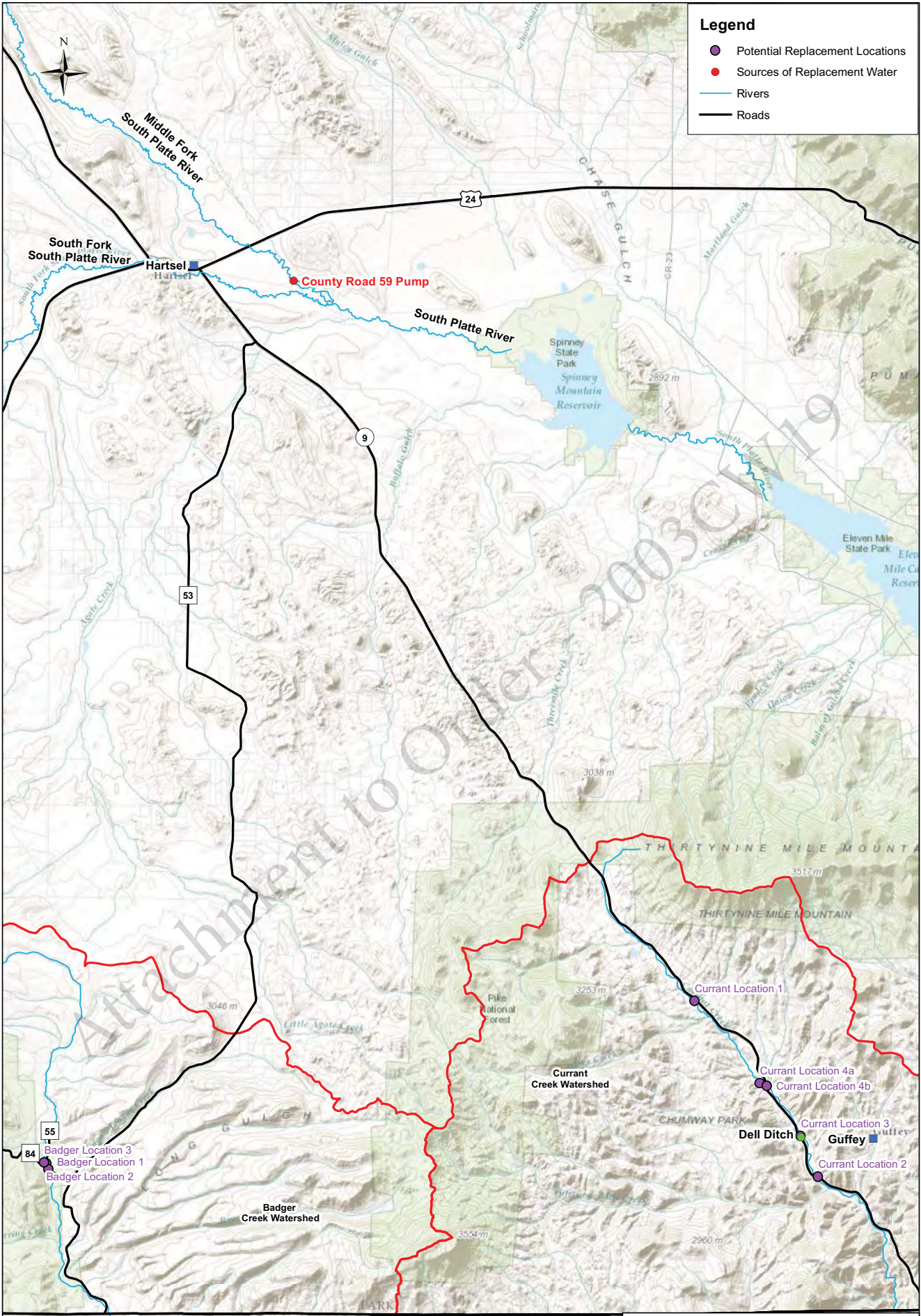
Randall Ditch May 1, 1878 Priority	7.91%
Randall Ditch Enlargement April 1, 1881 Priority	0.39%
Sessions Ditch July 31, 1880 Priority	3.95%

Applicants will also divert to storage such additional amounts as are necessary to offset evaporation and seepage from the surface reservoir(s).

- 10.5 Cessation of use of the Water Rights on the historically irrigated lands: The Water Rights have not been used to irrigate the lands historically irrigated by the Randall Ditch and the Sessions Ditch, described in paragraph 9, beginning in 2005, and shall not be used hereafter to irrigate such lands. Revegetation will not be required because plant species which require less moisture than hay will naturally colonize the formerly irrigated areas after irrigation ceases. Accordingly, no further application of water will be necessary for revegetation purposes. Pursuant to the terms and conditions of the Special Development Permit and the Wildlife Permit issued by Park County, Applicants will be monitoring the vegetation on the lands historically irrigated by the Water Rights for a period of 15 years following the first year in which the Water Rights are not used to irrigate the historically irrigated lands, will confer with Park County about the results of such monitoring, and will take corrective actions if necessary to achieve the goal of returning the lands to the native upland vegetation that existed before irrigation. Upon request, Applicants shall provide copies of such monitoring reports to any opposers hereto, upon payment of reasonable reproduction costs. In addition, for the years 2007, 2008, 2009 and 2010, Applicants shall maintain the currently existing monitoring wells on the lands historically irrigated by the Sessions and Randall Ditches designated as TH-1, TH-11, A-0, A-1, A-2, B-1, B-2, B-3, C-3 and D-2, unless such monitoring wells are inundated by the surface reservoir(s) described in paragraph 10.4.1 above, for the purpose of taking groundwater level measurements from such monitoring wells. During the years 2007, 2008, 2009 and 2010, Applicants shall take groundwater level measurements from each of such monitoring wells during the first weeks of June, July and August of each year. Applicants shall record the groundwater level measurements in spreadsheet form and shall provide such measurements to Aurora and Central and to any other opposers requesting same

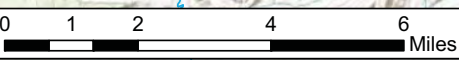
no later than October 15 of each such year, upon payment of reasonable reproduction costs.

- 10.6 Transportation losses: All water delivered to the alternate points of diversion and places of storage using the South Platte River or its tributaries for carriage shall be charged for evaporation and transportation losses as determined by the State Engineer or his representative in the same manner as for other water users using the stream for carriage.
- 10.7 Out-of-priority replacements: Delayed out-of-priority pumping effects resulting from diversion of the Water Rights at the South Platte Alluvial Well Field No. 2 described in paragraph 7.3.4.1 above shall be determined using the methodology specified in paragraph 1.33 of the decree in Case No. 85CW415, District Court, Water Division No. 1, and such out-of-priority depletions shall be replaced as provided in paragraph 8.3 above. Pursuant to § 37-92-305(8), C.R.S., the State Engineer shall curtail all out-of-priority diversions under the plan for augmentation including substitution and exchange approved herein, the depletions from which are not so replaced as to prevent injury to vested water rights.
- 10.8 Use by Center of Colorado: Any portion of the Water Rights used by Center of Colorado shall also be subject to the terms and conditions of any decree entered in pending Case No. 2002CW389, District Court, Water Division No. 1, and the diversion of the Water Rights at any upstream points of diversion described in paragraph 7.3.3 shall be limited to those times when all decreed water rights in the affected reach of the stream and all decreed exchanges which include any portion of the affected reach of the stream, having priority dates senior to May 27, 2005, are satisfied to the extent of their call, or are out of priority.



Legend

- Potential Replacement Locations
- Sources of Replacement Water
- Rivers
- Roads

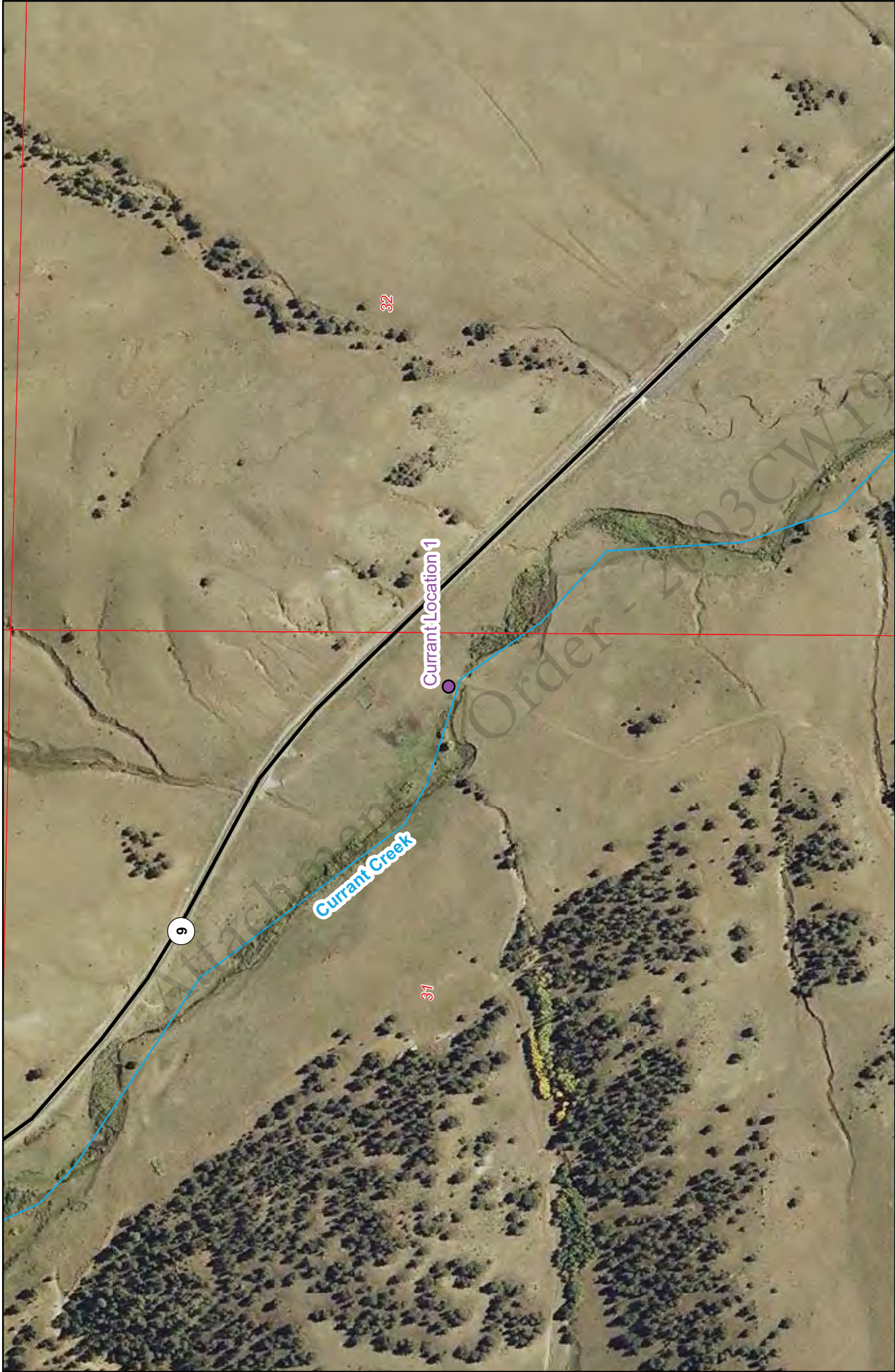


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General Location Map
EXHIBIT H
EXHIBIT D

TZA Water Engineers
 a Lamp Research Company

July 2014



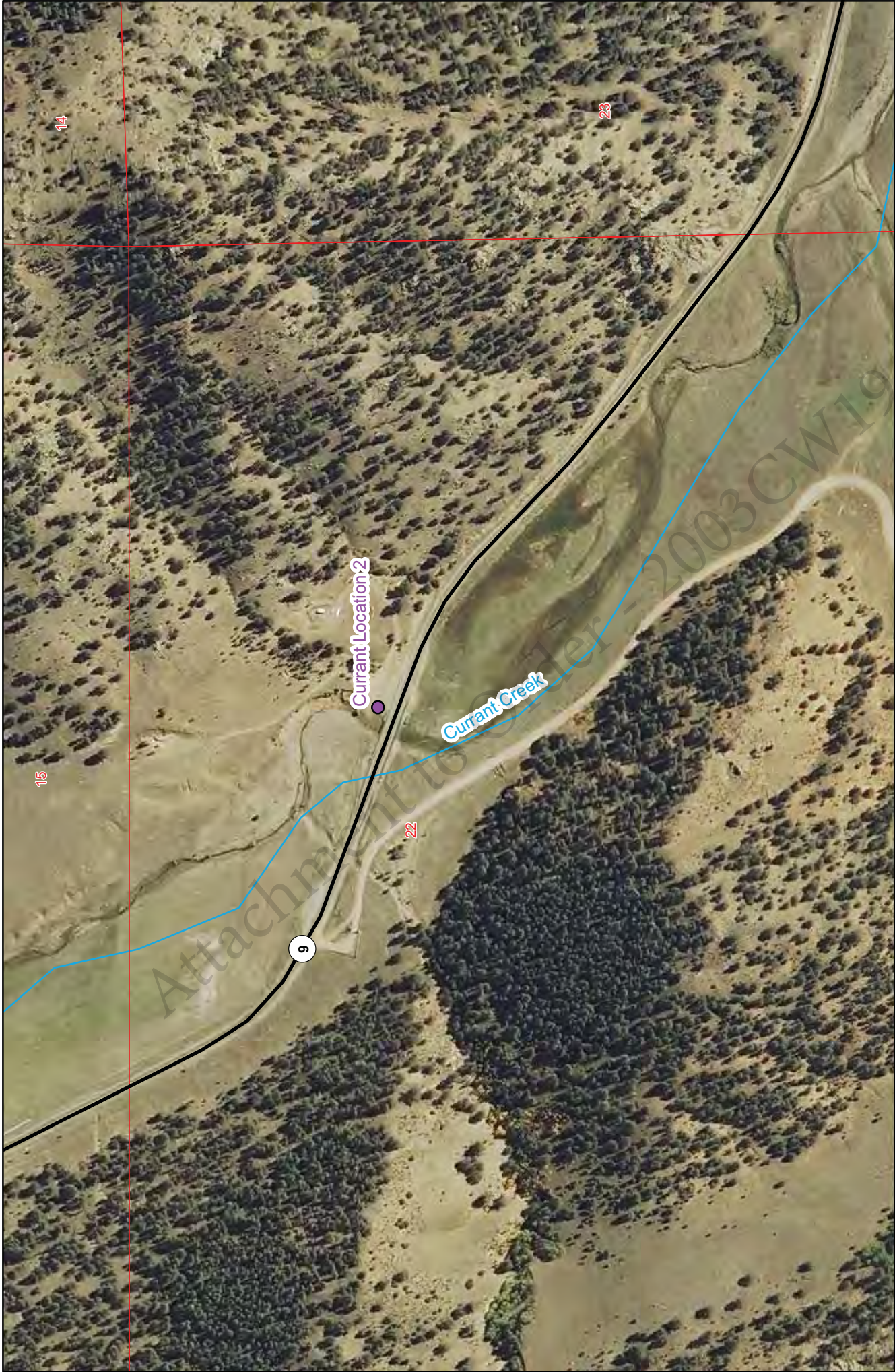
Township 14S, Range 73W
Aerial Photo Date: 10/1/2013



Potential Currant Creek Replacement Location



July 2014



Township 15S, Range 73W
Aerial Photo Date: 10/1/2013



Potential Currant Creek Replacement Location



July 2014



Township 15S, Range 73W
Aerial Photo Date: 10/1/2013



Potential Currant Creek Replacement Location



July 2014



Township 15S, Range 73W
Aerial Photo Date: 10/1/2013



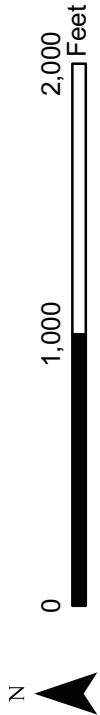
Potential Currant Creek Replacement Location



July 2014



Township 15S, Range 76W
Aerial Photo Date: 9/29/13



Potential Badger Creek Replacement Locations

July 2014



TZA water Engineers
a Lamp Research Company

EXHIBIT E

**ZONE A
Lawn Irrigation Depletion**

Based on Lawn Areas at Various Measured Distances from a Stream
Values are acre-feet of depletion per 1,000 square feet of lawn area

	Less than 200 Feet	200 - 500 Feet	500 - 1,000 Feet	1,000 - 2,500 Feet	2,500 - 5,000 Feet	Over 5,000 Feet
January		0.001	0.001	0.002	0.003	0.003
February			0.001	0.001	0.003	0.003
March			0.001	0.001	0.002	0.003
April	0.0023	0.002	0.002	0.002	0.002	0.003
May	0.0046	0.004	0.004	0.002	0.002	0.003
June	0.0080	0.007	0.006	0.003	0.003	0.003
July	0.0075	0.006	0.005	0.005	0.003	0.003
August	0.0054	0.005	0.005	0.005	0.003	0.003
September	0.0052	0.005	0.005	0.004	0.004	0.003
October	0.0030	0.004	0.004	0.004	0.004	0.003
November		0.001	0.001	0.004	0.004	0.003
December		0.001	0.001	0.003	0.003	0.003
Total	0.036	0.036	0.036	0.036	0.036	0.036

Note: 0.036 acre-feet per 1,000 sq ft = 1.58 AF/acre.

**ZONE B
Lawn Irrigation Depletion**

Based on Lawn Areas at Various Measured Distances from a Stream
Values are acre-feet of depletion per 1,000 square feet of lawn area

	Less than 200 Feet	200 - 500 Feet	500 - 1,000 Feet	1,000 - 2,500 Feet	2,500 - 5,000 Feet	Over 5,000 Feet
January		0.001	0.001	0.003	0.003	0.003
February			0.001	0.002	0.003	0.003
March			0.001	0.002	0.003	0.004
April	0.0034	0.002	0.002	0.002	0.002	0.003
May	0.0057	0.004	0.004	0.002	0.003	0.004
June	0.0084	0.007	0.006	0.003	0.003	0.003
July	0.0083	0.008	0.007	0.005	0.004	0.004
August	0.0063	0.007	0.005	0.006	0.004	0.004
September	0.0055	0.005	0.005	0.005	0.004	0.003
October	0.0034	0.004	0.004	0.004	0.004	0.004
November		0.002	0.003	0.004	0.004	0.003
December		0.001	0.002	0.003	0.004	0.003
Total	0.041	0.041	0.041	0.041	0.041	0.041

Note: 0.041 acre-feet per 1,000 sq ft = 1.78 AF/acre.

ZONE C
Lawn Irrigation Depletion

Based on Lawn Areas at Various Measured Distances from a Stream
Values are acre-feet of depletion per 1,000 square feet of lawn area

	Less than 200 Feet	200 - 500 Feet	500 - 1,000 Feet	1,000 - 2,500 Feet	2,500 - 5,000 Feet	Over 5,000 Feet
January		0.001	0.001	0.003	0.003	0.004
February			0.001	0.002	0.003	0.003
March			0.001	0.001	0.002	0.004
April	0.0038	0.002	0.002	0.002	0.002	0.003
May	0.0064	0.004	0.004	0.003	0.003	0.004
June	0.0091	0.008	0.007	0.004	0.004	0.003
July	0.0091	0.008	0.008	0.006	0.005	0.004
August	0.0068	0.007	0.007	0.006	0.006	0.004
September	0.0059	0.006	0.005	0.005	0.005	0.004
October	0.0039	0.005	0.004	0.005	0.004	0.004
November		0.003	0.003	0.004	0.004	0.004
December		0.001	0.002	0.004	0.004	0.004
Total	0.045	0.045	0.045	0.045	0.045	0.045

Note: 0.045 acre-feet per 1,000 sq ft = 1.96 AF/acre.

Attachment to Ordinance 2003-11

EXHIBIT F
EXHIBIT DE

ZONE A

Off-Channel Ponds

(values are acre-feet per acre)

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
0	0	0.17	0.26	0.37	0.45	0.47	0.38	0.32	0.22	0.12	0	2.76

ZONE A

On-Channel Ponds

(values are acre-feet per acre)

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
0	0	0.13	0.20	0.28	0.38	0.36	0.28	0.26	0.17	0.09	0	2.15

ZONE B

Off-Channel Ponds

(values are acre-feet per acre)

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
0	0	0.20	0.30	0.42	0.52	0.53	0.43	0.37	0.25	0.13	0	3.15

ZONE B

On-Channel Ponds

(values are acre-feet per acre)

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
0	0	0.16	0.24	0.35	0.46	0.44	0.34	0.32	0.21	0.11	0	2.63

ZONE C

Off-Channel Ponds

(values are acre-feet per acre)

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
0	0	0.22	0.34	0.47	0.58	0.60	0.49	0.41	0.28	0.15	0	3.54

ZONE C

On-Channel Ponds

(values are acre-feet per acre)

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
0	0	0.19	0.29	0.41	0.53	0.52	0.41	0.37	0.25	0.13	0	3.10

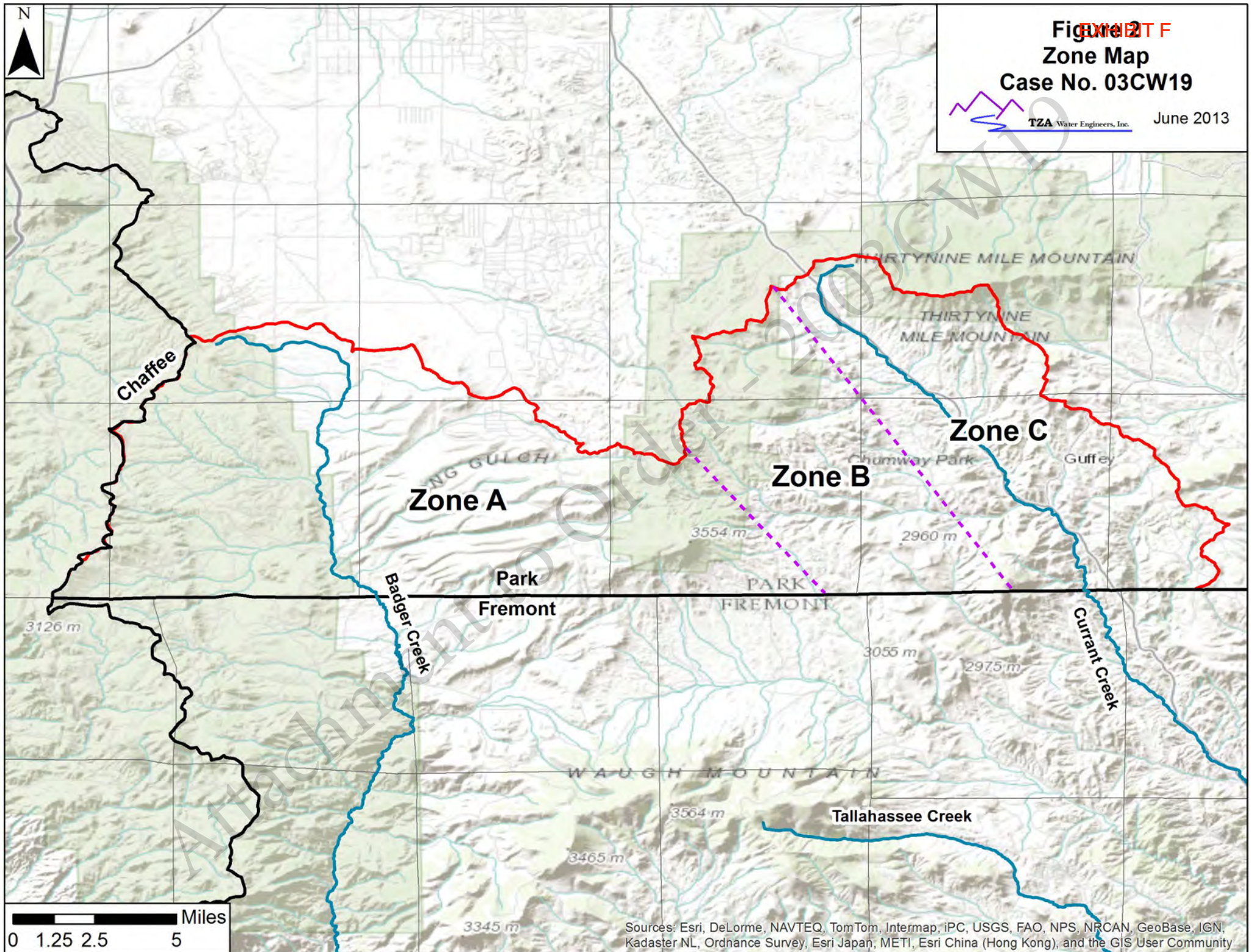


Figure 2 F
Zone Map
Case No. 03CW19



TZA Water Engineers, Inc. June 2013

Miles
 0 1.25 2.5 5

Sources: Esri, DeLorme, NAVTEQ, TomTom, Intermap, iPC, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), and the GIS User Community

EXHIBIT G: Presumptive Diversion Amounts

Table 1

Type of Water Use	Total Diversion
Hotel /Motel/Lodge/Guest Ranch /Cabins with Kitchen	100 gpd per occupied room
Hotel /Motel/Lodge/Guest Ranch /Cabins without Kitchen	65 gpd per occupied room
Retail Stores, per 1000 square feet of retail space	100 gpd
Laundromat (self-service)	250 gpd per washing machine
Restaurant with table/bar service	10 gpd per customer
Restaurant with paper service only	2 gpd per customer
Kennels	20 gpd per dog
Office - per 1000 square feet	90 gpd
Campground/RV Park, with central public toilet and shower facility, assuming 150 days per year occupancy	65 gpd per camp site
Campground/RV Park, with water/sewer hookup, assuming 150 days per year occupancy	35 gpd per camp site
Warehouse, per 1000 square feet	30 gpd
School (without cafeteria, gym and showers)	15 gpd per student
School (with cafeteria, gym and showers)	20 gpd per student
Automobile service station with car wash	500 gpd per pump
Automobile service station without car wash	250 gpd per pump
Car wash – self service	750 gpd
Greenhouse irrigation, per 1000 square feet of actual bedded material per month of active growing	0.0117 acre-feet

EXHIBIT G: Presumptive Diversion Amounts

Table 2

Type of Water Use	Consumptive Use
Buildings served by central sewer systems	5 percent of diversions
Buildings with septic tanks and non-evaporative leach field	10 percent of diversions
Buildings with evapotranspiration leach fields	100 percent of diversions
Greenhouse irrigation consumptive use	100 percent of diversions
Dust suppression consumptive use	100 percent of diversions
All other commercial or industrial uses, unless pursuant to a separate decree	100 percent of diversions
Gravel mining consumptive use	4 percent of mined product by weight
Gravel washing consumptive use	4 percent of washed product by weight

EXHIBIT H

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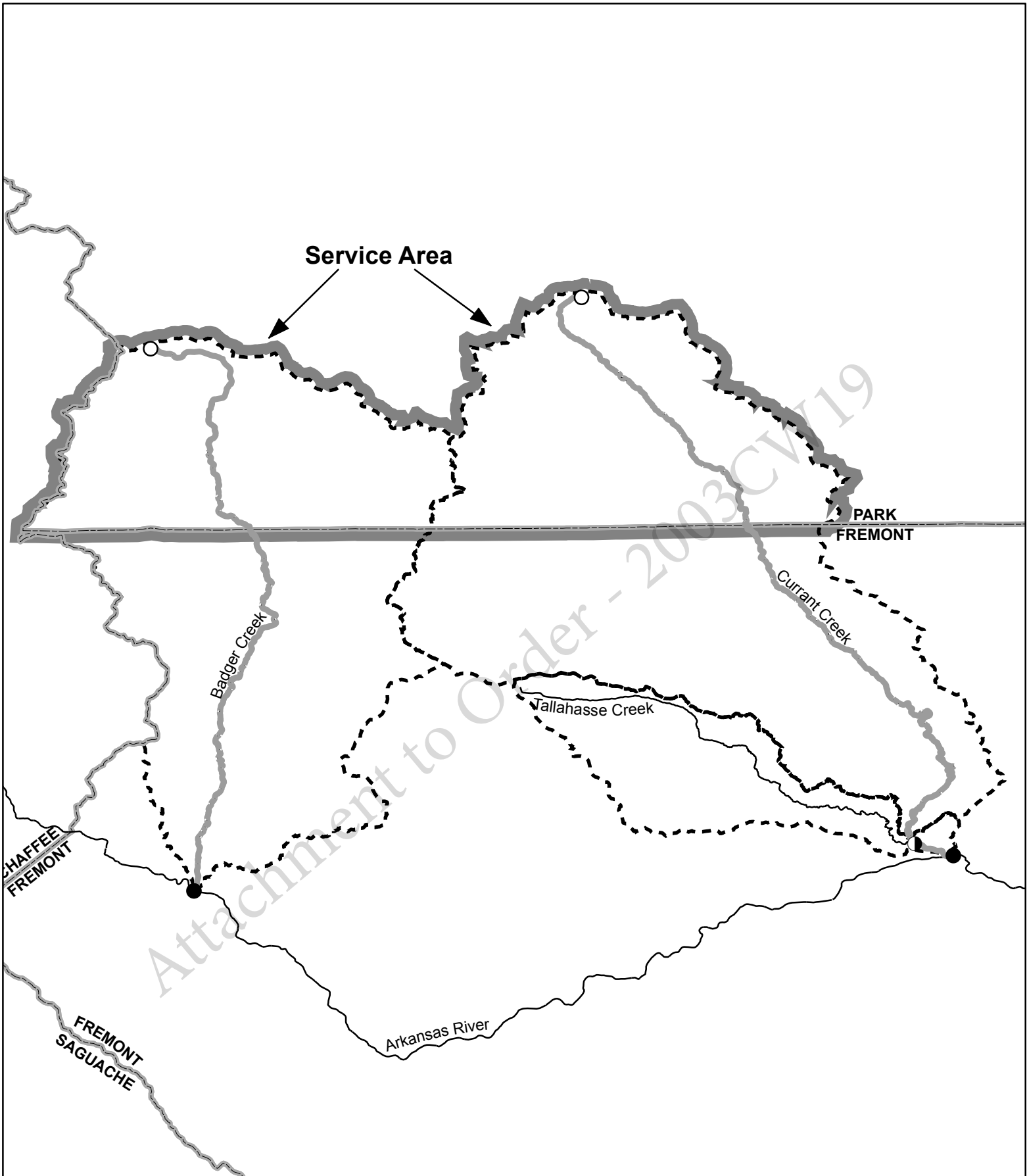
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exchange points

- From
- To
- ◐ To & From

— exchange reaches

— creeks

Exhibit I



February 2016

Table 1
2014 PARTICIPANT INFORMATION SUMMARY
UPPER SOUTH PLATTE WATER CONSERVANCY DISTRICT & CENTER OF COLORADO WATER CONSERVANCY DISTRICT
BLANKET AUGMENTATION PLAN - CASE NO. 03CW19

Participating Entity Name	Description of Water Use	Well or Surface Diversion?	Well Permit Number	Wastewater Treatment Method	Name of Nearest Stream	Distance to Stream (feet)	Zone A, B or C?	Location of Well or Surface Diversion Township, Range, Section, 1/4, 1/4 location

Note:

EXHIBIT J

Table 2
2014 DISCONTINUED PARTICIPANTS
UPPER SOUTH PLATTE WATER CONSERVANCY DISTRICT & CENTER OF COLORADO WATER CONSERVANCY DISTRICT
BLANKET AUGMENTATION PLAN - CASE NO. 03CW19

Participating Entity Name	Description of Water Use	Location of Well or Surface Diversion Township, Range, Section, 1/4, 1/4 location	Description of Plan to Cover Continuing Lagged Depletions after Diversions Cease

Note:

Attachment to Order - 2005CW19

Table 3
2014 METER READINGS
UPPER SOUTH PLATTE WATER CONSERVANCY DISTRICT & CENTER OF COLORADO WATER CONSERVANCY DISTRICT
BLANKET AUGMENTATION PLAN - CASE NO. 03CW19

Participating Entity Name	Monthly Meter Reading (acre-feet)												
	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Totals
Totals													

Note:

Attachment to Order - 2003CW19

Table 4
2014 DIVERSIONS
UPPER SOUTH PLATTE WATER CONSERVANCY DISTRICT & CENTER OF COLORADO WATER CONSERVANCY DISTRICT
BLANKET AUGMENTATION PLAN - CASE NO. 03CW19

Participating Entity Name	Monthly Diversion Amount (acre-feet)												
	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Totals
Totals													

Note:
 Monthly actual diversion amounts are based on meter records or other parameters in the decree in Case No. 03CW19.

Attachment to Order - 2003CW19

Table 5
2014 DEPLETIONS
UPPER SOUTH PLATTE WATER CONSERVANCY DISTRICT & CENTER OF COLORADO WATER CONSERVANCY DISTRICT
BLANKET AUGMENTATION PLAN - CASE NO. 03CW19

Participating Entity Name	Monthly Depletion Amount (acre-feet)												
	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Totals
SUBTOTAL - Badger Creek													
SUBTOTAL - Currant Creek													
Totals													

Notes:
 Monthly depletion amounts are based on parameters in the decree in Case No. 03CW19.

Table 6

**UPPER SOUTH PLATTE WATER CONSERVANCY DISTRICT & CENTER OF COLORADO WATER CONSERVANCY DIST.
BLANKET AUGMENTATION PLAN
CASE NO. 03CW19**

MARCH 2014 RIVER CALLS

Date	Calling Structure	Stream	Appropriation Date	Administration Number
3/1/2014				
3/2/2014				
3/3/2014				
3/4/2014				
3/5/2014				
3/6/2014				
3/7/2014				
3/8/2014				
3/9/2014				
3/10/2014				
3/11/2014				
3/12/2014				
3/13/2014				
3/14/2014				
3/15/2014				
3/16/2014				
3/17/2014				
3/18/2014				
3/19/2014				
3/20/2014				
3/21/2014				
3/22/2014				
3/23/2014				
3/24/2014				
3/25/2014				
3/26/2014				
3/27/2014				
3/28/2014				
3/29/2014				
3/30/2014				
3/31/2014				

Table 8
2014 WEEKLY REPLACEMENT WATER BALANCE
UPPER SOUTH PLATTE WATER CONSERVANCY DISTRICT
& CENTER OF COLORADO WATER CONSERVANCY DISTRICT
BLANKET AUGMENTATION PLAN - CASE NO. 03CW19

(Values in Acre-Feet)

Week (April thru October)	Depletion Requiring Replacement	Total Net Replacement	Net River Balance	Cumulative Net River Balance	Comments
Attachment to Order - 2003CW19					

Note:

A weekly balance between depletions and replacement is to be achieved during April - October.

A monthly balance is to be achieved during November through March.

Table 9
2014 MONTHLY REPLACEMENT WATER BALANCE
UPPER SOUTH PLATTE WATER CONSERVANCY DISTRICT & CENTER OF COLORADO WATER CONSERVANCY DISTRICT
BLANKET AUGMENTATION PLAN - CASE NO. 03CW19

	Monthly Amount (acre-feet)												Totals
	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	
Total Depletions Requiring Replacement													
Twin Lakes Res. Release													
Transit Loss													
Net Replacement													
Badger Creek Station #1 Release													
Transit Loss													
Net Replacement													
Badger Creek Station #2 Release													
Transit Loss													
Net Replacement													
Badger Creek Station #3 Release													
Transit Loss													
Net Replacement													
Currant Creek Station #1 Release													
Transit Loss													
Net Replacement													
Currant Creek Station #2 Release													
Transit Loss													
Net Replacement													
Currant Creek Station #3 Release													
Transit Loss													
Net Replacement													
Currant Creek Station #4 Release													
Transit Loss													
Net Replacement													
Total Net Replacement													
Net River Balance													
Cumulative Net River Balance													

Notes:

Some participating entities may have junior water rights with priority dates that are in-priority during some periods of the year. Replacement for such water rights is not required at those times.

Table 11
2014 METER READINGS
UPPER SOUTH PLATTE WATER CONSERVANCY DISTRICT & CENTER OF COLORADO WATER CONSERVANCY DISTRICT
BLANKET AUGMENTATION PLAN - CASE NO. 03CW19

Participating Entity Name	Monthly Meter Reading (acre-feet)												
	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Totals
Totals													

Note:

Attachment to Order - 2003CW19

**Table 12
 UPPER SOUTH PLATTE WATER CONSERVANCY DISTRICT & CENTER OF COLORADO WATER CONSERVANCY DIST.
 BLANKET AUGMENTATION PLANS
 CASE NO. 03CW19**

MARCH 2014 RIVER CALLS

Date	Calling Structure	Stream	Appropriation Date	Administration Number
3/1/2014				
3/2/2014				
3/3/2014				
3/4/2014				
3/5/2014				
3/6/2014				
3/7/2014				
3/8/2014				
3/9/2014				
3/10/2014				
3/11/2014				
3/12/2014				
3/13/2014				
3/14/2014				
3/15/2014				
3/16/2014				
3/17/2014				
3/18/2014				
3/19/2014				
3/20/2014				
3/21/2014				
3/22/2014				
3/23/2014				
3/24/2014				
3/25/2014				
3/26/2014				
3/27/2014				
3/28/2014				
3/29/2014				
3/30/2014				
3/31/2014				

Table 1
2014 PROJECTED DIVERSIONS
UPPER SOUTH PLATTE WATER CONSERVANCY DISTRICT & CENTER OF COLORADO WATER CONSERVANCY DISTRICT
BLANKET AUGMENTATION PLAN - CASE NO. 03CW19

Participating Entity Name	Projected Monthly Diversion Amount (acre-feet)												
	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Totals
SUBTOTAL - Badger Creek													
SUBTOTAL - Currant Creek													
Totals													

Note:
Monthly diversion amounts are projected based on parameters in the decree in Case No. 03CW19 or operating experience from past years, if applicable.

**Table 2
2014 PROJECTED DEPLETIONS
UPPER SOUTH PLATTE WATER CONSERVANCY DISTRICT & CENTER OF COLORADO WATER CONSERVANCY DISTRICT
BLANKET AUGMENTATION PLAN - CASE NO. 03CW19**

Participating Entity Name	Projected Monthly Depletion Amount (acre-feet)												
	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Totals
SUBTOTAL - Badger Creek													
SUBTOTAL - Currant Creek													
Totals													

Notes:
Monthly depletion amounts are projected based on parameters in the decree in Case No. 03CW19.

