

District Court, Water Division No. 1, State of Colorado 901 Ninth Avenue, P.O. Box 2038 Greeley, Co 80632-2038 (970) 351-7300	FILED Document – District Court 2002CW389 CO Weld County District Court 19th JD Filing Date: Apr 28 2008 9:10AM MDT Filing ID: 19587975 <p style="text-align: center;">Court Use Only</p>
CONCERNING THE APPLICATION OF: UPPER SOUTH PLATTE WATER CONSERVANCY DISTRICT AND CENTER OF COLORADO WATER CONSERVANCY DISTRICT IN PARK, TELLER, JEFFERSON AND DOUGLAS COUNTIES.	Case No. 2002CW389 Water Division No. 1
FINDINGS OF FACT, CONCLUSIONS OF LAW AND JUDGMENT AND DECREE OF THE WATER COURT	

This Application for Approval of Plan for Augmentation including Appropriative Rights of Exchange was filed in the Water Court, Water Division No. 1, by the Upper South Platte Water Conservancy District and Center of Colorado Water Conservancy 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.

- A. Upper South Platte Water Conservancy District
 c/o Stephen A. Spann, President
 P. O. Box 612
 Fairplay, Colorado 80440
 (303) 781-2430
 (“The Upper South Platte District”)

- B. Center of Colorado Water Conservancy District
 c/o Daniel J. Drucker, President
 P.O. Box 1747
 Fairplay, CO 80440-1747
 (303) 838-0302
 (“The Center District”)

The Upper South Platte District and the Center District are collectively referred to as the Applicants or the Districts.

2. **Application, Notice and Jurisdiction.** The Application was filed with the Water Clerk, Water Division No. 1, on December 31, 2002. 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 they have appeared or not.

3. **Statements of Opposition.** Timely statements of opposition were filed by Farmers Reservoir and Irrigation Company ("FRICO"), City of Englewood, Phyllis Coulson, City of Aurora, Kenosha Trout Club, City and County of Denver acting by and through its Board of Water Commissioners ("Denver"), Ducommun Business Trust, Mountain Mutual Reservoir Company, Centennial Water and Sanitation District ("Centennial"), Colorado Water Conservation Board ("CWCB"), State and Division Engineers, Town of Fairplay and City of Thornton. No person or entity sought to intervene. The time for filing statements of opposition and motions to intervene has expired.

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

- A. Mountain Mutual Reservoir Company - 8/18/2006
- B. City of Thornton - 10/6/2006
- C. Kenosha Trout Club - 1/30/2007
- D. City of Aurora - 4/12 /2007
- E. City of Englewood - 8/23/2007
- F. City and County of Denver - 12/19/2007
- G. Phyllis Coulson - 12/19/2007
- H. Ducommun Business Trust - 2/11/2008
- I. FRICO - 4/08/2008
- J. Town of Fairplay - 4/09/2008
- K. Centennial Water and Sanitation District - 4/16/2008
- L. Colorado Water Conservation Board - 4/16/2008
- M. State and Division Engineers - 4/16/2008

PLAN FOR AUGMENTATION

5. **Plan of Augmentation.** The Districts will augment all consumptive use depletions of participants in the Districts' plan for augmentation, including but not limited to wells, pipelines, ponds, pumps and springs diverting tributary water for irrigation, stock watering, gravel mining, industrial, domestic and commercial uses within the boundaries of the Upper South Platte District and the Center District and within the drainage of the South Platte River as shown in **EXHIBIT A** ("Participating Diversions"). The Upper South Platte District is located within the drainage basin of the North Fork of the South Platte River and the main stem of

the South Platte River from their confluence to their headwaters within Water Division No. 1 (the "Service Area"). Water used for augmentation will derive from the sources listed in paragraph 6 of this Decree and the exchanges decreed herein. A list of current Participating Diversions is attached as **EXHIBIT B**. New Participating Diversions may be added to this plan pursuant to the terms set forth in paragraph 8(C), below, and the application to participate attached as **EXHIBIT C**.

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

- A. Spinney Mountain Reservoir Water. An undivided interest in the right of first use to a firm yield of 37 acre feet of water per annum from any of the water rights owned by the City of Aurora decreed for augmentation or fully consumable and that are decreed for storage in Spinney Mountain Reservoir. The legal description of that structure is the South one-half of Section 25, Township 12 South, Range 74 West, 6th PM; the left abutment of said dam located at a point whence the Southwest corner of Section 36, Township 12 South, Range 74 West, 6th PM, bears South 23° 26" West 8,314.3 feet in Park County, Colorado. This 37 acre feet of firm yield is first use only and for use within the boundaries of the Upper South Platte District pursuant to the Agreement between the City of Aurora and the Upper South Platte District, dated December 17, 1993 and recorded in the real property records of Park County in Book 509 at Page 835 ("1993 Agreement"), and that deed dated May 31, 1994 between the City of Aurora and the Upper South Platte District and recorded in the real property records of Park County in Book 522 at Page 210 ("Deed"). Pursuant to the 1993 Agreement and the Deed, Aurora retains the right to all successive uses after the Applicants' first use.
- B. Water Stored by the Districts in Spinney Mountain Reservoir. Water stored by the Districts in 50 acre feet of storage space in Spinney Mountain Reservoir. The 50 acre feet of storage space has been assigned to the Upper South Platte District by the City of Aurora.
- C. 21.5 Shares of the Mountain Mutual Reservoir Company. Those water rights represented by 21.5 shares of the Mountain Mutual Reservoir Company ("MMRC"), Class A stock, evidenced by Stock Certificate No. 231 ("the 21.5 shares"). By virtue of its shareholder status in MMRC, the Upper South Platte District is entitled to receive 0.675 acre feet of consumptive use water per year. The 21.5 shares of MMRC were originally allocated to the plan for augmentation decreed in Case No. 80CW050, entered May 2, 1982. The Upper South Platte District acquired the 21.5 shares by assignment in May 1991. The water rights associated with the 21.5 shares may not be

used in this decree and exchanged pursuant to the exchanges claimed in this application until such time as the water court enters an amended decree in Case No. 80CW50 confirming that the 21.5 shares are available as an augmentation source in this case.

Delivery of MMRC's water will be made at various points including the confluence of the main stem of the South Platte River and the North Fork of the South Platte River from the following described sources:

1. Guiraud 3T Ditch: MMRC owns 2.868 cfs of the water rights decreed to the Guiraud 3T Ditch as follows:

<u>Adjudication Date</u>	<u>Appropriation Date</u>	<u>Amount (cfs)</u>
October 18, 1889 (Original Adjudication, Water District 23)	July 1, 1867	20

The Guiraud 3T Ditch headgate is located on the South bank of the Middle Fork of the South Platte River in the NE $\frac{1}{4}$, Section 8, Township 11 South, Range 76 West, 6th PM, Park County, Colorado, at a point whence the Northeast Corner of said Section 8 bears North 63° 35' East, 1,305 feet. Originally decreed for irrigation uses, this water right has been subject to various change proceedings. Past decrees have determined the average annual consumptive use under the Guiraud 3T Ditch to be 21.825 acre feet per 1.0 cfs.

2. Spinney Mountain Reservoir: MMRC owns a firm annual yield of 80 acre feet of water stored in Spinney Mountain Reservoir pursuant to the Water Rights Exchange Agreement between the City of Aurora and MMRC, dated November 24, 1986 and recorded in the real property records of Park County in Book 407 at Pages 69-84. The legal description of said Reservoir is described in ¶6(A), above. Nothing in this decree in any way amends, changes or alters any contract or deed between MMRC and the City of Aurora. A storage decree for the reservoir has been entered for domestic, irrigation, municipal and all other beneficial uses as follows:

<u>Adjudication Date</u>	<u>Appropriation Date</u>	<u>Amount (acre feet)</u>
1973: Case No. W-7395	March 26, 1973	86,000

In addition, various decreed direct flow water rights have been transferred to storage in the structure by the Division No. 1 Water

Court and provide the basic yield of the annual allotment of 80 acre feet.

3. Lower Sacramento Creek Reservoir No. 1: MMRC owns a 25.2 percent interest in the Lower Sacramento Creek Reservoir No. 1. The Reservoir has been constructed and is decreed for the following uses: domestic, municipal, commercial, industrial, irrigation, fish and wildlife propagation, recreational and all other beneficial purposes, including exchange to compensate for depletions in the South Platte River or its tributaries:

<u>Adjudication Date</u>	<u>Appropriation Date</u>	<u>Amount (acre feet)</u>
1974: Case No. W-7741-74	July 25, 1974	40

The Lower Sacramento Creek Reservoir No. 1 is located in the NE $\frac{1}{4}$, NW $\frac{1}{4}$, Section 32 and the SE $\frac{1}{4}$, SW $\frac{1}{4}$, Section 29, Township 9 South, Range 77 West, 6th PM, Park County, Colorado. Releases from that reservoir are made pursuant to the decrees in Case Nos. 84CW250 and 85CW465.

- D. Sessions Ditch consumptive use water. The Districts are the owners of 1.15 cfs decreed to the Sessions Ditch. The Sessions Ditch was originally decreed for irrigation use by the District Court of Park County in Case No. 341, entered October 18, 1889 under priority number 127 in water district no. 23. In the decree in Case No. 05CW111, water court for Water Division No. 1, entered April 18, 2007, the average annual historical consumptive use of the 1.15 cfs was quantified as 29.2 acre-feet/year and the 1.15 cfs of the Sessions Ditch was changed to all beneficial uses, including augmentation, substitution, replacement and exchange. The place of use was changed to lands within Park County and to allow storage before beneficial use. Applicants have the right to use and successively use until extinction the consumptive use yield of the changed Sessions Ditch water right, subject to the terms and conditions identified in the decree in Case No. 05CW111. This water can be stored for later release in Spinney Mountain Reservoir in the Districts 50 acre feet of storage space or in reservoirs to be constructed by the Districts that are identified in the decree in Case No. 05CW111, subject to the terms and conditions of that decree including, but not limited to, paragraph 10.8 thereof.

7. **Structures to be Augmented.** The Districts will augment various ground water and surface water diversion structures that apply to and are accepted into this plan within the boundaries described in paragraph 5, above (the

“Participating Diversions”), such that their depletions will be replaced in a manner preventing injury to other water rights. The current structures to be augmented by the plan decreed herein are described in EXHIBIT B. New Participating Diversions may be added pursuant to the terms set forth in paragraph 8, below.

8. Implementation of Plan.

A. Participating Diversions. Participating Diversions and the land on which they are located and used must be located within the boundaries of the Service Area within Water Division No. 1, as it may be amended from time to time, as shown on EXHIBIT A.

B. Basis for Determining Amount of Replacement Water. For planning purposes of paragraph 9(D) below, the Districts will use presumptive water use rates in order to estimate depletions to be augmented under this plan. Participating Diversions shall be measured or metered unless the Division Engineer approves otherwise, which decision may be reevaluated by the Division Engineer at any time. Meter readings/diversion records from Participating Diversions shall be provided to the Division Engineer on a monthly basis or as otherwise directed by the Division Engineer. If the Division Engineer requires diversion records/meter readings for a Participating Diversion and the owner of the Participating Diversion does not provide diversion records/meter readings to the Districts, the Division Engineer may curtail their diversions. For planning purposes or if meter readings are unavailable in a given month or not required by the Division Engineer, the Districts shall apply the following presumptive water use rates in order to calculate depletions to be augmented:

1. Residential indoor use (Diversions only. Annual amounts to be divided equally each month for purposes of replacing depletions if presumptive use amounts are used):

Residential Dwellings	80 gpcd	3 persons/dwelling	365 days/year	0.27 acre feet/year
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2. Indoor consumptive use (applies to all types of indoor use, based on sewage disposal system used): Unless inside and outside uses are separately metered, outside water use will be determined as set forth below using an irrigation efficiency of 80% of pumping for sprinkler application and 100% for drip application, and outside diversions will be subtracted from the

total metered use and the remaining amount will be attributed to inside uses.

Central Sewer Systems	5% of use
Leach Field Septic Systems	10% of use
Evapotranspiration Septic Systems*	100% of use

*Evapotranspiration septic systems will be evaluated on a case by case basis to determine depletions and necessary replacement water location and timing before being admitted as a Participating Diversion. Such analyses will be provided in the notice required in paragraph 8(C)(3).

3. **Irrigation consumptive use (based on elevation corrected Blaney-Criddle analysis for bluegrass) and pond water surface evaporation:** Irrigation consumptive use and pond water surface evaporation are divided into three zones (labeled Zones A, B and C) for purposes of establishing acre feet/acre of depletions required to be augmented under this decree. The map establishing the three zones is attached as **EXHIBIT F**. Lawn irrigation consumptive use is expressed in values based on measured distance from the stream per 1000 square feet of irrigated area. Pond water surface evaporation is expressed in separate values of monthly evaporative losses for on channel and off channel ponds. The tables establishing the acre feet per acre of depletions for Zone A are attached as **EXHIBIT G**. The tables establishing the acre feet per acre depletions for Zone B are attached as **EXHIBIT H**. The tables establishing the acre feet per acre depletions for Zone C are attached as **EXHIBIT I**. If irrigation uses are separately metered from other uses, the irrigation consumptive use shall be calculated based on 80% of pumping for sprinkler application and 100% for drip application.
4. **Livestock (12 gallons per head per day): 100% consumptive use.**
5. **Commercial/Industrial uses:** The amount of replacement water required for all commercial or industrial uses, whether based upon metered/measured diversions or the following table of presumptive water use rates, will be calculated based upon the method of sewage disposal system utilized as set forth in Paragraph 8(B)(2), above. Commercial/Industrial

Participating Diversions with both inside and outside uses shall be subject to the provisions of paragraphs 8(B)(2) and (3), above. For any proposed commercial or industrial Participating Diversion not specifically listed below, the Districts will provide details of the type of use, projected water demands and depletions in the Application and Notice procedure established below so that all parties will be able to evaluate the impacts from the proposed Participating Diversion.

Type of Water Use	Total Diversions/Gallons Per Day
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	30 gpd per 1000 square feet
School (without cafeteria, gym and showers)	15 gpd per student
School (with cafeteria, gym and showers)	20 gpd per student

C. Procedure to Enter Plan.

1. **Application:** Those owners of any structure who wish to participate in this plan for augmentation must submit to the Districts an application for inclusion in the plan for augmentation (“Application”), the form of which is attached hereto as EXHIBIT C for illustration purposes only. The form may be supplemented or amended from time to time to meet continuing requirements of the State Engineer and Division Engineer.

2. **Notice:** Upon receipt of an Application by the Districts, the Districts shall give a Notice of Application (“Notice”) to the following parties at the following addresses:

<p>David G. Hill, Esq. Berg, Hill, Greenleaf & Ruscitti LLP P.O. Box 1719 Boulder, CO 80306 [City of Englewood]</p>	<p>John M. Dingess, Esq. Duncan, Ostrander & Dingess, P.C. 3600 S. Yosemite St Suite 500 Denver, CO 80237-1829 [City of Aurora]</p> <p>With copy to: Richard Vidmar, 15151 E. Alameda Parkway, Suite 3600, Aurora, CO 80012</p>	<p>Rick Fendel, Esq. Petrock & Fendel, P.C. 700 Seventeenth Street Suite 1800 Denver, CO 80202 [Town of Fairplay]</p> <p>Town of Fairplay Attn: Public Works Director PO Box 267 Fairplay, CO 80440</p>
<p>Mary Hammond, Esq. Carlson, Hammond & Paddock 1700 Lincoln St. No. 3900 Denver, CO 80203-4539 [Kenosha Trout Club]</p> <p>With Copy to: Mr. David Echter 3885 Pierson Street Wheatridge, CO 80033</p>	<p>Dennis A. Hanson, Esq. City of Thornton 9500 Civic Center Drive Thornton, CO 80229-4326 [City of Thornton]</p> <p>With copy to: Water Resources Mgr. 12450 Washington St. Thornton, CO 80241</p>	<p>State Engineer 1313 Sherman Street, Room 818 Denver, CO 80203 [State and Division Engineers]</p> <p>With copy to: Division Engineer 810 9th Street , Suite 200 Greeley, CO 80631</p>
<p>Linda Bassi, Esq. Colorado Water Conservation Board 1313 Sherman Street, Room 721 Denver, CO 80203 [CWCB]</p>	<p>David C. Lindholm, Esq. P.O. Box 18903 Boulder, CO 80308-1903 [Mountain Mutual Reservoir Company]</p> <p>With copy to: Mountain Mutual Reservoir Company 2525 So Wadsworth Blvd. Suite 306 Lakewood, CO 80027</p>	<p>Centennial Water and Sanitation District c/o General Manager 62 W. Plaza Drive Highlands Ranch, CO 80129 [Centennial]</p> <p>With copy to: Veronica A. Sperling, Esq. Buchanan and Sperling, P.C. 7703 Ralston Road Arvada, CO 80002</p>
<p>John P. Akolt III, Esq. 80 South 27th Ave. Brighton, CO 80447 [FRICO]</p>	<p>David C. Taussig, Esq. White & Jankowski, LLP 511 Sixteenth St. Suite 500 Denver, CO 80202 [Ducommun Business Trust]</p>	<p>Michael L. Walker, Esq. Denver Water Legal Division 1600 W. 12th Avenue Denver, CO 80204-3412 [Denver]</p> <p>With copy to: Director of Planning 1600 West 12th Ave. Denver, Co 80204</p>

Any party may waive the Notice or change the address to which the Notice is sent by informing the Districts in writing at the addresses stated in Section 1, above, and by filing a copy of written waiver or change of address with the Water Court and serving the same on counsel for the Applicants.

3. **Contents of Notice:** The Notice shall include the Application and such supplemental information as may be submitted with the Application. The Notice shall contain a provision stating the amount of uncommitted replacement water available to the Districts after the approval and inclusion of the proposed Participating Diversion in this augmentation plan. If a new Participating Diversion is located on Tarryall or Michigan Creeks, that fact shall be included in the Notice. If an Application claims that §37-92-102(3)(b), C.R.S. applies, the 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, and a description of the amount diverted and type of use. If available, the Application will include documentary evidence of the use evidencing the structure existed before the CWCB appropriated the potentially affected instream flow water right.

4. **Resolution of concerns:** Any of the above parties may file comments with the Districts, with a copy to the State Engineer, within thirty (30) days of the date of the Notice, except that comments may be filed within sixty (60) days for Applications for commercial or industrial use. If no comments to an Application are received by the Districts and the time for comments has expired, then the Districts may approve the Application and then submit the approved Application to the State Engineer for processing, if necessary, as provided in Paragraph 8(C)(6) below. If timely comments are received by the Districts to an Application, the Districts shall either: (1) approve the Application notwithstanding the parties' comments; (2) accept or resolve the comments with the party providing the comments and approve an amended Application; or (3) deny the Application.

5. **Protest:** Any party who objects to the approval of an Application by the Districts may, within 60 days of notice of the approval by the Districts, petition the Water Court for a *de novo* hearing, under the Court's retained jurisdiction, as to whether the terms and conditions of this decree have been met with respect to the request for inclusion of the new Participating Diversion in this plan for augmentation. The mailing or electronic communication of

approval of the Application by the Districts to any party that submitted comments shall trigger the 60 day period for filing of such a petition by that party. Such *de novo* hearing shall be pursuant to the Water Right Determination and Administration Act of 1969, §37-92-101 C.R.S., et. seq., and the Districts 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. Participating Diversions located within the Service Area, by either an uncontested approval by the Districts or by order of the Water Court, shall be made part of this decreed plan for augmentation.

6. **Submission to Office of State Engineer:** Upon the conclusion of the Notice, comment and protest period in paragraphs 8(C)(2)-(5), above, if a Participating Diversion requires a well permit or other authorization from the State Engineer's Office, the Districts will submit the Application to the State Engineer for such approval. If applicable, Applicants will include a well permit application, the appropriate application fee and a summary of the process followed in paragraphs 8(C)(2)-(5). To the extent that global positioning system (GPS) information is determined and available to the Districts or the Participating Diversion, the data regarding the GPS locations will be provided to the State Engineer.

7. **Authority of 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 §37-90-137(2), C.R.S., for such Participating Diversions may require that totalizing flow meters be installed by each water user as a condition of diverting water, the depletions from which diversions are to be augmented by this plan. The State Engineer shall evaluate any well permit applications necessary in accordance with the requirements of §37-90-137(2), C.R.S. For any well added to this plan as a Participating Diversion, no diversions from such well shall be authorized until such time as a well permit is issued for uses approved to be augmented under this decree. Any well that is constructed with a valid well construction permit issued by the Office of the State Engineer as a replacement well to any well included as a Participating Diversion in this decree may also be covered by this plan for augmentation provided the replaced well is properly abandoned.

D. Procedure to remove wells from plan: Applicants shall replace all out-of priority depletions from wells included as Participating Diversions pursuant to the terms of this decree. Applicants may remove a Participating Diversion from this plan by giving notice to all parties to the contact listed in paragraph 8(C)(2) and detailing the structure to be removed and the amount and timing of any post-pumping depletions to be augmented by the Districts as provided in paragraph 9(A). Any party may send comments to the Districts within 60 days of receipt of such notice. After the 60 day comment period has ended, if the Participating Diversion to be removed is a surface diversion, well or other structure that has no lagged or post-pumping depletions as provided in paragraph 9(A), then that Participating Diversion shall be automatically removed from this plan upon certification by the Districts that the Participating Diversion has ceased. For those Participating Diversions with post-pumping or lagged depletions, a Participating Diversion shall be withdrawn from the plan in 5 years from the filing of the notice of removal from the plan by the Districts. In the event that a party challenges the post-pumping or lagged depletions caused by the withdrawal of a Participating Diversion, the burden of proof is on that party to present evidence under the Court's retained jurisdiction in this matter that the provisions of paragraph 9(A)(1) and (2) should not apply. Once a Participating Diversion is removed from this plan pursuant to this paragraph, the Districts' accounting shall reflect the addition of the commensurate available replacement water for re-sale.

9. Operation of Augmentation Plan.

A. Depletions. Depending upon the type of diversion structure (i.e., a well or a surface water diversion), Participating Diversions will create both instantaneous and lagged depletions to the stream system. Diversions from Participating Diversions shall be metered or assigned presumptive diversion amounts pursuant to the requirements set forth in paragraph 8(B), above. Consumptive use amounts will also be determined pursuant to the requirements set forth in paragraph 8(B). The plan for augmentation will operate as described below and subject to the terms and conditions listed in paragraph 28.

1. Steady State Depletions. Depletions caused by Participating Diversions from surface water diversions or from wells located 1000 feet or less from a live stream and used for in-house domestic use, stock watering, 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 within 12 months of the month in which the well pumping occurred. Monthly replacement obligations, therefore, will be determined by dividing the total annual

presumed or calculated depletion by 12 and augmentation replacements will be made from the sources listed in paragraph 6, above, on a weekly basis during the irrigation season and monthly during the non-irrigation season, or more frequently if required by the Division Engineer, subject to the terms and conditions of this decree. Depletions caused by the pumping of wells located more than 1,000 feet from a live stream for the uses described in this paragraph may result in lagged depletions to a stream that do not occur within 12 months of the month in which the pumping occurred. The Districts shall make replacements of depletions from such wells beginning with the commencement of a Participating Diversion and continue such replacements for a period of five years after the Participating Diversion ceases to operate or ceases to operate under the plan for augmentation. Such replacements will be made from the sources listed in paragraph 6, above, on a weekly basis during the irrigation season and a monthly basis during the non-irrigation season, or more frequently if required by the Division Engineer, subject to the terms and conditions of this decree.

2. **Lagged Depletions from Lawn Irrigation Use.** Lagged or delayed depletions will occur to the stream system resulting from pumping for lawn irrigation use from wells. Applicants have delineated three zones within the Service Area to identify the amount, location and timing of lagged depletions from well pumping for lawn irrigation in each zone as delineated in EXHIBIT F. Applicants will replace the amount of the lagged depletions from such well pumping based on the timing of such lawn irrigation depletions in accordance with the Tables attached as EXHIBITS G, H and I, beginning with the commencement of a Participating Diversion. For wells used for irrigation located 1000 feet or less from the stream, Applicants will replace depletions in accordance with EXHIBITS G, H and I. For wells used for irrigation located more than 1000 feet from the stream, Applicants will replace depletions in accordance with EXHIBITS G, H and I and Applicants will continue to replace depletions in accordance with EXHIBITS G, H and I for a period of five years after the Participating Diversion ceases to operate or ceases to operate under the plan for augmentation (pursuant to the procedures of Paragraph 8(D)). Replacements will be made from the sources listed in paragraph 6, above, on a weekly basis during the irrigation season and a monthly basis during the non-irrigation season, or more frequently if required by the Division Engineer, subject to the terms and conditions of this decree. Accounting for lagged lawn irrigation depletions and releases to replace the same will be made according to the schedule provided in EXHIBITS G, H and I, and coordinated with the water commissioner,

Denver and Centennial, as further described in paragraphs 9(A)(3) and 30(F).

3. Depletions on Tarryall and Michigan Creeks. Water rights leased or owned by Centennial and changed in Case Nos. 05CW111 and 99CW199(A) and 99CW199(B) (“Centennial’s water rights”) are measured at the MCHJEFCO gage on Michigan Creek (05CW111) or Centennial’s gage on Tarryall Creek (99CW199), respectively (“Centennial’s quantification points”). In order to prevent injury to Centennial’s water rights, the Districts shall have the following obligations with respect to replacement of out-of-priority depletions on Tarryall and Michigan Creeks:

(a) Any depletions from Participating Diversions to Tarryall Creek or Michigan Creek located above Centennial’s applicable quantification point during times when Centennial’s water rights are in priority and receiving less than their decreed entitlement shall be replaced upstream of Centennial’s applicable quantification point. Alternatively, if the Districts are unable to replace the depletions upstream of Centennial’s applicable quantification point due to lack of available replacement water upstream of the applicable quantification point, the quantity of such depletions shall be added to the measured amounts at Centennial’s applicable quantification point for purposes of determining Centennial’s entitlement under the applicable decree in Case No. 05CW111, 99CW199(A), or 99CW199(B) and the Districts shall then cause the release of water or bypass consumptive use direct flow water from any source described in paragraph 6 in an amount equivalent to the amount of such depletions caused by the Participating Diversions, above the applicable quantification point, plus transit losses for any length of stream between the point of release and Centennial’s point of downstream diversion that is greater than the distance between the applicable quantification point and Centennial’s point of diversion downstream, and such amount shall be available for diversion downstream by Centennial as reduced by any transit losses. Centennial shall be responsible for any transit losses assessed against the released or bypassed water for the distance equivalent to the distance between the applicable quantification point and Centennial’s downstream diversion point.

(b) Any depletions from Participating Diversions to Tarryall Creek or Michigan Creek during times when other water rights

on Tarryall Creek or Michigan Creek are placing call(s) on Tarryall Creek or Michigan Creek, respectively, downstream of Centennial's quantification points which call(s) is senior to the priority date(s) of Centennial's water rights and in the absence of which call(s) Centennial's water rights would be fully or partially in priority, shall be replaced upstream of such calling water right(s). Alternatively, if the Districts are unable to replace the depletions upstream of such calling water right(s) due to lack of available replacement water upstream of the calling water right(s), the quantity of water by which Centennial's water rights are being shorted, up to the total amount of the out-of-priority depletions from Participating Diversions on Tarryall or Michigan Creeks, respectively, shall be added to the measured amounts at Centennial's applicable quantification point for purposes of determining Centennial's entitlement under the applicable decree in Case No. 05CW111, 99CW199(A), or 99CW199(B) and the Districts shall then cause the release of water or bypass consumptive use direct flow water from any source described in paragraph 6 in an amount equivalent to the amount of such depletions caused by the Participating Diversions, plus transit losses for any length of stream between the point of release and Centennial's point of downstream diversion that is greater than the distance between the applicable quantification point and Centennial's point of diversion downstream, and such amount shall be available for diversion downstream by Centennial as reduced by any transit losses. Centennial shall be responsible for any transit losses assessed against the released or bypassed water for the distance equivalent to the distance between the applicable quantification point and Centennial's downstream diversion point.

(c) The Districts shall receive credit against their augmentation obligation for any release or bypass of consumptive use water by the Districts pursuant to this paragraph 9(A)(3).

B. Replacement Water. Replacement water will be made available in order to provide replacement of depletions from Participating Diversions in time, place and amount as required by the terms and conditions of this decree. At times when the exchange rights decreed herein are legally and physically able to be exercised pursuant to the terms and conditions of this decree, releases may be exchanged to the point of depletion on each stream. Augmentation water will be provided by releases from storage in

Spinney Mountain Reservoir, by bypass of the Sessions Ditch consumptive use water that is legally and physically available, by release and/or direct flow credit for the MMRC water (upon confirmation by the Water Court of the availability of the MMRC water as an augmentation water source), and by exchange using all or any of the water sources listed in Paragraph 6, as those sources may be amended pursuant to paragraph 29.

C. Instream flow water rights. A list of instream flow water rights held by the CWCB within the Service Area is attached as **EXHIBIT E**. 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 augment the out-of-priority depletions in time, place and amount to the extent necessary to prevent injury to the instream flows by whatever means available at the time of the call, including but not limited to trucking replacement water to be delivered to the affected reach or by releasing replacement water from any source available to the Districts at the time of the call and by whichever means the Districts use, so long as the instream flow is protected. Pursuant to §37-92-102(3)(b), C.R.S., a CWCB call, as referenced herein, shall only affect the Participating Diversion's out-of-priority diversions that were not being used or were not in existence prior to the date of appropriation of the relevant CWCB instream flow right being called. Any such Participating Diversion must be authorized pursuant to paragraph 8(C) of this decree. This provision shall be subject to the following express terms and conditions:

1. The measuring point for any instream flow water right call shall be below a Participating Diversion's actual diversion point for surface diversion or point of impact on the stream for groundwater diversions.
2. The CWCB call must be recognized and administered by the Division Engineer.
3. Applicants' replacement obligation within a given instream flow reach shall be limited to the out-of-priority depletion attributable to a Participating Diversion located in that reach. In the event a Participating Diversion is located upstream of a measuring point for an instream flow water right and the return flows from such Participating Diversion return to the stream below such measuring point, the Districts shall make replacements of the diversion at a point at or upstream of such diversion to the extent necessary to prevent injury from any source available to the Districts or curtail the subject Participating Diversion.

D. Accounting. Applicants' accounting form is attached as **EXHIBIT D** for illustrative purposes only. The accounting form may be modified with the approval by the Division Engineer, without modification of this decree, after notice to objectors. Accounting shall be completed with daily values reported on a monthly basis within 30 days of the end of the month for which the accounting is being submitted. All depletions must be replaced daily during the irrigation season and weekly 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. The Districts must submit a yearly summary of estimated depletions and replacements for the coming year with its annual accounting report, as further described in paragraph 31. Applicants shall make copies of its accounting available to objectors upon request and upon payment of reasonable reproduction costs.

E. Limit on Participating Diversions. The number of Participating Diversions accepted into this plan for augmentation will be based on the amount of consumptive use credits available to the Districts as replacement sources pursuant to this plan for augmentation. Based on the sources listed in paragraph 6, above, this plan for augmentation shall be limited to replacement of 66.875 acre feet of out-of-priority depletions annually from Participating Diversions. Applicants may add additional replacement water to this plan for augmentation and increase the limit on Participating Diversions imposed herein only by a subsequent decree entered by the District Court for Water Division No. 1. The 66.875 acre feet of augmentation water is an annual firm yield and the Districts shall be entitled to add new Participating Diversions until said 66.875 acre feet per year is exhausted. For purposes of administration of this decree and determining the extent to which the Districts have uncommitted augmentation water available under this plan, the presumed depletion figures specified in paragraph 8 shall be used unless depletions calculated using metered diversions and the consumptive use criteria in paragraph 8 prove to be greater, and 66.875 acre feet per year of depletions from Participating Diversions shall be a cap on this plan. The Districts shall maintain accounting for each Participating Diversion, the amount of augmentation water committed to each Participating Diversion, the total amount of augmentation water committed to all Participating Diversions and the balance of augmentation water available. In order to maximize the beneficial use of the Districts' available augmentation water supplies set forth in this decree, the Districts shall have the right to petition the Court to substitute depletions calculated from actual metered diversions using the consumptive use criteria in paragraph 8 for one or more Participating Diversions in place of the presumptive depletions specified in

this paragraph 8 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. The Court shall have the authority in such instance to reduce or increase the depletion amount for a Participating Diversion or to retain the presumptive depletion amount. Water made available as a result of a Water Court approved reduction in the presumptive depletion for a Participating Diversion shall be available for subsequent use by the Districts to augment additional new Participating Diversions. Notice of the Districts' proposal to revise the presumptive depletion amounts as provided in this Paragraph shall be provided to each of the parties entitled to notice as provided in Paragraph 8(C)(3).

APPROPRIATIVE RIGHTS OF EXCHANGE

10. Appropriative Rights of Exchange. Applicants seek a decree confirming and approving the following described appropriative rights of exchange.

A. Conditional Exchanges.

1. Exchange Reaches:

	<u>Stream</u>	<u>Upper Terminus</u>	<u>Lower Terminus</u>
(a)	South Fork South Platte River	Headwaters in vicinity of lat 39 07 40N long 106 10 48W	Confluence Middle Fork South Platte River at lat 39 00 39N long 105 44 23W
(b)	Middle Fork South Platte River	Headwaters in vicinity of lat 39 21 52N long 106 08 51W	Confluence South Fork South Platte River at lat 39 00 39N long 105 44 23W
(c)	Tarryall Creek	Headwaters in vicinity of lat 39 20 32N long 106 00 30W	Confluence South Platte River in S16 T11S R71W 6 PM
(d)	Michigan Creek	Headwaters in vicinity of lat 39 27 02N long 105 56 09W	Confluence Tarryall Creek in NE/4 SW/4 S1 T9S R75W 6 PM
(e)	Jefferson Creek	Headwaters in vicinity of lat 39 28 35N long 105 53 04W	Confluence Michigan Creek at lat 39 19 40N long 105 46 07W
(f)	North Fork South Platte River	Headwaters in vicinity of S14 T6S R76W 6 PM	Confluence South Platte River in SW/4 SE/4 S25 T7S R70W 6 PM
(g)	South Platte	Confluence South Fork and Middle Fork South Platte	Confluence North Fork South Platte River in SW/4 SE/4 S25

	River	River at lat 39 00 39N long 105 44 23W	T7S R70W 6 PM
(h)	Horse Creek	Confluence Horse Creek and West Creek in NW/4 SW/4 S36 T9S R70W 6 PM	Confluence South Platte River in NW/4 NE/4 S21 T9S R70W 6PM
(i)	West Creek	Teller County line in SW/4 SW/4 S31 T10S R69W 6 PM	Confluence Horse Creek and West Creek in NW/4 SW/4 S36 T9S R70W 6 PM
(j)	Trout Creek	Teller County line in SW/4 SW/4 S34 T10S R69W 6 PM	Confluence Horse Creek and Trout Creek in NW/4 SW/4 S36 T9S R70W 6 PM

2. Water will be exchanged from those sources described in paragraph 6, above, up the exchange reaches described in Paragraph 10(A)(1), above. In certain instances, water will not be exchanged from the Lower Terminus but from a point higher on the stream (e.g. from Spinney Mountain Reservoir upstream on the South Platte River instead of the Lower Terminus identified in Paragraph (g), above). Likewise, water may not be exchanged to the Upper Terminus of the exchange reach, but to a point lower on the stream (e.g. water may be exchanged up the South Platte River from the Lower Terminus to Spinney Mountain Reservoir instead of the Upper Terminus identified in Paragraph (g), above).

3. Maximum Rates of Exchange:

- a. 1.0 cfs
- b. 1.0 cfs
- c. 1.5 cfs
- d. 1.0 cfs
- e. 1.0 cfs
- f. 3.0 cfs
- g. 1.0 cfs
- h. 1.0 cfs
- i. 1.0 cfs

j. 1.0 cfs.

4. (a) Appropriation Date: December 4, 2002.

(b) How appropriation was initiated: Adoption of resolutions evidencing the Districts' intent to appropriate said exchanges and the filing of the Application in this case.

B. Absolute Exchanges.

1. Downstream Points of Exchange:

(a) Spinney Mountain Reservoir is described in Section 3.A. above.

(b) The confluence of the North Fork of the South Platte River and the South Platte River in the SW $\frac{1}{4}$, SE $\frac{1}{4}$, Section 25, Township 7 South, Range 70 West of the 6th PM.

2. Upstream Points of Exchange (exchange-to points are based on the point where the stream crosses into the $\frac{1}{4}$ $\frac{1}{4}$ identified below. This is the uppermost location where well depletions affect the stream):

	<u>Customer</u>	<u>Structure</u>	<u>Location</u>
(a)	Saint Mary of the Rockies	Well, Permit No. 047419-F	North Fork South Platte River in NE1/4 NE1/4 S36 T7S R72W 6PM
(b)	Fairplay Home Park	Mobile Well, Permit No. 63638-F	Middle Fork South Platte River in SW1/4 SW1/4 S34 T9S R77W 6PM
(c)	Forest Glen Sports Association	Well, Permit No. 63637-F	South Platte River in SE1/4 SE1/4 S30 T12S R71W 6PM
(d)	Lininger Reservoir (Kenosha Trout Club)	Lininger Ditch from Beaver Creek (to supply Lininger Reservoir)	North Fork South Platte River at confluence with Beaver Creek in SW1/4 SW1/4 S34 T6S R75W 6PM

3. Rates of Exchange:

(a) 0.01 cfs

(b) 0.01 cfs

(c) 0.01 cfs

(d) 1.0 cfs

4. (a) Appropriation Dates:

i. St. Mary of the Rockies – January 6, 1999.

ii. Fairplay Mobile Home Park – January 1, 1998

iii. Forest Glen Sports Association – April 30, 1998.

iv. Lininger Reservoir (Kenosha Trout Club) – March 14, 2000.

(b) How appropriations were initiated: By agreement of the Upper South Platte District to replace stream depletions associated with diversions from each of the structures and pursuant to operation of State Engineer approved substitute water supply plans.

(c) Date appropriations were completed: i, ii and iii above- Dec. 31, 1999; iv above-Sept. 12, 2000.

11. Use of Water. Applicants have demonstrated that the water will be used for augmentation, substitution, replacement and exchange by them or by persons or entities which they have either agency relationships or firm contractual commitments.

12. Possession and Control. Applicants have a specific plan and intent to divert, store or otherwise capture, possess, and control a specific quantity of water for specific beneficial uses.

13. Available Water. Applicants have demonstrated that unappropriated water is available at the upstream points of exchange in the amounts claimed from the sources claimed.

14. Operation of Exchanges. All exchanges shall be subject to physical and legal water availability within the affected stream reaches. Exchanges shall be operated as junior in priority to all senior vested water rights, including all instream flow water rights listed in EXHIBIT E. Exchanges shall be further subject to the terms and conditions listed in paragraph 30.

15. Beneficial Use. Applicants have demonstrated that the water can and will be diverted and beneficially used, and that the project can and will be completed with diligence and within a reasonable time.

16. Absolute Rights. Applicants have proven that they have operated the subject appropriative rights of exchange as described in Paragraph 10(B) above.

17. No Injury. The subject appropriative rights of exchange, if exercised and administered in accordance with the provisions of this Decree, will not cause injury to any owner of or person entitled to use water under any vested water right or decreed conditional water right.

CONCLUSIONS OF LAW

18. Incorporation of Findings of Fact. The foregoing Findings of Fact are incorporated herein.

19. Notice and Jurisdiction. The Water Court for Water Division No. 1 has jurisdiction over the subject matter of these proceedings and over all persons, owners of property and water rights that may be affected hereby, whether or not they have chosen to appear. The original application in this matter and the resume publications of the application placed such persons on notice of the relief requested by the application and granted by this decree.

20. Application Authority. The Application was filed with the Water Clerk in accordance with the provisions of §37-92-302(1)(a), C.R.S.

21. Statements of Opposition. Statements of Opposition were filed as described in paragraph 3, above. The time for filing additional statements of opposition and motions to intervene has expired according to law. §§37-92-302(1)(c) and 37-92-304(3), C.R.S.

22. Approval of Application. Subject to the terms of this decree, the plan for augmentation described in this decree meets the requirements of §§37-80-120, 37-92-103(a) and 37-92-305, C.R.S. The application for approval of a plan for augmentation should be approved subject to the provisions of this decree.

23. Exchange Rights. Adjudication of Applicants' rights of exchange described in this Decree is authorized in accordance with provisions of §§37-80-120, 37-83-104 and 37-92-302(1), C.R.S. The conditional exchange rights filed in the water court in the year 2002 shall be administered as having been filed in that year, and shall be junior to all water rights for which applications were filed in previous years. As between all water rights filed in the same calendar year of 2002, priority shall be determined by decreed dates of appropriation and not affected by the date of entry of this decree. The absolute exchange rights decreed herein shall be administered with priority dates based upon their dates of actual operation as stated in paragraph 10(B)(4), and shall be junior to all water rights for which applications were filed in years previous to those dates.

24. **Burdens of Proof.** 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 as described herein.

25. **No Injury.** The subject appropriative rights of exchange, if exercised and administered in accordance with the provisions of this Decree, will not cause injury to any owner of or person entitled to use water under any vested water right or decreed conditional water right.

JUDGMENT AND DECREE

26. The foregoing findings of fact and conclusions of law are incorporated herein by this reference as if set forth fully herein.

27. The Application is granted, subject to the provisions of this Decree.

28. Subject to the provisions of this decree and the terms and conditions below, the plan for augmentation is approved.

A. Parties seeking participation in this plan, in cooperation with the Districts, shall follow the process outlined in paragraph 8(C), above. The Districts shall not submit an Application to the State Engineer, nor include in this plan, any Participating Diversion which is not within the procedure approved by this Decree.

B. This plan for augmentation shall permit Participating Diversions to divert water located within the Service Area boundaries, provided that such diversions are located within the boundaries of the Service Area and the consumptive use depletions from such diversions are calculated and replaced in time, place and amount pursuant to this decree.

C. The Districts shall replace all out-of-priority depletions that result from the operation of Participating Diversions. The Districts shall require metering of all Participating Diversions pursuant to paragraph 8 of this decree. If depletions calculated using actual meter readings and the consumptive use criteria in paragraph 8 are greater than presumptive depletions for any Participating Diversion, Applicants shall replace those additional depletions on a weekly basis during the irrigation season, and a monthly basis during the non-irrigation season. In addition, if depletions calculated using actual meter readings and the consumptive use criteria in paragraph 8 are greater than presumptive depletions for any Participating Diversion, the Applicants plan projection for the coming year as required in

paragraph 9(D) shall substitute the depletions calculated based upon the meter reading in lieu of the presumptive depletion.

D. Entry of this decree does not validate any expansion of use that may have occurred for any well included as a Participating Diversion, nor does entry of this decree mean that each well is operating in compliance with its permit or decree. If the actual uses of a well exceed the uses allowed by the well permit, the well owner is required to obtain a new well permit pursuant to §37-90-137(2), C.R.S.

E. The Districts shall prepare an annual plan of operation to replace the depletions by the Participating Diversions as described in paragraph 9(D), and shall submit the plan of operation to the Division Engineer as required by this decree.

F. When augmentation releases or bypass flows of augmentation water are made by the Districts in order 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.

G. For Participating Diversions located on Beaver Creek whose out-of-priority depletions accrue to the stream above the present points of diversion for the Town of Fairplay's water rights on Beaver Creek, unless the Districts acquire sources of replacement water above such present diversion points, the Districts shall only approve Participating Diversions used for residential purposes in this plan for augmentation. Such Participating Diversions' outdoor uses shall be limited to (1) livestock, and (2) irrigation on residential lots of trees and up to 1000 square feet of lawn or garden.

H. In the event that a valid call is placed on a stream below a Participating Diversion's out-of-priority depletion and above the Districts' replacement sources identified in paragraph 6, above, and the call is senior to the Districts' exchanges, the Districts shall either: 1) replace the Participating Diversion's depletions at or above the diversion point of the senior calling water right by any source available to the Districts; 2) make replacement to the senior calling water right in a manner provided in paragraphs 9(A)(3) and 30(F) of this decree, or if not provided for in those paragraphs, in a manner approved by the senior calling water right owner and the water commissioner; or 3) curtail the Participating Diversion.

29. Sources of augmentation water not identified in this decree may be added to this augmentation plan only pursuant to a subsequent decree of the District Court for Water Division No. 1. Nothing in this decree shall preclude the Districts from obtaining a substitute water supply plan for replacement of out of priority depletions for temporary uses separate from this plan for augmentation.

30. The absolute and conditional appropriative rights of exchange decreed herein are approved, subject to the following conditions:

A. Applicants must have the permission of the owner before using any structure claimed in this decree of which they are not the owner. The exchanges shall be operated only at times when there is a live stream between the point of introduction of the substitute supply into the stream and the upstream diversion point.

B. The amount of water diverted at the exchange-to point shall not exceed the amount of water introduced at the exchange-from point. All 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 must be satisfied either with the remaining flows in the river or from another lawful replacement source of water supplied by Applicants.

C. The exchanges decreed herein shall not be operated so as to injure other senior vested water rights, including other exchanges.

D. Applicants must pay 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.

E. Nothing in this decree amends, changes or alters any contractual or deed relationship existing between the City of Aurora and the Upper South Platte District and nothing in this decree amends or changes any of the water rights decreed for storage in Spinney Mountain Reservoir.

F. If a Participating Diversion is located within the Service Area on Four Mile Creek, Applicants shall determine the net out-of-priority depletions from its Participating Diversions to Four Mile Creek above the Beery Gage. If measurements at the Beery Gage limit the availability of water rights adjudicated and legally available to the Beery Ditch or Four Mile No. 9 Ditch, and there are out-of-priority depletions being caused by the Participating Diversion which are reducing the flow of Four Mile Creek above the Beery Gage, the Districts shall make replacement water available either to Four Mile Creek above the Beery Gage or to the South

Platte River above Denver Water Board's ("Denver Water") Eleven-Mile Reservoir from any source above Eleven Mile Reservoir. In the event replacement water is provided to Eleven Mile Reservoir from any source above Eleven Mile Reservoir, the Districts will specifically account for South Platte River releases made to credit the Beery Ditch and Four Mile No. 9 Ditch water rights. Applicants shall notify Denver Water of such releases in advance by telephone to Denver Water's Raw Water Control.

G. Applicants shall notify and obtain advance approval from the Water Commissioner prior to operating the exchanges decreed herein. Ongoing exchanges may be approved by the Water Commissioner on an as needed basis. Applicants shall note such request in their accounting provided to Aurora and to the State and Division Engineers and request that the operation of each exchange be recorded in the Colorado Decision Support System database.

H. The approval of exchanges of replacement water to a point of depletion on a stream as authorized in this Decree do not constitute authorization to Applicants for the exchange of water directly to a well or other structure.

31. No later than the first day of March of each year, and at such other times as the Division Engineer may request, the District shall submit a report to the Division Engineer identifying the number of Participating Diversions, their locations, the amount and type of use, the type of wastewater treatment systems used, and amount and timing of depletions for wells and other diversions included in the plan for the following 12 months. The report shall also include the dates and amounts of planned releases of water for augmentation, and for transportation losses as determined by the Division Engineer. The report shall describe to the Division Engineer any diversion previously augmented by this plan which will no longer be covered by this plan. Accounting shall be on the forms attached hereto as EXHIBIT D or such other form approved by the Division Engineer after notice to objectors. The accounting forms are not decreed herein and may be changed from time to time so long as the information required by this decree is included in the forms and such changes are either required or approved by the Division Engineer or Water Commissioner. By November 15 of each year, the Districts shall submit a report on the prior reporting period's operations under the plan for augmentation and planned operation for the upcoming winter season. This report shall include actual releases of water for augmentation and available information on well pumping and lawn irrigation. Applicants will provide the City of Aurora, and all other parties upon request and payment of reasonable costs of reproduction, with a copy of the accounting provided to the State and Division Engineers under this decree. Applicants will continue to provide the City of Aurora with an annual accounting along with its release plan filed annually.

32. 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, and shall report at times required by this decree or more frequently as required by the Water Commission and/or Division Engineer the readings of such meters, gauges, or other measuring devices pursuant to § 37-92-502(5)(a), C.R.S.

33. Subject to the provisions set forth in this decree, the release of water pursuant to this augmentation plan for replacement of depletions from the Participating Diversions will ensure that the Districts provide replacement water necessary to meet the lawful requirements of senior diverters at the time and location and to the extent that seniors would be deprived of their lawful entitlement by the Participating Diversions. So long as such replacement water continues to be provided pursuant to the terms of this Decree, the plan for augmentation decreed herein shall be sufficient to permit the continuation of diversions when curtailment would otherwise be required to meet a valid senior call for water. Pursuant to §37-92-305(8), C.R.S., the State Engineer shall curtail all out-of-priority diversions hereunder, the depletions from which are not so replaced as to prevent injury to vested water rights.


34. Pursuant to §37-92-304, C.R.S., the Court retains jurisdiction of this case for reconsideration on the question of injury to the vested water rights of others or to reconsider the presumptive diversion and depletion values for residential dwellings for a period of 10 years after entry of this Decree. The Court shall also retain jurisdiction of this case indefinitely for consideration of amendments to this plan to alter the boundary of the area covered by this Plan for Augmentation or to allow for augmentation of other types of uses within the augmentation area. The Court's jurisdiction may be invoked by any existing party to this case, or successors in interest thereto, by motion or petition to the Court, and 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 thereupon have the burden of proof to show: (a) that any modification sought by Applicant will avoid injury to other appropriators, or (b) that any modification sought is not required to avoid injury to appropriators, or (c) that any term or condition proposed by Applicant in response to the petition does avoid injury to other appropriators. If no such petition is filed within the ten year period and the retained jurisdiction period is not extended by the Court in accordance with the provisions of the statute, this matter shall become final under its own terms. Any request to amend this plan by the Districts, including any alteration of the Service Area, shall require the filing of an application with the Water Clerk and full notices required by law.

35. This Decree shall become final and appealable upon entry, notwithstanding the retained jurisdiction of the Court herein.

36. It is ordered that the conditional exchange rights awarded herein are hereby continued in full force and effect until April 30, 2014. If Applicants desire to maintain such conditional decree, an application for a finding of reasonable diligence shall be filed on or before April 30, 2014, or a showing made on or before such date that the conditional rights have become absolute rights by reason of the completion of the appropriation.

Dated: April 28, 2008.

By the court:



Roger A. Klein
Water Judge
Water Division No. 1

This document was filed pursuant to C.R.C.P. 121, § 1-26. A printable version of the electronically signed order is available in the Court's electronic file.

SUMMARY OF PARTICIPATING DIVERSIONS

CASE NO. 02CW389

A. St. Mary of the Rockies Catholic Church. St. Mary of the Rockies Catholic Church is located in the SW $\frac{1}{4}$, NW $\frac{1}{4}$, Section 16, Township 7 South, 72 West, 6th P.M., Park County, Colorado, which is north of the Town of Bailey and the North Fork of the South Platte River.

B. Fairplay Mobile Home Park. The Fairplay Mobile Home Park is located in the NW $\frac{1}{4}$, NW $\frac{1}{4}$, Section 3, Township 10 South, Range 77 West, 6th P.M., Park County, Colorado, in the Town of Fairplay.

C. Forest Glen Sports Association. The Forest Glen Sports Association is an existing 50 lot subdivision that is served by a domestic well located in the SE $\frac{1}{4}$, NW $\frac{1}{4}$, Section 3, Township 13 South, Range 71 West, 6th P.M., Teller County, Colorado.

D. Lininger Reservoir. Lininger Reservoir is owned by the Kenosha Trout Club and is located in the NW $\frac{1}{4}$, Section 16, Township 7 South, Range 75 West, 6th P.M., Teller County, Colorado.

E. Buffalo Creek Water District. Buffalo Creek Water District supplies domestic water for 129 taps located within its boundaries described as follows:

Southeast Quarter of Section 36, Township 7 South, Range 71 West of the 6 P.M.;

Southwest Quarter of Section 31, Township 7 South, Range 70 West of the 6 P.M.;

North Half, East Half of the Southwest Quarter, and Southeast Quarter of Section 6, Township 8 South, Range 70 West of the 6 P.M.; and

Southwest Quarter of Section 5, Township 8 South, Range 70 West of the 6 P.M., situated within Jefferson County, Colorado.

EXCEPTING THERE FROM all public land within the Pike National Forest; and property described as Jefferson County Schedule No. 034490, owned by the Swan Hereford Ranch Venture.

F. John Campbell Well. The Campbell Well is located in Venture 72 Subdivision in Park County, Lot 7, described as the SW $\frac{1}{4}$, SE $\frac{1}{4}$, Section 25, T5S, R78W, 6th PM, 1000 feet from the south section line and 1770 feet from the east section line. Ownership of this well has been transferred to Julio Martin as of June 16, 2006.



G. Mike Rubenstein. The Rubenstein Well is located at Lot 27 of the Spring Creek Subdivision, located in the NE ¼, NW ¼, Sec 16, T8S, R70W, 6th PM, Park County, Colorado.

H. American Safari Ranch: Mr. Stan Kopunec currently has a well located at 1484 CR #7 in the Town of Fairplay.

I. Ronald F. Anhorn: Mr. Anhorn owns 17+ acres located generally in the SE ¼ Section 33, Township 7 South, Range 70 West, 6th PM.

J. Allen Drilling and Excavating Inc: Allen Drilling Well is located in the SE ¼ of the SW ¼ of Section 11, Township 10 South, Range 77 West, of the 6th Principle Meridian, within 200 feet from the permitted location of 400 feet from the south section line and 1670 feet from the west section line.

K. Gary B. Bieske. Mr. Bieske runs bed & breakfast and guest cabin operation located on 104 acres in the NW ¼ and the NE ¼ SW ¼ of Section 6, Township 11 South, Range 69 West, 6th P.M., Teller County, Colorado.

L. Lutheran Valley Retreat, Inc. The Lutheran Well is located in the NE ¼ SW ¼ Sec. 7, T11S, R70W of the 6th P.M. in Teller County, 2420 feet from the South Section Line and 1500 feet from the West Section Line.

M. Jack Allen: The Allen Well is located at 651 Highway 285 in Fairplay, CO, legally described as the SE ¼ NW 1/4 Sec. 34, Township 9 South, Range 77 West of the 6th P.M., 1400 feet from the north section line and 1500 feet from the west section line.

N. Robert E. and Kathleen M. Douglas: Mr. and Mrs. Douglas, by the Harrigan Douglas Family Limited Partnership, own Lot 5 of Penn Mountain Estates, which 35.5 acre parcel they intend to subdivide into four parcels of the following acreage:

Lot 5A - 11.36 acres

Lot 5B - 8.07 acres

Lot 5C - 8.02 acres

Lot 5D - 8.03 acres

O. Mountain Comfort Bed & Breakfast: A residence and B & B are served by the MCBB Well, which point of diversion is located in SW ¼ NW ¼ Section 18 Township 9 South Range 77 West of the 6th P.M. in Park County, Colorado, 1375 feet from the north section line and 1160 feet from the west section line.

EXHIBIT C (Page 1 of 2)
APPLICATION FOR PARTICIPATING DIVERSIONS
UPPER SOUTH PLATTE BLANKET AUGMENTATION PLAN
Case No. 02CW389

1. Applicant name, address, phone: _____

2. Location of water use: _____
3. GPS coordinates of well (if available): _____
4. General description of water use: _____

5. Square-feet of lawn and/or garden irrigation: _____
6. Approximate distance of lawn to nearest flowing stream: _____
7. Name of nearest flowing stream: _____
8. Number of single family homes: _____
9. Type of wastewater treatment: _____
(septic tank and leach field, evapotranspiration system, or sewer line to wastewater plant)
Note: Evapotranspiration wastewater systems will require the replacement of 100% of the water delivered to the system.
10. Other type of development (describe, and commercial users please fill out Attachment A):

11. Number of large domestic animals (e.g. horses): _____
12. Surface square-feet of ponds: _____

=====

(District use only below this line)

- A. Is location on a stream with a CWCB instream flow water right or with a potential water rights dry-up location? Describe: _____
- B. Consumptive use for lawn and/or garden irrigation: _____ AF
- C. Zone A, B or C?: _____
- C. Consumptive use for single family homes: _____ AF
- D. Consumptive use for other type of development: _____ AF
- E. Consumptive use for large domestic animals: _____ AF
- F. Consumptive use for ponds: _____ AF
- G. Irrigation Season depletion (May-September): _____ AF
- I. Non-irrigation Season depletion (October-April): _____ AF
- J. Total annual depletion: [add G & H] _____ AF
- K. Including this application, the remaining amount of replacement water is: _____

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EXHIBIT C (Page 2 of 2)
ATTACHMENT A – COMMERCIAL WATER USERS
UPPER SOUTH PLATTE BLANKET AUGMENTATION PLAN
Case No. 02CW389

1. Applicant name, address, phone: _____

2. Provide a detailed description of proposed water use: _____

3. For hotel, motel, lodge, guest ranch, cabins **with** kitchettes– How many guest rooms and staff rooms and what is the expected annual occupancy rate?: _____
4. For hotel, motel, lodge, guest ranch, cabins **without** kitchenettes– How many guest rooms and staff rooms and what is the expected annual occupancy rate?: _____
5. For laundromats, how many washing machines? _____
6. For restaurants, with table/bar service, what is the expected average number of customers per year? _____
7. For restaurants with paper service only, what is the expected average number of customers per year? _____
8. For kennels, what is the expected average number of dogs to boarded per year? _____
9. For offices, what is the square footage of finished floor space? _____
10. For campgrounds and RV parks with central public toilet and shower facility, how many campsites? _____
11. For campgrounds and RV parks with water/sewer hookups only, how many campsites? _____
12. For warehouses, what is the square footage of floor space? _____
13. For schools without cafeteria, gym and showers, how many students? _____
14. For schools with cafeteria, gym and showers, how many students? _____
15. For automobile service station without car wash, how many pumps? _____
16. For all commercial enterprises, how many square feet of irrigated lawn and garden?

17. For any other type of commercial enterprise, describe the number of employees, process water, wash water, or other types of water use?

Exhibit D (Page 1 of 13)
 2008 PARTICIPANT INFORMATION SUMMARY
 UPPER SOUTH PLATTE WATER CONSERVANCY DISTRICT & CENTER OF COLORADO WATER CONSERVANCY DISTRICT
 BLANKET AUGMENTATION PLAN - CASE NO. 02CW389

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

Notes:
 Wastewater treatment methods typically are: septic & leach field (s&l), evaporative (et), or central wastewater system (central).
 Distance to stream is measured perpendicularly from the well to the nearest stream that has generally perennial flow.
 For locations of Zones A, B and C, see Exhibit F.



2008 DISCONTINUED PARTICIPANTS

UPPER SOUTH PLATTE WATER CONSERVANCY DISTRICT & CENTER OF COLORADO WATER CONSERVANCY DISTRICT
BLANKET AUGMENTATION PLAN - CASE NO. 02CW389

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

Notes:

**2008 PROJECTED DIVERSIONS
 UPPER SOUTH PLATTE WATER CONSERVANCY DISTRICT & CENTER OF COLORADO WATER CONSERVANCY DISTRICT
 BLANKET AUGMENTATION PLAN - CASE NO. 02CW389**

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

Note:
 Monthly diversion amounts are projected based on parameters in the decree in Case No. 02CW389 or operating experience from past years, if applicable.

**2008 PROJECTED DEPLETIONS
 UPPER SOUTH PLATTE WATER CONSERVANCY DISTRICT & CENTER OF COLORADO WATER CONSERVANCY DISTRICT
 BLANKET AUGMENTATION PLAN - CASE NO. 02CW389**

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

Notes:
 Monthly depletion amounts are projected based on parameters in the decree in Case No. 02CW389.
 See Exhibits G, H, and I for calculation of lagged depletions.

**2008 PROJECTED DEPLETIONS PER STREAM
UPPER SOUTH PLATTE WATER CONSERVANCY DISTRICT & CENTER OF COLORADO WATER CONSERVANCY DISTRICT
BLANKET AUGMENTATION PLAN - CASE NO. 02CW389**

Stream Basin	Monthly Depletion Amount (acre-feet)												
	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Totals
Michigan Creek													
Jefferson Creek													
Tarryall Cr above TARCOMCO													
Tarryall Cr below TARCOMCO													
Middle Fork South Platte River													
South Fork South Platte River													
Fourmile Creek													
South Platte R above Spinney													
South Platte R below Spinney													
Horse Creek													
Trout Creek													
West Creek													
North Fork South Platte River													
Totals													

Notes:
Monthly depletion amounts are projected based on parameters in the decree in Case No. 02CW389.
See Exhibits G, H, and I for calculation of lagged depletions.

**2008 PROJECTED REPLACEMENT WATER BALANCE
 UPPER SOUTH PLATTE WATER CONSERVANCY DISTRICT & CENTER OF COLORADO WATER CONSERVANCY DISTRICT
 BLANKET AUGMENTATION PLAN - CASE NO. 02CW389**

	Monthly Depletion Amount (acre-feet)												
	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Totals
Total Projected Depletions Requiring Replacement													
Projected Spinney Release													
Transit Loss													
Net Replacement													
Projected Sessions CU Credit													
Transit Loss													
Net Replacement													
Projected Mtn Mutual Release													
Transit Loss													
Net Replacement													
Other Replacemnt (describe)													
Transit Loss													
Net Replacement													
Total Projected Replacement													
Projected Rplcmnt Balance													

Notes:

**2008 ACTUAL DEPLETIONS
 UPPER SOUTH PLATTE WATER CONSERVANCY DISTRICT & CENTER OF COLORADO WATER CONSERVANCY DISTRICT
 BLANKET AUGMENTATION PLAN - CASE NO. 02CW389**

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

Notes:
 Monthly depletion amounts are based on parameters in the decree in Case No. 02CW389.
 See Exhibits G, H, and I for calculation of lagged depletions.

**2008 ACTUAL DEPLETIONS PER STREAM
UPPER SOUTH PLATTE WATER CONSERVANCY DISTRICT & CENTER OF COLORADO WATER CONSERVANCY DISTRICT
BLANKET AUGMENTATION PLAN - CASE NO. 02CW389**

Stream Basin	Monthly Depletion Amount (acre-feet)												
	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Totals
Michigan Creek													
Jefferson Creek													
Tarryall Cr above TARCOMCO													
Tarryall Cr below TARCOMCO													
Middle Fork South Platte River													
South Fork South Platte River													
Fournile Creek													
South Platte R above Spinney													
South Platte R below Spinney													
Horse Creek													
Trout Creek													
West Creek													
North Fork South Platte River													
Totals													

Notes:

**2008 ACTUAL REPLACEMENT WATER BALANCE
UPPER SOUTH PLATTE WATER CONSERVANCY DISTRICT & CENTER OF COLORADO WATER CONSERVANCY DISTRICT
BLANKET AUGMENTATION PLAN - CASE NO. 02CW389**

	Monthly Depletion Amount (acre-feet)												
	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Totals
Total Depletions (from page 9)													
Depletions Requiring Replacement (excluding periods of free river)													
Net Depletions Requiring Replacement													
Release from Spinney Mtn Res													
Transit Loss													
Net Replacement													
Sessions Ditch CU Credit													
Transit Loss													
Net Replacement													
Release from Mountain Mutual													
Transit Loss													
Net Replacement													
Other Replacemnt (describe)													
Transit Loss													
Net Replacement													
Total Net Replacement													
Replacement 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.

APRIL 2008

DEPLETION (Acre-Feet)

PARTICIPATING ENTITIES - PER STREAM BASIN	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	Monthly Total			
1. Michigan Creek																																	0.00		
2. Jefferson Creek																																		0.00	
3. Tenyall Creek above TARCOMCO																																			
4. Tenyall Creek below TARCOMCO																																			
5. Middle Fork South Platte River																																		0.00	
6. South Fork South Platte River																																		0.00	
7. Fourmile Creek																																		0.00	
8. South Platte mainstem above Spinney																																		0.00	
9. South Platte Mainstem below Spinney																																		0.00	
10. Horse Creek																																		0.00	
11. Trout Creek																																		0.00	
12. West Creek																																		0.00	
13. North Fork South Platte River																																		0.00	
14.																																		0.00	
15.																																			0.00

SUMMARY

1. Total Depletions for all participants																																			0.00
2. Are replacements required today? (Y/N)																																			
3. Depletions requiring replacement																																			0.00
4. Release from Spinney Mtn Reservoir																																			0.00
5. Use of Sessions CU credits																																			0.00
6. Release of Mountain Mutual water																																			0.00
7. Tonnell losses																																			
8. Total replacement water provided																																			
9. Replacement balance																																			0.00

SPINNEY MOUNTAIN RESERVOIR ACCOUNTING FOR USPWCD

1. Water delivered to storage																																			0.00
2. Evaporation loss																																			0.00
3. Release from storage																																			0.00
4. End-of-Day storage																																			

Notes:
 Monthly depletion values for participating entities in each stream basin should be accumulated together for this summary accounting form, then divided into equal daily depletion quantities unless there are specific facts and circumstances to indicate that actual depletions were not consistent during the month.

**2008 WEEKLY REPLACEMENT WATER BALANCE
UPPER SOUTH PLATTE WATER CONSERVANCY DISTRICT
& CENTER OF COLORADO WATER CONSERVANCY DISTRICT
BLANKET AUGMENTATION PLAN - CASE NO. 02CW389**

(Values in Acre-Feet)

Week (April thru October)	Depletion Requiring Replacement	Replacement Provided	Replacement Balance	Comments
04/01/08 - 04/06/08 04/07/08 - 04/13/08 04/14/08 - 04/20/08 04/21/08 - 04/27/08 04/28/08 - 05/04/08 05/05/08 - 05/11/08 05/12/08 - 05/18/08 05/19/08 - 05/25/08 05/26/08 - 06/01/08 06/02/08 - 06/08/08 06/09/08 - 06/15/08 06/16/08 - 06/22/08 06/23/08 - 06/29/08 06/30/08 - 07/06/08				

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.

Exhibit D (Page 13 of 13)
MICHIGAN AND TARRYALL CREEK – CENTENNIAL ACCOUNTING FORM
UPPER SOUTH PLATTE BLANKET AUGMENTATION PLAN
Case No. 02CW389

Date	Depletion above Centennial Diversion on Michigan Cr (Ac-Ft per Day)	Amount Released by USPWCD and CCWCD		Depletion above Centennial Diversion on Tarryall Cr (Ac-Ft per Day)	Amount Delivered to Centennial to Replace Depletion (gal per day)	Comments

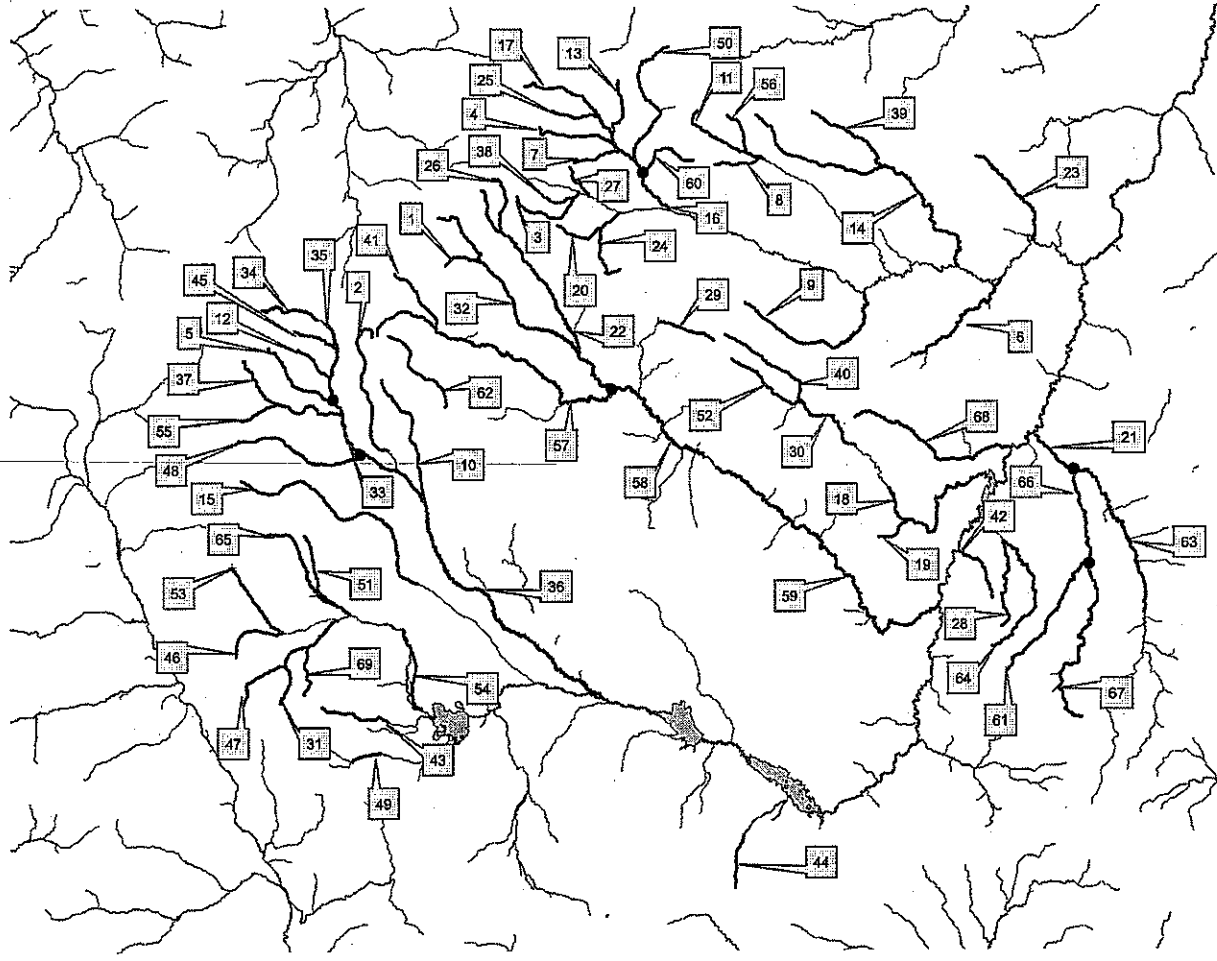
Note:
This accounting form shall be adapted into excel account spreadsheet to perform the calculations in accordance with Paragraph 9.A.3 of the decree.

EXHIBIT E

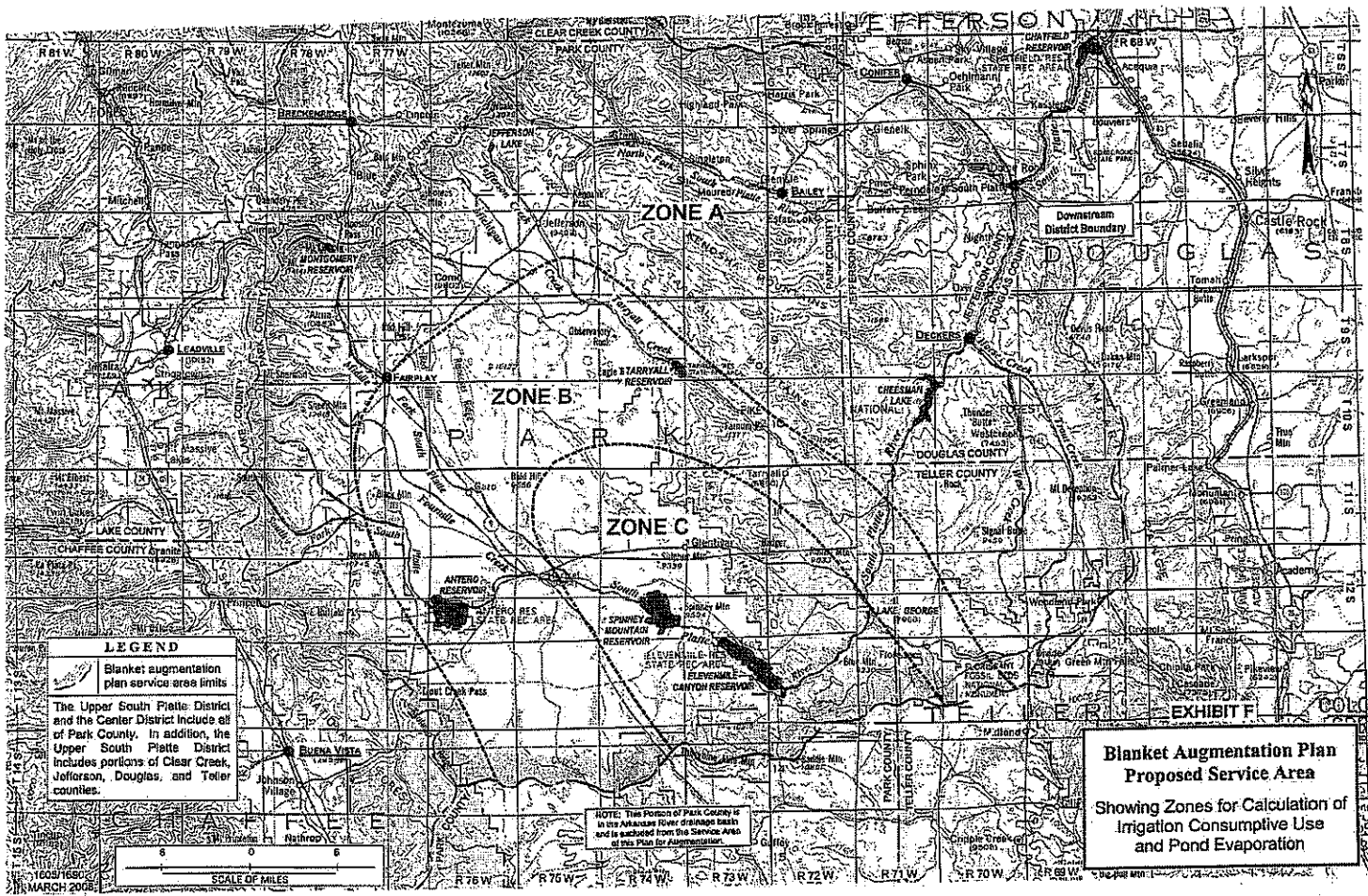
COLORADO WATER CONSERVATION BOARD INSTREAM FLOW WATER RIGHTS

Index	Stream Name	Case Number	Amount (cfs) (year-round unless noted)	Appropriation Date
1	Antelope Gulch	1-80CW221	1.5	5/7/1980
2	Beaver Creek	1-76W8226	3	1/14/1976
3	Beaver Creek	1-84CW635	1	1/6/1984
4	Bruno Gulch	1-84CW642	2	1/6/1984
5	Buckskin Creek	1-76W8220	5	1/14/1976
6	Buffalo Creek	1-84CW648	3	1/6/1984
7	Burning Bear Creek	1-78W9374	1	7/11/1978
8	Camp Creek	1-84CW645	1	1/6/1984
9	Craig Creek	1-80CW209	8	5/7/1980
10	Crooked Creek	1-76W8235	2	1/14/1976
11	Deer Creek	1-84CW643	2	1/6/1984
12	Dolly Varden Creek	1-79CW194	1.5	3/14/1979
13	Duck Creek	1-78W9264	0.5	1/19/1978
14	Elk Creek	1-84CW646	5	1/6/1984
15	Fourmile Creek	1-76W8224	8	1/14/1976
16	Geneva Creek	1-78W9371	11	7/11/1978
17	Geneva Creek	1-84CW640	2.5	1/6/1984
18	Goose Creek	1-80CW215	10 (5/1-9/30); 6 (10/1-4/30)	5/7/1980
19	Hankins Gulch	1-86CW306	2 (4/1-10/31); 1 (11/1-3/31)	9/5/1986
20	Hoosier Creek	1-84CW639	1	1/6/1984
21	Horse Creek	1-80CW210	5	5/7/1980
22	Jefferson Creek	1-76W8234	6	1/14/1976
23	Kennedy Gulch	1-86CW298	1	9/5/1986
24	Kenosha Creek	1-84CW638	1	1/6/1984
25	Kirby Gulch	1-84CW641	2	1/6/1984
26	Lake Fork Jefferson Creek	1-76W8221	3	1/14/1976
27	Lamping Creek	1-84CW637	2	1/6/1984
28	Little Turkey Creek	1-80CW218	1	5/7/1980
29	Long Gulch Creek	1-80CW222	1.5	5/7/1980
30	Lost Creek	1-80CW216	5	5/7/1980
31	Lynch Creek	1-79CW195	0.5	3/14/1979
32	Michigan Creek	1-76W8230	7	1/14/1976
33	Middle Fork South Platte River	1-80CW064	12 (5/1-9/30); 6 (10/1-4/30)	1/30/1980
34	Middle Fork South Platte River	1-80CW065	4	1/30/1980
35	Middle Fork South Platte River	1-80CW066	4	1/30/1980
36	Middle Fork South Platte River	1-80CW067	16 (5/1-9/30); 8 (10/1-4/30)	1/30/1980
37	Mosquito Creek	1-76W8222	4	1/14/1976
38	North Beaver Creek	1-84CW636	1	1/6/1984
39	North Elk Creek	1-84CW647	1	1/6/1984
40	North Fork Lost Creek	1-80CW219	2	5/7/1980
41	North Fork Tarryall Creek	1-76W8228	7	1/14/1976
42	Northrup Gulch	1-86CW308	0.5	9/5/1986
43	Pony Creek	1-79CW197	0.5	3/14/1979
44	Pruden Creek	1-79CW198	1	3/14/1979
45	Quartzville Creek	1-79CW193	2	3/14/1979
46	Rich Creek	1-76W8232	3	1/14/1976
47	Rough & Tumbling Creek	1-76W8225	8	1/14/1976
48	Sacramento Creek	1-75W8016	8 (5/1-9/30); 3 (10/1-4/30)	7/9/1975
49	Salt Creek	1-76W8233	2	1/14/1976
50	Scott Gomer Creek	1-78W9373	4	7/11/1978
51	Sheep Creek	1-76W8236	3	1/14/1976
52	South Fork Lost Creek	1-80CW217	3	5/7/1980
53	South Fork South Platte River	1-77W8728	7	11/15/1977
54	South Fork South Platte River	1-02CW373	10 (4/15-10/31); 4.4 (11/1-4/14)	1/23/2002
55	South Mosquito Creek	1-76W8223	4	1/14/1976
56	Tanglewood Creek	1-84CW644	1	1/6/1984
57	Tarryall Creek	1-76W8229	7	1/14/1976
58	Tarryall Creek	1-77W8729	14	11/15/1977
59	Tarryall Creek	1-77W8730	20	11/15/1977
60	Threemile Creek	1-78W9372	1	7/11/1978
61	Trail Creek	1-77W8732	2	7/11/1978
62	Trout Creek	1-76W8227	4	1/14/1976
63	Trout Creek	1-77W8731	2	11/15/1977
64	Turkey Creek	1-80CW208	2	5/7/1980
65	Twelvemile Creek	1-76W8231	8	1/14/1976
66	West Creek	1-80CW211	4	5/7/1980
67	West Creek	1-80CW212	1.5	5/7/1980
68	Wigwam Creek	1-80CW214	3	5/7/1980
69	Willow Creek	1-79CW196	0.5	3/14/1979





ID	Stream Name	Case Number
1	Northrup Gulch	1-80CW211
2	Beaver Creek	1-76W8226
3	Beaver Creek	1-84CW635
4	Humo Gulch	1-84CW642
5	Buckskin Creek	1-76W8220
6	Buffalo Creek	1-84CW648
7	Downing Bear Creek	1-76W8274
8	Camp Creek	1-84CW645
9	Craig Creek	1-80CW309
10	Crooked Creek	1-76W8235
11	Deer Creek	1-84CW643
12	Dolly Varden Creek	1-79CW194
13	Duck Creek	1-79W9264
14	Elk Creek	1-84CW646
15	Fourmile Creek	1-76W8224
16	Genova Creek	1-76W9371
17	Genova Creek	1-84CW645
18	Genova Creek	1-80CW213
19	Hackler Gulch	1-80CW306
20	Hosmer Creek	1-84CW639
21	Horse Creek	1-80CW210
22	Jefferson Creek	1-76W8227
23	Jefferson Creek	1-84CW638
24	Kimball Creek	1-84CW638
25	Kirby Gulch	1-84CW641
26	Lake Fork Jefferson Creek	1-76W8221
27	Lansing Creek	1-84CW637
28	Little Turkey Creek	1-80CW218
29	Long Gulch Creek	1-80CW222
30	Loa Creek	1-80CW216
31	Lynch Creek	1-79CW185
32	Michigan Creek	1-76W8230
33	Middle Fork South Platte River	1-80CW854
34	Middle Fork South Platte River	1-80CW853
35	Middle Fork South Platte River	1-80CW856
36	Middle Fork South Platte River	1-80CW857
37	Monte Carlo Creek	1-76W8222
38	North Beaver Creek	1-84CW636
39	North Elk Creek	1-84CW647
40	North Fork Loa Creek	1-80CW219
41	North Fork Tarryall Creek	1-76W8228
42	Northrup Gulch	1-84CW638
43	Pony Creek	1-79CW197
44	Pratts Creek	1-79CW198
45	Quarantine Creek	1-79CW193
46	Rich Creek	1-76W8222
47	Rough & Tumbling Creek	1-76W8223
48	Sacramento Creek	1-75W8816
49	Salt Creek	1-76W8233
50	South Genoa Creek	1-76W8273
51	Shoop Creek	1-76W8236
52	South Fork Loa Creek	1-80CW217
53	South Fork South Platte River	1-77W8228
54	South Fork South Platte River	1-80CW273
55	South Montezuma Creek	1-76W8233
56	Tanglewood Creek	1-84CW644
57	Tarryall Creek	1-76W8229
58	Tarryall Creek	1-77W8229
59	Tarryall Creek	1-77W8230
60	Thremble Creek	1-76W9372
61	Tread Creek	1-77W8232
62	Tread Creek	1-76W8237
63	Tread Creek	1-77W8231
64	Tussock Creek	1-80CW238
65	Yachville Creek	1-76W8231
66	West Creek	1-80CW211
67	West Creek	1-80CW212
68	Wigwam Creek	1-80CW214
69	Willow Creek	1-79CW196



ALL-STATE LEGAL®

EXHIBIT

F

EXHIBIT G

ZONE A

Lawn Irrigation Depletion

Based on Lawn Areas at Various Measured Distances from a Stream

Values are expressed as 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
Totals	0.036	0.036	0.036	0.036	0.036	0.036

Note: 0.036 acre-foot per 1,000 square feet is equivalent to 1.58 acre-feet per acre.

ZONE A

Off-Channel Ponds

(Values in Acre-feet per Acre)

Jan	Feb	Mar	Apr	May	Jun	July	Aug	Sept	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 in Acre-feet per Acre)

Jan	Feb	Mar	Apr	May	Jun	July	Aug	Sept	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



EXHIBIT H

ZONE B

Lawn Irrigation Depletion

Based on Lawn Areas at Various Measured Distances from a Stream

Values are expressed as 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
Totals	0.041	0.041	0.041	0.041	0.041	0.041

Note: 0.041 acre-foot per 1,000 square feet is equivalent to 1.78 acre-feet per acre.

ZONE B

Off-Channel Ponds

(Values in Acre-feet per Acre)

Jan	Feb	Mar	Apr	May	Jun	July	Aug	Sept	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 in Acre-feet per Acre)

Jan	Feb	Mar	Apr	May	Jun	July	Aug	Sept	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

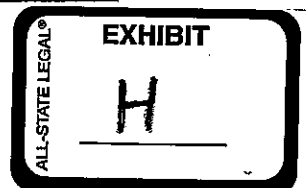


EXHIBIT I

ZONE C

Lawn Irrigation Depletion

Based on Lawn Areas at Various Measured Distances from a Stream

Values are expressed as 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
Totals	0.045	0.045	0.045	0.045	0.045	0.045

Note: 0.045 acre-foot per 1,000 square feet is equivalent to 1.96 acre-feet per acre.

ZONE C

Off-Channel Ponds

(Values in Acre-feet per Acre)

Jan	Feb	Mar	Apr	May	Jun	July	Aug	Sept	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 in Acre-feet per Acre)

Jan	Feb	Mar	Apr	May	Jun	July	Aug	Sept	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

