

District Court, Water Division 1, State of Colorado 901 Ninth Avenue, P.O. Box 2038 Greeley, Co 80632-2038 (970) 475-2400	DATE FILED: July 7, 2015 10:55 AM Court Use Only CASE NUMBER: 2012CW50
CONCERNING THE APPLICATION OF UPPER SOUTH PLATTE WATER CONSERVANCY DISTRICT AND CENTER OF COLORADO WATER CONSERVANCY DISTRICT  IN THE SOUTH PLATTE RIVER AND ITS TRIBUTARIES  IN PARK, TELLER, JEFFERSON AND DOUGLAS COUNTIES	Case No. 12CW50  Division 4
<b>FINDINGS OF FACT, CONCLUSIONS OF LAW          AND JUDGMENT AND DECREE OF THE WATER COURT</b>	

An Application for Approval of Plan for Augmentation including Appropriative Rights of Exchange was filed in the Water Court, Water Division 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 (hereinafter the "Decree"):

**FINDINGS OF FACT**

**1. Name, Address, and Telephone Number of Applicants.**

- 1.1. Upper South Platte Water Conservancy District  
 c/o President  
 P. O. Box 222  
 Fairplay, Colorado 80440  
 (303) 781-2430  
 ("The Upper South Platte District")
  
- 1.2. Center of Colorado Water Conservancy District  
 c/o Operations Manager  
 P.O. Box 1747  
 Fairplay, CO 80440-1747  
 (719) 836-2120  
 ("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 1, on February 29, 2012. 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 City of Aurora (“Aurora”), City and County of Denver acting by and through its Board of Water Commissioners (“Denver”), Park County Board of Commissioners (“Park County”), Snowstorm Sand & Gravel (“Snowstorm”), Lone Rock H<sup>2</sup>O LLC (“Lone Rock”), Centennial Water and Sanitation District (“Centennial”), Colorado Water Conservation Board (“CWCB”), State and Division Engineers (“Engineers”), Platte River Ranch Estates Water and Road Association (“Association”), Town of Alma (“Alma”), and the Wellington Reservoir Company (“Wellington”). 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 Applicants and the Objectors as follows: Aurora on October 1, 2013; Denver on March 23, 2015; Park County on March 31, 2015; Snowstorm on May 19, 2015; Lone Rock on April 7, 2015; Centennial on June 12, 2015; CWCB on April 22, 2015; Engineers on April 7, 2015; Association on October 1, 2013; Alma on November 27, 2013; and Wellington on November 20, 2014.

5. **Summary of Case No. 2002CW389 Decree.** Applicants adjudicated an augmentation plan and conditional and absolute appropriative rights of exchange in the decree entered April 28, 2008 in Case No. 02CW389, District Court, Water Division 1 (the “2002 Augmentation Plan”). The 2002 Augmentation Plan adjudicated a plan for augmentation for the Applicants’ service areas, which include all of Park County and those portions of Teller, Douglas, Jefferson and Clear Creek Counties located upstream of the confluence of the North Fork of the South Platte River and the South Fork of the South Platte River. The 2002 Augmentation Plan also adjudicated appropriative rights of exchange on various streams throughout the Applicants’ service areas as set forth in ¶ 10 of the 2002 Augmentation Plan. A map of the Applicants’ service areas for the 2002 Augmentation Plan is attached as **EXHIBIT A**. The service area for the augmentation plan adjudicated in this Decree, which defines the area where depletions can occur under this plan, is the same as the 2002 Augmentation Plan. The augmentation water for the 2002 Augmentation Plan consists of the following: 37 acre-feet of water supplied by Aurora from any of the water rights owned by Aurora that are decreed for storage in Spinney Mountain Reservoir; 29.2 acre-feet of average annual consumptive use water from the Sessions Ditch (as changed in Case No. 05CW111, District Court, Water Division No. 1); 0.675 acre-feet of consumptive use water consisting of 21.5 shares of Class A stock in the Mountain Mutual Reservoir Company; and water stored in-priority in 50 acre-feet of storage owned by the Upper South Platte District in Spinney Mountain Reservoir.

6. **Summary of 2012 Augmentation Plan.** The augmentation plan adjudicated in this Decree will be referred to as “the 2012 Augmentation Plan.” The 2012 Augmentation Plan adjudicates a second augmentation plan and conditional rights of exchange for the service area as described in **EXHIBIT A**. The 2012 Augmentation Plan will utilize new water sources and storage structures acquired by Applicants subsequent to the filing of the 2002

Augmentation Plan. The new water rights and storage facilities for the 2012 Augmentation Plan are listed in ¶¶ 8 and 9.

## PLAN FOR AUGMENTATION

7. **Plan for Augmentation.** Applicants will augment all consumptive use depletions of participants in the 2012 Augmentation Plan, including but not limited to wells, pipelines, ponds, pumps and springs diverting tributary water for irrigation, stock watering, gravel mining, domestic, industrial, municipal 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”). Water used for augmentation will derive from the sources listed in ¶ 8 and the exchanges listed in ¶ 14. New Participating Diversions may be added to the 2012 Augmentation Plan pursuant to the terms set forth in ¶ 11.

8. **Water Rights Used for Augmentation in the 2012 Augmentation Plan.** One or both of the Applicants own or have the right to use the following water rights in this plan for augmentation:

8.1. **Randall Ditch.**

A. **Original Decree Information.** The Randall Ditch water rights were decreed for irrigation purposes as Priority Nos. 91 and 133 in Water District 23 by decree of the District Court of Park County dated October 18, 1889, Case No. 341, as amended by decree of the District Court of Park County dated July 30, 1896.

B. **Change Decree Information.**

i. The Randall Ditch was changed by the Center District and the Centennial Water and Sanitation District in Case No. 05CW111 to new uses, including for augmentation, and for diversion at new points.

ii. The Randall Ditch water rights are sought to be changed again by the Center District in Case No. 12CW214, District Court, Water Division 1 (pending).

C. **Original Point of Diversion.** SE1/4 of the SE1/4 of Section 13, Township 8 South, Range 76 West, of the 6th P.M., Park County, Colorado.

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

i. **Gloria Z Reservoir.** The Gloria Z Reservoir will be located in the S1/2 of the S1/2 of Section 29 and the N1/2 of the N1/2 of

Section 32, Township 9 South, Range 77 West of the 6<sup>th</sup> P.M., Park County, Colorado.

ii. CCWCD Sacramento Creek Ditch No. 1. The CCWCD Sacramento Creek Ditch No. 1 is located in the SE1/4 of the SW1/4 of Section 29, Township 9 South, Range 77 West of the 6<sup>th</sup> P.M., Park County, Colorado.

iii. CCWCD Westerman Ditch Diversion. The CCWCD Westerman Ditch Diversion is located in the NE1/4 of the SW1/4 of Section 30, Township 9 South, Range 77 West of the 6<sup>th</sup> P.M., Park County, Colorado.

iv. Johnson Reservoir No. 1. The Johnson Reservoir No. 1 is located in the SW1/4 of the NW1/4 of Section 31, Township 7 South, Range 75 West of the 6<sup>th</sup> P.M., Park County, Colorado.

v. Jefferson Creek Ditch No. 1. The Jefferson Creek Ditch No. 1 is located in the NW1/4 of the NW1/4 of Section 31, Township 9 South, Range 75 West of the 6<sup>th</sup> P.M., Park County, Colorado.

vi. Smelter Pipeline Reservoir. The Smelter Pipeline Reservoir is located in the NE1/4 of Section 13, Township 9 South, Range 78 West of the 6<sup>th</sup> P.M., Park County, Colorado.

vii. London Mining and Smelter Ditch. The London Mining and Smelter Ditch is located on the left bank of Mosquito Creek at a point whence the E1/4 corner of Section 13, Township 9 South, Range 78 West of the 6<sup>th</sup> P.M., Park County, Colorado, bears South 58 30' East 1892 feet.

viii. Spinney Mountain Reservoir. Spinney Mountain Reservoir is located in the S1/2 of Section 25, Township 12 South, Range 74 West of the 6<sup>th</sup> P.M., Park County, Colorado; the left abutment of said dam is located at a point whence the southwest corner of Section 36, Township 12 South, Range 74 West of the 6<sup>th</sup> P.M., bears South 23 26' West 8314.3 feet, Park County, Colorado.

ix. Baker Reservoir. Baker Reservoir is located in Section 29, Township 7 South, Range 75 West of the 6<sup>th</sup> P.M., Park County, Colorado.

x. Tarryall Reservoir. The dam for Tarryall Reservoir is located in the NE1/4 of the SE1/4 of Section 36, Township 9 South, Range 74 West of the 6<sup>th</sup> P.M., Park County, Colorado.

xi. Chatfield Reservoir. The reservoir formed by Chatfield Dam, an existing structure located on the mainstem of the South Platte River. The right abutment is located in Douglas County, Colorado, in Sections 6 and 7, Township 6 South, Range 68 West of the 6<sup>th</sup> P.M.; the left abutment is located in Jefferson County, Colorado, in Section 1, Township 6 South, Range 69 West of the 6<sup>th</sup> P.M.

xii. Comments. The Center District has no right to divert the Randall Ditch water rights at the alternate points of diversion decreed in Case No. 05CW111, except those listed in ¶¶ 8.1.D.i. to 8.1.D.xi. The Center District will not divert or release the Randall Ditch water rights from the alternate points of diversion described in ¶¶ 8.1.D.iii. to 8.1.D.v. and 8.1.D.ix. to 8.1.D.x. as part of the 2012 Augmentation Plan.

E. Additional Points of Diversion and Places of Storage Claimed in Case No. 12CW214. In Case No. 12CW214, the Center District seeks an additional point of diversion for the Randall Ditch water rights at the County Road 59, which is a pump at the bridge on County Road 59 over the Middle Fork of the South Platte River located in the SE1/4 of Section 10, Township 12 South, Range 75 West, 6<sup>th</sup> P.M., Park County, Colorado.

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

G. Appropriation dates and amounts.

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

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

H. Originally Decreed Use. Irrigation.

I. Decreed Changed Uses. In Case No. 05CW111, Center and Centennial changed the Randall Ditch to the following uses: municipal, augmentation, domestic, industrial, commercial, irrigation, stockwatering, recreation, fish and wildlife preservation and propagation, fire protection, aquifer recharge, substitution, exchange and replacement.

J. Subject to Terms and Conditions. Diversion of the Randall Ditch water rights pursuant to this decree shall be subject to the diversion rates, volumetric limits and terms and conditions established in the decree in Case No. 05CW111 which are set forth in **EXHIBIT B** attached hereto and incorporated by this reference. The Center District's use of the Randall Ditch water rights shall only occur in Park County.

K. Comments. The Center District owns the Randall Ditch the average annual consumptive use of which was quantified as 677 acre-feet in Case No. 05CW111, District Court, Water Division 1. Pursuant to a lease between

the Center District and Centennial, the Center District has the right to the first 200 acre-feet per year of water from the Randall Ditch and Sessions Ditch water rights as changed in Case No. 05CW111 with the balance being leased to Centennial. Of the 200 average annual acre-feet that the Center District is entitled to during the term of the lease with Centennial, an average of 29.2 acre-feet per year is allocated to the Sessions Ditch water right that is included as a water source in the 2002 Augmentation Plan. In addition, Park County has been allocated a perpetual use right of up to 5.0 acre-feet of consumptive use credit per year from the Center's first 200 acre-feet for road and bridge purposes, which water is the subject of Park County's application in Case No. 08CW268, District Court, Water Division 1. Thus, 165.8 acre-feet per year of the consumptive use credits associated with the Randall Ditch water rights are available as an augmentation water source under the 2012 Augmentation Plan.

8.2. Parmalee Ditch No. 2 and Parmalee Ditch No. 3.

A. *Parmalee Ditch No. 2.*

- i. Original Decree Information. The Parmalee Ditch No. 2 was originally adjudicated for irrigation in Civil Action 1678, District Court, Park County, entered May 22, 1913.
- ii. Original Point of Diversion. The headgate of the Parmalee Ditch No. 2 was decreed on Deer Creek in Section 5, Township 7 South, Range 72 West of the 6th P.M., at a point whence the S1/4 corner of Section 32, Township 6 South, Range 72 West bears North 9°4' West 2,613 feet.
- iii. Source. Deer Creek, tributary to the North Fork of the South Platte River.
- iv. Appropriation Date and Amounts. May 1, 1867; 0.83 c.f.s.
- v. Originally Decreed Use: Irrigation.

B. *Parmalee Ditch No. 3.*

- i. Original Decree Information. The Parmalee Ditch No. 3 was originally adjudicated for irrigation in Civil Action 1678, District Court, Park County, entered May 22, 1913.
- ii. Original Point of Diversion. The headgate of the Parmalee Ditch No. 3 was decreed on Deer Creek in Section 5, Township 7 South, Range 72 West, at a point whence the S1/4 corner of Section 32, Township 6 South, Range 72 West bears North 14°55' West 2,700 feet.

- iii. Source. Deer Creek, tributary to the North Fork of the South Platte River.
- iv. Appropriation Date and Amounts. May 1, 1867; 0.58 c.f.s.
- v. Originally Decreed Use: Irrigation.

C. Changes of Water Rights for Parmalee Ditch No. 2 and 3.

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

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

a. Additional Uses Authorized in Case No. 06CW270. Municipal, industrial, recharge, recreational, and augmentation purposes.

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

- 1) Chatfield Reservoir. See ¶ 8.1.D.xi.
- 2) Spinney Mountain Reservoir. See ¶ 8.1.D.viii.
- 3) The London Mining and Smelter Ditch. See ¶ 8.1.D.vii.
- 4) The Smelter Pipeline Reservoir. See ¶ 8.1.D.vi.
- 5) Lake Ditch. At a point on the northeast bank of the North Fork of the South Platte River whence the Southwest corner of Section 7, Township 7 South, Range 73 West bears North 21’ East 851 feet. The

Lake Ditch is used to fill the Silver Tip Lodge Reservoirs Nos. 1 – 5.

6) Silver Tip Lodge Reservoirs Nos. 1 – 5. NW1/4 of Section 18, Township 7 South, Range 73 West, 6th P.M., Park County, Colorado.

7) Comments. Applicants may divert or release the Parmalee Nos. 2 and 3 Ditch water rights from any of the alternate points of diversion described in ¶ 8.2.C.ii.b. as part of the 2012 Augmentation Plan.

iii. Case No. 12CW214. Additional Points of Diversion and Places of Storage Claimed in Case No. 12CW214. In Case No. 12CW214 (pending), Applicants seek an additional point of diversion for the Parmalee Ditch Nos. 2 and 3 water rights at the County Road 59 Pump described in ¶ 8.1.E.

iv. Comments. Pursuant to the decrees in Case Nos. 03CW231, 06CW270 and any decree ultimately entered in Case No. 12CW214, Applicants' diversion of the Parmalee Ditches consumptive use credits are limited to the flow rates and volumes shown in the tables attached as **EXHIBIT C**.

### 8.3 Flume Ditch.

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

B. Original Point of Diversion. The headgate of the Flume Ditch was decreed on Deer Creek in the SE Corner of Section 4, Township 7 South, Range 72 West of the 6th P.M., at a point whence the SE Corner of Section 4, Township 7 South, Range 72 West bears South 89°30' East 4,791 feet.

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

D. Appropriation Date and Amounts. May 1, 1867; 4.41 c.f.s.

E. Originally Decreed Use. Irrigation.

F. Changes of Water Rights for Flume Ditch.

i. Case Nos. W-7434 and 80CW169. In Case Nos. W-7434 and 80CW169, District Court, Water Division No. 1, 3.93 c.f.s of the 4.41



c.f.s originally decreed to this structure was transferred out of the Flume Ditch.

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

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

a. Additional Uses Authorized in Case No. 06CW270. Municipal, industrial, recharge, recreational, and augmentation purposes.

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

- 1) Chatfield Reservoir. See ¶ 8.1.D.xi.
- 2) Spinney Mountain Reservoir. See ¶ 8.1.D.viii.
- 3) The London Mining and Smelter Ditch. See ¶ 8.1.D.vii.
- 4) The Smelter Pipeline Reservoir. See ¶ 8.1.D.vi.
- 5) Lake Ditch. See ¶ 8.2.C.ii.b.5.
- 6) Silver Tip Lodge Reservoirs Nos. 1 – 5. See ¶ 8.2.C.ii.b.6.
- 7) Comments. Applicants may divert or release the Flume Ditch water rights from any of the alternate points of diversion described in ¶ 8.3.F.iii.b. as part of the 2012 Augmentation Plan.

G. Additional Points of Diversion and Places of Storage Claimed in Case No. 12CW214. In Case No. 12CW214 (pending), Applicants seek an

additional point of diversion for the Parmalee Ditch Nos. 2 and 3 water right at the County Road 59 Pump described in ¶ 8.1.E.

H. Comments. Pursuant to the decrees in Case Nos. 03CW231, 06CW270 and any decree ultimately entered in Case No. 12CW214, Applicants' diversion of the Flume Ditch consumptive use credits are limited to the flow rates and volumes shown in the table attached as **EXHIBIT D**.

8.4. Applicants' option to acquire additional interests in the Parmalee Ditch No. 2 and 3 and Flume Ditch. In addition to the above rights, the Applicants have a first option to purchase 10 acre-feet of excess consumptive use credits associated with the Parmalee Ditch No. 2 and 3 and Flume Ditch water rights, which are in excess of the requirements of the augmentation plan adjudicated in Case No. 03CW231. This represents an additional 0.065 cfs of the Parmalee Ditch Nos. 2 and 3 water rights and an additional 0.051 cfs of the Flume Ditch water right. The 10 acre-feet of excess consumptive use credits adjudicated in Case No. 03CW231 that will be acquired by Applicants and not allocated to the Case No. 03CW231 plan for augmentation will be utilized in the 2012 Augmentation Plan. Following the removal of the excess consumptive use credits from Case No. 03CW231 and the acquisition by Applicants of those excess consumptive use credits, Applicants shall follow the notice and hearing procedure as set forth in ¶12.10.B in order to use the amount of excess consumptive use credits acquired from the Parmalee Ditch No. 2 and 3 and Flume Ditch water rights and the dry year yield of the Parmalee Ditch No. 2 and 3 and Flume Ditch water rights. The dry-year yield of the additional interests in the Parmalee Ditch Nos. 2 and 3 and the Flume Ditch water rights equals 4.2 acre-feet per year and 2.9 acre-feet per year, respectively, based on the findings in Case No. 03CW231.

8.5. London Mining and Smelter Ditch, 1<sup>st</sup> Enlargement and Smelter Pipeline Reservoir, 1<sup>st</sup> Enlargement. The Center District adjudicated a conditional enlargement of the Smelter Pipeline Reservoir and the London Mine and Smelter Ditch, which is the filling source for the Smelter Pipeline Reservoir.

A. Decree Information. The Smelter Pipeline Reservoir and London Mining and Smelter Ditch, 1<sup>st</sup> Enlargement was adjudicated in Case No. 09CW145, District Court, Water Division No. 1.

B. Point of Storage. See ¶ 8.1.D.vi.

C. Filling Structure. See ¶ 8.1.D.vii.

D. Source. Mosquito Creek, tributary to the Middle Fork of the South Platte River.

E. Decreed Uses. Augmentation, substitution, exchange, domestic, commercial, industrial, irrigation, livestock, recreation, fish and wildlife propagation and fire protection in Park County. The Smelter Pipeline

Reservoir and London Mining and Smelter Ditch, 1<sup>st</sup> Enlargements can only be used to augment depletions in Park County.

F. Appropriation Date and Amounts. September 2, 2009. 1.5 c.f.s. and 50 acre-feet of storage in the Smelter Pipeline Reservoir.

G. Additional Comments.

i. The Smelter Pipeline Reservoir is adjudicated as a place of storage for the Randall Ditch, Sessions Ditch, Parmalee Ditch No. 2 and 3, and Flume Ditch water rights described in ¶¶ 8.1 to 8.4.

ii. Confirmation of Point of Rediversion. Subject to the terms of any decree ultimately entered in Case No. 12CW214, after storage in London Mining and Smelter Reservoir 1<sup>st</sup> Enlargement, Applicants may release water so stored from the London Mining and Smelter Reservoir 1<sup>st</sup> Enlargement and re-divert the water so released, minus any applicable transit losses, at County Road 59 Pump described in ¶ 8.1.E.

8.6. James Tingle Reservoir. The Center District owns 49.6% and Centennial owns 50.4% of the James Tingle Reservoir. Pursuant to the decree entered in Case No. 05CW111, 165 acre-feet of the Center District's capacity in the reservoir is allocated to non-irrigation season return flow replacement for the Randall and Sessions Ditch water rights leaving Center with 30 acre-feet of operable storage capacity.

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

B. Legal description of location of dam centerline. The dam centerline is located approximately 920 feet from the East section line and 960 feet from the South section line in the SE1/4 of the SE1/4 of Section 18, Township 8 South, Range 75 West, 6<sup>th</sup> P.M., Park County, Colorado.

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

D. Date of Appropriation and Amounts. April 22, 2009. The James Tingle Reservoir is adjudicated for 235 acre-feet, with 5.5 acre-feet absolute and the balance conditional, with a right of one refill. The Center District owns 30 acre-feet of the 235 acre-foot storage right and 30 acre-feet of the operable capacity within the James Tingle Reservoir and water stored in that space pursuant to the 09CW180 Decree will be utilized in the 2012 Augmentation Plan.

E. Filling Structure. The James Tingle Reservoir is filled through the Sessions Ditch, which has a capacity of 13 c.f.s. and is located in the NW1/4 of the SE1/4 of Section 13, Township 8 South, Range 76 West, 6<sup>th</sup> P.M., at a point approximately 2,056 feet from the East section line and 1,557 feet from the South section line of said Section 13, Park County, Colorado.

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

G. Additional Comments. Consumptive use credits associated with the Randall Ditch and Sessions Ditch water rights may be stored in the Center District's 30 acre-feet of storage space in the James Tingle Reservoir.

8.7. Water stored in priority in Chatfield Reservoir. The Center District is a participant in the proposed reallocation of storage space in Chatfield Reservoir ("Reallocation Project") and as of the date of this Decree, the Center District has the right to acquire 131 acre-feet of storage space in Chatfield Reservoir upon completion of the reallocation process, which will reallocate 20,600 acre-feet of flood capacity in Chatfield Reservoir for other beneficial uses (See ¶ 9.3). Water stored in priority in that space will be utilized in the 2012 Augmentation Plan. Upon completion of the Reallocation Project, Applicants shall follow the procedure in ¶ 12.9.B to use such 131 acre-feet of storage space in Chatfield Reservoir ("Notice to Increase Yield"). As a result, the current limit on depletions described in ¶ 12.9.A may be increased by 23 acre-feet as set forth in ¶ 12.9.B.

A. Decree Information. Case No. 13CW3148 (pending).

B. Source. South Platte River.

C. Date of Appropriation and Amounts. May 9, 2013, 131 acre-feet, conditional, plus the right of one refill.

D. Uses. Domestic, commercial, industrial, irrigation and augmentation.

E. Legal description of location of dam. See ¶ 8.1.D.xi.

F. Comments. Applicants' storage water right in Chatfield Reservoir is junior to the City and County of Denver's storage water rights decreed in Case No. W-8783-77, District Court, Water Division No. 1 and to all other water rights adjudicated for storage in Chatfield Reservoir with a priority date senior to May 9, 2013.

8.8. Additional Replacement Sources. Applicants may only add new replacement sources to this plan for augmentation by a new application in Water Court.

9. **Storage Structures.** Applicants own, have the right to store water, or will acquire the right to store water in the following structures. Applicants will not store any water in any structure for which it does not own or have the right to store water until such time as Applicants obtain or acquire such right. To the extent authorized by ¶ 14.1, by a decree, or by an administratively approved exchange, augmentation water for use in this plan may be stored and/or released from any or all of the following structures only:

9.1. Smelter Pipeline Reservoir. See ¶ 8.5. The Center District's Randall Ditch and Sessions Ditch water rights, and the Applicants' Parmalee Ditch No. 2 and 3 and Flume Ditch water rights are adjudicated for storage in the Center District's capacity in the Smelter Pipeline Reservoir. Such water rights and the conditional water right for the Smelter Pipeline Reservoir decreed in Case No. 09CW145 may be released from the reservoir for augmentation pursuant to the 2012 Augmentation Plan. The Center District owns excess capacity of 25.0 acre-feet in this reservoir. Smelter Pipeline Reservoir is currently operable.

9.2 James Tingle Reservoir. See ¶ 8.6. The Center District's Randall Ditch and Sessions Ditch water rights are adjudicated for storage in the Center District's capacity in the James Tingle Reservoir. Such water rights and the Center District's 30 acre-feet of the conditional water right for the James Tingle Reservoir decreed in Case No. 09CW180 may be released from the reservoir for augmentation pursuant to the 2012 Augmentation Plan. The Center District can store up to 30.0 acre-feet in its operable capacity in this reservoir. James Tingle Reservoir is currently operable.

9.3. Chatfield Reservoir. See ¶ 8.7. The Center District's Randall Ditch and Sessions Ditch water rights, and the Applicants' Parmalee Ditch No. 2 and 3 and Flume Ditch water rights are adjudicated for storage in the Center District's capacity in Chatfield Reservoir. Such water rights and the conditional water right for Chatfield Reservoir sought in Case No. 13CW3148 (pending) may be released from the reservoir for augmentation pursuant to the 2012 Augmentation Plan. The Center District has the right to store up to 131 acre-feet in this reservoir. Chatfield Reservoir is currently operable; however, until the Chatfield Reallocation Project is completed, the Center District is not able to store water in Chatfield Reservoir.

9.4. Spinney Mountain Reservoir. The Center District's Randall Ditch and Sessions Ditch water rights, and the Applicants' Flume Ditch and Parmalee Ditches No. 2 and 3 water rights are all adjudicated for storage in the Upper South Platte District's capacity in Spinney Mountain Reservoir. Such water rights may be released from the reservoir for augmentation pursuant to the 2012 Augmentation Plan. The reservoir's location is described in ¶ 8.1.D.viii. Upper South District has the right to store up to 50.0 acre-feet in this reservoir. Spinney Mountain Reservoir is currently operable.

9.5. Gloria Z Reservoir. The location of the Gloria Z Reservoir is described in ¶ 8.1.D.i. The physical source of fill for the Gloria Z Reservoir is the CCWCD Sacramento Creek Ditch No. 1 (subject of application pending in Case No.

02CW240(B), District Court, Water Division No. 1). The CCWCD Sacramento Creek Ditch No. 1 is described in ¶ 8.1.D.ii. and diverts from Sacramento Creek, tributary to the Middle Fork of the South Platte River. The Gloria Z Reservoir is an adjudicated place of storage for the Center District's Randall Ditch and Sessions Ditch Water Rights. Applicants will not use the Gloria Z Reservoir to store augmentation water described in ¶ 8 until such time as Applicants obtain a decree authorizing such storage or Applicants obtain administrative approval to exchange water into the reservoir. Upon obtaining a decree or an administrative exchange authorizing such storage in Gloria Z Reservoir, Applicants shall serve by ICCES at least thirty-five (35) days advance written notice to the Division Engineer, the Court and all the Opposers of the intent to use the Gloria Z Reservoir as an augmentation release structure in the 2012 Augmentation Plan. At such time, Applicants' augmentation water rights may be released from the Gloria Z Reservoir for augmentation pursuant to the 2012 Augmentation Plan. Applicants have a first option to develop the gravel pit as a storage structure for use in this plan for augmentation. Gloria Z Reservoir is not currently operable.

9.6. Storage Vessels. Applicants intend to position water storage vessels ("Storage Vessels") on small tributaries as necessary to augment depletions from one or more Participating Diversions to satisfy a call from the CWCB or another senior diverter. Storage Vessels shall include water tanks, water bladders, cisterns and other storage structures that can be used to store fully consumable replacement water on a temporary or permanent basis. The location and capacity of each Storage Vessel shall be described as part of the Storage Vessel plan as set forth in 11.4.B.ii. The capacity of each Storage Vessel shall be limited to the capacity reasonably necessary to provide replacement on a tributary stream. Storage Vessels shall be constructed or installed so that they are fully-enclosed and do not (1) intercept groundwater, (2) intercept precipitation, (3) incur seepage losses, (4) incur evaporation losses, or (5) supply water to overlying or adjacent vegetation. Storage Vessels shall be filled with fully consumable replacement water from ¶ 8 either by an in priority exchange as identified in ¶ 14.1.A, by an in priority administrative exchange approved by the Division Engineer or by trucking water. Applicants shall only truck replacement water to a Storage Vessel for subsequent release and shall not release water directly from a truck to the stream to satisfy a calling senior water right. To the extent that an exchange will be operated, the upstream terminus (i.e. specific point of diversion to a Storage Vessel) will be defined and provided in the Storage Vessel plan. The deliveries to a Storage Vessel by exchange will be metered and the deliveries by truck will be metered or calculated as the truck capacity multiplied by the number of deliveries to a Storage Vessel. The release from a Storage Vessel will be metered. Storage Vessels will not be operated to increase the yield of the available replacement supplies or to increase the volume of depletions augmented in Case No. 12CW50. Instead, Storage Vessels will simply provide a mechanism to make deliveries at or above an intervening calling right so that depletions can continue out-of-priority.

10. **Structures to be Augmented.** Applicants will augment various ground water and surface water diversion structures that apply to and are accepted into the 2012 Augmentation Plan.

10.1. **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 shown on **EXHIBIT A**. Participating Diversions in the 2012 Plan may include, but are not limited to, the Participating Diversions currently operating in the 2002 Augmentation Plan, which are described in **EXHIBIT E**.

10.2. **Consumptive Use Calculations.** All Participating Diversions shall be equipped with totalizing flow meters or continuous recording devices, and owners of Participating Diversions shall provide diversion records to the Applicants no later than 10 days following the last day of the month in which the diversions were made. Metered diversion records shall be used for accounting. Monthly consumptive use shall be divided by the number days in the month to derive daily consumptive use. Determination of the actual volume of monthly consumptive use shall be as follows:

A. For residential, commercial and industrial uses, Applicants shall multiply the metered diversions (or remaining metered diversions pursuant to ¶ 35.5.B) by the consumptive use percentages for the type of water use and wastewater system described in table 2 of **EXHIBIT F** and table 2 of **EXHIBIT I**.

B. Outdoor irrigation consumptive use(if diversions are not separately metered from other uses) shall be based on an elevation corrected Blaney-Criddle analysis for bluegrass and shall be determined by taking the total value from the appropriate table in **EXHIBIT G**. Outdoor irrigation consumptive use(if diversions are separately metered from other uses) shall be determined by multiplying the amount of irrigation metered diversions by the irrigation efficiency of 80 percent for sprinkler systems or 100 percent for drip systems.

C. Livestock and poultry watering (if not separately metered) shall be set equal to the presumptive number described in ¶10.3.C below for the total number of animals and shall be 100 percent consumptive. Livestock and poultry watering (if separately metered) shall use the diversion amount indicated by such metering and shall be 100 percent consumptive.

D. Consumptive use due to pond water surface evaporation shall be determined by the table in **EXHIBIT H**.

E. Consumptive use of commercial and industrial uses that are not provided for in table 1 of **EXHIBIT I**, unless provided for in a separate Water Court decree, shall be 100 percent of metered diversions.

10.3. **Presumptive Diversion Rates.** Applicants shall apply the following presumptive diversion rates instead of actual metered diversion rates to generate

presumptive depletion calculations, only in the following circumstances: to calculate the amount of water that an owner of a Participating Diversion must purchase or lease from the Applicants and for which notice of the application is provided described in ¶¶ 11.1 to 11.4; to make replacements for Participating Diversions as the diversions are occurring pursuant to ¶¶ 12.2 and 12.3; to determine the amount of uncommitted replacement water that remains available to the Applicants as described in ¶ 11.4; to complete the projection described in ¶ 34; to complete accounting described in ¶ 35, if the owner of a Participating Diversion fails to provide timely diversion records to the Applicants or there is a meter malfunction; and for the first year of operation of a new Participating Diversion.

A. Presumptive diversion rates for residential indoor use shall be determined by table 1 in **EXHIBIT F**.

B. Presumptive diversion rates for outdoor irrigation shall be based on elevation corrected Blaney-Criddle analysis for bluegrass and shall be determined by the table in **EXHIBIT G** and the location of the Participating Diversion in either Zone A, Zone B or Zone C , which are based on three subareas of similar climatic conditions.

C. Presumptive diversion rates for livestock watering shall be 12 gallons per head per day and for poultry watering shall be 0.25 quarts per chicken per day.

D. Presumptive diversions for pond water surface evaporation shall be determined by the table in **EXHIBIT H**, which utilizes the zones described in ¶ 10.3.B.

E. Presumptive diversions for commercial and industrial uses shall be based upon table 1 in **EXHIBIT I** for those commercial and industrial uses that are listed. Presumptive diversions for commercial and industrial uses that are not listed in table 1 in **EXHIBIT I**, unless provided for in a separate Water Court decree, shall be determined on a case by case basis with supporting rationale provided in the notice described in ¶ 11.3 and 11.4.

**11. Procedure to Participate in Plan.** Applicants will use the following procedure established in the 2002 Augmentation Plan as the procedure for adding Participating Diversions to the 2012 Augmentation Plan.

**11.1. Application.** Those owners of any structure who wish to participate in the 2012 Augmentation Plan must submit to Applicants an application, the forms of which are attached hereto as **EXHIBIT J** and **K** for illustration purposes only. The forms may be supplemented or amended from time to time to meet continuing requirements of Applicants and/or Engineers.



11.2. Review of Application by the Applicants. Upon receipt of an application, all applicable application fees and appropriate supplemental material, Applicants shall review the application based on the criteria set forth in this decree.

11.3. Notice to Opposers. Applicants shall serve the Opposers and Opposers' counsel by mail, email or ICCES with a Notice of Application ("Notice"). If by mail or email, service shall be at the addresses listed in **EXHIBIT L**. Any party may waive notice or change the address to which each Notice is sent by informing Applicants in writing at the addresses stated in ¶ 1, 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.

11.4. Contents of Notice. The Notice shall include the application and such supplemental information as may be submitted with the application. The Notice shall specify the amount of uncommitted replacement water available to Applicants after the approval and inclusion of the proposed Participating Diversion in this augmentation plan, based on the presumptive values contained in ¶ 10.3.

A. If a new Participating Diversion is located on Tarryall, Michigan, Fourmile or Beaver Creeks, that fact shall be included in the Notice.

B. If the depletion from a proposed Participating Diversion is located within or upstream of a CWCB instream flow right senior to the proposed Participating Diversion, the Notice must include either an available flow analysis described in ¶ 11.4.B.i. or a Storage Vessel plan described in ¶ 11.4.B.ii. Any objection to the available flow analysis or Storage Vessel plan shall proceed under the procedures identified in ¶¶ 11.5 to 11.9.

i. If the depletion from proposed Participating Diversion is located within or upstream of a CWCB instream flow right senior to the proposed Participating Diversion, Applicants, in their sole discretion, may include in the Notice an analysis of the amount of available flows in that particular stream. The amount of such available flows over and above the decreed instream flow right shall be the maximum amount of junior depletions from Participating Diversions on that stream that Applicants can replace under this plan for augmentation. Once the depletions from Participating Diversions that are junior to the instream flow right have equaled the amount of such excess available flows, Applicants will not accept any additional Participating Diversions in this Plan that will deplete the senior instream flow right unless or until Applicants acquire water rights upstream of the instream flow water right and/or install and fill one or more Storage Vessels described in ¶ 9.6 to make augmentation releases to prevent injury to vested water rights including the instream flow right. To the extent that the new source of augmentation water protects vested senior water rights, which may include the instream flow right, Applicants may add Participating Diversions that would otherwise

deplete the senior instream flow right, subject to the other terms and conditions of this decree.

ii. If the depletion from proposed Participating Diversion is located within or upstream of a CWCB instream flow right senior to the proposed Participating Diversion, Applicants, in their sole discretion, may include in the Notice a Storage Vessel plan. The Storage Vessel plan shall describe the plan to install one or more Storage Vessels described in ¶ 9.6 to truck water to or to exchange water to such vessels and to release water from such vessels as needed to prevent injury to vested water rights including the instream flow right. The notice shall contain the exact location of the Storage Vessels and the maximum volume of water the vessel holds.

C. If an application claims that C.R.S. §37-92-102(3)(b) 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. If the CWCB disputes whether C.R.S. §37-92-102(3)(b) applies, then the CWCB shall proceed under the procedures identified in ¶¶ 11.5 to 11.9.

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

11.6. Comments on Application for Commercial/Industrial Uses. For applications for commercial or industrial uses, any Opposer may file written comments with Applicants and the State Engineer within sixty-three (63) days of the date of the Notice.

11.7. Action by Applicants on the Application.

A. If Applicants have not received written comments on an application and the time for filing written comments has expired, then Applicants may approve the Application, serve written notice of such approval to all parties ("Notice of Approval") by mail, email or ICCES, and submit it to the State Engineer for processing, if necessary, pursuant to ¶ 11.10.

B. If timely written comments are received by Applicants from an Opposer, Applicants shall either: 1) approve the application notwithstanding the party's comments; 2) accept or resolve the issues with the party who provided the comments and approve an amended application; or 3) deny the

application. If Applicants approve an application for which they received timely written comments, then they shall serve a Notice of Approval to all parties by mail, email or ICCES.

11.8. Protests. Any Opposer who submitted written comments on an application pursuant to ¶¶ 11.5 or 11.6 and is not satisfied by the terms and conditions established for each diversion in the application may within sixty-three (63) days of the Notice of Approval file a petition with the Water Court for a hearing, under the Court's retained jurisdiction, and serve such petition on the other Opposers via ICCES. The Court shall consider whether Applicants have complied with the terms and conditions of this decree related to the inclusion of a new Participating Diversion in the 2012 Augmentation Plan, including whether the C.R.S. §37-92-102(3)(b) applies to the new Participating Diversion's water uses. Service of the Notice of Approval shall trigger the sixty-three (63) day period. Such hearing shall be pursuant to the Water Right Determination and Administration Act of 1969, §37-92-101 C.R.S., et. seq., and Applicants shall have the burden of proving that the new Participating Diversion conforms to the terms and conditions of this Decree and that the approved terms and conditions of the inclusion of the new Participating Diversion will prevent injury to the Opposer who submitted written comments.

11.9. Inclusion in or Exclusion from Plan. New Participating Diversions shall be made part of the 2012 Augmentation Plan: 1) automatically by the Applicants' approval of an application for which no comments were timely received pursuant to ¶¶ 11.5 or 11.6.; 2) automatically by Applicants' approval of an application for which no protests were timely filed pursuant to ¶ 11.8; or 3) by an order of the Water Court for an application for which protests were timely filed pursuant to ¶ 11.8. New Participating Diversions shall not be made part of the 2012 Augmentation Plan if: 1) Applicants deny the application; or 2) the Water Court denies an application for which protests were timely filed pursuant to ¶ 11.8.

11.10. Submission of Well Permits or Other Applications to Office of State Engineer. Upon a Participating Diversion's inclusion in the 2012 Augmentation Plan, if a Participating Diversion requires a well permit or other authorization from the State Engineer's Office, the owner of the Participating Diversion will submit the relevant information to the State Engineer for such approval. If applicable, the owner of the Participating Diversion will include a well permit application, the appropriate application fee and a summary of the process followed in ¶¶ 11.1 to 11.9. To the extent that global positioning system (GPS) information is determined and available to Applicants or the owner of the Participating Diversion, the data regarding the GPS locations will be provided to the State Engineer.

A. Authority of State Engineer. In considering new applications 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 shall require that totalizing flow meters be installed by each water user as a condition of diverting water, the depletions of which are to be augmented by this Plan.

B. Well Permits. The State Engineer's Office shall review well permit applications in accordance with the requirements of §37-90-137(2), C.R.S. For any well added to this plan, no diversions from such wells shall be authorized until such time as a well permit is issued for uses approved to be augmented under this plan for augmentation. 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 plugged and abandoned pursuant to the "Rules and Regulations for Water Well Construction, State Board of Examiners of Water Well Construction and Pump Installation Contractors."

## 12. Operation of Augmentation Plan.

12.1. Depletions. Depending upon the types of diversion structures employed (*i.e.*, a well or a surface water diversion), a Participating Diversion will create instantaneous or lagged depletions to the stream system. Diversions from Participating Diversions will be metered. Consumptive use will be determined in accordance with ¶ 10.2. Stream depletions from Participating Diversions shall be determined as follows:

12.2. Depletions from Surface Diversions for Indoor Use. Depletions caused by Participating Diversions for indoor uses, including domestic, drinking water and sanitary uses inside homes and commercial businesses that make surface diversions shall be determined each month by dividing the monthly consumptive use determined in accordance with ¶ 10.2 by the number of days in the month. For the first month in which a Participating Diversion is included in the plan, the consumptive use shall be based on the presumptive diversion rates described in ¶ 10.3

12.3. Depletions from Well Diversions for Indoor Use. Daily depletions caused by Participating Diversions for indoor uses, including domestic, drinking water and sanitary uses inside homes and commercial businesses, that make diversions from wells shall be determined each month by dividing the sum of consumptive use determined in accordance with ¶ 10.2 for the previous 12 months by 365 days. For the first year in which a Participating Diversion is included in the plan, the consumptive use shall be based on the presumptive diversion rates described in ¶ 10.3. The location of a depletion from a well diversion is the shortest distance from the well to the nearest flowing stream.

12.4. Depletions from Outdoor Irrigation. Daily outdoor irrigation depletions (if diversions are not separately metered from other uses) shall be based on an elevation corrected Blaney-Criddle analysis for bluegrass and shall be determined by

dividing the monthly value from the appropriate table in **Exhibit G** by the number of days in the month. Daily outdoor irrigation depletions (if diversions are separately metered from other uses) shall be determined by multiplying the amount of monthly irrigation metered diversions by the irrigation efficiency of 80 percent for sprinkler systems or 100 percent for drip systems, dividing that product by the number of days in the month, and distributing the result according to the distribution shown in the table in **Exhibit G**. The point of impact of a groundwater diversion is the shortest distance from the groundwater diversion to the nearest flowing stream.

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

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

12.6. 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, Applicants 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 Applicants 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 Applicants shall then cause the release of water or bypass consumptive use direct flow water from any source described in ¶ 8 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 Applicants 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 Applicants shall then cause the release of water or bypass consumptive use direct flow water from any source described in ¶ 8 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. Applicants shall receive credit against their augmentation obligation for any release, bypass or book over of consumptive use water by Applicants pursuant to this ¶ 12.6.

12.7. Depletions on Beaver Creek. Water rights owned by Snowstorm on Beaver Creek were decreed in Case No. 95CW170 for diversion from the Middle Fork of the South Platte ("Middle Fork Diversion") based upon measurements at an existing flume on Beaver Creek to determine the availability of water for diversion ("Beaver

Creek Quantification Point”), which is located in the SE1/4 Section 4, Township 9 South, Range 77 West of the 6<sup>th</sup> P.M. In order to prevent injury to Snowstorm's water rights, Applicants shall have the following obligations with respect to replacement of out-of-priority depletions on Beaver Creek.

A. Any depletions to Beaver Creek from Participating Diversions located upstream of the Beaver Creek Quantification Point during times when Snowstorm's water rights are in priority and receiving less than their decreed entitlement shall be replaced upstream of the Beaver Creek Quantification Point. Alternatively, if the Applicants are unable to replace the depletions upstream of the Beaver Creek Quantification Point due to lack of available upstream replacement water, then: the quantity of such depletions shall be added to the measured amounts at the Beaver Creek Quantification Point for purposes of determining Snowstorm's entitlement under Case No. 95CW170; the Applicants shall cause the release of water from storage or bypass consumptive use credits from any source described in ¶ 8 in an amount equal to the amount of such depletions caused by the Participating Diversions upstream of the Beaver Creek Quantification Point; and such amount shall be available for diversion by Snowstorm at the Middle Fork Diversion, which is located where the Middle Fork intersects Sections 19 and 30 in Township 9 South, Range 77 West of the 6<sup>th</sup> P.M. The amount released or bypassed by Applicants shall include transit losses for any length of stream between the point of release and the Beaver Creek Quantification Point that is greater than the distance between the point of depletion and the Beaver Creek Quantification Point. Snowstorm shall be responsible for any transit losses assessed against the released or bypassed water for the distance equivalent to the distance between the Beaver Creek Quantification Point and the Middle Fork Diversion.

B. Any depletions to Beaver Creek from Participating Diversions during times when other water rights on Beaver Creek are placing call(s) downstream of Beaver Creek Quantification Point which call(s) is senior to the priority date(s) of Snowstorm's water rights and in the absence of which call(s) Snowstorm's water rights would be fully or partially in priority, shall be replaced upstream of such calling water right(s). Alternatively, if the Applicants are unable to replace the depletions upstream of such calling water right(s) due to lack of available upstream replacement water, then: the quantity of water by which Snowstorm's water rights are being shorted (up to the total amount of the out-of-priority depletions from Participating Diversions on Beaver Creek) shall be added to the measured amounts at Beaver Creek Quantification Point for purposes of determining Snowstorm's entitlement under Case No. 95CW170; Applicants shall cause the release of water from storage or bypass consumptive credits from any source described in ¶ 8 in an amount equivalent to the amount of such depletions caused by the Participating Diversions; and such amount shall be available for diversion by Snowstorm at the Middle Fork Diversion. The amount released or bypassed by Applicants shall include transit losses for any length of stream between

the point of release and the Beaver Creek Quantification Point that is greater than the distance between the point of depletion and the Beaver Creek Quantification Point. Snowstorm shall be responsible for any transit losses assessed against the released or bypassed water for the distance equivalent to the distance between the Beaver Creek Quantification Point and the Middle Fork Diversion.

C. If Applicants provide water to Snowstorm pursuant to ¶ 12.6.A. or B at a location downstream of the Middle Fork Diversion, Applicants are operating the exchange on the Middle Fork of the South Platte described in ¶ 14.1 (Row B). When the CWCB is calling for water on the Middle Fork, the exchange for Snowstorm shall only operate if the operation of the exchange will not reduce the flow of the Middle Fork below the amounts decreed to the instream flows in Case Nos. 80CW64, 65, 66 and 67.

12.8. Replacement Water. Applicants will either make storage releases or by-pass consumptive use credits in order to provide replacement of depletions from Participating Diversions in time, place and amount to prevent injury to water rights. Replacements will account for increased demand during the irrigation season and for lagged depletions pursuant to ¶ 12.3. At times when the exchange rights decreed herein are legally and physically available, replacement water will be exchanged up to the points of depletion or storage on each tributary to replace depletions in time, place and amount to prevent injury to water rights.

12.9. Replacement Water with Regard to Instream Flow Water Rights. A list of instream flow water rights currently held by the CWCB within the Applicants' service area is attached as **EXHIBIT M**. If the CWCB places a call on a decreed instream flow reach that would otherwise result in the curtailment of a Participating Diversion, Applicants will either curtail the diversion, if the diversion has no lagged depletions, or augment the out-of-priority depletions in time, place and amount to the extent necessary to prevent injury to the instream flow water right. Pursuant to ¶ 9.6, Applicants shall only truck replacement water to a Storage Vessel for subsequent release and shall not release water directly from a truck to the stream to satisfy a CWCB call for an instream flow water right or other calling senior water right. Pursuant to §37-92-102(3)(b), C.R.S., a CWCB call, as referenced herein, shall affect all of the Applicants' Participating Diversions on an instream flow reach, unless the owners of the Participating Diversions have met their burden of proof that C.R.S. §37-92-102(3)(b) applies, pursuant to the procedures in ¶¶ 11.4. to 11.9. This provision shall be subject to the following express terms and conditions:

- A. The CWCB call must be recognized and administered by the Division Engineer; and
- B. Applicants' replacement obligation within a given instream flow reach shall be the out-of-priority depletion attributable to a Participating Diversion located in that reach if the return flow from the Participating Diversion accrues to the stream at or above the point of diversion. If the return flow



from a Participating Diversion accrues to the stream both below the point of diversion and within or below an instream flow water right reach, Applicants shall make replacements of the full diversion at a point at or upstream of such diversion to the extent necessary to prevent injury or curtail the subject Participating Diversion. If Applicants replace the full diversion, then the Applicants are entitled to recapture an amount equal to the return flows from the Participating Diversion at Spinney Mountain Reservoir or Chatfield Reservoir, subject to transit losses. Return flows shall be calculated as actual diversions multiplied by the difference between 100 percent and the consumptive depletion percentage [i.e.,  $Return\ Flows = Diversions \times (100\% - Consumptive\ Depletion\ Percentage)$ ].

**12.10. Limit on Participating Diversions.** Participating Diversions accepted into the 2012 Augmentation Plan will be based on the amount of consumptive use credits available to Applicants as replacement sources pursuant to this plan for augmentation at any specific time.

A. Based on the sources listed in ¶ 8, above, until such time as Applicants provide the information set forth in ¶ 12.10.B below, the 2012 Plan for Augmentation shall be limited to replacement of 108 acre-feet of out-of-priority depletions annually from Participating Diversions. The 108 acre-feet of augmentation water is an annual firm yield and Applicants shall be entitled to add new Participating Diversions until said 108 acre-feet per year is exhausted. The firm yield stated herein is based upon the dry year yield of the Applicants' replacement supplies as firmed by the Applicants' storage capacity. The dry year yield of consumptive use credits associated with the direct flow rights is 187.0 acre-feet, which includes the Randall Ditch (165.8 acre-feet), the Parmalee Ditch Nos. 2 and 3 (12.6 acre-feet) and the Flume Ditch (8.6 acre-feet). The replacement supplies are firmed and retimed to meet demand by the 55 acre-feet of operational storage space prior to completion of the Reallocation Project, and 186 acre-feet after completion of the Reallocation Project, which are comprised of 25 acre-feet in Smelter Pipeline Reservoir, 30 acre-feet in James Tingle Reservoir, 131 acre-feet in Chatfield Reservoir. Applicants will provide in the accounting and the projection required in ¶¶ 34 and 35 below, the amount of water in storage in each of the Applicants' storage facilities identified herein.

B. Applicants may increase the amount of augmentation water available under the 2012 Augmentation Plan as described in ¶ 8.4 and to increase the 108 acre-foot annual limit described in ¶ 12.10.A to a 131 acre foot-limit by filing in this case the Notice to Increase Yield described in ¶ 8.7. The procedure set forth herein shall apply only for those water rights and storage space described in ¶¶ 8.4 and 8.7. If Applicants seek to increase the annual limit to add any other water rights except those described in ¶ 8.4, they may do so only through a separate water court proceeding.

i. Any Opposer may within sixty-three (63) days of the Notice to Increase Yield file a petition with the Water Court for a hearing, under

the Court's retained jurisdiction, and serve such petition on the other Opposers via ICCES. Service of the Notice to Increase Yield shall trigger the sixty-three (63) day period. The Court shall determine whether Applicants have the right to add the water rights described in ¶ 8.4 and/or to increase their annual acre foot limit of 108 acre-feet described in ¶ 12.10.A. Such hearing shall be pursuant to the Water Right Determination and Administration Act of 1969, §37-92-101 C.R.S., *et. seq.*, and Applicants shall have the burden of proving that they have the right to add the water rights described in ¶ 8.4 and/or increase the yield described in ¶ 12.10.A.

ii. If no petition is filed within sixty-three (63) days of the Notice to Increase Yield, the water rights described in ¶ 8.4 shall be automatically added to this plan and/or limit on annual depletions augmented under this plan shall automatically be increased by 23 acre-feet to a total of 131 acre-feet

C. Applicants 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.

D. For purposes of determining the extent to which Applicants have uncommitted augmentation water available under this plan, the presumptive diversion rates specified in ¶ 10.3 shall be used unless depletions calculated using metered diversions and the depletion calculations in ¶ 10.2 prove to be greater. Applicants shall reevaluate the volume of uncommitted augmentation water available for augmentation under this 2012 Augmentation Plan annually beginning 6 years after the entry of this Decree. If the then current Participating Diversions cause more depletions based on actual metered diversions as specified in ¶ 10.2 than the presumptive diversion rates as specified in ¶ 10.3 for a period of 5 consecutive years, then the volume of uncommitted augmentation water under this 2012 Augmentation Plan shall be reduced accordingly.

E. For purposes of determining the extent to which Applicants have uncommitted augmentation water available under this plan and in order to maximize the beneficial use of the Applicants' available augmentation water supplies set forth in this Decree, Applicants shall have the right to petition the Court under ¶ 37, to substitute depletions calculated from actual metered diversions using the depletion calculations in ¶ 10.2 for one or more Participating Diversions in place of the presumptive depletions specified in this ¶ 10.3 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.

12.11. Right to Use and to Dispose of Excess Water. Applicants shall have the right to sell, lease, dispose of or otherwise use in any lawful manner any amount of water

available to the Applicants that is in excess of the of the then-existing amount being utilized in the Plan for Augmentation and also any amount of water that is in excess of the annual acre-foot limit specified in ¶ 12.10.A.

A. Notice and Comment. Applicants may sell, lease, dispose of or otherwise use in any lawful manner any amount of water available from this plan by serving written notice to all Opposers by email, mail or ICCES (“Notice of Transfer”). If by mail or email, service shall be at the addresses listed in **EXHIBIT L**. Each Notice of Transfer shall identify the recipient, structure and amount of water sold, leased or disposed of and the duration of such reduction in supplies. Any party may file comments to Applicants within sixty-three (63) days of receipt of such Notice of Transfer. If comments are received and not resolved within (63) days of receipt, then Applicant and the party shall proceed in accordance with the retained jurisdiction provisions in ¶ 37.4.

B. Updated Division Engineer Projection Tool. Applicant will also provide an updated projection tool to the Division Engineer detailing the new amounts available under the 2012 augmentation plan.

13. Procedure to Remove Participating Diversions from the Plan. Applicants shall replace all out-of priority depletions from a Participating Diversion pursuant to the terms of this Decree unless or until Applicants have removed the Participating Diversion from this augmentation plan.

13.1. Notice and Comment. Applicants may remove a Participating Diversion from this plan by serving written notice (“Notice of Removal”) to all Opposers by email, mail or ICCES. If by mail or email, service shall be at the addresses listed in **EXHIBIT L**. Applicants shall serve notice of their proposal to remove a Participating Diversion to the parties. Each Notice of Removal shall identify the structure to be removed and, if the Participating Diversion is a well or other structure with lagged or post-pumping depletions, shall describe the amount and timing of such post-pumping or lagged depletions to be augmented by Applicants as provided in ¶ 12.3 and ¶ 12.4. Any party may file comments to Applicants within sixty-three (63) days of receipt of such Notice of Removal. If comments are received and not resolved Applicant and the party shall proceed in accordance with ¶ 13.3.

13.2. Removal by the Applicants.

A. Surface Diversions. If the Participating Diversion to be removed is a surface diversion, then after the 63 day comment period has ended the Participating Diversion shall be automatically removed from this plan upon certification by Applicants that diversions from the Participating Diversion have ceased.

B. Wells and Other Structures With Lagged or Post Pumping Depletions. If the Participating Diversion is a well or other structure with post-pumping or

lagged depletions, and no comments are received, the Participating Diversion shall be automatically withdrawn from the plan after the post-pumping or lagged depletions have been replaced pursuant to ¶ 12.4.

C. Participating Diversions that are Wells. If the Participating Diversion is a well, and no comments are received, then Applicants shall notify the State and Division Engineers, and the State and/or Division Engineers shall cancel the well permit associated with the well. The owner of the well shall either: re-permit the well under C.R.S. §37-92-602, if possible, within 63 days of removal from the plan for augmentation; plug and abandon the well pursuant to the “Rules and Regulations for Water Well Construction, State Board of Examiners of Water Well Construction and Pump Installation Contractors”; or cease operating until such time as the well is covered under a court approved plan for augmentation or substitute water supply plan. Failure of the well owner to re-permit the well under C.R.S. §37-92-602 or to operate the well pursuant to a court approved plan for augmentation or substitute water supply plan may result in curtailment of the well by the Division Engineer.

13.3. Challenge to Depletions Analysis. If any party challenges the post-pumping or lagged depletions caused by the removal of a Participating Diversion from this plan, the party shall have the burden of proof to present evidence under the Court’s retained jurisdiction as described in ¶ 37 in this matter that the provisions of ¶ 12.3 should not apply.

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

## CONDITIONAL WATER RIGHTS

14. Appropriative Rights of Exchange. The Court hereby confirms and approves the following conditional appropriative rights of exchange. Applicants withdraw their claims to adjudicate absolute exchanges in this case. In addition, Applicants reduced some of their claims for conditional water rights. Applicants withdraw their claims for conditional water rights to the extent the amounts claimed in the Application exceed the amounts listed in Column 4 below.

14.1. Exchange Reaches. A map of the exchange reaches is attached hereto as Exhibit N.

A. The following exchanges will be operated for the purposes of: 1) making daily augmentation replacements for Participating Diversions; 2) for moving small amounts of water to Storage Vessels described in ¶ 9.7; and/or 3) for moving water to CR59 Pump for use in Case No. 12CW214.

	Column (1)	Column (2)	Column (3)	Column (4)
	<b><i>Stream</i></b>	<b><i>Upper Terminus</i></b>	<b><i>Lower Terminus</i></b>	<b><i>Exchange Rate Conditional</i></b>
Row (A)	South Fork South Platte River	S1 T11S R79W 6 PM	Confluence Middle Fork South Platte River at lat 39 00 39N long 105 44 23W	0.25 c.f.s
Row (B-1)	Middle Fork South Platte River	S8 T8S R78W 6 PM	Confluence South Fork South Platte River at lat 39 00 39N long 105 44 23W	0.25 c.f.s., cumulative with Row (B-2)
Row (B-2)	Middle Fork South Platte River	CR 59 Pump, in SE/4 S10 T12S R75W 6 PM (pursuant to Case No. 12CW214, pending)	Confluence South Fork South Platte River at lat 39 00 39N long 105 44 23W	0.25 c.f.s., cumulative with Row (B-1)
Row (C)	Tarryall Creek	S11 T8S R77W 6 PM	Confluence South Platte River in S16 T11S R71W 6 PM	0.25 c.f.s.
Row (D)	Michigan Creek	S7 T7S R76W 6 PM	Confluence Tarryall Creek in NE/4 SW/4 S1 T9S R75W 6 PM	0.25 c.f.s.
Row (E)	Jefferson Creek	S4 T7S R76W 6 PM	Confluence Michigan Creek at lat 39 19 40N long 105 46 07W	0.25 c.f.s
Row (F)	North Fork South Platte River	S14 T6S R76W 6 PM	Confluence South Platte River in SW/4 SE/4 S25 T7S R70W 6 PM	0.25 c.f.s.
Row (G)	South Platte River	Confluence South Fork and Middle Fork South Platte River at lat 39 00 39N long 105 44 23W	Chatfield Reservoir described in ¶ 8.1.D.xi	0.43 c.f.s.
Row (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	0.25 c.f.s
Row (I)	Twin Creek	S30 T12S R71W 6 PM	Confluence South Platte River in S30 T12S R71W 6 PM	0.25 c.f.s.
Row (J)	Mosquito Creek	S36 T8S R79W 6 PM	Confluence Middle Fork South Platte River in SW NW S18 T9S R77W 6PM	0.25 c.f.s.
Row (K)	Elk Creek	S9 T6S R73W 6 PM	Confluence North Fork South Platte River in NE SE S 27 T7S R71W 6 PM	0.25 c.f.s.
Row (L)	Deer Creek	S2 T6S R74W 6 PM	Confluence North Fork South Platte River in NE/4 S36 T7S R72W	0.25 c.f.s.
Row (M)	Fish Creek	S9 T14S R72W 6PM	Confluence Twin Creek in NW/4 S3 T13S R71W 6PM	0.16 c.f.s.
Row (N)	Crystal Creek	S12 T12S R71W 6PM	Confluence South Platte River in E/2 S5 T12S R71W 6PM	0.16 c.f.s.
Row (O)	Agate Creek	S5 T15S R74W 6PM	Confluence South Fork South Platte River in SW/4 S14 T12S R76W 6PM	0.16 c.f.s.

Row (P)	Pine Gulch	SE/4 S1 T7S R72W	Confluence with North Fork South Platte River in SW/4 S27 T7S R71W	0.16c.f.s.
Row (Q)	Turkey Creek	SE/SE 25 T11S R71W 6PM	Cheesman Lake in the vicinity of S13 T10S R71W 6PM	0.16 c.f.s.
Row (R)	Buffalo Creek	Confluence of Freeman Creek and Rolling Creek in NE/4 S30 T8S R71W 6PM	Confluence North Fork South Platte River in S31 T7S R70W 6PM	0.16 c.f.s.
Row (S)	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	0.25 c.f.s.
Row (T)	Buckskin Creek	Lake Emma at lat 39 19 47N long 106 08 20W	Confluence Middle Fork South Platte River in N2 S12 T9S R78W 6 PM	0.16 c.f.s.
(U)	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	0.16 c.f.s.
Row (V)	Grape Creek	NW/4 SE/4 S21, T13S, R70W 6PM	Confluence with Twin Creek in NE/4 SW/4 S2 T13S R71W 6PM	0.16 c.f.s.
Row (W)	Payne Creek	NE/4 SW/4 S12 T8S R73W 6PM	Confluence with North Fork of the South Platte in SW/4 NE/4 T7S R73W 6PM	0.16 c.f.s.
Row (X)	Sacramento Creek	NE/4 NW/4 S25 T9S R79W 6PM	Confluence with Middle Fork South Platte in the SE/4 of SW/4 of S29 T9S R77W 6PM	0.25 c.f.s.
Row (Y)	Little Turkey Creek	NE/4 NE/4 S19 T11S R70W 6PM	Confluence with Turkey Creek in NW/4 NE/4 § 30 T10S R70W 6PM	0.16 c.f.s.
Row (Z)	Indian Gulch	NW/4 SE/4 S27 T9S R75W 6PM	Confluence with Tarryall Creek in SE/4 NE/4 S10 T9S R75W 6PM	0.16c.f.s.

B. The following exchanges will be operated for the purposes of moving water from a downstream reservoir to an upstream reservoir.

	Column (1)	Column (2)	Column (3)	Column (4)
	<b><i>Stream</i></b>	<b><i>Upper Terminus</i></b>	<b><i>Lower Terminus</i></b>	<b><i>Exchange Rate Conditional</i></b>
Row (A)	Middle Fork South Platte River	Smelter Pipeline Reservoir and Gloria Z Reservoir	Confluence South Fork South Platte River at lat 39 00 39N long 105 44 23W	9.0 c.f.s.
Row (B)	Tarryall Creek	Confluence of Michigan Creek and Tarryall Creek for storage in James Tingle Reservoir	Confluence South Platte River in S16 T11S R71W 6 PM	7.0 c.f.s.
Row (C)	Michigan Creek	Session Ditch described in ¶ 8.6.E for storage in James Tingle Reservoir	Confluence Tarryall Creek in NE/4 SW/4 S1 T9S R75W 6 PM	7.0 c.f.s.

Row (D)	South Platte River	James Tingle Reservoir, Spinney Mountain Reservoir, Gloria Z Reservoir, Smelter Pipeline Reservoir	Chatfield Reservoir described in ¶ 8.1.D.xi or Spinney Mountain Reservoir as described in ¶ 8.1.D.viii	13.0 c.f.s.
Row (E)	Mosquito Creek	London Mining and Smelter Ditch described in ¶ 8.1.d.vii for storage in Smelter Pipeline Reservoir	Confluence Middle Fork South Platte River in SW NW S18 T9S R77W 6PM	2.0 c.f.s.
Row (F)	Sacramento Creek	CCWCD Sacramento Creek Ditch No. 1 described in ¶8.1.d.ii for storage in Gloria Z Reservoir	Confluence with Middle Fork South Platte in the SE/4 of SW4 of S29 T9S R77W 6PM	2.0 c.f.s.

14.2. Operation of Exchanges. Water will be exchanged from the Lower Termini identified in Column 3 up the exchange reaches to the Upstream Termini identified in Column 2 in ¶¶ 14.1.A. and 14.1.B. For exchanges described in ¶ 14.1.A., water may be exchanged to any identified or unidentified location as long as the exchange locations are between the upper and lower termini for each exchange as identified herein.

14.3. Appropriation Date. February 1, 2012.

14.4. How appropriation was initiated. Posting notice of a public meeting of the Applicants, adoption at a public meeting properly noticed of resolutions evidencing the Applicants' intent to appropriate said exchanges, and the filing of the Application in this case.

14.5. Sources of Water for Exchange. The sources of water for exchange are described in ¶¶ 8 and 9 above.

15. Conditional Exchange Rights. The Court hereby confirms and approves the Applicants' exchanges described in ¶ 14.

16. Use of Water. Applicants have demonstrated that the conditional water rights can and will be used by them or by persons or entities with which they have either agency relationships or firm contractual commitments.

17. 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.

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

19. Operation of Water Rights. Applicants' conditional water rights shall be subject to physical and legal water availability. The water rights shall be operated as junior in priority to all senior vested water rights, including all instream flow water rights listed in **EXHIBIT M.**

20. **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.

21. **No Injury.** The conditional water rights, if operated 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**

22. **Incorporation of Findings of Fact.** The foregoing Findings of Fact are incorporated herein.

23. **Notice and Jurisdiction.** The Water Court for Water Division 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 application and the resume publication of the application placed such persons on notice of the relief requested by the application and granted by this Decree.

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

25. **Statements of Opposition.** Statements of Opposition were filed as described in ¶ 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.

26. **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), 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.

27. **Conditional Water Rights.** Adjudication of Applicants' conditional 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 water rights filed in the Water Court in the year 2012 shall be administered as having been filed in that year, and shall be junior to all priorities filed in previous years. As between all water rights filed in the same calendar year of 2012, priority shall be determined by decreed dates of appropriation and not affected by the date of entry of this Decree.

28. **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 conditional water rights as described herein.

29. **No Injury.** The subject water rights, if operated 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**

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

31. **Application Granted.** The application is granted, subject to the provisions of this Decree.

32. **Terms and Conditions for 2012 Augmentation Plan.** Subject to the provisions of this Decree and the terms and conditions below, the 2012 Augmentation Plan is approved.

32.1. Parties seeking participation in this plan, in cooperation with the Applicants, shall follow the process outlined in ¶ 11. Applicants shall neither submit an application to the Opposers, nor include in this plan, any Participating Diversion which has not completed the procedure approved by this Decree.

32.2. This plan for augmentation permits diversions of water by Participating Diversions, the stream depletions from which are out-of-priority, provided that such diversions are located within the boundaries of the Service Area and the resulting stream depletions from such diversions are replaced directly or by exchange in time, place and amount in a location at or above the calling water rights pursuant to the terms of this Decree.

32.3. Applicants shall replace all out-of-priority depletions that result from the operation of Participating Diversions. Applicants shall require metering of all Participating Diversions pursuant to ¶ 10.2 of this Decree. If depletions calculated using actual meter readings and the depletion calculations in ¶ 10.2 are greater than presumptive depletions for any Participating Diversion, Applicants shall replace those additional depletions in coordination with the Water Commissioner.. If depletions calculated using actual meter readings and the depletion calculations in ¶ 10.2 are greater than presumptive depletions for any Participating Diversion, the Applicants' projection for the coming year as required in ¶ 34 shall substitute the depletions calculated based upon the meter reading in lieu of the presumptive depletions. In addition, if the Water Commissioner authorizes aggregation of replacements, the maximum aggregated replacement deliveries are limited to those set forth in the table below.

Description	Amount (gallons)	Amount (acre-feet)	Equivalent Rate Over 7 Days (gpm)	Equivalent Rate Over 7 Days (c.f.s.)
Maximum aggregated replacement per participating diversion	10,000	0.03	1.0	0.002
Maximum aggregated replacement for all participating diversions	50,000	0.15	5.0	0.01

32.4. Entry of this Decree neither validates any expansion of use that may have occurred for any well included as a Participating Diversion nor acknowledges 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.

32.5. Applicants shall prepare an annual projection for the replacement of depletions by the Participating Diversions and shall submit the projection to the Division Engineer as required by ¶ 34 of this Decree.

32.6. When augmentation releases or bypass flows of augmentation water are made by Applicants 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.

32.7. For Participating Diversions located on Beaver Creek with out-of-priority depletions that accrue to the stream above the present points of diversion for the Town of Fairplay's water rights on Beaver Creek, unless Applicants acquire sources of replacement water above such present diversion points, Applicants shall only approve Participating Diversions used for residential purposes in this plan for augmentation. The owners of such Participating Diversions' shall limit their outdoor uses to 1) livestock watering, and 2) irrigation on residential lots of trees and up to 1000 square feet of lawn or garden.

32.8. In the event that a valid call is placed on a stream below a Participating Diversion's out-of-priority depletion and above the Applicants' replacement sources identified in ¶¶ 8 and 9 and the call is senior to the Applicants' exchanges, Applicants 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 Applicants; 2) make replacement to the senior calling water right in a manner provided in ¶¶ 12.5 and 32.17 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, if it has no lagged depletions pursuant to ¶ 12.3. If the Participating Diversion has lagged depletions, Applicants shall continue to replace lagged depletions by using 1) or 2) above.

32.9. Applicants' claim to utilize the Town of Alma's interests in water rights decreed to the Guiraud 3T Ditch and to Cottage Grove Reservoir as augmentation sources in this plan for augmentation is hereby withdrawn.

32.10. To prevent injury to other water rights, transit losses will depend upon stream and weather conditions and may only be reasonably determined at the time of the delivery. The transit loss must be assessed by the State Engineer or his duly appointed designee, being the Division Engineer or Water Commissioner, at the time the water is delivered. Accordingly, Applicants must provide at least 48 hours advance notice to the Water Commissioner of the intent to release water from

storage for augmentation subject to ¶ 32.15 so the Water Commissioner can determine the applicable transit loss.

32.11. In Case No. 12CW214 (pending), Applicants seek to change the water rights identified in ¶¶ 8.1 to 8.6 for use in the Applicants' plan for augmentation in Case No. 03CW19, District Court, Water Division No. 2. Any water diverted for use in Case No. 03CW19 will be accounted for and deducted from the sources available for augmentation in this case for the remainder of the water year.

32.12. Chatfield Reservoir is owned and operated by the United States Army Corps of Engineers. The Center District's ability to store water in Chatfield Reservoir is contingent on the Center District's ability to obtain the right to store water in Chatfield Reservoir. This Decree shall not be construed as granting the Center District any right to store water in Chatfield Reservoir. The Center District may utilize Chatfield Reservoir for storage only to the extent the Center District acquires such right from the appropriate entities.

A. The Center District shall not store water in Chatfield Reservoir until the necessary approvals have been obtained from the U.S. Army Corps of Engineers, including arrangements for the timely releases of Applicants' water.

B. The Center District shall only store water in the portion of Chatfield Reservoir storage capacity made available to the Center District through the Reallocation Project.

C. The Center District shall account for and bear seepage and evaporation losses on water stored in Chatfield Reservoir proportionally or as otherwise determined in conjunction with the Chatfield Reallocation Project.

D. The Center District shall limit its storage to the actual storage space that the Center District ultimately acquires as part of the Chatfield Reallocation Project.

32.13. Aurora makes releases for Applicants from Spinney Mountain Reservoir on a daily basis. Applicants shall provide to Aurora and the Water Commissioner, at minimum, forty-eight (48) hours' notice of any changes in the amount of releases from Spinney Mountain Reservoir. Such notice to Aurora shall only be made during business hours on Monday through Friday on non-Federal holidays.

32.14. Applicants shall provide the Water Commissioner, at minimum, 48 hours' notice of any releases from any reservoir utilized in this plan for augmentation, except for Spinney Mountain Reservoir. Notice for Spinney Mountain Reservoir is described in ¶ 32.13 above

32.15. Applicants' ability to store water in the Gloria Z Reservoir is contingent on Applicants' ability to obtain the right to store water in said structure. This Decree shall not be construed as granting Applicants any right to store water in the Gloria Z Reservoir. Applicants may utilize the Gloria Z Reservoir for storage only to the extent

Applicants acquire such right from the appropriate entities. If the Gloria Z Reservoir intercepts groundwater, Applicants shall not store water in such reservoir until such time as the reservoir is lined to the standards specified in the State Engineer's Guidelines for lining gravel pits.

32.16. 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 (Case No. W-7739-74) or Four Mile No. 9 Ditch (Case No. 80CW313), 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, Applicants shall make replacement water available plus any additional transit losses 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, Applicants shall determine the daily depletions to Four Mile Creek above the Beery Gage and provide Denver Water written notice of such depletions by the last business day of each month. By the fifth business day of the following month, Denver Water shall provide Applicants with the measured flows at the Beery Gage, its calculations of its diversions under the Beery Ditch or Four Mile No. 9 Ditch water right, and the amount, if any, that Applicants need pay back. If the amount diverted by Denver Water under the Beery Ditch or Four Mile No. 9 Ditch water right was reduced as a result of Applicants' depletions, Applicants will pay back the amount that Denver's diversions were reduced by the tenth business day of the following month from any source above Eleven Mile Reservoir. The timing of the pay back can be changed by mutual agreement of Denver Water and Applicants. Applicants will specifically account for South Platte River releases made to credit the Beery Ditch and Four Mile No. 9 Ditch water rights and these replacement supplies shall count towards Denver Water's volumetric limits for the Beery and Four Mile No. 9 water rights. Applicants shall notify Denver Water of such releases in advance in writing to Denver Water's Raw Water Control.

32.17. Ultimately, the Applicants intend to include each Participating Diversion in either the 2002 Augmentation Plan or in 2012 Augmentation Plan, but not both. However, for the first 60 days following the entry of this Decree ("Transition Period"), all Participating Diversions will be included in both plans and shall be augmented pursuant to the 2002 Augmentation Plan. Before the end of the Transition Period, Applicants shall:

- A. Utilize the notice procedure specified in ¶ 13.1 of this Decree to remove any Participating Diversion from the 2012 Augmentation Plan that will operate under the 2002 Augmentation Plan. However, Applicants shall not be required to replace lagged or post pumping depletions pursuant to ¶ 13.2. of this Decree as the removal of a Participating Diversion pursuant to this ¶ 32.17 does not create post pumping depletions or un-replaced lagged

depletions. Such depletions, if applicable, will be covered in the new plan in which the Plan Participant has been included.

B. Utilize the notice procedures specified in ¶8.D of the decree in Case No. 02CW389 to remove any Participating Diversions from the 2002 Augmentation Plan that will operate under the 2012 Augmentation Plan. However, Applicants shall not be required to replace lagged or post pumping depletions pursuant to ¶8.D. of this Decree in Case No. 02CW389 as the removal of a Participating Diversion pursuant to this ¶ 32.17 does not create post pumping depletions or un-replaced lagged depletions. Such depletions, if applicable, will be covered in the new plan in which the Plan Participant has been included.

C. Each Participating Diversion can only be moved between plans one time. Unless the current well permit lists the proper augmentation plan, when a diversion changes to a different augmentation plan, the Applicant or the owner of the Participating Diversion shall re-permit the well.

32.18. If Applicants determine that a meter that measures a Participating Diversion is not working properly, Applicants shall provide written notice to the owner of the Participating Diversion requiring that the meter be fixed or replaced within 63 days. During such time, Applicants shall make replacements based upon the last month of metered usage or the presumptive depletions calculations, whichever is most conservative. If the meter is not fixed or replaced within 63 days, then Applicants shall provide written notice to the Water Commissioner that the Participating Diversion is out-of-compliance with this plan. The owner of each Participating Diversion shall have the meter tested and certified to be accurate by a qualified well tester upon initial installation and every 10 years thereafter. However, wells that are subject to Division of Water Resources Well Measurement Rules shall follow the requirements of the such rules.

32.19. Pursuant to ¶ 12.7, Applicants may divert replacement water decreed for augmentation purposes from structures in Division No. 1 and truck such replacement water to Storage Vessels described in ¶ 9.6 for subsequent release of such replacement water for augmentation of out-of-priority depletions caused by Participating Diversions. The proposed location and capacity of each Storage Vessel and the plan for filling such vessel shall be provided by the Notice described in ¶ 11.3. for a certain Participating Diversion. Prior to use by the Applicants to augment a Participating Diversion, the Water Commissioner shall confirm that each Storage Vessel: 1) has been filled with an appropriate fully consumable replacement source; 2) is capable of releasing and delivering replacement water to the stream; 3) is capable of measuring the releases; 4) has an adequate filling plan; and 5) has been constructed or installed so that it does not intercept groundwater, intercept precipitation, incur seepage losses, incur evaporation losses, or supply water to overlying or adjacent vegetation.

32.20. The diversions for greenhouse irrigation shall be metered separately from other uses. Metered greenhouse diversions shall be reported to the Division

Engineer by the 10<sup>th</sup> day following the end of the month. Applicants shall also report the presumptive diversions, metered diversions, and the area of bedded material on a monthly basis as part of its accounting. Applicants shall notify a customer when the customer's greenhouse depletions have reached 80 percent of the annual amount allocated to that customer. Applicants' notice to the customer that reaches 80 percent of the annual allocated depletions will inform the customer of the amount of water used, the amount remaining, and the projected date when 100 percent of the allocated amount will be reached. The notice will also state that diversions should immediately cease when the allocated amount is reached, unless additional replacement water is leased or purchased by the customer for the remainder of the year. The use of such additional leased or purchased replacement water by such customer shall not be subject to the notice and comment procedure set forth in ¶ 11 for new customers. A second notice will be sent to the customer that reaches 100 percent of the allocated depletions and does not purchase additional replacement water. This notice will state that any diversions at that time are out-of-compliance with the augmentation plan and should immediately cease. The Division Engineer's Office will be copied on both notices.

33. **Terms and Conditions for Exchanges.** The conditional appropriative rights of exchange rights decreed herein are approved, subject to the following conditions:

33.1. Applicants must have the permission before using any structure claimed in this Decree of which they are not the owner.

33.2. The exchanges shall be operated only at times when the exchanges are in priority and there is a live stream between the point of introduction of such water into the stream and the upstream diversion point, except that Applicants shall not operate an exchange up streams on which the CWCB holds an instream flow right, as shown in **EXHIBIT M**, at times when the instream flow water right is not being fully satisfied and the CWCB has placed call recognized and administered by the Division Engineer pursuant to the provisions of ¶ 12.8 of this Decree.

33.3. Applicants or Applicants' customers shall install and maintain such measuring and recording devices as required by the Division Engineer for the administration of these water rights and this plan for augmentation, in addition to the measuring devices specifically required by this Decree.

33.4. The amount of water diverted at the exchange-to point (upstream terminus) shall not exceed the amount of water introduced at the exchange-from point (downstream terminus).

33.5. The exchanges decreed herein shall not be operated so as to injure other senior vested water rights, including other exchanges. The appropriative rights of exchange shall be exercised within the priority system. The appropriative rights of exchange are subject to the call of senior water rights, including exchanges, within all or portions of the same exchange reach and may call out water rights junior in priority to the date of the appropriative rights of exchange decreed herein. Each appropriative right of exchange decreed herein shall only operate at such times

when such exchange is in priority and all water rights, including other decreed exchanges, that are senior to the appropriative rights of exchange decreed herein and located between the exchange-from point and the exchange-to point, are satisfied with the remaining flows available to the senior rights.

33.6. To prevent injury to other water rights, transit losses will depend upon stream and weather conditions and may only be reasonably determined at the time of the delivery. The transit loss must be assessed by the State Engineer or his duly appointed designee, being the Division Engineer or Water Commissioner, at the time the water is delivered. Accordingly, Applicants must provide at least 48 hours advance notice to the Water Commissioner of the intent to release or deliver water for exchange so the Water Commissioner can determine the applicable transit loss.

33.7. Nothing in this Decree amends, changes or alters any contractual or deed relationship existing between the 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. Applicants acknowledge that this Decree does not adjudicate any new water right for Spinney Mountain Reservoir.

33.8. Applicants shall notify and obtain advance approval from the Water Commissioner of the upstream and downstream exchange termini pursuant to ¶ 33.6. Applicants shall note such approval, including the operated exchanges and upstream and downstream termini of each exchange, in their accounting provided to Aurora and to the Engineers and request that the operation of each exchange be recorded in the State's diversion records.

33.9. The Applicants shall not accept a Participating Diversion that will be dependent entirely on administrative exchanges. However, the Applicants may utilize administrative exchanges when available as determined by the Division Engineer pursuant to then-existing statutory authority.

33.10. Applicants acknowledge that Park County owns water rights identified in Case No. 08CW268, District Court, Water Division No. 1 (pending) that may be senior to Applicants' exchanges decreed herein. Specifically, if decreed with appropriation dates of December 11, 2008, Applicant acknowledges that 300 g.p.m. of the following water rights are senior to Applicants' exchanges: 1) Ansley Flat Gravel Pit, on the Middle Fork of the South Platte River; 2) Hi Meadow CR 72 Pump, on Deer Creek; 3) KZ Ranch- Rock Rd Pump, on Deer Creek; 4) CR 90A Pump, on the South Platte River; 5) Middle Fork CR 59 Pump, on the Middle Fork of the South Platte River; 6) Tarryall Creek CR 33 Pump, on Tarryall Creek; and 7) Sacramento Creek CR 14 Pump, on Sacramento Creek.

33.11. Denver Water operates a water management plan, as amended, that maintains minimum flows in Waterton Canyon between Strontia Springs Dam and Chatfield Reservoir ("Water Management Plan"). To further the Water Management Plan, Denver Water obtained the Strontia Water Management Plan Storage Right ("Strontia Right") decreed in Case No. 05CW316, District Court, Water Division No. 1. Applicants acknowledge that the Strontia Right is senior to the exchanges

decreed herein. Denver Water and the CWCB entered into a Delivery Agreement dated February 15, 2013 that requires Denver Water to release a portion of the Strontia Right when releases are required to maintain the minimum flows described in the Water Management Plan, which are generally 60 c.f.s. between May 15<sup>th</sup> and September 15<sup>th</sup> and 30 c.f.s. between September 16<sup>th</sup> and May 14<sup>th</sup>. Applicants agree that Applicants will not operate their exchange from Chatfield Reservoir to points upstream when the measured flows at the Waterton Gage (or computed flows when the Gage is inoperable) are less than 63 c.f.s. between May 15<sup>th</sup> and September 15<sup>th</sup> and 33 c.f.s. between September 16<sup>th</sup> and May 14<sup>th</sup> and Applicants will replace depletions from Participating Diversions with augmentation water sources located upstream of Strontia Springs Dam.

34. **Projection.** No later than the first day of March of each year, and at such other times as the Division Engineer may request, Applicants shall submit an integrated projection in the 2012 and 2002 Augmentation Plans to the Division Engineer. The purpose of a projection is to compare, on a monthly basis, the amount of projected stream depletions with the amount of firm replacement supplies available to Applicants. This is done so Applicants can demonstrate that their replacement supplies are sufficient during the three year projection period, even during extended drought periods. If the projection shows that replacements are not adequate, Applicants must curtail diversions and depletions by the Participating Diversions so that all depletions can be replaced. The projection shall identify the following: the number of Participating Diversions; the locations of each Participating Diversion; the date the Participating Diversion was added to the plan for augmentation; the amount and type of use of each Participating Diversion; the type of wastewater treatment systems used for each Participating Diversion; amount and timing of depletions for all Participating Diversions included in the plan for the upcoming three (3) years based on the presumptive values from ¶ 10.3; the amount of replacement sources available for this plan for augmentation and the 2002 Augmentation Plan; the amount of replacement sources in the 2012 Augmentation Plan that are allocated to Applicants Division 2 Augmentation Plan as adjudicated in Case Nos. 03CW19, District Court, Water Division 1 and 12CW214, District Court Water Division 1; the amount of replacement water stored in each Storage Vessel; the dates and amounts of planned releases of water for augmentation, accounting for transportation losses as determined by the Division Engineer; the previous year depletion based on metered diversions for each Participating Diversion; releases, evaporation losses, seepage losses and contents for each reservoir; and any Participating Diversion that has been removed from this plan in reverse chronological order. The projection shall be made for a three (3) year period under the following assumptions and limitations:

34.1. The projection will assume that the depletions associated with Participating Diversions are out-of-priority and must be replaced for the entire three-year period to satisfy downstream calls.

34.2. The consumptive use credits available under the direct-flow water rights are assumed to equal the dry-year amounts, on a monthly distribution, for all three years for a total of 187 acre-feet as discussed in ¶ 12.9.A. The monthly distribution of consumptive use credits under direct-flow water rights assumed in the projection is set forth in the table below.



Month	Parmalee Ditch Nos. 2 and 3 and Flume Ditch Credits	Randall Ditch Credits
May	11.5%	20.0%
June	34.8%	20.0%
July	30.6%	20.0%
Aug	14.2%	20.0%
Sep	8.7%	20.0%
Oct	0.2%	0.0%
Total	100.0%	100.0%

34.3. The storage rights are assumed to be out-of-priority for all three years, so the amount of stored water available for replacement during the projection period is limited to the amounts in storage when the projection is made, minus evaporation and seepage losses.

34.4. The projection will be adjusted throughout the year if the monthly meter readings begin to deviate from the amounts used in the projections, if the replacement supply deviates from the amounts used in the projections, or if a new customer is added to the plan. Applicants may also update the projection throughout the year if the amount of water available in storage increases.

34.5. The projection will assess transit losses on replacement deliveries in accordance with any transit loss rates to be assessed by the Division Engineer at the time the projection is made.

34.6. The projected depletions will be calculated from the presumptive diversion and consumptive use rates, unless the consumptive use calculated from the meter records during the past year exceeds the presumptive amount, in which case the consumptive use and depletions from the previous year shall be used.

34.7. The occupancy of hotels, motels, lodges, guest ranches, cabins, restaurants, kennels, campgrounds/RV parks, schools, and other commercial and industrial uses in which presumptive diversions are determined from occupancy will be assumed using the following procedure:

A. If there are existing occupancy records, the annual occupancy in the projection will be set equal to the maximum annual occupancy during the most recent five years. If there are less than five years of data available, the annual occupancy in the projection shall be based on the maximum year available.

B. If there are no existing occupancy records because the customer is a new diversion, the occupancy rates in the notice and comment procedure

shall be applied in the projection until the first year of data is available. If the occupancy rates are not provided in the notice and comment procedure, the occupancy rate shall be assumed to equal 100 percent until the first year of data is available.

34.8. For greenhouse irrigation, the area of actual bedded material and period of active growing shall be projected as follows:

A. If there are existing records, the annual bedded area and period of active growing shall be determined from the maximum amounts reported during the most recent five years. If there are less than five years of data available, the annual bedded area and period of active growing in the projection shall be based on the maximum year available.

B. If there are no existing records because the participant is a new diversion and operation, the bedded material and active growing period in the notice and comment procedure shall be applied in the projection until the first year of data is available.

34.9. The proposed projection form is attached hereto as **EXHIBIT O**. This Decree does not establish or require any specific projection form, but all information contained in **EXHIBIT O** attached hereto must be included in all versions of the projection form. The form, format, and any changes thereto must be approved by the Division Engineer pursuant to the procedures of this paragraph and ¶ 34.10. Within sixty-three (63) days of the entry of this Decree, Applicants shall serve the initial projection forms on Opposers and the Division Engineer by ICCES. Objectors shall have forty-nine (49) days from the date of the notice to serve comments on the projection forms via ICCES to Applicants and the Division Engineer. Any approval of the initial projection forms by the Division Engineer shall occur after the comment period has ended.

34.10. After initial approval and subject to the requirement that all information contained in **Exhibit O** attached hereto must be included in all versions of the projection form, the contents of the projection form may be modified with the approval by the Division Engineer, without modification of this Decree, after service of written notice to objectors via ICCES. Objectors shall have forty-nine (49) days from the date of the notice to serve comments on the projection form via ICCES to Applicants and the Division Engineer. Any approval of the modified projection forms by the Division Engineer shall occur after the comment period has ended.

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

35. **Accounting.** No later than November 15 of each year, or as otherwise requested by the Division Engineer, Applicants shall submit an integrated report on the prior reporting period's operations under the 2012 and 2002 Augmentation Plans. In addition, monthly accounting shall be submitted in accordance with ¶ 35.3. Accounting forms are attached as **EXHIBIT P**. Applicants will provide Aurora, and all other parties upon request and payment of reasonable costs of reproduction, with a copy of the accounting provided to the under this paragraph. Applicants will continue to provide Aurora with an annual accounting along with its release order filed annually.

35.1. This Decree does not establish or require any specific accounting form, but all information contained in **EXHIBIT P** attached hereto and required by this Decree must be included in all versions of the accounting form. The form, format, and any changes thereto must be approved by the Division Engineer pursuant to the procedures of ¶ 35.2. At minimum, the accounting form must include the following:

- A. Name, priority date and location of all calls affecting the Participating Diversions.
- B. For each Participating Diversion, the augmentation plan for which depletions are to be replaced.
- C. Metered diversions by each Participating Diversion.
- D. Type of sewage disposal for each indoor use.
- E. Irrigated area, exposed surface water, occupancy, customer counts, livestock accounts, greenhouse bedded material, and all other data needed to calculate stream depletions.
- F. Calculated depletion for each Participating Diversion.
- G. Comparison of calculated depletions from metered diversions and from presumptive diversions for each Participating Diversion.
- H. Daily depletions calculated in the manner specified in ¶¶ 12.2. to 12.4.
- I. Depletions caused by Participating Diversions located in Park County, and those not located in Park County.
- J. Location, source, and amount of each replacement supply used in the plan for augmentation on a daily basis during the irrigation season, and on a weekly basis in the non-irrigation season.
- K. Replacement source used to replace all depletions from Participating Diversions not located in Park County.
- L. Running total on volumetric limits on replacement supplies, where appropriate.

- M. Any shortfall in depletion replacement by stream.
- N. Exchange-from point, exchange-to point, substitute supply, and rate of diversion for every exchange.
- O. Tracking of any unreplaced depletions to Centennial's rights on Michigan and Tarryall Creek, and water booked over to Centennial in Chatfield Reservoir pursuant to the terms of the decree.
- P. Transit losses in conveying replacement water in the stream to the points of stream depletion.
- Q. Daily measured inflows, unmeasured inflows, releases, storage contents, evaporation losses, and precipitation for each reservoir.
- R. The daily inflows, outflows, and storage contents of each Storage Vessel.

35.2. Within sixty-three (63) days of the entry of this Decree, Applicants shall serve the initial accounting forms on Opposers and the Division Engineer by ICCES. Objectors shall have forty-nine (49) days from the date of the notice to serve comments on the accounting forms via ICCES to Applicants and the Division Engineer. Any approval of the initial accounting forms by the Division Engineer shall occur after the comment period has ended. After initial approval, the contents of the accounting forms and reports may be modified with the approval by the Division Engineer, without modification of this Decree, after service of written notice to objectors via ICCES. Objectors shall have forty-nine (49) days from the date of the notice to serve comments on the accounting forms via ICCES to Applicants and the Division Engineer. Any approval of the modified accounting forms by the Division Engineer shall occur after the comment period has ended.

35.3. All accounting shall be performed daily and should be submitted monthly, unless required more often at the request of the Division Engineer or Water Commissioner. Daily accounting shall be submitted to the Division Engineer and Water Commissioner in District 23 no later than thirty-five (35) days following the last day of any given month. All depletions must be replaced daily during the irrigation season (April 1 to October 31) and weekly during the non-irrigation season (November 1 to March 31) 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. Applicants may aggregate releases as described in ¶ 32.3 if authorized by the Water Commissioner. Copies of all accounting required by this Decree shall be provided to objectors upon request and payment of reasonable costs therefore.

35.4. Applicants shall use metered diversion records for each Participating Diversion to complete the accounting, except that Applicants may use the presumptive values contained in ¶ 10.3 if an owner of a Participating Diversion does

not provide metered diversion records pursuant to ¶ 10.2 or if there is a meter malfunction. When Applicants obtain the metered diversion records for such a Participating Diversion, Applicants will compare the metered diversion rate to the presumptive values in ¶ 10.3. If the metered diversion records indicate that insufficient augmentation water was provided based upon the presumptive values, then Applicants will augment the shortfall in coordination with the water commissioner. The additional replacement water will be provided within one week of determining the shortage during the irrigation season and within one month of determining the shortage during the non-irrigation season.

35.5. Participating Diversions may have multiple uses that are associated with a single meter for the augmented structure. For example, a participant may have a single metered diversion for residential indoor use, outdoor irrigation, and stock watering. Unless the diversions are separately metered, the following specific procedure will be used to allocate the total metered diversions to multiple uses by each Participating Diversion:

- A. The irrigation consumptive use will be determined using the tables contained in **EXHIBIT G**. These tables specifically present the monthly lagged depletions based on the distance from the diversion to the stream, so the annual totals in these tables are equivalent to the annual consumptive use. The irrigation diversions are then calculated by dividing the irrigation consumptive use by the presumptive irrigation efficiencies (80 percent for sprinkler systems and 100 percent for drip systems).
- B. The remaining diversions for residential, stock watering, commercial, industrial and related uses will be determined by subtracting the calculated irrigation diversions from the metered total diversions. Lagged depletions associated with these uses will be set equal to a constant rate throughout the year.
- C. For residential participants, any diversions for livestock and chickens will be set equal to the presumptive diversion rates pursuant to ¶ 10.3. The diversions for indoor residential use will then be determined by subtracting the calculated irrigation and stock watering diversions from the metered total diversions.
- D. For commercial and industrial participants, any diversions for dust suppression and gravel washing will be separately measured by meter or by counting water trucks. The diversions for greenhouse irrigation will also be metered separately. The remaining diversions from the augmented structure will be attributable to the indoor commercial and industrial uses (other than greenhouse irrigation).

35.6. If the owner of a Participating Diversion does not provide metered diversion records pursuant to ¶ 10.2, Applicants will send written notice to the owner of a Participating Diversion at the last known address of the owner within 24 days after the end of the month. A second notice will be sent to any owner of a Participating

Diversion that has not provided meter records within 38 days after the end of the month, stating that any diversions at that time are out-of-compliance with the augmentation plan and should immediately cease. The Division Engineer's Office will be copied on both notices.

35.7. Pursuant to the lease agreement between the Center District and Centennial, Centennial performs all of the accounting for the Randall Ditch and Sessions Ditch water rights under the decree in Case No. 05CW111, which includes tracking compliance with the volumetric limits, replacement of delayed return flows, and the other terms and conditions decreed in that case. Accordingly, Centennial determines the consumptive use credits available under the Randall Ditch and Session Ditch water rights, along with the credits that are available to the Center District under the Center District's right to the first 200 acre-feet per year of such credits. As long as Centennial continues to perform the accounting for the Randall Ditch and Sessions Ditch water rights, Applicants' accounting shall report the amount of consumptive use credits available to the Applicants (reported by Centennial) and the amount of such available credits that are applied for the following purposes: a) augmentation by the Applicants; b) diversions at the County Road 59 Pump; and c) augmentation by Park County pursuant to Park County's augmentation plan in pending Case No. 08CW268.

35.8. All aspects of Applicants' reservoir accounting for the reservoirs described in ¶¶ 9.1. to 9.6. shall be governed by the underlying decrees for such reservoirs' water rights.

35.9. In addition to meter records, owners of Participating Diversions used for certain commercial purposes described below shall also be required to submit daily and monthly data regarding actual use by customers on a monthly basis to Applicants as described below. Applicants shall summarize such data in the Applicants' accounting form.

- A. Hotel/Motel/Lodge/Guest Ranch/Cabins With or Without Kitchen – The owner of the Participating Diversion shall be required to keep a daily and monthly count of the number of occupied rooms.
- B. Restaurant With Table/Bar Service or Paper Service Only – The owner of the Participating Diversion shall be required to keep a daily and monthly count of the number of restaurant customers.
- C. Campground/RV Park With Central Public Toilet and Shower Facility – The owner of the Participating Diversion shall be required to keep a daily and monthly count of number of occupied campsites.
- D. Campground/RV Park With Water/Sewer Hookup - The owner of the Participating Diversion shall be required to keep a daily and monthly count of the number of occupied campsites.

36. **No Injury.** Subject to the provisions set forth in this Decree above, the release of water pursuant to this augmentation plan for replacement of depletions from the Participating Diversions will ensure that Applicants 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, thereby resulting in non-injury to senior diverters. 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.

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

37.1. The Court retains jurisdiction of this case for reconsideration on the question of injury to the vested water rights of others from the date of the entry of this Decree until 5 years from the date that Applicants served written notice by ICCES that they are replacing 100 acre-feet of depletions from Participating Diversions in this Decree. If no such petition is filed within five (5) years after such notice, and the retained jurisdiction period has not been extended by the Court in accordance with the provisions of the statute, then this retained jurisdiction period shall automatically expire.

37.2. The Court retains jurisdiction of this case for reconsideration on the question of injury to the vested water rights of others from the date of the entry of the decree for a period of 5 years from the date that Applicants serve Notice of Approval of a new Participating Diversion pursuant to ¶ 11.7. If no such petition is filed within five (5) years after such Notice of Approval, and the retained jurisdiction period has not been extended by the Court in accordance with the provisions of the statute, then this retained jurisdiction period shall automatically expire as to such Participating Diversion.

37.3. The Court shall retain jurisdiction indefinitely to reconcile the total amount of uncommitted replacement water that remains available to the Applicants as described in ¶ 11.4 based on the difference between actual metered diversions for all Participating Diversions and the diversions estimated using the presumptive depletion calculations for all Participating Diversions in ¶ 10.3. Such petition shall be based on no less than five (5) years of metered diversion records for all

Participating Diversions. The Court shall either adjust the total amount of uncommitted replacement water that remains available to the Applicants based on metered diversion records or retain the total amount of uncommitted replacement water that remains available to the Applicants based on the presumptive depletion amount for the Participating Diversions.

37.4. The Court shall retain jurisdiction indefinitely for consideration of any sale, disposal or lease of water available to the Applicants that is in excess of the then-existing amount being utilized in the Plan for Augmentation and also any amount of water that is in excess of the annual acre-foot limit specified in ¶ 12.10 A disputed by one or more parties.

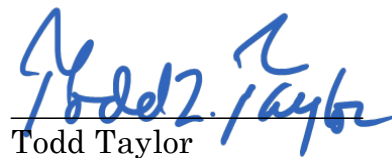
38. **Final Decree.** This Decree shall become final and appealable upon entry, notwithstanding the retained jurisdiction of the Court herein.

39. **Year of Filing.** The Application in this matter was filed in 2012. The priority awarded to the conditional rights of appropriative exchange herein shall be junior to all priorities awarded on applications filed in previous years. The appropriation date confirmed herein shall establish the relative priority of the water rights decreed herein among other water rights decreed on applications filed within 2012.

40. **Reasonable Diligence.** It is ordered that the conditional rights of appropriative exchanges awarded herein are hereby continued in full force and effect until July 31, 2021. If Applicants desire to maintain such conditional water rights, an application for a finding of reasonable diligence shall be filed on or before July 31, 2021, 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.

*So Ordered:*  
July 7, 2015

BY THE COURT:



Todd Taylor  
Alternate Water Judge  
Water Division 1



## EXHIBIT LIST

- A. Service Area Map
- B. Randall Ditch Terms and Conditions
- C. Parmalee Ditches Terms and Conditions
- D. Flume Ditch Terms and Conditions
- E. Participating Diversions
- F. Indoor Use Table
- G. Irrigation Table
- H. Evaporation Table
- I. Commercial and Industrial Table
- J. Application Form (Non-Commercial)
- K. Application Form (Commercial)
- L. Service List
- M. Instream Flow Water Rights
- N. Exchange Map
- O. Projection Forms
- P. Integrated Accounting Forms

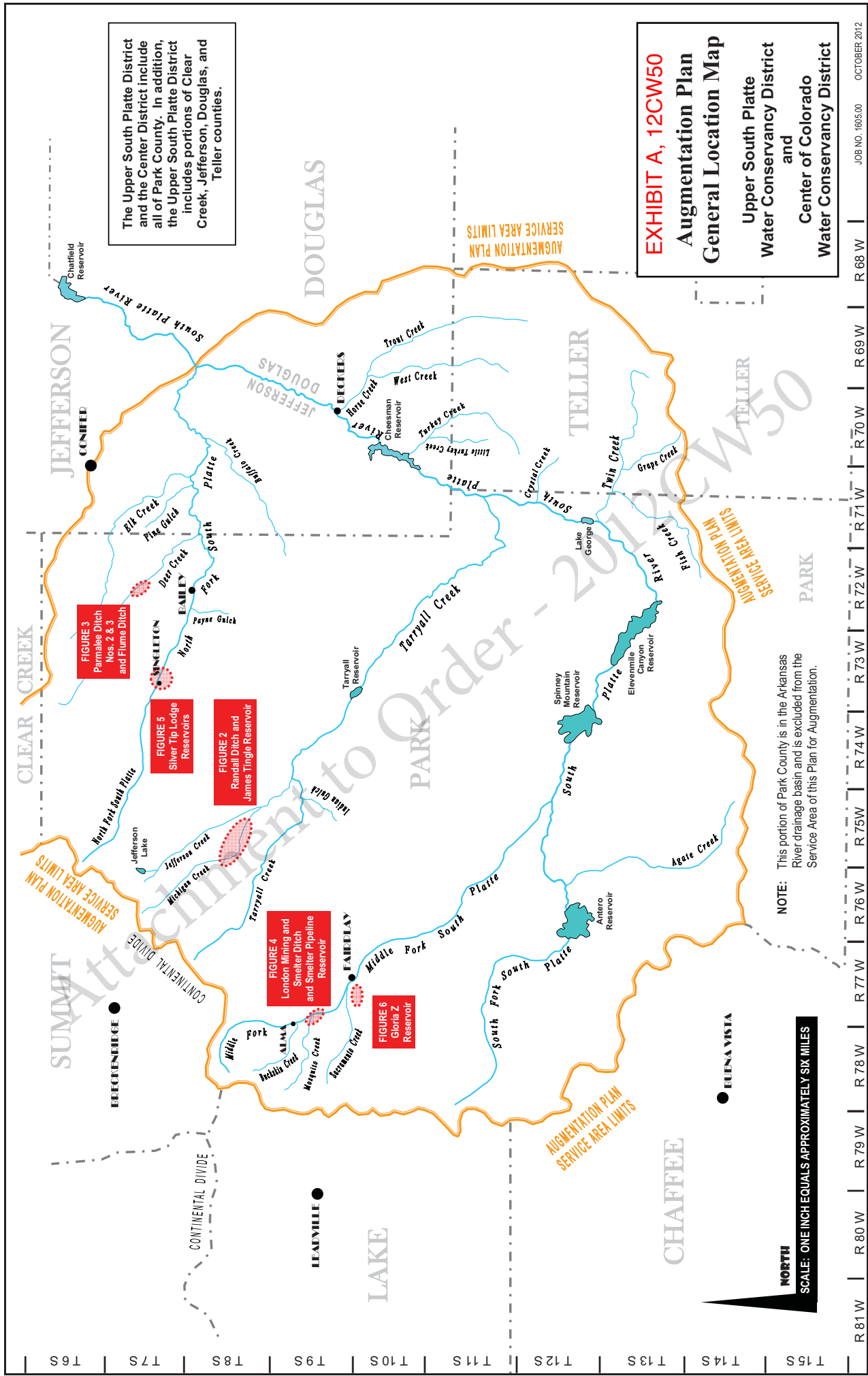
DISTRICT COURT, WELD COUNTY, COLORADO Court Address: 915 10th Street, Greeley, CO, 80632	<div style="text-align: center;"><b>△ COURT USE ONLY △</b></div> Case Number: 2012CW50 Division: 4                      Courtroom:
<b>In the Interest of:</b> CENTER OF COLORADO WATER CONSERVANCY DIS	
<b>Order Incorporating Exhibits into Decree</b>	

Because of the unusually large number of attachments, the Court's computer system had problems attaching the exhibits to the Decree. It is therefore ordered that the attached exhibits are hereby incorporated into the Decree issued today.

Issue Date: 7/7/2015



TODD L TAYLOR  
 District Court Judge



The Upper South Platte District and the Center District include all of Park County. In addition, the Upper South Platte District includes portions of Clear Creek, Jefferson, Douglas, and Teller counties.

**EXHIBIT A, 12CW50**  
**Augmentation Plan**  
**General Location Map**  
 Upper South Platte  
 Water Conservancy District  
 and  
 Center of Colorado  
 Water Conservancy District

**NOTE:** This portion of Park County is in the Arkansas River drainage basin and is excluded from the Service Area of this Plan for Augmentation.

**NORTH**  
 SCALE: ONE INCH EQUALS APPROXIMATELY SIX MILES

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10.3.1.2

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

10.3.1.2.1

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**EXHIBIT C  
Parmalee Ditch No. 2 and 3**

Fully Consumable Flow Rate (c.f.s).

	03CW231 and 06CW270 Decree Monthly Flow Limitation	Applicants' Pro Rata Interest in Flow Rate
April 20-30	0.05	0.03
May	0.14	0.07
June	0.24	0.13
July	0.21	0.11
August	0.13	0.07
September	0.11	0.06
October 1-14	0.08	0.04

Fully Consumable Volume (acre-feet).

	03CW231 and 06CW270 Decree Monthly Volumetric Limitation	Applicants' Pro Rata Interest in Volume
April 20-30	1.2	0.6
May	8.4	4.4
June	14.4	7.6
July	13.2	6.9
August	7.8	4.1
September	6.6	3.5
October 1-14	2.4	1.3

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

	03CW231 and 06CW270 Decree Volumetric Limitation	Applicants' Pro Rata Interest in Volume
Annual Maximum	42.6	22.3
10 Year Maximum	334	175.2

**EXHIBIT D  
Flume Ditch**

Fully Consumable Flow Rate (c.f.s).

	03CW231 and 06CW270 Decree Monthly Flow Limitation	Applicants' Pro Rata Interest in Flow Rate
April 20-30	0.07	0.04
May	0.1	0.05
June	0.19	0.10
July	0.16	0.08
August	0.1	0.05
September	0.08	0.04
October 1-14	0.04	0.02

Fully Consumable Volume (acre-feet).

	03CW231 and 06CW270 Decree Monthly Volumetric Limitation	Applicants' Pro Rata Interest in Volume
April 20-30	1.6	0.8
May	6.4	3.4
June	11.2	5.9
July	9.6	5.0
August	6.4	3.4
September	4.8	2.5
October 1-14	2.4	1.3

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

	03CW231 and 06CW270 Decree Volumetric Limitation	Applicants' Pro Rata Interest in Volume
Annual Maximum	30.4	15.9
10 Year Maximum	238	124.8

**EXHIBIT E**  
**Existing Participating Diversions**

<b>Participating Entity Name</b>	<b>Description of Water Use</b>	<b>Diversion</b>	<b>Well Permit Number</b>	<b>Name of Nearest Stream</b>	<b>Location of Diversion: (1/4 1/4 Section, Section, Township, Range)</b>
St. Mary of the Rockies	Domestic Comm	Well	047419-F	Deer Creek (NFSP)	SW1/4, NW1/4, S16, T7S, R72W, 6th PM
Fairplay Mobile Home Park	/Domestic	Well	63638-F	M.F. South Platte	NW1/4, NW1/4, S3, T10S, R77W, 6th PM
Forest Glen Sport Assoc	Domestic	Well	63637-F	Fish Creek (MFSP)	SE1/4, NW1/4, S3, T13S, R71W, 6th PM
Allen Drilling and Excavating	Evap Comm	Well	65294-F	M.F. South Platte	SE1/4, SW1/4, S11, T10S, R77W, 6th PM
Allen Drilling and Excavating	Gravel Washing	Well	69194-F	M.F. South Platte Spring Creek (North Fork SP)	SE1/4, SW1/4, S11, T10S, R77W, 6th PM
Mike Rubenstien	Livestock Irrigation / Livestock	Well	63640-F	Unn Trib to MF SP	NE1/4, NW1/4, S16, T8S, R70W, 6th PM
Julio Martin	Domestic / Irrigation	Well	61934-F	West Creek	SW1/4, SE1/4, S25, T9S, R78W, 6th PM
Bieske West Creek(main)	Domestic / Irrigation	Well	66675-F	West Creek	NE1/4, SW1/4, S6, T11S, R69W, 6th PM
Bieske West Creek(main)	Domestic / Irrigation	Well	66676-F	West Creek	NE1/4, SW1/4, S6, T11S, R69W, 6th PM
Bieske West Creek(main)	Domestic / Irrigation	Well	287135	West Creek	NE1/4, SW1/4, S6, T11S, R69W, 6th PM
American Safari Lutheran Valley Retreat, Inc	Domestic	Well	63642-F	Trout Creek Trib. Little Turkey Creek (SPR)	SE1/4, SW1/4, S18, T7S, R76W, 6th PM
Allen Drilling & Exc. Office	Domestic / Irrigation	Well	263690	M.F. South Platte	NE1/4, SW1/4, S7, T11S, R70W, 6th PM
Douglas Heights	Domestic / Irrigation	Well	73637 No well constructed	M.F. South Platte	SW1/4, NW1/4, S34, T7S, R77W, 6th PM
Douglas Heights	Domestic / Irrigation	Well	No well constructed	M.F. South Platte	SW1/4, S14, T9S, R78W, 6th PM
Douglas Heights	Domestic / Irrigation	Well	No well constructed	M.F. South Platte	SW1/4, S14, T9S, R78W, 6th PM
Douglas Heights Mountain Comfort B&B	Domestic / Irrigation	Well	243713	M.F. South Platte	SW1/4, S14, T9S, R78W, 6th PM
Asher 1 & 2 Ponds	Domestic Evaporation Release	Well	67226-F	M.F. South Platte	SW1/4, NW1/4, S18, T9S, R77W, 6th PM
Allen McGlone	Domestic	Diversion	N/A	Crystal Creek	NW1/4, SW1/4, S4, T4S, R71W, 6th PM
Henneberry	Domestic	Diversion	N/A	Payne Creek	S36, T7S, R73W, 6th PM
Matteson	Domestic	Diversion	N/A	Payne Creek	S36, T7S, R73W, 6th PM
Beston	Domestic	Diversion	N/A	Payne Creek	S36, T7S, R73W, 6th PM
Yorker	Domestic	Diversion	N/A	Payne Creek	S36, T7S, R73W, 6th PM
Buffalo Creek Water District	Domestic Comm / Domestic	Well/spring	None	Buffalo Creek	NE1/4, SW1/4, S5, T8S, R70W, 6th PM
Buffalo Creek Water District	Domestic Comm / Domestic	Well	None	Buffalo Creek	NW1/4, SW1/4, S5, T8S, R70W, 6th PM
Buffalo Creek Water District	Domestic Comm / Domestic	Well/spring	None	Buffalo Creek	NW1/4, NW1/4, S6, T8S, R70W, 6th PM
Keegean Earth's Creation Landscaping (Post-Pumping Depletions Replacement)	Domestic Irrigation - Sprinkler	Well	No well constructed	M.F South Platte	SW1/4, NE1/4 & SE1/4, NW1/4, S13, T8S, R78W, 6th PM
Hutchinson	Domestic	Well	68638-F	Twin Creek	NW1/4, NW1/4, S33, T12S, R71W, 6th PM
				M.F. South Platte	NW1/4, NW1/4, S3, T10S, R77W, 6th PM

Participating Entity Name	Description of Water Use	Diversion	Well Permit Number	Name of Nearest Stream	Location of Diversion: (1/4 1/4 Section, Section, Township, Range)
Indian Mountain	Comm / Domestic	Well	69705-F	Tarryall Creek	NW1/4, NE1/4, S22, T9S, R75W, 6th PM
Everest Apartments	Domestic Evaporation Release	Well	80334-A	Deer Creek (NFSP) M.F. South Platte River	SW1/4, SE1/4, S25, T6S, R73W, 6th PM
IGWT Mining Lake George Charter School	Domestic Commercial / Domestic, Livestock	Diversion	N/A	South Platte River	S1/2, E1/2 NW1/4, S18, T9S, R77W, 6th PM
Sanborn Camps/Colorado Outdoor Education	Commercial / Domestic, Livestock	Well	75827-F	Fish Creek, Twin Creek	SE1/4, SE1/4, S29, T12S, R71W, 6th PM
Sanborn Camps/Colorado Outdoor Education	Commercial / Domestic, Livestock	Well	217465	Fish Creek, Twin Creek	S21, S22, S28, T13S, R71W, 6th PM
Sanborn Camps/Colorado Outdoor Education	Commercial / Domestic, Livestock	Well	10189	Fish Creek, Twin Creek	S21, S22, S28, T13S, R71W, 6th PM
Wilson Pond	Domestic, irrigation, stock	Well	250413-A	Fish Creek, Twin Creek Redner Creek, Rule Creek	S21, S22, S28, T13S, R71W, 6th PM
Sims North Rainbow Falls Water Company	Domestic	Diversion		South Platte River	SW1/4, SE1/4, S18, T13S, R69W, 6th PM
North Rainbow Falls Water Company	Domestic	Well	204061	South Platte River	NE1/4, NW1/4, S13, T12S, R72W, 6th PM
North Rainbow Falls Water Company	Domestic	Well	77453-F	Polhemus Creek	SW1/4, SW1/4 S31, T9S, R69W, 6th PM
North Rainbow Falls Water Company	Domestic	Well	77454-F	Trout Creek	SW1/4, SW1/4 S31, T9S, R69W, 6th PM
North Rainbow Falls Water Company	Domestic	Well	77455-F	Polhemus Creek	NE1/4, SW1/4 S31, T9S, R69W, 6th PM
North Rainbow Falls Water Company	Domestic	Well	77456-F	Trout Creek	SW1/4, SW1/4 S31, T9S, R69W, 6th PM
Thomas Yang	Domestic	Well	292141	Elk Creek	NE1/4 S24, T6S, R73W, 6th PM
Sproul	Domestic Truck washing & commercial	Well	No well constructed	Elk Creek	S6, T7S, R71W, 6th PM
Colo Dept of Transportation	Domestic	Diversion	N/A	South Platte River	NE1/4, S12, T13S, R70W, 6th PM
Broadmoor Hotel	Irrigation Indoor	Diversion	N/A	Tarryall Creek	S10, T10S, R73W, 6th PM
Humm	Irrigation	Well	82733	Tarryall Creek	SE1/4, NE1/4, S15, T10S, R75W, 6th PM
Bicking	Domestic / Indoor	Well	56487-F	Fish Creek	NW1/4, NW1/4, S11, T14S, R72W, 6th PM
Thompson	Irrigation Domestic / Stock	Well	165835	South Platte River	NW1/4, SW1/4, S36, T12S, R73W, 6th PM
Koza	Domestic / commercial	Well	251692	Resort Creek	NW1/4, NE1/4, S3, T7S, R71W, 6th PM
Denver Water	Evaporation Release	Well	78876-F	South Platte River	NW1/4, NW1/4, S22, T12S, R76W, 6th PM
Illig	Domestic	Diversion	N/A	Twelve Mile Creek	SW1/4, NE1/4, S13, T11S, R78W, 6th PM
Sproul	Domestic	Well	146775	Elk Creek	SE1/4, NW1/4, S6, T7S, R71W, 6th PM



## EXHIBIT F

**Table 1**  
**Presumptive Residential Indoor Diversion Rates**

Diversions only. Annual amounts to be divided equally each month for purposes of replacing depletions.

Residential Dwellings	80 gpcd	3 persons per dwelling	365 days/year	0.27 acre feet/year
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**Table 2**  
**Residential Indoor Use Consumptive Use Percentages**

The below stated consumptive use percentages apply to all types of indoor residential use, based on sewage disposal system used unless a different consumptive use rate is specified in **EXHIBIT I** for the different types of commercial 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 specific diversions/depletions, dry year operation, storage and necessary replacement water location and timing before being admitted as a Participating Diversion.

**EXHIBIT G**  
**Irrigation Consumptive Use**

**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		0.0011	0.0011	0.0022	0.0033	0.0033
February			0.0011	0.0011	0.0033	0.0033
March			0.0011	0.0011	0.0022	0.0033
April	0.0025	0.0022	0.0022	0.0022	0.0022	0.0033
May	0.0051	0.0044	0.0044	0.0022	0.0022	0.0033
June	0.0088	0.0077	0.0066	0.0033	0.0033	0.0033
July	0.0083	0.0066	0.0055	0.0055	0.0033	0.0033
August	0.0059	0.0055	0.0055	0.0055	0.0033	0.0033
September	0.0057	0.0055	0.0055	0.0044	0.0044	0.0033
October	0.0033	0.0044	0.0044	0.0044	0.0044	0.0033
November		0.0011	0.0011	0.0044	0.0044	0.0033
December		0.0011	0.0011	0.0033	0.0033	0.0033
<b>Totals</b>	<b>0.0396</b>	<b>0.0396</b>	<b>0.0396</b>	<b>0.0396</b>	<b>0.0396</b>	<b>0.0396</b>

Note: 0.0396 acre-foot per 1,000 square feet is equivalent to 1.72 acre-feet per acre.

**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		0.0011	0.0011	0.0033	0.0033	0.0033
February			0.0011	0.0022	0.0033	0.0033
March			0.0011	0.0022	0.0033	0.0044
April	0.0037	0.0022	0.0022	0.0022	0.0022	0.0033
May	0.0063	0.0044	0.0044	0.0022	0.0033	0.0044
June	0.0093	0.0077	0.0066	0.0033	0.0033	0.0033
July	0.0091	0.0088	0.0077	0.0055	0.0044	0.0044
August	0.0069	0.0077	0.0055	0.0066	0.0044	0.0044
September	0.0061	0.0055	0.0055	0.0055	0.0044	0.0033
October	0.0037	0.0044	0.0044	0.0044	0.0044	0.0044
November		0.0022	0.0033	0.0044	0.0044	0.0033
December		0.0011	0.0022	0.0033	0.0044	0.0033
<b>Totals</b>	<b>0.0451</b>	<b>0.0451</b>	<b>0.0451</b>	<b>0.0451</b>	<b>0.0451</b>	<b>0.0451</b>

Note: 0.0451 acre-foot per 1,000 square feet is equivalent to 1.96 acre-feet per acre.

### ZONE C

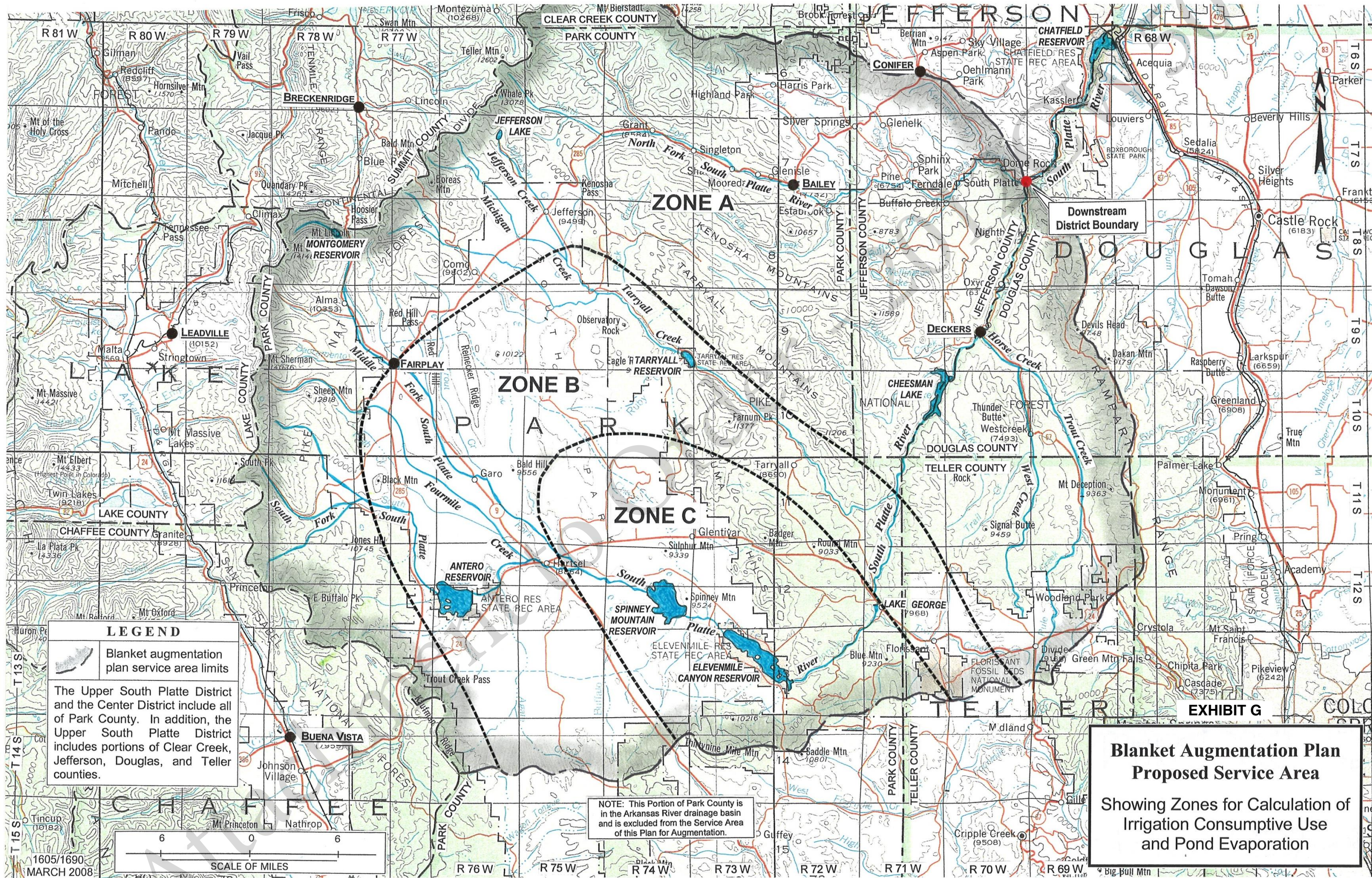
#### Lawn Irrigation Depletion

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		0.0011	0.0011	0.0033	0.0033	0.0044
February			0.0011	0.0022	0.0033	0.0033
March			0.0011	0.0011	0.0022	0.0044
April	0.0042	0.0022	0.0022	0.0022	0.0022	0.0033
May	0.0070	0.0044	0.0044	0.0033	0.0033	0.0044
June	0.0100	0.0088	0.0077	0.0044	0.0044	0.0033
July	0.0100	0.0088	0.0088	0.0066	0.0055	0.0044
August	0.0075	0.0077	0.0077	0.0066	0.0066	0.0044
September	0.0065	0.0066	0.0055	0.0055	0.0055	0.0044
October	0.0043	0.0055	0.0044	0.0055	0.0044	0.0044
November		0.0033	0.0033	0.0044	0.0044	0.0044
December		0.0011	0.0022	0.0044	0.0044	0.0044
<b>Totals</b>	<b>0.0495</b>	<b>0.0495</b>	<b>0.0495</b>	<b>0.0495</b>	<b>0.0495</b>	<b>0.0495</b>

Note: 0.0495 acre-foot per 1,000 square feet is equivalent to 2.16 acre-feet per acre.



**LEGEND**

Blanket augmentation plan service area limits

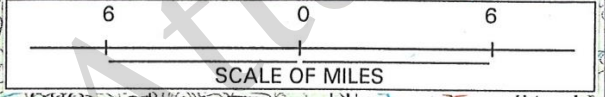
The Upper South Platte District and the Center District include all of Park County. In addition, the Upper South Platte District includes portions of Clear Creek, Jefferson, Douglas, and Teller counties.

NOTE: This Portion of Park County is in the Arkansas River drainage basin and is excluded from the Service Area of this Plan for Augmentation.

**EXHIBIT G**

**Blanket Augmentation Plan Proposed Service Area**

Showing Zones for Calculation of Irrigation Consumptive Use and Pond Evaporation



1605/1690  
MARCH 2008

## EXHIBIT H

Evaporation losses for a pond shall be based upon the maximum surface area of the pond unless Applicants' accounting includes a surveyed stage area capacity curve for the pond and the Participating Diversion provides Applicants monthly with daily data of the water levels in the pond for each month of the year when evaporation occurs.

DATE FILED: July 7, 2015 11:02 AM  
CASE NUMBER: 2013CW50

### ZONE A Off-Channel Ponds (Values in Acre-feet per Acre)

Jan	Feb	Mar	Apr	May	Jun	July	Aug	Sept	Oct	Nov	Dec	Total
0.00	0.00	0.19	0.29	0.41	0.50	0.52	0.42	0.35	0.24	0.13	0.00	3.05

### ZONE A On-Channel Ponds (Values in Acre-feet per Acre)

Jan	Feb	Mar	Apr	May	Jun	July	Aug	Sept	Oct	Nov	Dec	Total
0.00	0.00	0.14	0.22	0.31	0.42	0.40	0.31	0.29	0.19	0.10	0.00	2.38

### ZONE B Off-Channel Ponds (Values in Acre-feet per Acre)

Jan	Feb	Mar	Apr	May	Jun	July	Aug	Sept	Oct	Nov	Dec	Total
0.00	0.00	0.22	0.33	0.46	0.57	0.58	0.47	0.41	0.28	0.14	0.00	3.46

### ZONE B On-Channel Ponds (Values in Acre-feet per Acre)

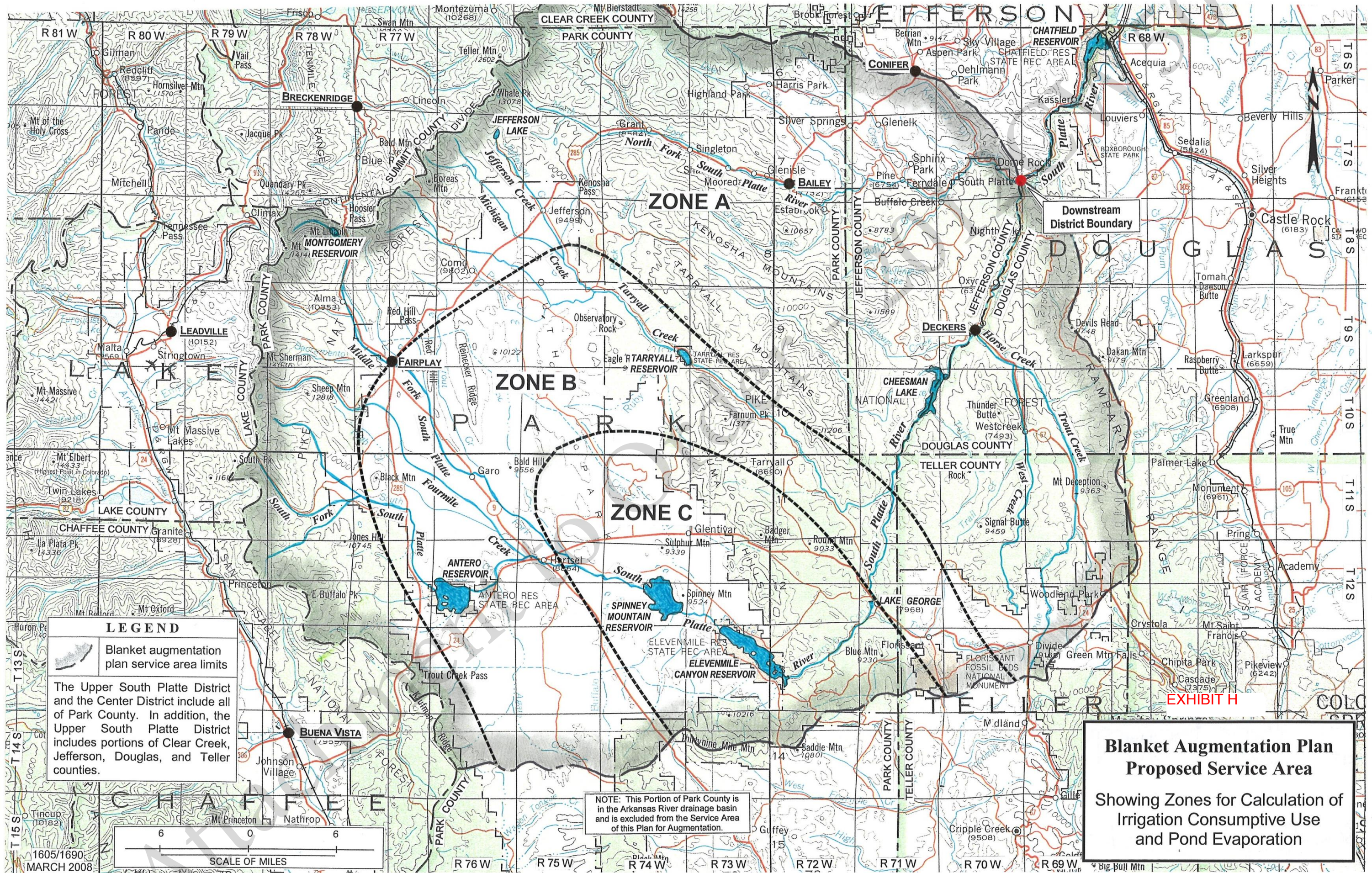
Jan	Feb	Mar	Apr	May	Jun	July	Aug	Sept	Oct	Nov	Dec	Total
0.00	0.00	0.18	0.26	0.39	0.51	0.48	0.37	0.35	0.23	0.12	0.00	2.89

### ZONE C Off-Channel Ponds (Values in Acre-feet per Acre)

Jan	Feb	Mar	Apr	May	Jun	July	Aug	Sept	Oct	Nov	Dec	Total
0.00	0.00	0.24	0.37	0.52	0.64	0.66	0.54	0.45	0.31	0.17	0.00	3.90

### ZONE C On-Channel Ponds (Values in Acre-feet per Acre)

Jan	Feb	Mar	Apr	May	Jun	July	Aug	Sept	Oct	Nov	Dec	Total
0.00	0.00	0.21	0.32	0.45	0.58	0.57	0.45	0.41	0.28	0.14	0.00	3.41



**LEGEND**

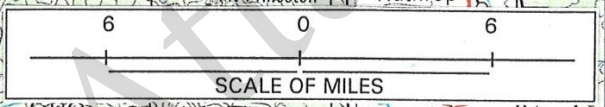
Blanket augmentation plan service area limits

The Upper South Platte District and the Center District include all of Park County. In addition, the Upper South Platte District includes portions of Clear Creek, Jefferson, Douglas, and Teller counties.

NOTE: This Portion of Park County is in the Arkansas River drainage basin and is excluded from the Service Area of this Plan for Augmentation.

**Blanket Augmentation Plan  
Proposed Service Area**

Showing Zones for Calculation of  
Irrigation Consumptive Use  
and Pond Evaporation



1605/1690  
MARCH 2008

EXHIBIT H

## EXHIBIT I

**Table 1  
Presumptive Diversion Rates for Commercial and Industrial Uses**

Type of Water Use	Total Diversion
Hotel /Motel/Lodge/Guest Ranch /Cabins with Kitchen <sup>1</sup>	100 gpd per occupied room
Hotel /Motel/Lodge/Guest Ranch /Cabins without Kitchen <sup>2</sup>	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 <sup>3</sup>	10 gpd per customer
Restaurant with paper service only <sup>4</sup>	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 <sup>5</sup>	65 gpd per camp site
Campground/RV Park, with water/sewer hookup, assuming 150 days per year occupancy <sup>6</sup>	35 gpd per camp site
Warehouse, per 1000 square feet	30 gpd
School (without cafeteria, gym and showers)	15 gpd per student
School (with cafeteria, gym and showers)	20 gpd per student
Automobile service station with car wash	500 gpd per pump
Automobile service station without car wash	250 gpd per pump
Car wash – self service	750 gpd
Greenhouse irrigation, per 1000 square feet of actual bedded material per month of active growing	0.0117 acre-feet

<sup>1</sup> The Participating Diversion shall be required to keep a daily and monthly count of the number of occupied rooms and to provide a tabulation to Applicants monthly. The tabulation shall be summarized in the Applicants' accounting form.

<sup>2</sup> The Participating Diversion shall be required to keep a daily and monthly count of the number of occupied rooms and to provide a tabulation to Applicants monthly. The tabulation shall be summarized in the Applicants' accounting form.

<sup>3</sup> The Participating Diversion shall be required to keep a daily and monthly count of the number of restaurant customers and to provide a tabulation to Applicants monthly. The tabulation shall be summarized in the Applicants' accounting form.

<sup>4</sup> The Participating Diversion shall be required to keep a daily and monthly count of the number of restaurant customers and to provide a tabulation to Applicants monthly. The tabulation shall be summarized in the Applicants' accounting form.

<sup>5</sup> The Participating Diversion shall be required to keep a daily and monthly count of number of occupied campsites and to provide a tabulation to Applicants monthly. The tabulation shall be summarized in the Applicants' accounting form.

<sup>6</sup> The Participating Diversion shall be required to keep a daily and monthly count of the number of occupied campsites and to provide a tabulation to Applicants monthly. The tabulation shall be summarized in the Applicants' accounting form.

## EXHIBIT I

### Table 2

#### Consumptive Use Percentages for Commercial and Industrial Uses

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

Fully consumable uses will be evaluated on a case by case basis to determine specific diversions/depletions, dry year operation, storage and necessary replacement water location and timing before being admitted as a Participating Diversion.



**HEADWATER AUTHORITY OF THE SOUTH PLATTE (HASP)**

**APPLICATION FOR NON-COMMERCIAL WATER USERS DIVERSION  
UPPER SOUTH PLATTE BLANKET AUGMENTATION PLAN**

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

1. Applicant's name, address, phone number and email: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
2. Name of structure or diversion used to obtain water: \_\_\_\_\_
  - 2.1. If the structure is a well, provide the well permit number: \_\_\_\_\_
  - 2.2. If the structure is a well, attach a copy of the well permit to the application.
3. Name, address, phone number and email of **each** owner of property to be served by the structure or diversion: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
4. Provide legal descriptions of **each** property to be served by the structure or diversion and attach a copy of the deed to each property: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
5. Location of structure or diversion (include quarter quarter, section, and approximate feet from section lines; include a map of the location): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
6. GPS coordinates for structure or diversion (if available): \_\_\_\_\_  
\_\_\_\_\_
7. Provide a detailed description of proposed water uses for **each** property (e.g. indoor, irrigation, livestock, ponds): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
8. Square feet of lawn and/or garden irrigation: \_\_\_\_\_
9. Number of single family dwellings: \_\_\_\_\_
10. Number and type of livestock and other animals: \_\_\_\_\_
11. Surface area of ponds (in square feet): \_\_\_\_\_
12. Type of wastewater treatment (e.g., septic tank and leach field, evapotranspiration system, sewer line to wastewater treatment plant): \_\_\_\_\_
13. Approximate distance to the nearest flowing stream: \_\_\_\_\_
14. Name of the nearest flowing stream: \_\_\_\_\_



**HEADWATER AUTHORITY OF THE SOUTH PLATTE (HASP)**

**APPLICATION FOR COMMERCIAL WATER USERS DIVERSION  
UPPER SOUTH PLATTE BLANKET AUGMENTATION PLAN**

1. Applicant's name, address, phone number and email: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  
2. Name of structure or diversion used to obtain water: \_\_\_\_\_
  - 2.1. If the structure is a well, provide the well permit number: \_\_\_\_\_
  - 2.2. If the structure is a well, attach a copy of the well permit to the application.
  
3. Name, address, phone number and email of **each** owner of property to be served by the structure or diversion: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  
4. Provide legal descriptions of **each** property to be served by the structure or diversion, and attach a copy of the deed to each property: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  
5. Location of structure or diversion (include quarter quarter, section, and approximate feet from section lines; include a map of the location): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  
6. GPS coordinates for structure or diversion (if available): \_\_\_\_\_  
\_\_\_\_\_
  
7. Provide a detailed description of proposed water uses for **each** property and answer the applicable questions: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
  - 7.1. For hotel, motel, lodge, guest ranch, cabins **with** kitchenettes– How many guest rooms and staff rooms? \_\_\_\_\_ What is the expected annual occupancy rate? \_\_\_\_\_
  - 7.2. For hotel, motel, lodge, guest ranch, cabins **without** kitchenettes– How many guest rooms and staff rooms? \_\_\_\_\_ What is the expected annual occupancy rate? \_\_\_\_\_
  - 7.3. For laundromats, how many washing machines? \_\_\_\_\_
  - 7.4. For restaurants, with table/bar service, what is the expected average number of customers per year? \_\_\_\_\_
  - 7.5. For restaurants with paper service only, what is the expected average number of customers per year? \_\_\_\_\_
  - 7.6. For kennels, what is the expected average number of dogs to boarded per year? \_\_\_\_\_
  - 7.7. For offices, what is the square footage of finished floor space? \_\_\_\_\_

- 7.8. For campgrounds and RV parks with central public toilet and shower facility, how many campsites? \_\_\_\_\_
- 7.9. For campgrounds and RV parks with water/sewer hookups only, how many campsites? \_\_\_\_\_
- 7.10. For warehouses, what is the square footage of floor space? \_\_\_\_\_
- 7.11. For schools without cafeteria, gym and showers, how many students? \_\_\_\_\_
- 7.12. For schools with cafeteria, gym and showers, how many students? \_\_\_\_\_
- 7.13. For automobile service station without car wash, how many pumps? \_\_\_\_\_
- 7.14. For all commercial enterprises, how many square feet of irrigated lawn and garden? \_\_\_\_\_
- 7.15. For greenhouse purposes, how many square feet of irrigated bedding material? \_\_\_\_\_
- 7.16. For any other type of commercial enterprise, describe the number of employees, process water, wash water, or other types of water use? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- 7.17. Square feet of lawn and/or garden irrigation: \_\_\_\_\_
- 7.18. Number of single family dwellings: \_\_\_\_\_
- 7.19. Number and type of livestock and other animals: \_\_\_\_\_
- 7.20. Surface area of ponds (in square feet): \_\_\_\_\_
8. Type of wastewater treatment (septic tank and leach field, evapotranspiration system, sewer line to wastewater treatment plant): \_\_\_\_\_
9. Approximate distance to the nearest flowing stream: \_\_\_\_\_
10. Name of the nearest flowing stream: \_\_\_\_\_
11. What is the date the structure was first used to divert water for **each** beneficial use: \_\_\_\_\_  
\_\_\_\_\_



## EXHIBIT L

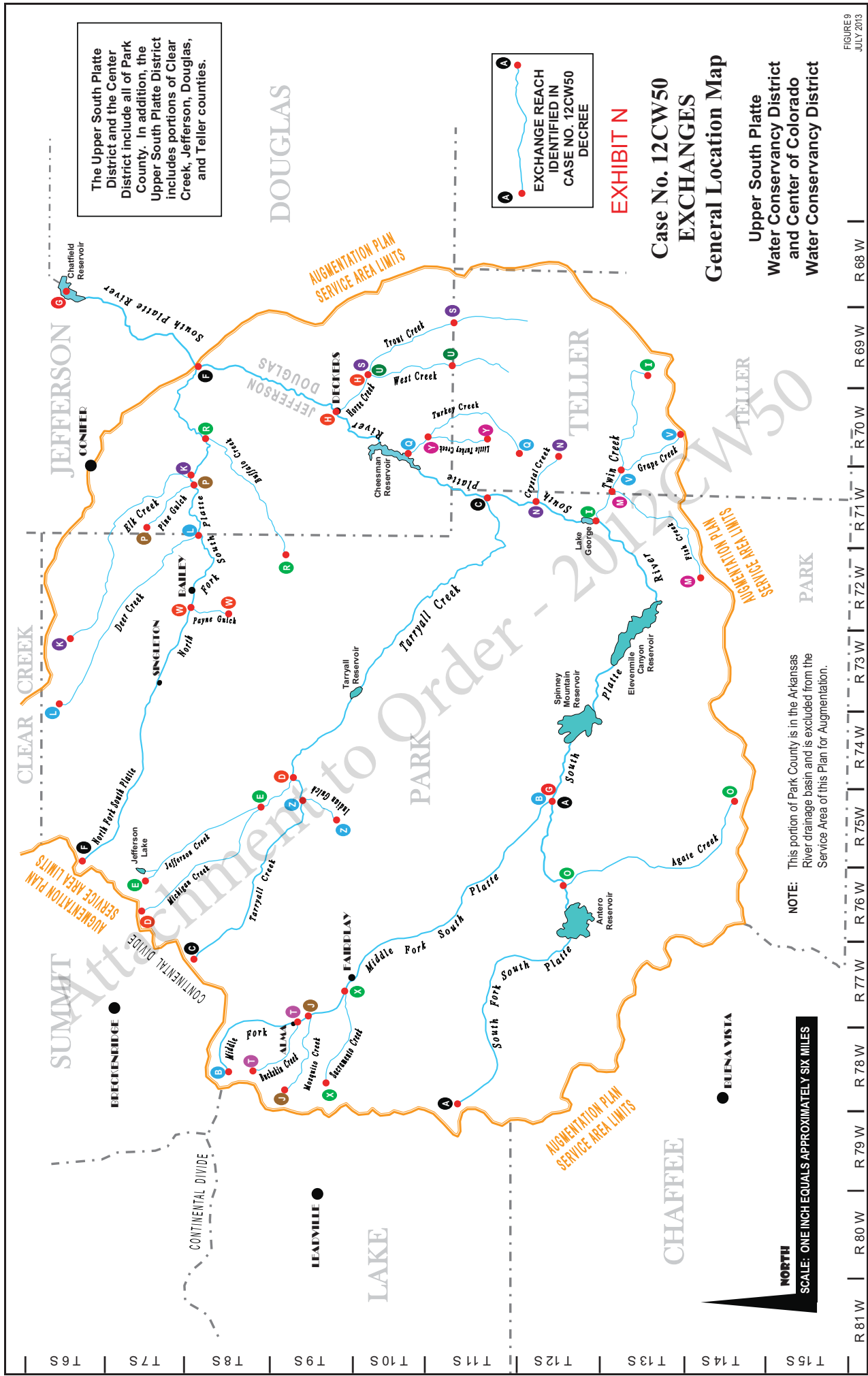
### Opposers' and Opposers' Attorneys' Contact Information

City of Aurora Aurora Utilities Department 15151 E. Alameda Parkway, Suite 3600 Aurora, CO 80012	City and County of Denver
Park County Board of Commissioners	Snowstorm Sand & Gravel c/o Evan D. Ela Collins Cockrel & Cole 390 Union Boulevard, Suite 400 Denver, Colorado 80228-1556 Email: <a href="mailto:eela@CCCFIRM.COM">eela@CCCFIRM.COM</a>
Lone Rock H <sup>2</sup> O LLC	Centennial Water and Sanitation District c/o Veronica A. Sperling Buchanan and Sperling, P.C. 7703 Ralston Road Arvada, Colorado 80002 303-431-9141 (telephone) <a href="mailto:vsperling@tbvs.net">vsperling@tbvs.net</a> (e-mail)
State Engineers c/o Jeff Deatherage, SEO Chief of Water Supply Colorado Division of Water Resources 1313 Sherman St., Ste. 821 Denver, CO 80203 Email: <a href="mailto:Jeff.Deatherage@state.co.us">Jeff.Deatherage@state.co.us</a>	Division Engineer c/o Dave Nettles 810 9th Street, Suite 200 Greeley, CO 80631 Email: <a href="mailto:david.nettles@state.co.us">david.nettles@state.co.us</a>
Town of Alma	Wellington Reservoir Company
CWCB CWCB Instream Flow Section Chief 1313 Sherman St., Ste. 718 Denver, CO 80203 <a href="mailto:Linda.bassi@state.co.us">Linda.bassi@state.co.us</a>	Platte River Ranch Estates and Road Association c/o Veronica A. Sperling Buchanan and Sperling, P.C. 7703 Ralston Road Arvada, Colorado 80002 303-431-9141 (telephone) <a href="mailto:vsperling@tbvs.net">vsperling@tbvs.net</a> (e-mail)

**EXHIBIT M**  
**CWCB Instream Flow Water Rights**

**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



The Upper South Platte District and the Center District include all of Park County. In addition, the Upper South Platte District includes portions of Clear Creek, Jefferson, Douglas, and Teller counties.

**A** **Z**

**EXCHANGE REACH IDENTIFIED IN CASE NO. 12CW50 DECREE**

**EXHIBIT N**

**Case No. 12CW50 EXCHANGES**

**General Location Map**

**Upper South Platte Water Conservancy District and Center of Colorado Water Conservancy District**



**Case No. 12CW50 Exchanges for Augmentation  
(Including Direct Replacement of Depletions and Deliveries to Storage Vessels)**

Reach in Decree	Stream	Upper Terminus	Lower Terminus	Exchange Rate (cfs)
A	South Fork South Platte River	S1 T11S R79W 6 PM	Confluence Middle Fork South Platte River at lat 39 00 39N long 105 44 23W	0.25
B-1	Middle Fork South Platte River	S8 T8S R78W 6 PM	Confluence South Fork South Platte River at lat 39 00 39N long 105 44 23W	0.25 (cumulative with exchange below)
B-2	Middle Fork South Platte River	CR 59 Pump, in SE/4 S10 T12S R75W 6 PM (pursuant to Case No. 12CW214, pending)	Confluence South Fork South Platte River at lat 39 00 39N long 105 44 23W	0.25 (cumulative with exchange above)
C	Tarryall Creek	S11 T8S R77W 6 PM	Confluence South Platte River in S16 T11S R71W 6 PM	0.25
D	Michigan Creek	S7 T7S R76W 6 PM	Confluence Tarryall Creek in NE/4 SW/4 S1 T9S R75W 6 PM	0.25
E	Jefferson Creek	S4 T7S R76W 6 PM	Confluence Michigan Creek at lat 39 19 40N long 105 46 07W	0.25
F	North Fork South Platte River	S14 T6S R76W 6 PM	Confluence South Platte River in SW/4 SE/4 S25 T7S R70W 6 PM	0.25
G	South Platte River	Confluence South Fork and Middle Fork South Platte River at lat 39 00 39N long 105 44 23W	Chatfield Reservoir	0.43
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	0.25
I	Twin Creek	S30 T12S R71W 6 PM	Confluence South Platte River in S30 T12S R71W 6 PM	0.25
J	Mosquito Creek	S36 T8S R79W 6 PM	Confluence Middle Fork South Platte River in SW NW S18 T9S R77W 6PM	0.25
K	Elk Creek	S9 T6S R73W 6 PM	Confluence North Fork South Platte River in NE SE S 27 T7S R71W 6 PM	0.25
L	Deer Creek	S2 T6S R74W 6 PM	Confluence North Fork South Platte River in NE/4 S36 T7S R72W	0.25
M	Fish Creek	S9 T14S R72W 6PM	Confluence Twin Creek in NW/4 S3 T13S R71W 6PM	0.16

**Case No. 12CW50 Exchanges for Augmentation  
(Including Direct Replacement of Depletions and Deliveries to Storage Vessels)**

<b>Reach in Decree</b>	<b>Stream</b>	<b>Upper Terminus</b>	<b>Lower Terminus</b>	<b>Exchange Rate (cfs)</b>
N	Crystal Creek	S12 T12S R71W 6PM	Confluence South Platte River in E/2 S5 T12S R71W 6PM	0.16
O	Agate Creek	S5 T15S R74W 6PM	Confluence South Fork South Platte River in SW/4 S14 T12S R76W 6PM	0.16
P	Pine Gulch	SE/4 S1 T7S R72W 6 PM	Confluence with North Fork South Platte River in SW/4 S27 T7S R71W	0.16
Q	Turkey Creek	SE/4 S25 T11S R71W 6PM	Cheesman Lake in the vicinity of S13 T10S R71W 6PM	0.16
R	Buffalo Creek	Confluence of Freeman Creek and Rolling Creek in NE/4 S30 T8S R71W 6PM	Confluence North Fork South Platte River in S31 T7S R70W 6PM	0.16
S	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	0.25
T	Buckskin Creek	Lake Emma at lat 39 19 47N long 106 08 20W	Confluence Middle Fork South Platte River in N2 S12 T9S R78W 6 PM	0.16
U	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	0.16
V	Grape Creek	NW/4 SE/4 S21 T13S R70W 6PM	Confluence with Twin Creek in NE/4 SW/4 S2 T13S R71W 6PM	0.16
W	Payne Creek	NE/4 SW/4 S12 T8S R73W 6PM	Confluence with North Fork of the South Platte in SW/4 NE/4 T7S R73W 6PM	0.16
X	Sacramento Creek	NE/4 NW/4 S25 T9S R79W 6PM	Confluence with Middle Fork South Platte in the SE/4 of SW4 of S29 T9S R77W 6PM	0.25
Y	Little Turkey Creek	NE/4 NE/4 S19 T11S R70W 6PM	Confluence with Turkey Creek in NW/4 NE/4 S 30 T10S R70W 6PM	0.16
Z	Indian Gulch	NW/4 SE/4 S27 T9S R75W 6PM	Confluence with Tarryall Creek in SE/4 NE/4 S10 T9S R75W 6PM	0.16

Exhibit P (Revised 10/10/2014)

2014 PROJECTED PARTICIPANT INFORMATION SUMMARY

UPPER SOUTH PLATTE WATER CONSERVANCY DISTRICT & CENTER OF COLORADO WATER CONSERVANCY DISTRICT  
CASE NOS. 02CW389, 12CW50, and 12CW214

Participating Entity Name	Is Participant Included in Case No. 02CW389, Case No. 12CW50, or both?	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.

**2014 PROJECTED DISCONTINUED PARTICIPANTS**  
**UPPER SOUTH PLATTE WATER CONSERVANCY DISTRICT & CENTER OF COLORADO WATER CONSERVANCY DISTRICT**  
**CASE NOS. 02CW389, 12CW50, and 12CW214**

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:

Attachment to Order - 2012CW50





Exhibit P (Revised 10/10/2014)

2014 PROJECTED DEPLETIONS PER STREAM

UPPER SOUTH PLATTE WATER CONSERVANCY DISTRICT & CENTER OF COLORADO WATER CONSERVANCY DISTRICT

CASE NOS. 02CW389, 12CW50, and 12CW214

Stream Basin	Monthly Depletion Amount (acre-feet)												
	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Totals
Michigan Creek													0.00
Jefferson Creek													0.00
Tarryall Cr above TARCOMCO													0.00
Tarryall Cr below TARCOMCO													0.00
Middle Fork South Platte River													0.00
South Fork South Platte River													0.00
Fourmile Creek													0.00
South Platte R above Spinney													0.00
South Platte R below Spinney													0.00
Horse Creek													0.00
Trout Creek													0.00
West Creek													0.00
Buffalo Creek													0.00
North Fork South Platte River													0.00
Deer Creek													0.00
Fish Creek													0.00
Freeman Creek													0.00
Spring Creek													0.00
West Creek													0.00
Little Turkey Creek													0.00
Twin Creek													0.00
Crystal Creek													0.00
Payne Creek													0.00
Mosquito Creek													0.00
Elk Creek													0.00
Agate Creek													0.00
Pine Gulch													0.00
Turkey Creek													0.00
Buckskin Creek													0.00
Grape Creek													0.00
Sacramento Creek													0.00
Indian Gulch													0.00
<b>Totals</b>	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

Notes:

Monthly depletion amounts are projected based on parameters in the decrees in Case No. 02CW389 and Case No. 12CW50.





Exhibit P (Revised 10/10/2014)

**2014 PROJECTED REPLACEMENT WATER BALANCE**

**UPPER SOUTH PLATTE WATER CONSERVANCY DISTRICT & CENTER OF COLORADO WATER CONSERVANCY DISTRICT  
CASE NO. 02CW389, 12CW50, and 12CW214**

	Monthly Amount (acre-feet)												Totals
	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	
Net Replacement	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Beginning of Month Storage Content													0.00
Projected Chatfield Res. Release													0.00
Transit Loss													0.00
Net Replacement	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Beginning of Month Storage Content													0.00
Projected Silver Tip Lodge Res. No. 1-5 Release													0.00
Transit Loss													0.00
Net Replacement	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Beginning of Month Storage Content													0.00
Projected Gloria Z Res. Release													0.00
Transit Loss													0.00
Net Replacement	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Beginning of Month Storage Content													0.00
Other Replacement (describe)													0.00
Transit Loss													0.00
Net Replacement	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Projected Deliveries</b>	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Transit Loss</b>	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Diversion at County Road 59 Pump<sup>1</sup></b>	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Net Replacement</b>	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
<b>Projected Net River Balance</b>	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
<b>Cumulative Net River Balance</b>	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Beginning of Month Storage Content</b>	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

Notes:

<sup>1</sup>Diversions at the County Road 59 Pump are exported to Division 2 pursuant to Division 1 Case No. 12CW214 for use in the Division 2 Case No. 03CW19 augmentation plan.

**2014 PARTICIPANT INFORMATION SUMMARY**  
**UPPER SOUTH PLATTE WATER CONSERVANCY DISTRICT & CENTER OF COLORADO WATER CONSERVANCY DISTRICT**  
**CASE NO. 02CW389, 12CW50, and 12CW214**

Participating Entity Name	Is Participant Included in Case No. 02CW389, Case No. 12CW50, or both?	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.

**EXHIBIT P**

**2014 DISCONTINUED PARTICIPANTS**  
**UPPER SOUTH PLATTE WATER CONSERVANCY DISTRICT & CENTER OF COLORADO WATER CONSERVANCY DISTRICT**  
**CASE NO. 02CW389, 12CW50, and 12CW214**

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:

Attachment to Order - 2012CW50

**2014 METER READINGS**  
**UPPER SOUTH PLATTE WATER CONSERVANCY DISTRICT & CENTER OF COLORADO WATER CONSERVANCY DISTRICT**  
**CASE NO. 02CW389, 12CW50, and 12CW214**

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

Note:

Attachment to Order - 2012CW50





**2014 ACTUAL DEPLETIONS PER STREAM**  
**UPPER SOUTH PLATTE WATER CONSERVANCY DISTRICT & CENTER OF COLORADO WATER CONSERVANCY DISTRICT**  
**CASE NO. 02CW389, 12CW50, and 12CW214**

Stream Basin	Monthly Depletion Amount (acre-feet)												
	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Totals
Michigan Creek													0.00
Jefferson Creek													0.00
Tarryall Cr above TARCOMCO													0.00
Tarryall Cr below TARCOMCO													0.00
Middle Fork South Platte River													0.00
South Fork South Platte River													0.00
Fourmile Creek													0.00
South Platte R above Spinney													0.00
South Platte R below Spinney													0.00
Horse Creek													0.00
Trout Creek													0.00
West Creek													0.00
Buffalo Creek													0.00
North Fork South Platte River													0.00
Deer Creek													0.00
Fish Creek													0.00
Freeman Creek													0.00
Spring Creek													0.00
West Creek													0.00
Little Turkey Creek													0.00
Twin Creek													0.00
Crystal Creek													0.00
Payne Creek													0.00
Mosquito Creek													0.00
Elk Creek													0.00
Agate Creek													0.00
Pine Gulch													0.00
Turkey Creek													0.00
Buckskin Creek													0.00
Grape Creek													0.00
Sacramento Creek													0.00
Indian Gulch													0.00
<b>Totals</b>	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

Notes:

Monthly depletion amounts are based on parameters in the decrees in Case No. 02CW389 and Case No. 12CW50.





**2014 ACTUAL REPLACEMENT WATER BALANCE  
UPPER SOUTH PLATTE WATER CONSERVANCY DISTRICT & CENTER OF COLORADO WATER CONSERVANCY DISTRICT  
CASE NOS. 02CW389, 12CW50, and 12CW214**

	Monthly Amount (acre-feet)												Totals
	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	
Beginning of Month Storage Content													
Chatfield Res. Release													0.00
sit Loss													0.00
Replacement	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Ending of Month Storage Content													
Si p Lodge Res. No. 1-5 Release													0.00
sit Loss													0.00
Replacement	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Ending of Month Storage Content													
GI Res. Release													0.00
sit Loss													0.00
Replacement	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Ending of Month Storage Content													
OI Replacement (describe)													0.00
sit Loss													0.00
Replacement	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Deliveries</b>	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Transit Loss</b>	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Diversion at County Road 59 Pump<sup>1</sup></b>	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Net Replacement</b>	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
<b>Net River Balance</b>	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
<b>Cumulative Net River Balance</b>	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
<b>Total Beginning of Month Storage Content</b>	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	

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.

<sup>1</sup>Diversions at the County Road 59 Pump are exported to Division 2 pursuant to Division 1 Case No. 12CW214 for use in the Division 2 Case No. 03CW19 augmentation plan.

UPPER SOUTH PLATTE WATER CONSERVANCY DISTRICT & CENTER OF COLORADO WATER CONSERVANCY DISTRICT  
CASE NOS. 02CW389, 12CW50, and 12CW214

AUGUST 2014 RIVER CALLS

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





UPPER SOUTH PLATTE WATER CONSERVANCY DISTRICT & CENTER OF COLORADO WATER CONSERVANCY DISTRICT  
CASE NOS. 02CW389, 12CW50, and 12CW214

AUGUST 2014		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 Totals		
10	Smelter Pipeline Res. Release																																		0.00
10a	Smelter Pipeline Res. Release Transit Loss																																		0.00
10b	Smelter Pipeline Res. Release Diverted at County Road 59 Pump <sup>1</sup>																																		0.00
10c	Smelter Pipeline Res. Release Net Replacement	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
11	James Tingle Res. Release																																		0.00
11a	James Tingle Res. Release Transit Loss																																		0.00
11b	James Tingle Res. Release Diverted at County Road 59 Pump <sup>1</sup>																																		0.00
11c	James Tingle Res. Release Net Replacement	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
12	Chatfield Res. Release																																		0.00
12a	Chatfield Res. Release Transit Loss																																		0.00
12b	Chatfield Res. Release Net Replacement	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
13	Silver Tip Lodge Res. No. 1-5 Release																																		0.00
13a	Silver Tip Lodge Res. No. 1-5 Release Transit Loss																																		0.00
13b	Silver Tip Lodge Res. 1-5 Release Net Replacement	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
14	Gloria Z Res. Release																																		0.00
14a	Gloria Z Res. Release Transit Loss																																		0.00
14b	Gloria Z Res. Release Net Replacement	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
15	Total deliveries	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
16	Total transit losses	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
17	Total Diversion at County Road 59 Pump <sup>1</sup>	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
18	Total net replacement	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
19	Net river balance	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
20	Cumulative net river balance	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	

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 constant during the month.

Diversion at the County Road 59 Pump are exported to Division 2 pursuant to Division 1 Case No. 12CW214 for use in the Division 1 Case No. 03CW19 augmentation plan.

**2014 WEEKLY REPLACEMENT WATER BALANCE**  
**UPPER SOUTH PLATTE WATER CONSERVANCY DISTRICT**  
**& CENTER OF COLORADO WATER CONSERVANCY DISTRICT**  
**CASE NOS. 02CW389, 12CW50, and 12CW214**

(Values in Acre-Fee)

Week (April thru October)	Depletion Requiring Replacement	Total Net Replacement	Net River Balance	Cumulative Net River Balance	Comments

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.

Attachment to Order - 2012CW50



**2014 Tracking of District's Interest in Parmalee Ditch Nos. 2 and 3 and Flume Ditch Water Rights  
Case No. 06CW270**

	Fully Consumable Volume (acre-feet)							
	Apr 20-30	May	Jun	Jul	Aug	Sep	Oct 1-14	Totals
<b>Parmalee Ditch Nos. 2 and 3</b>								
Maximum Monthly CU Credit	0.6	4.4	7.6	6.9	4.1	3.5	1.3	
Annual Maximum CU Credit								22.3
10-Year Maximum CU Credit								175.2
Total CU Credit								
CU Credit Transit Loss								
CU Credit Diverted at County Road 59 Pump <sup>1</sup>								
CU Credit Net Replacement in Case No. 12CW50								
CU Credit Diverted by Centennial under Lease								
10-Year Total CU Credit								
<b>Flume Ditch</b>								
Maximum Monthly CU Credit	0.8	3.4	5.9	5.0	3.4	2.5	1.3	
Annual Maximum CU Credit								15.9
10-Year Maximum CU Credit								124.8
Total CU Credit								
CU Credit Transit Loss								
CU Credit Diverted at County Road 59 Pump <sup>1</sup>								
CU Credit Net Replacement in Case No. 12CW50								
CU Credit Diverted by Centennial under Lease								
10-Year Total CU Credit								

Notes:

<sup>1</sup>Diversions at the County Road 59 Pump are exported to Division 2 pursuant to Division 1 Case No. 12CW214 for use in the Division 2 Case No. 03CW19 augmentation plan.



### 2014 Tracking of Randall Ditch and Sessions Ditch Water Rights

	Depletion Credit (acre-feet)						
	Apr	May	Jun	Jul	Aug	Sep	Totals
<b>Randall Ditch (1878 and 1881 Priorities)</b>							
Depletion Credit Available to Center District (reported by Centennial)							
Depletion Credit Transit Loss							
Depletion Credit Diverted at County Road 59 Pump <sup>1</sup>							
Depletion Credit Net Replacement in Case No. 12CW50							
Depletion Credit Used by Park County							
<b>Sessions Ditch</b>							
Depletion Credit Available to Center District (reported by Centennial)							
Depletion Credit Transit Loss							
Depletion Credit Diverted at County Road 59 Pump <sup>1</sup>							
Depletion Credit Net Replacement in Case No. 12CW50							
Depletion Credit Used by Park County							

Notes:

<sup>1</sup>Diversions at the County Road 59 Pump are exported to Division 2 pursuant to Division 1 Case No. 12CW214 for use in the Division 2 Case No. 03CW19 augmentation plan.

Attachment to Order - 2012CW150

**2014 Tracking of Randall Ditch and Sessions Ditch Water Rights  
Case No. 05CW111**

	Volume of Diversions or Depletion Credit (acre-feet)						
	Apr	May	Jun	Jul	Aug	Sep	Totals
<b>Sessions Ditch</b>							
Maximum Monthly Diversion	16	59	69	71	0	0	
Maximum Annual Diversion							185
44-Year Maximum Diversion							2,922
Available Diversions at MCHJEFCO Gage							
Depletion Credit							
Depletion Credit Transit Loss							
Depletion Credit Diverted at County Road 59 Pump <sup>1</sup>							
Depletion Credit Net Replacement in Case No. 12CW50							
Depletion Credit Diverted by Centennial							
Depletion Credit Used by Park County							
44-Year Total Available Diversions at MCHJEFCO Gage							

Notes:

<sup>1</sup>Diversions at the County Road 59 Pump are exported to Division 2 pursuant to Division 1 Case No. 12CW214 for use in the Division 2 Case No. 03CW19 augmentation plan.