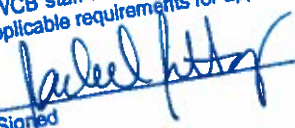


***FEASIBILITY STUDY OF THE
SEELEY RESERVOIR
MAINTENANCE DREDGING***

Sponsored by:
Ogilvy Irrigating and Land Company
in conjunction with the
Colorado Water Conservation Board

FEASIBILITY STUDY APPROVAL
Pursuant to Colorado Revised Statutes 37-80-121 & 122, and
in accordance with policies adopted by the Board, the
CWCB staff has determined this Feasibility Study meets all
applicable requirements for approval.

Signed _____ Date 5/25/2018

Prepared by:
NOCO Engineering, Inc.
Douglas C. Seely
8209 W. 20th Street, Suite A
Greeley, CO 80634

February 2018

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DREDGING
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COMPANY.

OGILVY IRRIGATING AND LAND COMPANY

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Colorado Water Conservation Board

Douglas C. Seely, P.E.

Water Resources Engineer

INTRODUCTION

The Ogilvy Irrigating and Land Company (OILC) owns and operates Seeley Reservoir, located just north of Greeley, Colorado in Weld County, as an irrigation water storage reservoir for the benefit of its' shareholders. The reservoir has a senior storage right for irrigation and a junior storage rights for augmentation. The physical capacity of the reservoir has diminished due to sedimentation deposit near the inlet. OILC is pursuing maintenance operations to remove approximately 355.7 acre-feet of sediment and re-store the reservoir to its' original capacity.

PROJECT SPONSOR

The OILC is a Colorado Mutual Ditch Company and a Non-profit Corporation. The OILC has the power to set annual assessments to be paid by the shareholders; and the power to curtail ditch headgate deliveries of any shareholder that fails to pay their assessments. OILC was incorporated in July 1881 and has been in operation continuously since its inception. Articles of Incorporation and Bylaws for the company are included in Appendix A and Appendix B, respectively. There are currently a total of 33 shareholders owning the 360 outstanding shares in the OILC.

PROJECT SERVICE AREA

The OILC owns and operates the Ogilvy Ditch and Seeley Lake for the benefit of the shareholders of OILC by providing direct flow and storage of irrigation water. These ditch and reservoir facilities are located in Weld County in Colorado. The Ogilvy Ditch system stretches from the Cache la Poudre River diversion located on the east edge of Greeley to farms east of Kersey, Colorado in Weld County. The Ogilvy Ditch is utilized to deliver both direct flow diversions from the Cache la Poudre River and storage releases from Seeley Reservoir, which is located just north of Greeley, Colorado.

Seeley Reservoir (a.k.a. Seeley Lake / Seeley Lake Reservoir / Seely Lake Reservoir) is decreed to store local inflow, seep water and diversions from the Cache la Poudre River delivered via the Greeley Canal No. 2. From storage in Seeley Reservoir, the water can be released into the Cache la Poudre River, conveyed approximately 10 miles downstream and diverted into the Ogilvy Ditch river

headgate, which is located just upstream from the confluence with the South Platte River. Ogilvy Ditch facilities consist of approximately 15 miles of supply ditch including control structures, checks, and headgates. The supply ditch bifurcates into the north and south forks of the Ogilvy Ditch. Figure 1 included herein is a map of the system which shows the approximate service area. The stockholders own both direct flow water and storage in Seeley Reservoir through their stock ownership in the OILC.

Members of the Ogilvy Augmentation Company (OAC) own 208 shares (57.8 percent) of the OILC and irrigate approximately 1,400 acres of land under the Ogilvy Ditch system. The augmentation plan developed and administered by the OAC allows for the operation of 15 irrigation wells within the Ogilvy Ditch system.

WATER RIGHTS

The following table summarizes the water rights decreed to Seeley Reservoir.

SEELEY LAKE RESERERVOIR - WATER RIGHTS TABULATION					
Adjudication Type	Adjudication Date	Appropriation Date	Case Number	Volume (AF)	Use
Original	4/22/1922	6/12/1902	CA2031	1543	Irrigation
Conditional	12/31/2007	12/31/2007	07CW0331	1187	Augmentation/Replacement

Seeley Reservoir is located in the SE1/4 of Section 23, the SW1/4 of Section 24, the NW1/4 of Section 25 and the NE1/4 of Section 26, all in Township 6 North, Range 66 West of the 6th P.M., Weld County, Colorado. Seeley Reservoir was originally decreed in Case No. CA2031, Water District No. 1. The original water right has an appropriation date of June 12, 1902, adjudication date of April 22, 1922, and a decreed storage volume of 1543 acre-feet for irrigation use under the Ogilvy Ditch system.

In Case No. 07CW0331, the OAC obtained a conditional storage right in the reservoir for 1187 acre-feet. Uses for the conditional right include augmentation and replacement of depletions from wells included in the plan for augmentation decreed in Case No. 03CW150 by delivering water directly to the river for augmentation or for subsequent diversion at the Ogilvy Ditch river headgate and delivery to recharge structures.

The decreed sources of water for both storage rights include the Cache la Poudre River delivered through the New Cache la Poudre Irrigating Company's Greeley Canal No. 2 and local inflow water from lands tributary to the reservoir. In normal years the reservoir remains near capacity as OILC has water rights directly from the Cache la Poudre River and historically utilized the water in Seeley lake when these rights are not available.

A copy of the decrees for Seeley Reservoir are provided in Appendix C.

NEED FOR THE PROJECT

The OILC and OAC has been aware of the increasing sedimentation problem for many years and the inlet area has become more inundated with sediment over time. In 2005, OAC and New Cache La Poudre Irrigating Company cooperatively pursued the services of Northern Colorado Geotech to perform borings at the inlet area of Seeley Reservoir, collect soils samples for analysis, and provide a report for its recommendations on dredging. A copy of the report prepared by Northern Colorado Geotech is provided in Appendix D. In May 2006, a bathymetric survey was performed at Seeley Reservoir to estimate the volume of sedimentation accumulated in the inlet. The results of that survey indicate that approximately 355.7 acre-feet of sediment had accumulated in the reservoir at that time.

It is not feasible to increase the dam height to reclaim the lost storage capacity of the reservoir primarily because there are multiple homes constructed along the east side of the reservoir. Increasing the water surface elevation of the reservoir would result in a direct impact to the residential properties. Dredging, or removing, the accumulated sediment is the most feasible alternative for re-establishing the original capacity in the reservoir. OILC has not previously been in a position to pursue dredging of the reservoir, but currently has cooperation with an adjoining land owner for the project. In addition, the Colorado Department of Transportation ("CDOT") completed major improvements to the Seeley Reservoir inlet channel at State Highway 392 in 2011 which substantially, if not fully, mitigated the conditions causing the erosion within the inlet ditch which generated the sedimentation impacting Seeley Lake.

The project is necessary to re-establish the original storage capacity such that it may be utilized to maintain the irrigation supply to the farms served under the Ogilvy Ditch system. The storage space available in the reservoir is critical, particularly during drought years when direct flow water supplies made pursuant to the Ogilvy Ditch are insufficient to meet demands. The storage of water in Seeley Reservoir has shifted from strictly delivery for supplemental irrigation supply to a combination of supplemental irrigation delivery and delivery of augmentation supplies to facilitate the plan for augmentation developed by OAC. The OILC and OAC have an agreement for allocation and use of the storage space for augmentation supplies. The use of storage space for augmentation supply is critical to the OAC plan for augmentation and ultimately results in a significant increase in available farm supply during drought periods. Maintenance of the reservoir is critical to ensure that the storage space remains available in the future for both direct irrigation deliveries and augmentation deliveries.

The OAC applied for CWCB funding in August 2008 to facilitate the purchase of water rights, development of a recharge structure and development of lined reservoir storage, all for the purpose of developing its plan for augmentation. The funding was provided by CWCB for the purchase of water rights and development of a recharge structure. However, the development of lined reservoir storage was not pursued. The lined storage considered in 2008 included various alternatives that would have provided between 50 and 100 acre-feet of storage. Instead of pursuing new developed lined storage, OAC obtained an operating agreement with OILC to allow the OAC to utilize storage space in Seeley Reservoir for storage of augmentation water for purposes of administering its' plan for augmentation. Members of the OAC are also shareholders in the OILC, owning 208 shares out of 360 outstanding shares in the OILC (or 57.8 percent). The operating agreement allows OAC to utilize the prorata storage space in Seeley Reservoir represented by the OAC members cumulative percent ownership in OILC. Therefore, the estimated 355.7 acre-feet of storage space that is expected to be regained by dredging the reservoir will provide OAC with an additional 205.5 acre-feet of storage that it may utilize for augmentation purposes.

ALTERNATIVES

Two alternatives to the proposed dredging project have been considered. They include: (1) no action; and (2) development of new storage at an alternate site.

The “no action” alternative is considered unacceptable because it would mean that the OILC would relinquish valuable storage space in Seeley Reservoir indefinitely.

As discussed above, the OAC, whose members include a large percentage of the OILC, applied for CWCB funding in August 2008 to acquire water rights, develop recharge and develop lined reservoir storage. The development of lined reservoir storage was not pursued at that time for various reasons, including the fact that the site available for reservoir development was limited to a small area near the end of the Ogilvy Ditch system. This site could accommodate a reservoir with only limited capacity of about 100 acre-feet. Furthermore, storage releases would have been made to the South Platte River via Crow Creek, which is downstream for the location that the OAC, at times, has replacement needs. Storage releases from this location could not be delivered to the Ogilvy Ditch river headgate, except by river exchange, which is oftentimes limited. For these reasons, the development of new storage to replace the storage lost at Seeley Reservoir is not feasible.

PROJECT COSTS

The OILC is seeking funding from CWCB for purposes of dredging the accumulated sediment from the Seeley Reservoir inlet area and restore the reservoir to its original storage capacity. No expansion of storage beyond the capacity at original construction is being pursued. The attached Figure 2 shows the general extent of the reservoir dredging and the general area within which the sediment will be deposited. The sediment deposit area is owned by Keirnes Land Company, LLC, who is cooperating with OILC on this project and has agreed to allow the deposit of sediment in on these lands. It is anticipated that the reservoir will be drained in the fall of 2018 and channel will be excavated through the sedimentation area at the inlet in order the allow seepage flows through the reservoir. Construction mats will be used, as necessary, to track equipment into the dredge area. Excavators will load haul trucks that will make the short trip to the deposit area on adjoining lands. After the material has drained sufficiently, final grading and re-seeding will be required over an area of approximately 160 acres. The work is expected to be exempt from Federal permitting requirements as the work is strictly maintenance of an existing storage facility. However, the OILC is currently verifying that the work is exempt from U.S. Army Corps Engineers requirements of and all the State, County and local permits will be obtained prior to construction.

The following is a construction cost estimate for the reservoir.

Description	Qty	Unit	Unit Cost	Extended
Mobilization/Demobilization	20	EA	\$500	\$10,000
Dewatering	1	LS	\$30,000	\$30,000
Construction Mats (16x4)	200	EA	\$800	\$160,000
Excavation of sediment	575,000	CY	\$2.00	\$1,150,000
Haul and deposition	575,000	CY	\$3.00	\$1,725,000
Final grading	160	AC	\$500.00	\$80,000
Re-seeding	160	AC	\$75	\$12,000
Total Construction				<i>\$3,167,000</i>
Contingency (15%)				<i>\$475,050</i>
TOTAL (rounded)				<i>\$3,642,000</i>

IMPLEMENTATION

Seeley Reservoir will be drained during the irrigation season of 2018 with the intention of having the reservoir near dead pool level by early October 2018, allowing the sediment to drain. OILC intends to initiate the sediment removal in November of 2018 and complete the sediment removal work by May 2019 to allow re-filling of the reservoir during spring runoff of 2019.

PERMITTING

The appropriate Federal, State, County and local permitting will be obtained for the sediment removal and deposition. OILC has initiated the permitting process with US Army Corps of Engineers. Initial contact was made with the US Army Corps of Engineers in July of 2006, at which time OILC was informed that no permitting was required for the proposed dredging of 575,000 cubic yards of sediment from the inlet area. The originally proposed project also included improvements to the inlet channel. However, the work in the channel is no longer proposed because the improvements made by CDOT in 2011 have significantly mitigated the erosion occurring within the channel. OILC anticipates that the project will still be exempt from Federal permitting requirements; however, this is currently being confirmed. OILC does not anticipate County or local permitting requirements; however, this will also be confirmed prior to construction.

INSTITUTIONAL CONSIDERATIONS

Entities that are, or may, be involved in this proposed project include the following:

1. Ogilvy Irrigating and Land Company; financing and project management.
2. NOCO Engineering, Inc.; design and project management.
3. CWCB; financing and construction.

The OILC will be the lead for financing, design and construction of the project and will be the entity entering into contract and agreements associated with the finance, design and construction of this project.

FINANCIAL ANALYSIS

The total anticipated cost of the project is \$3,668,000, as summarized in the following table.

Estimated Total Project Costs	
Feasibility Study (Engineering)	\$3,000
Engineering/Surveying/Geotechnical	\$15,000
Legal Fees (review and permitting)	\$8,000
Reservoir Dredging (w/ contingency)	\$3,642,000
Estimated Total Costs	\$3,668,000

OILC is seeking funding from the CWCB Reservoir Dredging Grant Program and the CWCB Water Plan Grant to the extent available and up to 50 percent of the total project cost. OILC is seeking funding from the CWCB Water Project Loan Program for the balance of the project cost. The term and rate for the CWCB loan is requested to be 30 years at 1.65 percent. Assuming the OILC would obtain 50 percent of the project cost, or a total of \$1,834,000 from the CWCB Reservoir Dredging Grant Program and CWCB Water Plan Grant, the remaining balance would be \$1,834,000. The loan amount, with a 30-year re-payment period and 1.65 percent interest rate, would have annual payments in the amount of \$78,000.

The OILC is a well-established company with a long history debt re-payment. In August 2003, OILC obtained a CWCB low interest loan for the rehabilitation of Seeley Lake Dam (CWCB Contract C150148). Similar to the previously approved loan, OILC anticipates repayment of the new

CWCB loan through assessment of its shareholders. The annual CWCB loan payment, as estimated above, will be \$78,000, or \$216.67 per share for the 360 active shares in the company. The OILC may utilize a portion of its current revenue reserve to re-pay the loan and reduce individual assessments. Appendix E includes copies of the financial statements for the OILC for the past three years.

COLATERAL

As security of the loan, the OILC will pledge revenue from assessments as allowed by the OILC by-laws and articles of incorporation, and the project itself.

ECONOMIC ANALYSIS

The economic benefit of the project is considerable as it will result in approximately 355 acre-feet of reservoir storage space. The unit cost per acre-foot of storage space gained is \$10,332 per acre-foot, which is reasonable and comparable to other storage development projects. This regained storage space will result in increased supplemental irrigation water deliveries to the farms under the Ogilvy Ditch system and increase augmentation supplies available to OAC, both of which will increase property values.

SOCIAL AND PHYSICAL IMPACTS

The project will have no significant social impacts, since it will result in the reservoir operating as it has historically. The draining the reservoir for dredge work is expected to occur only over a short period of seven months. The project will have minor, short-term physical impacts as the sediment will be deposited and adjoining lands to allow draining. After the soils have drained, the deposited sediment will be graded and seeded to re-store the area to its prior condition.

CONCLUSION

1. The OILC is an incorporated entity in the State of Colorado with the ability to enter into a contract with the CWCB for obtaining a Grant and/or Construction Fund loan.

2. The project will reclaim reservoir storage that has been lost to long-term sedimentation. Both the OILC and OAC will benefit from use of reclaimed storage for the irrigation of farm land under the Ogilvy Ditch system.
3. The total estimated cost of the project is \$3,668,000 and this will be financed to the extent possible by the CWCB Reservoir Dredging Grant Program and CWCB Water Plan Grant. Additional funding will be financed by the CWCB Water Project Loan Program.
4. The project is technically and financially feasible.

APPENDIX A

ARTICLES OF INCORPORATION
FOR THE OGILVY IRRIGATING AND LAND COMPANY

At a Special Meeting of the stockholders
of the Ogilby Irrigating and Land Company
Called for the purpose the following Resolution
was unanimously adopted and ordered published
and Copies of the same filed with the
Sec. of State of the State of Colorado and with
the County Clerk of Weld County In Compliance
with the Law in such cases made and provided
Resolved.

That the Capital Stock of the Ogilby Irrigating
and Land Company be and is hereby increased
from Ten thousand dollars to Forty thousand
dollars and the number of shares from one
hundred to four hundred Shares of One hundred
dollars each

Weld Colorado July 1st 1878
L. Ogilby President
O. W. Baker Secretary
Ogilby Irrigating
and Land Company

At a Special Meeting of the Stockholders
of the Ogilvy Irrigating and Land Company
Called for the purpose the following Resolution
was unanimously adopted and ordered published
And Copies of the same filed with the
Sec. of State of the State of Colorado and with
The County Clerk of Weld County In Compliance
with the Law in such cases made and provided
Resolved

That The Capital Stock of the Ogilvy Irrigating
and Land Company be and is hereby increased
from Ten thousand dollars to Forty thousand
dollars and The number of shares from one -
hundred to four hundred Shares of one hundred
dollars Each

Weld County Colorado Feb. 14 1878
J. Ogilvy President
O. D. Baker Secretary
Ogilvy Irrigating
and Land Company

3033 ✓
Agulon Metal
Land Contaminated
Increase Pollution

This document has been inspected
and properly Entered on the Rec-
ords of the Flat Tax Department.

OK

Date August 14, 1968

Jaqu Clerk

✓

Recorded in Book B
Page 280.

STATE OF COLORADO, }
SECRETARY'S OFFICE. }
FILED
JUL 22 1968
..... o'clock Min. A.M.
N. H. MELDRUM,
Secretary of State.

Know All Men by these Presents, That we, Gulph Ogilvy, President, and E. C. Clark, Secretary of the Ogilvy Frigating and Land Company, here-
by make this certificate, as required by law, and
we herein make the following statements:
First. That the said Ogilvy Frigating and Land
Company is a corporation duly organized and in-
corporated on the fourteenth day of July 1881, according
to the provisions of the laws of the State of Colorado,
for that purpose made and provided.

Second. That at a meeting of the Directors of the
said Company, held at the office of the said Com-
pany, in Greeley, Weld County, Colorado, on the
fifteenth day of July, 1881, the following resolution
was adopted:

Resolved. That the seal of the Company be as
follows: The name and office of the company ar-
ranged in a circular form, with a representation
of a plow drawn by three horses and driven by a
man seated on the plow, in the enclosed space; thus:



In Witness Whereof, the said Gulph Ogilvy,
President, and E. C. Clark Secretary of the said



ILLEGIBILITY FLASHER

This flasher indicates that illegibility was due to the poor condition of the ink or paper when microfilmed.

DEPARTMENT OF ADMINISTRATION

**DIVISION OF STATE ARCHIVES
AND PUBLIC RECORDS**

MICRO-TECHNICS UNIT
Denver, Colorado

Know All Men by these Presents That we Lytle
C. M. President, and H. C. Clark Secretary of the
Ogilvy Irrigating and Land Company hereby make
this certificate in duplicate as required by law, and we
herein make the following statements.

First That the said Ogilvy Irrigating and Land Compa-
ny is a corporation duly organized and incorporated, on the
fourteenth day of June 1881 according to the provisions
of the laws of the State of Colorado, for that purpose made
and provided.

Second That the work on the ditch of the said company
was actively begun on the twelfth day of July 1881
and continuously thereafter until the

Third That the entire work of constructing the said
ditch of the said company was finished and completed
on the twentieth day of June 1882

In Witness Whereof the said Lytle C. M. President
and H. C. Clark Secretary of the said Ogilvy
Irrigating and Land Company have hereunto set
their hands and seals at the City of Denver, Colorado
at the office of the said company in the County of
Weld County, Colorado on the Eighth day of
February 1883

L. Ogilvy President
H. C. Clark Secretary

*Certificate Entitled to
commencement and completion
of work, by the Ogilvy Irrigating
and Land Company -
Hill County - Colorado*

STATE OF COLORADO,
Secretary's Office.

FILED *8/11* A.D. 1913
at *9* o'clock P.M.

MELVIN EDWARDS,
Secretary of State.

DOMESTIC.

Recorded in 14810

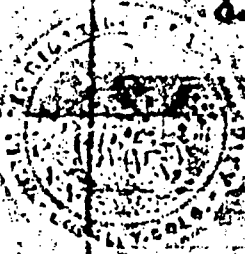
I, *Luther & Kauffman* a. *Volney, Colorado* and for
and to personally appeared *Lynthe Ogilvy* President,
and *H. G. Clark* ^{Secy.} Secretary of the Ogilvy Irrigating and
Land Company to me, personally known to be the
persons whose names are subscribed to the foregoing certificate
and acknowledged that they made of and sent
acknowledged the said certificate, to this office as
subscribed herein mentioned.

Witness my hand and notarial seal this *Eighth*
day of *February*, 1913.

Luther & Kauffman
Notary Public



The undersigned, the said George Ogden, President and
 — J. G. Clark — Secretary of the Ogden Irrigating
 and Land Company, have hereunto set their hands
 and affixed the seal of the said company, at the office of
 the Company in Greter, Weld County, Colo., on the
 Eighth day of February 1883.



L. Ogden
 J. G. Clark

President
 Secretary

State of Colorado)
 County of Weld) ss.
 Before me, Luther & Kauffman a Notary Public in and
 for said county, personally appeared L. Ogden
 President, and J. G. Clark Secretary of the Ogden Irriga-
 ting and Land Company, to me personally known to
 be the persons whose names are subscribed to the
 foregoing certificate, and acknowledged that they
 made, signed and acknowledged the said certificate
 for the use and purpose therein mentioned.
 Witness my hand and seal this Eighth day of
 February 1883.

Luther & Kauffman
 Notary Public

Certificate of the payment
 and issue of the capital stock
 of the Ogden Irrigating and
 Land Company, Weld
 County, Colorado.

STATE OF COLORADO,
 Secretary's Office.

Feb. 12 A.D. 1883
 at Greter, Colo.

MELVIN EDWARDS,
 Secretary of State.



DOMESTIC.

Recorded in Book 5

Page 32

current has been recorded
 in the office of the
 Secretary of the State Tax Office.

Aug 13 1883

Page

Know all men by these presents
That we Lyasph Ogilvy Abram S.
Baker Edwin E Baker and
Thomas Wilson residents of the
county of Weld and State of Colorado
have associated themselves together as a
company under the name and style
of the Ogilvy ~~Drainage~~ ^{Irrigating} and
Land Company for the pur-
pose of becoming a body corporate
and politic under and by virtue
of the Laws of the State of Colorado;
and in accordance with the provisions
of the Laws of said State we do hereby
make execute and acknowledge
in witness of our intention so to become
a body corporate under and by
virtue of said Laws

First - The corporate name and
style of said company shall be
The Ogilvy Irrigating and Land
Company

Second - The object for which said
company is formed and incor-
porated is to take and construct
irrigation canals, ditches, and

land control and deep in repair
and navigating ditch or canal to be
constructed for the purpose of con-
veying both for irrigating and
household purposes and uses and
for manufacturing purposes;
said canal to be taken out of, and
to secure water from the cache-
La Poudre River at a point on
the north bank of said stream
within the limits of what is known
as lot number four (4) of the
Southeast quarter of the South West
quarter of section number four (4) in
township number five (5) north of
Range number sixty five (65) West
according to the subdivisions of the
lands of the Union Colony of Colo-
rado; and said canal to run in a
generally easterly direction through
said section four, also through sec-
tions three, two and one of said
township and Range; and
also through sections six, five,
nine, ten and two in township
number five (5) north of Range
sixty five (65) West terminating
at the point of its termination.

Third - The capital of our said Com-
pany is Ten Thousand Dollars
to be divided into one hundred
shares of one hundred dollars
each share

Fourth - Our said conspiracy is to exact
for the term of ten years

Fifth - The affairs and managements of said Company are to be under the control of three Trustees, and Lyulph Ogilvy, William L. Baker & Edwin A. Baker ~~and three~~ are hereby selected as said Trustees to act and manage the affairs

and concerns of said company
till the first day of January
A.D. 1882 and until their suc-
cessors are duly elected and qualified

sixth - The operations of our said
company will be carried on in
the County of Weld and the
principal place and business office
of said company will be located at the
town of Greeley County of Weld
and State of Colorado

Seventh - The said Trustees shall
have power to make such presen-
tations by laws as they may deem
proper for the management of
the affairs of said company in
accordance with the statute in such
case made and provided

In testimony whereof we have
set our hands and seals on this
14th day of July A.D. 1881

Witness my
hand and seal
this 14th day of July
A.D. 1881

Wm. J. Baker
Thomash. Olson
Edwin C. Baker

1881
JUL 14
1881

State of Colorado }
County of Weld } 33

I John L. Barrett a Notary Public
in and for the said county in the state
aforesaid do hereby certify that
Thygesph Ogelby, Oliver S. Patton
Edwin S. Patton and Thomas Wilson
personally known to me as the per-
sons whose names are subscribed
to the annexed and foregoing certifi-
cate of Incorporation appeared
before me this day in person
and acknowledged that they signed
sealed and delivered the said
instrument of writing as their free
and voluntary act for the uses
and purposes therein set forth.

Given under my hand
and notarial seal this 14th
day of July, A.D. 1881.



4001 ✓

Ogilby Drigating &
Land Company

✓

✓

Recorded in Book 6
page 467.

STATE OF	MISSISSIPPI
RECORDED	INDEXED
JUL 21 1968	
AD. 10.00	a

This document has been inspected
and properly Entered on the Re-
cord of The Flat Tax Department

OK *RV*

Date August 13, 1968

Page _____ Clerk

Certificate of Amendment of Articles of Incorporation of
THE OGILVY IRRIGATING AND LAND COMPANY.

KNOW ALL MEN BY THESE PRESENTS, that we, Harvey E. Witwer, vice-president, and C. D. Toth, secretary, of The Ogilvy Irrigating and Land Company, duly organized under the laws of the state of Colorado, do hereby make this our certificate in duplicate of a certain amendment made to the articles of incorporation of said company increasing the board of directors from three members to five members, and do certify as follows:

FIRST: That on the twelfth day of December, 1905, a certain petition signed by the owners of four hundred shares of stock of said company, the same being all the stockholders thereof, was presented to the president of said company, requesting them to call a meeting of the board of directors, for the purpose of calling a special stockholders' meeting, to amend the articles of incorporation of said company by increasing the membership of the board of directors from three (3) members to five (5) members.

SECOND: That, at a meeting of the board of directors held December 28th, 1905, said petition was approved and a special meeting of the stockholders was called to be held at the office of the secretary of the company on February third, 1906; that due notice of said meeting was given to each stockholder in writing more than thirty (30) days prior to said date, and notice of said stockholders' meeting was duly published for more than ten days prior to said meeting as by law provided. That said notices contained a statement of the purposes of said meeting as above stated.

THIRD: That on February third, 1906, a special meeting of the stockholders of said corporation was held pursuant to said notice; that there were present three hundred and ninety-eight shares of the four hundred shares constituting the capital stock of said company; that at said meeting by a vote of three hundred and ninety-eight shares in favor thereof a resolution was adopted amending article fifth of the articles

of incorporation, to read as follows:

"FIFTH: The affairs and management of said company shall be under the control of five (5) directors who shall hold office for one (1) year and until their successors are duly elected and qualified."

On motion the president, and in case of his absence, the vice-president of said company, and the secretary were directed to make, execute and file proper certificates showing said amendment as aforesaid.

Now, therefore, we, the undersigned, Harvey E. Witwer, vice-president, (the president of said company being absent), and C.D. Todd, secretary, do make and file this certificate showing said amendment to said articles of incorporation as aforesaid.

IN WITNESS WHEREOF, we the vice-president and secretary of said corporation, have hereunto set our hands and seals this nineteenth day of March, A.D., 1906, and have caused the seal of our said corporation, to be affixed hereto.

Harvey E. Witwer (SEAL).
VICE-PRESIDENT.

ATTEST: *C.D. Todd* (SEAL)
SECRETARY.

State of Colorado,
County of Weld. ss.

Before me, Henry Clay Luther, a notary public in and for said county and state, personally appeared Harvey E. Witwer, vice-president, and C.D. Todd, secretary, of The Ogilvy Irrigating and Land Company, personally known to me to be the persons whose names are subscribed to the foregoing certificate of amendment to the articles of incorporation of said corporation, who being each duly sworn, deposes and says: that they are the vice-president and secretary, respectively of the said, The Ogilvy Irrigating and Land Company, and that the facts set forth in said certificate are true to the best of their knowledge and belief, and that they as such vice-president and secretary, respectively, of said corporation, make, sign, and execute said certificate for the uses and purposes therein set forth.

Harvey E. Witwer President
C.D. Todd Secretary.

Subscribed and sworn to before me this nineteenth day of March, A.D., 1906.
My commission as notary public expires February 20, 1908.

Henry Clay Luther
Notary Public.

No. 42292

Certificate of amendment of articles of incorporation of The Gilvy Irrigating and Land Company.

POYESTVO

1115 - the office of the Secretary of
State of the State of Georgia on 10

20. Date of _____ 27/2/20

6. 112-204-152

Respectfully,
 [Signature]

Received of Mr. J. J. Jones
 the sum of \$100.00
 for the purchase of land
 in the town of
 J. J. Jones

15-54

PUBLIC SHORTHAND AND TYPEWRITING OFFICES

HENRY CLAY LUTHER.

APR 10 AND 11 1964. COLORADO, COLO.

~~SECRET REPORTING. INFORMATIONAL. ADMIRALTY. SPECIAL INVESTIGATION. TRANSMISSIONS.~~

**CERTIFICATE EXTENDING THE LIFE OF THE OGILVY IRRIGATING AND
LAND COMPANY.**

I, J. M. Studebaker, president of The Ogilvy Irrigating and Land Company, and I, Harvey E. Witwer, secretary of said company, hereby certify that a special meeting of the stockholders of the said The Ogilvy Irrigating and Land Company was duly called on the 23d day of March, 1908, at the office of H. E. Churchill, First National Bank Block, Greeley, Colorado, by J. M. Studebaker, L. Lamb and H. E. Witwer, stock holders and owners of more than 10 per cent of all the capital stock of said company, by written notice duly mailed to each stockholder of the company more than 30 days prior to said meeting, and said notice of said meeting stating the time and place thereof was duly published for four consecutive weeks in a newspaper printed in Greeley, Colorado, the place where said company has kept its principal office; that said meeting was called for the purpose of extending and confirming the term of incorporation of said The Ogilvy Irrigating and Land Company for a period of twenty years, in accordance with the statute in such cases made and provided; that at such meeting of the stockholders of said company were represented in person and by proxy all the stockholders of said company; that a vote upon said question was duly taken, and that all of the entire outstanding capital stock of the company was represented and voted in favor of renewal of the corporation for a period of twenty years.

J. M. Studebaker

President of The Ogilvy Irrigating and Land Co.

Harvey E. Witwer
Secretary of The Ogilvy Irrigating and Land Co.

11420
Certificate of Renewal
The Ogden Irrigating
& Land Company

DOMESTIC

EXE

FILED in the office of the Secretary
of State of the State of Colorado
on the 14th day of August
A. D. 1913
Recorded by Book 14 Page 240
Secretary of State
J. H. [Signature]

1090

This document has been inspected
and properly entered on the Re-
cords of the First Tax Department

Date August 13, 1913

Page _____ Clerk

CERTIFICATE OF EXTENSION OF TERM OF EXISTENCE
AND RENEWAL OF LIFE OF
THE OGILVY IRRIGATING & LAND COMPANY.

KNOW ALL MEN BY THESE PRESENTS, That we, the undersigned, President and Secretary, respectively, of The Ogilvy Irrigating & Land Company, a mutual ditch corporation, duly organized and doing business under the laws of the State of Colorado, do, pursuant to said laws, and the hereinafter stated resolution, duly passed at a meeting of the Stockholders of said corporation, duly called for said purpose, certify that the corporate life and term of existence of said corporation has been extended to and including the 16th day of July, A.D. 1941, pursuant to the action of the stockholders of said company.

We do further certify that on the 13th day of July, A.D. 1928, a special meeting of the Stockholders of said Company was duly held at the office of said Company in Greeley, Colorado, pursuant to a call therefor and notice thereof, duly made, given and published by stockholders of said company owning in the aggregate more than ten per cent of the capital stock of said company; that at said meeting 335 shares of stock were present in person or by proxy, the same being more than a majority of the 400 shares of the stock of said company; that at said meeting the hereinafter stated resolution was duly passed and adopted by vote of all of the stock of said company present at said meeting, the same being more than a majority of all of the stock of said company; that said resolution passed and adopted is as follows, to-wit:

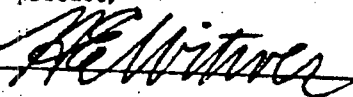
RESOLUTION:

"WHEREAS, The Ogilvy Irrigating & Land Company, a corporation, was organized under the laws of the State of Colorado, and became a corporation on the 16th day of July, A.D. 1881, and has ever since been and now is a corporation actively engaged in the business of operating a mutual ditch and reservoir as provided in its Articles of Incorporation, and has never been dissolved; that on March 1902, by action of its stockholders, its corporate life was extended for another period of 20 years, which period has expired, and its stockholders desire to extend the life and term of existence of said corporation for another term of 20 years.

NOW, THEREFORE, Be it Resolved, that the corporate life and term of existence of The Ogilvy Irrigating & Land Company be renewed and extended for another term of 20 years and to and including the 16th day of July, A. D. 1941, and that the President and Secretary be and they are hereby empowered and directed to make and execute under the seal of the corporation a certificate showing that the life of said corporation has been renewed and extended for said additional term, as by law provided."

That by the adoption of said resolution the corporate life of said company was duly extended for another period of 20 years, and to and including the 16th day of July A.D. 1941, and this Certificate of said action is made, executed and filed in evidence thereof.

IN WITNESS WHEREOF, we have hereunto subscribed our names as such officers of said Company, and have caused the corporate seal of said company to be hereunto affixed this 13th day of July, A.D. 1928. Done in triplicate.



President.

ATTEST:





Secretary.

6-132-29

This document has been inspected
and properly Entered on the Re-
cords of The Flat Tax Department

Date Dec-17-27

W. B. Bradt Clerk

W. B. Bradt

75982 84
CERTIFICATE OF EXTENSION OF
THE CORPORATE LIFE OF THE
OGILVY IRRIGATING & LAND
COMPANY.

DOMESTIC

FILED to the office of the Secretary
of the State
July 14, 1927
P. O. No. 2
Amount \$212.50

July 14, 1927
Amount \$20.00

WA-20.00-030

W. B. A.

This document has been inspected
and properly Entered on the
Records of The Flat Tax Depart.

Date August 13, 1928

Sage Clerk

Recorded by
Maloney
Date Aug 16-28
Compared by
L. J. Carey

STATE OF COLORADO,
County of Weld ss.

To Whom It May Concern:

This is to certify that a special meeting of the stockholders of
THE OILVY IRRIGATING AND LAND COMPANY
a Colorado corporation, was held at Greeley, Colorado on the 7th day of
June, A. D. 1941, such meeting having been called by the stockholders repre-
senting at least 10 per cent (10%) of the entire capital stock of the company outstanding. Notice of such
meeting, as provided by law, was published for two weeks ~~at least once not more than thirty days and at least ten days~~
prior to the date fixed for said meeting in a newspaper printed at Greeley
State of Colorado, and notice of said meeting was delivered personally or mailed to each stockholder thirty
(30) days prior to the date of such meeting, there being represented at such meeting 229
shares of the capital stock of said company out of a total of 360 shares outstanding.

At said meeting a resolution was passed to extend the corporate existence of this said corporation*
perpetually, from and after the date of the expiration of its corporate life,†
the resolution receiving a MAJORITY vote of all the outstanding stock of the corporation. The president
and secretary were authorized to certify this resolution under the corporate seal of the company, to file
such certificate with the Secretary of State of the State of Colorado, and to file duplicate certificate under
seal of the company in the office of the Recorder of Deeds in each county or counties wherein the com-
pany may do business in the State of Colorado, and in pursuance of such resolution, we do hereby certify
the same under the seal of the company.

W. B. Hanson
President.

Bernard Lantieri
Secretary.



*Corporate existence may be renewed perpetually or for any specified number of years.
†This certificate of renewal shall be filed before or within one year after the expiration of the charter to be so renewed.
Fee for filing certificate of renewal is \$25.00 for \$25,000 or less and twenty cents for each additional or fractional part of one thousand dollars of authorized capital stock, plus \$5.00 for certificate of renewal.

106369

CERTIFICATE OF RENEWAL

OF THE

CERTIFICATE OF INCORPORATION

OF

THE

OGILVY IRRIGATING

AND LAND

COMPANY

DOMESTIC
RECORDED

BOOK 449 PAGE 56

FILED in the office of the Secretary of
State, of the State of Colorado, on the
16 day of July
A.D. 1941, at 3:30 P.M.

WALTER F. MORRISON

Secretary of State

Filing Clerk

Old Age Pension Fund

055

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Publication Date

Inspected by

11/24

This document has been inspected
and properly Entered on the Re-
cords of The Flat Tax Department.

Date July 16 1941

J. F. LaRue, Clerk

This document has been inspected
and properly Entered on the Re-
cords of The Flat Tax Department

August 13 1941

Lage

Clerk

**CERTIFICATE OF AMENDMENT
TO
CERTIFICATE OF INCORPORATION
OF**

THE OGILVY IRRIGATING AND LAND COMPANY

KNOW ALL MEN BY THESE PRESENTS, That we

C. B. HARMON

President, and

BARNARD MOUTCHENS

Secretary of

The Ogilvy Irrigating and Land Company

a corporation duly organized and existing under and by virtue of the laws of the State of Colorado, do hereby make this certificate in accordance with the laws of the State of Colorado, and state, to-wit:

FIRST. That at a SPECIAL meeting of the stockholders at

Insert the word, general or special

THE OGILVY IRRIGATING AND LAND COMPANY

duly and regularly called as provided by the by-laws of said corporation and in accordance with the statutes of the State of Colorado and held at Greeley, Colorado on the

12th day of July, A. D. 1941, the following

resolution was presented and regularly adopted by an affirmative vote of not less than two-thirds* of the outstanding capital stock of said corporation entitled to vote, in accordance with the statute of the State of Colorado so made and provided, thereby amending Article Second

of the Certificate of Incorporation to read as follows, to-wit:

"Second: The object for which our said Company is formed and incorporated is to take out, construct, operate, maintain, enlarge, superintend, control and keep in repair an Irrigating ditch or canal to be constructed for the purpose of conveying water both for irrigating and household purposes and uses; said canal to be taken out of, and to receive water from the Cache LaPoudre River at a point on the north bank of stream within the limits of what is known as lot number four (4) of the Southeast quarter of the Southwest quarter of section number four (4) in township number five (5) north of range number sixty five (65) west according to the subdivision of the lands of The Union Colony of Colorado, and said Canal to run in a generally easterly direction through said section four, also through sections three, two and one of aforesaid township and range; and also through sections six, five, nine, ten and two in township number five (5) north of range sixty-four west, terminating nearly east of the beginning at Crow Creek; and for the further purpose of acquiring title to all lands necessary to the construction and operating of said canal and all lands lying under the same and said Canal to be known as the Ogilvy and Baker Canal in the County of Weld and State of Colorado. This corporation is operated as an irrigation company not for profit."

*Where amendment affects preferred stock see Section 15, Chap. 10, & L. 1921.
NOTE: Where amendment reduces the capital stock see Section 15, Chap. 10, & L. 1921.

54
SECOND. That the president and secretary of the said corporation were, at said stockholders' meeting, duly authorized and directed to make, and file such certificate, as provided by law, setting forth such amendment or amendments to the certificate of incorporation as adopted by the stockholders of said corporation.

IN WITNESS WHEREOF, We, the president and secretary of said corporation, have hereunto set our hands this 12th day of July, A. D. 1941, and have caused the seal of the said corporation to be affixed hereunto.



CORPORATE
SEAL

C. B. Harmon
President

ATTEST:

Ernest H. Houtchans
Secretary

STATE OF COLORADO,

County of Weld

Before me, Ernest H. Houtchans, a Notary Public in and for the said County and State, personally appeared C. B. Harmon

who being first duly sworn upon his oath deposes and says: that he is the President of

The Ogilvy Irrigating and Land Company

a Colorado corporation; that he has read the foregoing certificate of amendment by him subscribed, and that the facts therein set forth are true to the best of his knowledge and belief.

C. B. Harmon
President

Subscribed and sworn to before me this 12th day of July

A. D. 1941.

My commission expires June 21, 1945



Ernest H. Houtchans
Notary Public

12

106368

CERTIFICATE OF AMENDMENT

TO

Certificate of Incorporation

OF

*The Ogilvy
Irving and
Loe Company*

DOMESTIC

RECORDED

BOOK 449 PAGE 53

FILED in the office of the Secretary of
State of the State of Colorado, on the
15 day of June
A.D. 1941, at 10:15 a.m.

WALTER F. MORRISON
Secretary of State

Filing Clerk

Old Age Pension Fund

This document has been inspected
and properly entered on the Re-
cords of The Flat Tax Department.

Date *June 16, 1941*
By *J. H. Hopkins* Clerk

JUL-15-41

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5.00

APPENDIX B

BYLAWS OF THE
OGILVY IRRIGATING AND LAND COMPANY

THE OGILVY IRRIGATING AND LAND COMPANY

ARTICLE I.

Corporate Name

The corporate name of the company shall be, as stated in the certificate of incorporation, The Ogilvy Irrigating and Land Company.

ARTICLE II.

Objects

The objects of the company shall be, as stated in the certificate of incorporation.

ARTICLE III.

Meetings of Stockholders

Section 1. Annual meetings of the stockholders for the election of directors and for other purposes shall be held at the office of the company in the City of Greeley in the county of Weld, and State of Colorado (after two weeks public notice, next preceding said meeting, in one or more of the newspapers then published in the said City of Greeley) on the first Wednesday, *following the first Monday* of January of each year of its existence. The President of the Company or a stockholder chosen by the meeting shall preside at said meeting, and one or more stockholders from those present at the hour of meeting shall be appointed as inspector of the election; and the polls shall be open and kept open from one o'clock P.M. to three o'clock P.M. Stockholders shall be entitled, in person or by proxy, to one vote for each share of stock held by them. After the closing of the polls, the inspector shall make a report in writing of the names of the voters,

the number of votes cast, and the names of persons for whom voted at said election, whereupon the chairman shall declare the three persons having received the highest number of votes to be the three directors of the company for the ensuing year. In case of a failure to elect any of said three directors, another ballot shall be taken immediately, and so on, till the board is filled. But, in case of a failure to elect a full board of new members, the old directors shall hold their offices until their successors are elected and qualified.

Section 2. If, for any reason, the annual meeting should not be held on the day fixed in section one of this article, then it may be held on any day thereafter fixed upon by the board of directors, or at the written request of stockholders of the company representing a majority of all the stock of the company, but the special meeting so called shall be advertised as provided in section one of this article.

Section 3. Special meetings of the stockholders of this company may be called by the directors by a majority of the board at any monthly meeting of said board, or upon the written request of stockholders of the company representing one third of all the stock of the company then issued or subscribed for, but all such special meetings shall be advertised as provided in section one of this article.

Section 4. At all meetings of stockholders a majority of the shares of stock of the company must be represented in person or by proxy.

ARTICLE IV.

Directors

Section 1. All the corporate powers of the Company

shall be vested in and shall be exercised by a board of three directors (changed to five by resolution amending article fifth of Articles of Incorporation dated March 19, 1906, filed March 20, 1906 with the Secretary of State and County Clerk and Recorder), each of whom must be a stockholder in the company.

Section 2. The directors of the company shall be elected annually, as provided in Article III of these by-laws.

Section 3. After such election, the board of directors shall elect, by ballot, a president, a vice president, a secretary and treasurer of the board and company, and such other officers as may be necessary.

Section 4. A director may hold the office of treasurer or secretary or superintendent.

Section 5. Said officers shall be elected or appointed for one year, or until the next annual election of directors, or until their successors are appointed and qualified.

Section 6. The board of directors shall agree annually on the amount of salary that each director and officer of the company and board shall receive per annum, and the company shall pay the same monthly, which salary shall be a fair and liberal compensation for services rendered by each respectively, but no exorbitant salaries shall be allowed.

Section 7. The board of directors shall also have the power to require of any officer, agent, clerk or other employee, bonds with sureties in such amount as they may think proper, for the proper discharge of their duties, and shall have full control of all of the business of the company, approve all bonds, direct the execution of all works, contract

for the same, audit and pass upon all bills, direct the amount of force to be employed, determine when and what work shall be done, what property, machinery, etc. shall be purchased or sold, or the board may appoint an agent to perform such of these duties as may be deemed best.

Section 8. Monthly meetings of the board may be held on the first Wednesday of each month at the office of the company at seven o'clock P.M. or at such hour as may be designated by a written or verbal notice given to each director by the secretary or president, when there is business to be transacted on such day.

Section 9. Meetings of the board may be held on any day between the monthly meetings, when the business of the company requires them, on same notice being given directors as for monthly meetings. All meetings shall be held at the office of the company.

Section 10. All vacancies occurring in the board of directors, occasioned by death, resignation, disqualification or otherwise, shall be filled by a vote of a majority of the remaining members of the board.

ARTICLE V.

Officers

Section 1. The president shall be chief executive officer of the company; he shall sign all official papers and documents of the company, preside at all meetings of the board and of stockholders, and under the direction of the board of directors have general supervision of the business of the company, may attend to all other duties as the board of directors may authorize, shall make out a full report of the same for the board and for the stockholders, and present the same at each annual meeting.

He shall have no vote only in case of a tie, at which time he may cast his vote, which shall decide the question.

Section 2. In the absence or inability of the president to discharge the duties of the office, the vice president shall act in his place, and have and exercise all the powers of the president.

The board of directors may, in case of the absence or inability of both president and vice president, elect one of their number a president pro tem.

Section 3. The secretary shall keep a record of the proceedings of the board of directors and of the company, shall attest by his signature and seal of the company, all official documents and certificates of stock issued, shall keep a complete set of books, showing all of the accounts, property and transactions of the company, shall carefully examine all bills and accounts due or against the company, and present them to the board of directors for their action, shall certify all bills and vouchers audited by the board of directors, shall collect all assessments and money due the company and pay the same over to the treasurer, taking his receipt for the same, and shall make a report of the business transacted by him annually, or oftener if so required by the president or board of directors and exhibit and explain the same to the board.

ARTICLE VI.

Certificates of Stock.

Certificates of stock shall be issued under the seal of the company, and be signed by the president and secretary of the company. No transfer of stock shall be allowed except on return and cancellation of the old certificate and

the secretary shall have the old certificate cancelled before signing a new one.

ARTICLE VII.

Assessments on Stock

No assessments on capital stock shall be made for any purpose whatever, except in the manner provided by law for the assessment of full paid stock in ditch companies.

ARTICLE VIII.

Transfer Books

The transfer books shall be closed for ten (10) days next preceding the annual election, and the days appointed for the payment of dividends.

ARTICLE IX.

Dividends

The board of directors may declare dividends to be paid out of the money in the treasury of the company not needed for other purposes, when, in their judgement it will be proper and for the best interests of the company.

ARTICLE X.

AMENDMENTS

These By-Laws may be altered, amended, modified or added to as follows: The proposed amendment shall be presented in writing at a monthly meeting of the board of directors. It shall then be laid over until the next monthly meeting, when, if a majority of the board of directors vote in favor thereof, it shall be declared to be adopted.

ARTICLE XI.

That the water of the company shall be divided pro rata among the several stockholder's of the company in proportion to the number of shares owned by each, and each

share of stock shall entitle the holder thereof to one-four-hundredth part of the present appropriations of water of the Ogilvy ditch and Seeley Lake Reservoir owned by the company;

Provided that no stockholder shall be entitled to any water in any year until the annual assessments levied by the stockholders for the maintenance and operation of the ditch and reservoir shall have been paid, and no water shall be delivered upon any stock until all assessments are fully paid.

RESOLUTION was adopted at a meeting of the Board of Directors on March 18, 1919 (page 158 of the original minute book) which reads as follows:

"WHEREAS, the present checks in the Ogilvy ditch interfere the safty and proper management of the ditch

RESOLVED: That no new checks be placed in the Ogilvy ditch, and all present checks be lowered or entirely removed as soon as practical, in order to make the ditch more safe and operation less expensive

APPENDIX C

DECREES FOR
SEELEY RESERVOIR

THE SEELY LAKE RESERVOIR.

The Ogilvy Irrigating and Land Company, Claimant.

and the Graham seepage ditch. ----

FIFTH: The original storage depth of the reservoir is

The claimant asks for a decree for the storage of water for irrigation in the Seely Lake Reservoir under and by virtue of original construction, as of date June 1, 1873, to a depth not stated, but in an amount estimated at 14,000,000 cubic feet, and under and by virtue of an enlargement as of date June 12, 1902, to a depth also not stated, but to an additional amount estimated at 53,199,200 cubic feet. The total depth under the original construction and enlargement claimed is 17 feet above the bottom of the outlet tube, with a total estimated capacity of 67,199,200 cubic feet.

I find from the evidence:

FIRST: That the name of the reservoir is the Seely Lake Reservoir.

SECOND: That the claimant is the Ogilvy Irrigating and Land Company.

THIRD: That said reservoir is located in the southeast quarter of section 23, the southwest quarter of section 24, the northwest quarter of section 25, and the northeast quarter of section 26, all in township 6 north range 66 west of the 6th P.M., in Weld County, Colorado.

FOURTH: That the source of supply is water from the Cache la Poudre river and from certain seepage water from adjacent lands. The water diverted from the Cache la Poudre river is conveyed to said reservoir through the New Cache la Poudre Irrigating Company's canal, commonly known as Canal No. 2; thence through a lateral to the reservoir.

The seepage water is intercepted by various drains and seepage ditches more particularly the La Grange seepage and drain ditch, and the Graham seepage ditch.

FIFTH: The original storage depth of the reservoir is not shown, the evidence being that the reservoir was originally a natural lake with a capacity of possibly 90,000,000 cubic feet, of which about 14,000,000 could be withdrawn from the reservoir through a cut of 4 to 5 feet in depth; that the enlarged capacity was accomplished by lowering the outlet and by raising the embankment. The increased depth of storage thus obtained is not shown, but the evidence discloses that the additional capacity thus obtained is estimated to be 53,199,200 cubic feet. The total depth of the reservoir as enlarged is 17 feet above the bottom of the outlet tube, with a total capacity estimated to be 67,199,200 cubic feet.

SIXTH: The commencement of the work of original construction is not definitely shown, the testimony being to the effect that the reservoir was used since 1874. The work of the enlargement was commenced June 12, 1902, and prosecuted with due diligence to completion.

SEVENTH: It is specifically found that the Seely Lake Reservoir was originally a natural lake; that it received its supply of water from natural sources, seepage and waste water; that the owner or owners of this lake, about the year 1873, constructed a cut about 4 or 5 feet in depth, which permitted water to be withdrawn from this reservoir for use upon their adjacent lands; that these same persons received ^{under} water rights in the New Cache la Poudre Irrigating Company's canal, commonly known as Canal No. 2; that the water to

which these persons were entitled was diverted into Seely Lake, and from thence withdrawn for irrigation; that altho some seepage water was also diverted into or intercepted by the lake, it is impossible to distinguish the amount of such seepage water from the amount of water diverted into the lake under these rights in Canal No. 2; that the reservoir was not used to any substantial degree for the storage of flood water, but was more particularly used for the temporary storage of water derived from the New Cache la Poudre Irrigating Company's canal, known as Canal No. 2, and by virtue of water rights therein, said canal having been adjudged to have made several appropriations of water by reason of original construction and enlargement, as appears from the decree of this court in the proceedings for the adjudication of priorities of rights to the use of water resulting in the decree of April 11, 1884.

There is no showing of any intention upon the part of the owners of Seely Lake Reservoir to utilize the same as a reservoir for the storage of flood waters or of any waters other than those hereinbefore described, prior to June 12, 1902; that the plan of utilizing Seely lake as a reservoir for the storage of water not otherwise appropriated was first conceived on or about June 12, 1902.

EIGHTH: That water to the total available capacity of the reservoir is reasonably necessary for the irrigation of the land under it; that water to a depth of 17 feet above the base of the outlet tube, an estimated capacity of 67,199,200 cubic feet, has been stored in said reservoir since the enlargement thereof and beneficially applied to

the irrigation of these lands. in date of appropriation

NINTH: It is further found that no appropriation was made of water for storage in this reservoir under the original construction for use as above described of Seely lake, but that an appropriation of water sufficient to fill said reservoir to a total depth of 17 feet above the base of the outlet tube, an estimated total capacity of 67,199,200 cubic feet, was made as of date June 12, 1902.

TENTH: It is further found that the owner of the Seely Lake Reservoir or its predecessors in interest, failed to file any statement of claim or procure an adjudication of this appropriation for said reservoir in the preceeding general adjudication of priorities of right to the use of water for reservoir purposes in water district No. 3, division No. 1, State of Colorado, or otherwise; wherefore this appropriation must be adjudged to have a priority inferior to reservoir priority No. 56, as hereinbefore defined, that being the last reservoir priority adjudicated by this court; but that inasmuch as other reservoirs have been found to be in like condition, that is to say, that their appropriations were made prior to July 10, 1904, but that no decree was asked for or awarded in the adjudication proceedings heretofore resulting in reservoir decrees from this court, therefore the Seely Lake Reservoir is entitled to a decree among other reservoirs in similar status, according to the relative date of its appropriation compared with the date of appropriation of others in like condition.

ELEVENTH: It is further found that of all the reservoirs of the status described in paragraph 10 hereof, the

Seely Lake Reservoir is third in date of appropriation; therefore the Seely Lake Reservoir is entitled to a decree for the amount of water from the sources defined, necessary to fill said reservoir to a depth of 17 feet above the base of the outlet tube, an estimated capacity of 67,199,200 cubic feet, said priority being numbered 59.

* * *

DISTRICT COURT, WATER DIVISION NO. 1, COLORADO	
Court Address: 901 9 th Avenue, Greeley, CO 80631-1113 Mailing Address: P.O. Box 2038, Greeley, CO 80632-2038	DATE FILED: November 2, 2016 10:35 AM CASE NUMBER: 2007CW331
CONCERNING THE APPLICATION FOR WATER RIGHTS OF:	
THE OGILVY AUGMENTATION COMPANY	
IN WELD COUNTY.	COURT USE ONLY
	Case Number: 07CW331
FINDINGS OF FACT, CONCLUSIONS OF LAW, RULING OF THE REFEREE, AND DECREE OF THE WATER COURT	

This matter comes before the court on the application of the Ogilvy Augmentation Company for adjudication of conditional water rights. All matters contained in the application having been reviewed, and testimony and evidence having been taken as necessary, the Referee, being fully advised in the premises, hereby enters the following Findings of Fact, Conclusions of Law, and Ruling of the Referee.

I. FINDINGS OF FACT

1. Applicant. The Applicant is the Ogilvy Augmentation Company, 1811 38th Avenue, Greeley, CO 80634.
2. Application. Applicant filed its application in this case on December 31, 2007 seeking conditional storage and direct flow rights. The application was amended on September 17, 2013. Applicant has withdrawn its claim for confirmation of a storage water right for Ogilvy Reservoir No. 1.
3. Notice and Jurisdiction. All notices required by law of the filing of this application have been fulfilled, and the Referee has jurisdiction over the subject matter of this application and over all persons and property affected by it, irrespective of whether they or its owners have appeared. The water and lands that are the subjects of this Application are not located in a designated ground water basin.

4. Statements of Opposition. Statements of opposition were filed by the following parties: Centennial Water and Sanitation District, the City of Boulder, the City of Thornton, the Greeley Irrigation Company, the New Cache la Poudre Irrigating Company, United Water and Sanitation District, and the City of Greeley, acting by and through its Water and Sewer Board.
5. Summary of Consultation. The Division Engineer for Water Division 1 filed a summary of consultation on March 14, 2008. Applicant has served copies of the summary of consultation on the objectors. The Referee has duly considered the summary of consultation.
6. Stipulations and Settlements. Stipulations or settlements were entered into between the Applicant and the following objectors:
 - 6.1. Stipulation between the Applicant and the Greeley Irrigation Company dated December 10, 2014 and approved by the Court by Order dated December 10, 2014;
 - 6.2. Stipulation between the Applicant and the New Cache la Poudre Irrigating Company dated January 23, 2015 and approved by the Court by Order dated January 23, 2015;
 - 6.3. Stipulation between the Applicant and the City of Thornton dated March 3, 2015 and approved by the Court by Order dated March 4, 2015;
 - 6.4. Stipulation between the Applicant and Centennial Water and Sanitation District dated November 19, 2015 and approved by the Court by Order dated November 20, 2015;
 - 6.5. Stipulation between the Applicant and the City of Boulder dated December 28, 2015 and approved by the Court by Order dated December 29, 2015;
 - 6.6. Stipulation between the Applicant and United Water and Sanitation District dated December 29, 2015 and approved by the Court by Order dated January 5, 2016;
 - 6.7. Stipulation between the Applicant and the City of Greeley dated May 25, 2016 and approved by the Court by Order dated May 26, 2016.
7. Application for Conditional Surface Water Right. Applicant has requested confirmation and adjudication of a surface water right (hereinafter "Ogilvy Ditch Water Right") to be diverted at the existing headgate of the Ogilvy Ditch. With respect to the Ogilvy Ditch Water Right the Referee finds the following:
 - 7.1. Name of structure: Ogilvy Ditch.
 - 7.2. Location: The location of the diversion is the location of the existing headgate of the Ogilvy Ditch on the north bank of the Cache la Poudre River in the Southeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 4, Township 5 North, Range 65 West, 6th P.M.
 - 7.3. Source: Cache la Poudre River.

- 7.4. Date of appropriation: December 31, 2007.
- 7.5. Amount: 100 c.f.s., CONDITIONAL.
- 7.6. Use: Augmentation and replacement of depletions from wells included in the plan for augmentation decreed in Case No. 03CW150 by delivering water diverted under the Ogilvy Ditch Water Right to recharge structures pursuant to ¶15.6 to generate accretions, and such accretions will either be placed to direct use or use by substitution and exchange. Applicant's rights to use the water diverted pursuant to this water right by substitution and exchange shall be limited to diversion of recharge accretions by exchange in accordance with ¶15.7, including exchange to the headgate of the Greeley Canal No. 2 for delivery to and storage in Seeley Lake for use as described in this paragraph.
8. Application for Storage Water Right. Applicant has requested confirmation and adjudication of a storage water right, as described below. With respect to the requested storage water right the Referee finds as follows:
- 8.1. Name of reservoir: Seeley Lake.
- 8.1.1. Location: Seeley Lake is an existing off-channel reservoir located in parts of the SE ¼ of Section 23, the SW ¼ of Section 24, the NW ¼ of Section 25, and the NE ¼ of Section 26, Township 6 North, Range 66 West.
- 8.1.2. Source: Cache la Poudre River, and springs, seepage and runoff from surrounding lands that accrues directly to the reservoir and/or its inlet ditch located in the East ½ of Section 23 and the Southeast ¼ of section 14, Township 6 North, Range 66 West, 6th P.M. Water will be diverted from the Cache la Poudre River for storage in Seeley Lake through the Greeley Canal No. 2, the river headgate for which is located on the north bank of the Cache la Poudre River in the SW ¼ of the SE ¼ of the NE ¼ of Section 11, Township 6 North, Range 68 West, 6th P.M. The maximum rate for diversions from the Cache la Poudre River through the Greeley Canal No. 2 is 490 cfs.
- 8.1.3. Date of appropriation: December 31, 2007.
- 8.1.4. Amount: 1187.3 acre-feet, CONDITIONAL, with the right to one fill in any water year (November 1 through October 31).
- 8.1.5. Use: Augmentation and replacement of depletions from wells included in the plan for augmentation decreed in Case No. 03CW150 by delivering water directly to the river for augmentation or for subsequent diversion at the Ogilvy Ditch river headgate and delivery to recharge structures pursuant to ¶15.6 to generate accretions, and such accretions will either be placed to direct use or use by substitution and exchange. Applicant's rights to use the water diverted pursuant to this water right by substitution and exchange shall be limited to the diversion of recharge accretions by exchange in accordance with ¶15.7, including exchange to

the headgate of the Greeley Canal No. 2 for delivery to and storage in Seeley Lake for use as described in this paragraph.

9. Applicant's need for the claimed water rights. The water rights claimed by Applicant in this proceeding are intended as a supply of augmentation water for the Ogilvy Augmentation Plan decreed in Case No. 03CW150. The use of the water rights decreed herein will allow Applicant and its members to operate their wells at times when Applicant's other augmentation sources are inadequate to replace depletions that would result from maximum potential demands for use of Applicant's Members' wells.

II. CONCLUSIONS OF LAW

10. Incorporation of Findings of Fact. The foregoing Findings of Fact in Section I of this decree are incorporated herein to the extent they constitute conclusions of law
11. Notice and Jurisdiction. Full and adequate notice of the claims adjudicated herein has been given in the manner required by law. The Court has jurisdiction of the subject matter of this application and all persons affected hereby, whether they have appeared or not, pursuant to - §37-92-203(1), §37-92-302 and §39-92-304, C.R.S.
12. Can and Will. Applicant has demonstrated that it can and will divert and place the conditional water rights decreed herein to beneficial use within a reasonable period of time, and has satisfied the requirements of C.R.S. §37-92-305(9).
13. Burden of proof. Applicant has met its burden of proof and is therefore entitled to a decree approving its claims for conditional water rights.

III. RULING OF THE REFEREE

14. Incorporation of Findings of Fact and Conclusions of Law. The foregoing Findings of Fact set forth in Section I and the Conclusions of Law set forth in Section II of this decree are incorporated herein.
15. Terms and Conditions on Use of Ogilvy Ditch Water Right, and the water storage right decreed herein to Seeley Lake. The Referee finds that the following terms and conditions on Applicant's diversion and use of water under the Ogilvy Ditch Water Right, and the water storage right decreed herein to Seeley Lake ("water rights decreed herein") are necessary to prevent injury to other water rights:
 - 15.1. *Diversion Limitation at the Ogilvy Ditch.* Applicant's combined total diversions pursuant to the water rights decreed herein for diversion from the Cache la Poudre River at the Ogilvy Ditch river headgate set forth in ¶7 for the Ogilvy Ditch Water Right shall be limited to 100 cfs.
 - 15.2. *Volumetric Limitation.* Applicant's combined diversions under the Ogilvy Ditch Water Right, and the water storage right decreed herein to Seeley Lake shall be limited to no more than 1,904 acre-feet annually, and no more than 17,245 acre-feet

- in any consecutive 20 year period. These volumetric limits shall be subject to redetermination during Applicant's first application for a finding of reasonable diligence or to make the conditional water rights absolute. Once any of these limitations have been reached, and irrespective of whether such diversions were made under free river conditions or pursuant to a call by said rights, the volumetric limits shall be deemed satisfied, and no further diversions shall be allowed under said rights. To the extent not already in place, Applicant shall equip the headgate of the Ogilvy Ditch with a continuous recording measurement device. The amount of water diverted pursuant to the water rights decreed herein shall be recorded on a daily basis and reported to the Division Engineer and the State Engineer monthly or more frequently if they so request.
- 15.3. *Prior approval from water commissioner.* Prior to diverting water pursuant to the water rights decreed herein Applicant shall contact the water commissioner to confirm that the right to be diverted is in priority and to obtain approval to divert the right pursuant to the terms of this Decree.
- 15.4. *Accounting and reporting.* Applicant shall maintain daily records of all diversions pursuant to the water rights decreed herein and provide such records to the water commissioner and Division Engineer monthly or more frequently if he so requests.
- 15.5. *Ditch capacity.* Applicant shall only divert water pursuant to the Ogilvy Ditch Water Right, and deliver water previously stored in Seeley Reservoir under the water storage right decreed herein through the Ogilvy Ditch, at times when there is capacity in the Ogilvy Ditch in excess of the water diverted pursuant to the senior Ogilvy Ditch direct flow rights.
- 15.6. *Recharge Operations.* Applicant proposes to deliver the water rights decreed herein to various recharge structures. The water delivered to such recharge structures will be allowed to percolate into the aquifer to generate accretions to the Cache la Poudre River, Crow Creek, and the South Platte River.
- 15.6.1. *Water Rights Approved for Recharge.* The water rights approved by this Decree for delivery to the recharge structures described below are the water rights described in ¶7 (Ogilvy Ditch Water Right) and ¶8 (Seeley Lake).
- 15.6.2. *Recharge Structures.* Applicant has identified recharge structures that are identified on **Exhibit A**, which sets forth information pertaining to each of the recharge structures. The approximate locations of the recharge ponds and the ditch used to fill them are shown on **Exhibit B**. Water is delivered from the Ogilvy Ditch to the Wacker Recharge Pond located in the NW ¼ of Section 10, Township 5 North, Range 64 West, and to the Ogilvy Recharge Site located in the South ½ of Section 12, Township 5 North, Range 64 West. The defined reaches of the Ogilvy Canal, and the measurement structures located between each ditch reach are shown on **Exhibit A**. The locations of accretions from the recharge structures are shown on **Exhibit B**.

15.6.3. *Terms and Conditions of Recharge by Recharge Ponds.* Recharge using the recharge ponds shall be subject to the following terms and conditions.

- 15.6.3.1. *Measuring Devices and Surface Area of Recharge Ponds.* Prior to the delivery of water to the recharge ponds, Applicant shall install a continuous recording device capable of measuring and recording the amount of water delivered to the recharge ponds on a daily basis. Each measuring device must be at least as accurate as a Parshall flume. If the recharge pond has the capability to release water, the outlet shall likewise be equipped with a continuous recording measuring device to measure outflows from the recharge pond on a daily basis. Applicant shall install a staff gauge at the lowest surface elevation in the recharge ponds. All staff gauges must be readable from a readily accessible location adjacent to the recharge pond. All measuring devices required by this paragraph must be approved by the Water Commissioner prior to operation of the recharge ponds. The recharge ponds shall be surveyed prior to use, and a stage-area-capacity curve delivered to the Division Engineer and all Objectors.
- 15.6.3.2. *Volume of Recharge from Recharge Ponds.* The net monthly volume of water recharged to the alluvial aquifer at the recharge ponds shall be determined by measuring the amount of water delivered to the recharge ponds by use of a continuous recording measuring device, and by subtracting: (1) the amount of water that flowed out of the recharge ponds, if any, measured by use of a continuous recording measuring device; (2) the amount of water that was lost to evaporation, as determined by the method described in ¶15.6.3.3 of this Decree; (3) the amount of water lost to consumptive use due to vegetation located in the recharge ponds, as determined by the method described in ¶15.6.3.4 of this Decree; (4) the amount of water retained in the recharge ponds that has not yet percolated into the ground, as determined using staff gauge data and the stage-area-capacity curve for the recharge structure. The staff gauge data shall be used to determine: (1) the volume of the water in the recharge ponds; and (2) the exposed surface area of water, in acres.
- 15.6.3.3. *Evaporation.* Daily losses to evaporation from the recharge ponds shall be calculated based upon exposed surface area on a given day as determined (in acres) by observations of staff gage readings for the recharge ponds at a frequency of not less than one week and for intervening days obtained by interpolation. Exposed surface area for the recharge ponds shall be computed using the stage-area-capacity curves for the recharge ponds. Evaporation losses from the recharge ponds shall be calculated by multiplying the surveyed surface area for the recharge ponds by the rate of daily evaporation for the exposed water surface. Applicant shall calculate the real time evaporation from each recharge structure from data obtained from the CoAgMET Kersey station, or if data from that station is not available, from the CoAgMET Greeley 4 station. If data from the

CoAgMET Kersey and Greeley 4 stations are not available, then Applicant shall use data from the next nearest CoAgMET station, which currently is the LaSalle station. If for any reason data from the CoAgMET Kersey station, Greeley 4 station, and next nearest station are not available, Applicant shall use the average monthly gross evaporation loss values in Table 1 below, which are in inches per acre per month of exposed surface area, and divide the same by the number of days in the month for an average daily evaporation loss value. Real time evaporation shall be determined on a daily basis as follows: Evaporation shall be computed by multiplying daily standard alfalfa reference crop evapotranspiration (ET_r) published for the applicable CoAgMET station, in inches, by 1.2 to determine monthly gross pan evaporation in inches. Gross pan evaporation will then be multiplied by a pan coefficient of 0.7 to obtain daily gross pond and ditch evaporation in inches.

TABLE 1

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
1.37	1.6	2.51	4.11	5.48	6.63	6.86	6.17	4.57	3.2	1.83	1.37

- 15.6.3.4. *Evapotranspiration.* Evapotranspiration losses from vegetation located within and immediately surrounding the banks of the recharge ponds shall be assessed. The daily volume of water lost to evapotranspiration shall be calculated by multiplying the number of acres of the recharge ponds and immediately surrounding banks of the recharge ponds covered with vegetation in a given month by the following factors (in feet) during the two months following any month in which water is in the recharge ponds, to arrive at an amount in acre-feet consumed by such vegetation.

TABLE 2

Apr	May	Jun	Jul	Aug	Sept	Oct
0.08	0.16	0.27	0.40	0.35	0.22	0.08

- 15.6.3.5. *Use of the Glover Method.* Various calculations required for operation and administration of this Decree require the computation of lagged effects of operations on the Cache la Poudre River, Crow Creek and the South Platte River. Applicant shall compute such lagged effects as specified in this decree using the analytical equations described by Glover (Glover, Robert E., 1977, *Transient Ground Water Hydraulics*, Water Resources Publications) and others (hereinafter the “Bounded Glover Method”). The method to be used for applying the analytical equations described by Glover shall include a parallel no-flow boundary condition,

which requires the following parameters: (1) a boundary condition for the alluvial aquifer indicating that the boundary constitutes a “no-flow” condition; (2) the width of the aquifer on the side of the river where the well is located, commonly referred to as “W”; (3) the distance from the river to the location of the well, commonly referred to as “X”; (4) the harmonic transmissivity of the aquifer between the location of the well and the stream, commonly referred to as “T”; and (5) the specific yield of the aquifer, commonly referred to as “S”. Applicant may use the AWAS program, or another program which incorporates the Glover no-flow boundary method, for purposes of applying the Glover Method as required by this Decree.

- 15.6.3.6. *Lagging Recharge Accretions.* The timing of accretions to the Cache la Poudre River, Crow Creek and/or South Platte River from the net monthly volume of water recharged to the alluvial aquifer at the recharge ponds shall be calculated using the Glover parameters for the ponds in **Exhibit A** and the Glover Method identified in ¶15.6.3.5 above.
- 15.6.3.7. *Accounting for Sources of Water Delivered to Recharge Ponds.* Applicant shall separately record deliveries to the recharge ponds attributable to each of the water rights decreed herein, and shall track the accretions attributable to each of the water rights decreed herein separately in its accounting.
- 15.6.3.8. *Limitations on Use of Recharge Ponds.* The recharge ponds shall only be used for deliveries of water from the water rights decreed herein. All other uses of the recharge ponds are prohibited including, without limitation, storage of water for future use or for irrigation purposes.
- 15.6.3.9. *Right to Use Recharge Ponds Required.* The recharge ponds are located on lands owned or controlled by Applicant, or upon which Applicant owns an easement or contractual agreement with the owner of the recharge ponds allowing Applicant to use the recharge ponds. If, in the future, Applicant does not have an easement to use all or any portion of the recharge ponds described herein, Applicant shall not use the recharge ponds until it has obtained a new agreement with the owner of the land where the recharge ponds is located allowing Applicant to deliver water diverted under the water rights decreed herein to the recharge ponds.
- 15.6.4. *Terms and Conditions of In-Ditch Recharge.* In-ditch recharge using the Ogilvy Canal shall be subject to the following terms and conditions.
 - 15.6.4.1. *Ditch Reaches.* The reaches of the Ogilvy Canal are shown in **Exhibit B** (“ditch reaches”).

- 15.6.4.2. *Volume of Recharge from ditch reaches.* The daily amount of water recharged to the alluvial aquifer from each of the ditch reaches shall be determined by: (1) measuring the daily amount of recharge water delivered into each ditch reach as determined by use of a continuous recording measuring device; (2) subtracting the amount of water that flowed out of or was discharged from each ditch reach as determined by use of a continuous recording measuring device; (3) subtracting the amount of water that was lost to evaporation from each ditch reach in accordance with ¶15.6.4.3 of this Decree for any day in which Applicant claims recharge from the ditch reach, and (5) subtracting any other outflows from each ditch reach. The measuring devices for the ditch reaches are also identified on **Exhibit B**.
- 15.6.4.3. *Evaporation.* Daily losses to evaporation from the ditch reaches shall be calculated based upon the maximum surface areas set forth for each ditch reach in **Exhibit A**. Evaporation losses from the ditch reaches shall be calculated by multiplying the maximum surface areas for the ditch reaches by the rate of daily evaporation for the exposed water surface, as determined in accordance with ¶ 15.6.3.3 above.
- 15.6.4.4. *Evapotranspiration.* Evapotranspiration losses from vegetation for Ogilvy Ditch Reach A during the months of April through October shall be assessed by reducing the calculated daily net in-ditch recharge amount for Ogilvy Ditch Reach A that Applicant is entitled to under this decree (calculated as described in the above ¶ 15.6.4.2) by 5%.
- 15.6.4.5. *Calculation of accretions.* Accretions from the amount of water recharged to the alluvial aquifer from the ditch reaches shall be calculated using the Glover parameters for each ditch reach shown in **Exhibit A** and the Glover Method identified in ¶15.6.3.5 above.
- 15.6.4.6. *No Credit for In-Ditch Recharge When Any Other Water in Ditch Reaches.* Applicant shall not be entitled to claim recharge accretions resulting from ditch seepage from the Ogilvy Canal when water other than water attributable to the water rights decreed herein (“Other Water”) is being simultaneously carried in the Ogilvy Canal. If no Other Water is being simultaneously carried with water from the water rights decreed herein in the Ogilvy Canal, Applicant may claim recharge accretions from seepage losses from the Ogilvy Canal. If any ditch reach in the Ogilvy Canal is lined or piped or partially lined or piped in the future, no recharge accretions from seepage losses may be claimed for that ditch reach while the lining or piping is in place.
- 15.7. *Excess Recharge Accretions.* Applicant’s diversion and use of water under the plan for augmentation is intended to provide the amount of water necessary to offset out-of-priority depletions resulting from the operation of the Member Wells under the

plan for augmentation approved by the decree entered in Case No. 03CW150. Applicant shall not divert water with the intention or for the purpose of creating a permanent supply of water for use by any other person or entity. However, it may, at times, not be possible for Applicant to match the timing of the recharge accretions with the timing of the replacements to offset out-of-priority depletions resulting from the operation of the plan for augmentation (the "Excess Recharge Accretions"). Applicant may lease the amount of Excess Recharge Accretions not otherwise available via the exchange for use for a period not to exceed one year to other persons or entities for use under substitute water supply plans approved by the State Engineer pursuant to C.R.S. §37-92-308 or plan for augmentation decrees. If such Excess Recharge Accretions are used by any other water user in five separate years, such other water user shall be required to apply to the Court for, and obtain, a decree authorizing the use of such Excess Recharge Accretions in order for such use to continue. Applicant shall coordinate with the Division Engineer to assure proper administration and accounting of the augmentation and replacement supplies and Excess Recharge Accretions. Applicant also proposes to divert the Excess Recharge Accretions by exchange for use for the purposes described in ¶7.6. No appropriative right of exchange is decreed herein and any use of Applicant's Excess Recharge Accretions as a source of substitute supply in an exchange shall be allowed only if the exchange is operated in accordance with the terms and conditions of a subsequent decree adjudicating such exchange or of administrative approval given in advance by the State water administration officials pursuant to then existing statutory authority.

- 15.8. *Storage in Seeley Lake.* The water year for Seeley Lake shall be November 1 through October 31. Applicant shall account for the amount of water diverted to Seeley Lake on a daily basis, and provide such accounting to the Division Engineer on at least a monthly basis or more frequently if requested by the Division Engineer. Storage in Seeley Lake under the water right decreed herein shall be accounted for separately from any other water rights stored therein. Applicant shall read and record Seeley Lake staff gage measurements daily and shall use the measurements to calculate the daily total volume of water in storage and the corresponding water surface area in Seeley Lake. Gross evaporation shall be determined using the method described in ¶15.6.3.3. The administration and accounting for Seeley Lake shall be based on a mass balance to calculate and account for all unmeasured inflows. Any out of priority inflows to Seeley Lake shall be promptly released to the river. Any water stored in Seeley Lake and remaining in Seeley Lake or any other reservoir on October 31 of any year shall be considered carryover storage for the new water year against the fill of the Seeley Lake water storage rights decreed thereto. Water attributable to the Seeley Lake water storage right decreed herein that is in storage at the end of any water year shall not automatically count against the annual fill of water rights decreed thereto senior to the water right decreed herein (the "Senior Seeley Rights") in the new water year. However, once the Senior Seeley Rights are filling in priority during the new water year and there is insufficient capacity in the Seeley Reservoir for additional water, Applicant shall have the option of: (1) booking over water attributable to the Seeley Reservoir water storage right decreed herein and counting it against the Senior Seeley Rights, or (2) choosing not to book over such water, in

which case the Senior Seeley Rights shall be deemed filled, or (3) releasing such water from Seeley Lake for its decreed beneficial use. Any such water that is booked over shall be considered to be and accounted for as Senior Seeley Rights water and counted against the Senior Seeley Rights in Applicant's accounting. Any booking over shall be at rates and times when water is legally and physically available for diversion under the Senior Seeley Rights from the Cache la Poudre River.

16. Confirmation of conditional water rights. The conditional water rights claimed by Applicant herein are hereby confirmed, adjudicated and decreed subject to the terms of this decree.

17. Accounting and Reporting Procedures

17.1. *Frequency of Reporting.* Reporting to the Division Engineer of Applicant's operations under this Decree shall be done on a monthly basis. Accounting for Applicant's operations under this Decree shall be done on a daily basis, and all accounting for each month's operation shall be completed and sent to the Division Engineer, and to the Objectors upon request, in the same electronic format no later than the 15th day of the following month. To the extent that the Division Engineer makes the entirety of the accounting accessible to the public in an online database Applicant shall not be required to separately provide the accounting to the Objectors unless an Objector specifically requests the accounting. Accounting forms are attached hereto and incorporated herein by reference as **Exhibit C**. The accounting forms are not decreed herein and, after approval by the Division Engineer, may be changed from time to time provided Applicant serves written notice of proposed changes on all Objectors, Objectors are given 35 days to provide comments to Applicant and the Division Engineer, and after the expiration of the 35-day comment period, the Division Engineer approves the proposed changes. The Division Engineer shall not approve changes to the accounting forms until after Objectors have had an opportunity to comment on any proposed changes to the accounting forms. Any subsequently approved changed accounting forms shall include, at minimum, all information included in **Exhibit C** and all information required by this Decree.

17.2. *Minimum Terms.* Applicant's accounting under this Decree shall include, at a minimum, the information included in the accounting forms attached as **Exhibit C** and the following information:

17.2.1. The name, location and date of the calling water right,

17.2.2. measurements from approved measuring devices and recorders,

17.2.3. all in-priority and out-of-priority inflows to and outflows from Seeley Lake, Seeley Lake contents (total and by water type),

17.2.4. evaporation (total and by water type), any unmeasured inflows to Seeley Lake computed based on a mass-balance,

17.2.5. daily cumulative river diversions under the Seeley Lake storage rights,

17.2.6. any other information required by ¶ 15.8,

17.2.7. daily accounting of accretions, deliveries and net river balance from recharge operations, which accounting shall separately record and track the deliveries and accretions attributable to each of the water rights decreed herein,

17.2.8. daily tracking of diversion amounts and volumetric limits under the water rights decreed herein,

17.2.9. daily determination of whether Other Water is carried in the Ogilvy Ditch when recharge deliveries are made through the Ogilvy Ditch,

17.2.10. Indication of the percentage of each ditch reach used for recharge that is lined or piped,

17.2.11. information included in **Exhibit A**,

17.2.12. amount and locations of exchange-to and -from points of Excess Recharge Accretions exchanged pursuant to ¶ 15.7, and

17.2.13. any information required by ¶¶ 15.6.3.2 and 15.6.4.2.

17.3. Applicant intends to incorporate the accounting required under this Decree into the accounting for Case No. 03CW150. In order to do so, Applicant must follow the requirements for changing the accounting forms in Case No. 03CW150 as described in ¶ 18.2 of that decree, including providing notice to the Objectors in that case, and the minimum accounting terms required under this Decree must be included.

18. Duties of the State Engineer

18.1. *Curtailment.* The State Engineer and Division Engineer shall administer this Decree in accordance with the terms and conditions set forth herein.

19. Measuring devices. In addition to the measuring devices expressly required herein, Applicant shall install and maintain such additional meters, gauges, or other measuring devices required by the Water Commissioner or Division Engineer, and shall report at reasonable times to the Water Commissioner and/or Division Engineer the readings of such additional meters, gauges, or other measuring devices pursuant to §37-92-502(5)(a), C.R.S

20. Use of Structures. Nothing in this Decree shall be construed to create any right of Applicant to utilize land or structures owned by parties other than Applicant for the diversion or carriage of water, nor be construed to enlarge any right to use lands, structures or facilities currently possessed by Applicant. Applicant may utilize existing water diversion, carriage and storage structures only to the extent it then has acquired the right to use such structure from the appropriate entities, by purchase, by exercise of the power of eminent domain, or by other appropriate means. Similarly, Applicant may utilize land for the construction and operation of such structures only to the extent that it has acquired the right to use such land

from the appropriate entities, by purchase, by exercise of the power of eminent domain, or by other appropriate means. Nothing in this decree determines the existence or scope of Applicant's right, if any, to exercise the power of eminent domain against any specific entity that owns structures or facilities within which the Applicant may seek to acquire rights in the future.

21. Incorporation of Exhibits. **Exhibits A through C** are incorporated by reference into this Decree as though set forth fully herein.
22. No Precedent. There was no trial in this matter and no issues were litigated. The Findings of Fact, Conclusions of Law and Ruling of the Referee were completed as the result of substantial discussions, negotiations and compromises by, between and among Applicant and the several Objectors pertaining to all parts of the findings, conclusions, judgment and decree. It is specifically understood and agreed by the parties hereto, and found and concluded by the Referee, that the acquiescence of the parties to a stipulated decree under the specific factual and legal circumstances of this contested matter and upon the numerous and interrelated compromises reached by the parties shall never give rise to any argument, claim, defense or theory of acquiescence, waiver, bar, merger, stare decisis, res judicata, estoppel, laches, or otherwise, nor to any administrative or judicial practice or precedent, by or against any of the parties hereto in any other matter, case or dispute, nor shall testimony concerning such acquiescence of any party to a stipulated decree herein be allowed in any other matter, case or dispute. All parties stipulate and agree that they do not intend the findings, conclusions, judgment and decree to have the effect of precedent or preclusion on any factual or legal issue in any other matter. The parties further stipulate and agree that they each reserve the right to propose or to challenge any legal or factual position in any other matter filed in this or any other court without limitation by these finding, conclusions, judgment and decree.
23. Diligence. It is ordered that the conditional water rights herein awarded are hereby continued in full force and effect until November 30, 2022. If Applicant desires to maintain such conditional water rights, an application for a finding of reasonable diligence shall be filed on or before November 30, 2022 or a showing made on or before such date that the conditional water rights have become absolute by reason of the completion of the appropriations.
24. Priority Date. The application for the conditional water rights herein awarded was filed in the Water Court in the year of 2007 and such water rights shall be administered as having been filed for in that year; and shall be junior to all water rights for which applications were filed in previous years. As between all water rights for which applications filed in the same calendar year, priorities shall be determined by decreed dates of appropriation and not affected by the date of entry of ruling.

Date: October 6, 2016

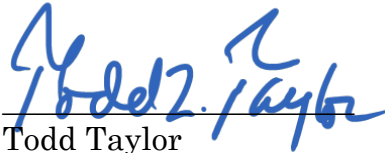


John S. Cowan
Water Referee
Water Division 1

No protest was filed in this matter. The foregoing ruling is confirmed, approved, and hereby made the Judgment and Decree of this Court.

So Ordered:
November 2, 2016

BY THE COURT:



Todd Taylor
Alternate Water Judge
Water Division 1

APPENDIX D

GEOTECHNICAL ENGINEERING REPORT FOR SEELEY RESERVOIR DREDGING

GEOTECHNICAL ENGINEERING REPORT

**SEELEY LAKE INLET IMPROVEMENTS
GREELEY, COLORADO**

**NORTHERN COLORADO GEOTECH
PROJECT NO. 266-05
February 9, 2006**

Prepared for:

**Ogilvy Augmentation Company
1811 38th Avenue
Greeley, Colorado 80634
Attn: Dennis Hoshiko**

and

**New Cache La Poudre Irrigating Company
PO Box 104
Lucerne, Colorado 80646
Attn: Don Magnuson**





2956 29th Street, Unit 21
Greeley, Colorado 80631
Phone: (970) 506-9244
Fax: (970) 506-9242

February 9, 2006

Ogilvy Augmentation Company
1811 38th Avenue
Greeley, Colorado 80634

Attn: Dennis Hoshiko

and

New Cache La Poudre Irrigating Company
PO Box 104
Lucerne, Colorado 80646

Attn: Don Magnuson

**Re: Geotechnical Engineering Report
Seeley Lake Inlet Improvements
Northern Colorado Geotech Project No. 266-05**

Northern Colorado Geotech has completed a geotechnical engineering exploration for the proposed improvements to the inlet to Seeley Lake north of Greeley, Colorado. This study was performed in general accordance with our proposal number P05039g dated December 6, 2005.

The subsurface soils at the site consisted of silty sand, clayey sand and sandy lean clay. The soils are underlain by sandstone and siltstone bedrock at depths of 2½ to 26 feet. The results of our field exploration and laboratory testing indicate that the soils and bedrock have non to low plasticity and relatively slow permeability rates.


Based on the anticipated construction and the results of our engineering exploration, it is our opinion that the proposed inlet improvements are feasible. It appears from the borings that the center portion of the proposed inlet is filled with approximately 26 feet of historical silty and/or clayey sand deposits.

Ogilvy/New Cache
Seeley Lake Inlet Improvements
Northern Colorado Geotech Project No. 266-05

If you have any questions concerning this report or any of our consulting services, please do not hesitate to contact us.

Sincerely,
NORTHERN COLORADO GEOTECH

Prepared by:


Doug Leafgren, P.G.
President



Reviewed by:

Gary G. Weeks, P.E.
Vice President

Copies to: Addressee (2 – each)
Doug Seeley (1)

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GEOTECHNICAL ENGINEERING REPORT

SEELEY LAKE INLET IMPROVEMENTS GREELEY, COLORADO

**NORTHERN COLORADO GEOTECH
PROJECT NO. 266-05
FEBRUARY 9, 2006**

SCOPE

This report contains the results of our geotechnical engineering exploration for the proposed improvements to the inlet for Seeley Lake north of Greeley, Colorado. The site is located in the of Section 23, Township 6 North, Range 66 West of the 6th Principal Meridian.

This report includes descriptions of, and geotechnical engineering recommendations relative to:

- subsurface soil and bedrock conditions
- groundwater conditions
- feasibility of site soils as compacted liner
- sloping recommendations based on soils encountered
- earthwork and construction recommendations

The recommendations contained in this report are based upon the results of field and laboratory testing, engineering analyses, and experience with similar soil conditions and our understanding of the proposed project.

SITE CONDITIONS

The site is the north end of Seeley Lake around the lake inlet. The site is heavily vegetated with grasses, cattails and weeds. The inlet meanders through the center of the area in a canal that is approximately 15 to 20 feet wide. Historical accounts and topographic evidence suggest that this area of the inlet was part of the lake between 50 and 100 years ago and has been filled by the silty and clayey sand soils that currently occupy the inlet.

PROPOSED CONSTRUCTION

As we understand it, the project will consist of dredging out the filled area of the lake to increase storage capacity. It is anticipated that the lake will be excavated to the bedrock. The fill and/or the bedrock that is encountered may be used for overlot grading or as a compacted liner material.

SITE EXPLORATION

A total of six test borings were drilled on December 19, 2005. These borings were advanced with a truck-mounted drilling rig, utilizing 4-inch diameter solid stem augers. One additional boring was advanced with a hand auger on January 4, 2006. The borings were drilled to approximate depths of 4 to 30 feet at the locations shown on the Site Plan, Figure 1.

The borings were located in the field by pacing from property lines and/or existing site features. Relative surface elevations at the boring locations were obtained by interpolating from a topographic map provided by Casseday Creative Designs. The accuracy of boring locations and elevations should only be assumed to the level implied by the methods used to determine each.

Lithologic logs of each boring were recorded by an engineering geologist during the drilling operations. At selected intervals, samples of the subsurface materials were taken by driving split-spoon samplers. Bulk samples of subsurface materials were also obtained from various borings. Standard penetration measurements were recorded while driving a split-spoon sampler into the subsurface materials. The standard penetration test is a useful index in estimating the density of the materials encountered.

Groundwater conditions were evaluated in each boring at the time of subsurface exploration, and seven days after the drilling.

Laboratory Testing

The samples retrieved during the subsurface exploration were returned to our laboratory for observation by the project manager. The soils were classified in general accordance with the Unified Soil Classification System. At that time, the field descriptions were confirmed or modified and an applicable laboratory testing program was formulated. Boring logs were prepared and are attached with this report.

Laboratory tests were conducted on selected samples and are presented on the boring logs and attached laboratory test sheets. The test results were used for the geotechnical engineering analyses, and the development of foundation and earthwork recommendations.

Selected samples were tested for the following engineering properties:

- Water Content
- Atterberg Limits
- Maximum Dry Density
- Percent Fines
- Falling Head Permeability

SUBSURFACE CONDITIONS

Soil and Bedrock Conditions

Soils at the site generally consisted of silty sand, clayey sand and sandy lean clay to depths of approximately 2½ to 26 feet. The materials underlying the surface soils and extending to the maximum depth of exploration consisted of sandstone and siltstone bedrock. Summary boring logs are attached with this report.

Groundwater Conditions

Groundwater was encountered at approximate depths of 2½ to 4½ feet in the test borings at the time of field exploration. When checked seven days after the drilling, groundwater was measured at approximate depths of 1½ to 3½ feet. These observations represent groundwater conditions at the time of the field exploration, and may not be indicative of other times, or at other locations. Groundwater levels can be expected to fluctuate with varying seasonal and weather conditions.

Field Test Results

Field test results indicate that the clay soils vary from soft to medium stiff in consistency. The sand soils vary from very loose to loose in relative density. The bedrock varies from soft to hard in hardness.

Laboratory Test Results

Laboratory test results indicate that the soils are non-plastic to low plasticity with moderate permeability rates.

DESIGN RECOMMENDATIONS

Slopes/Permeability/Overlot Potential Design

Based on the results of our subsurface exploration and the results of the laboratory testing, it is our opinion that the main portion of the inlet can be excavated to a depth of approximately 26 feet

before encountering the sandstone/siltstone bedrock. The upper soils are fill materials that have filled the inlet over the span of the last 100 years based on historical references. This fill material is primarily silty sand and clayey sand with small amounts of sandy lean clay. This material has non to low plasticity and is generally saturated. This soil could be used for overlot grading provided the soil is spread out to allow the soils to dry to near optimum moisture for compaction. Due to the low plasticity of the soil this material would only make a fair compacted liner. The sandstone and siltstone encountered in the bedrock is also considered only a fair liner material. Based on the results of the falling head permeability, neither material would meet general state specifications (1.0 feet per year or less) for compacted liners.

Based on the low plasticity of the soils and their saturated condition, it is our opinion that the steepest slope that could be constructed in the on site soils would be on the order of 10 horizontal to 1 vertical (10:1). The shallow groundwater and the low plasticity soils encountered at the site may create difficulties in excavating the site. With the groundwater, the soil will have a tendency to "flow" toward the location of each bucket of excavated material. However, the sandstone/siltstone bedrock around the perimeter of the inlet should provide a relatively stable bank for excavations to extend toward. If the inlet is excavated to the bedrock in all directions, it is likely that the slope of the banks could be made steeper at slopes of up to (5:1)

General Earthwork

All earthwork on the project should be observed and evaluated by Northern Colorado Geotech. The evaluation of earthwork should include observation and testing of engineered fill, subgrade preparation, foundation bearing soils, and other geotechnical conditions exposed during the construction of the project.

Site Preparation

Strip and remove existing vegetation, debris, and other deleterious materials from proposed building and pavement areas. All exposed surfaces should be free of mounds and depressions which could prevent uniform compaction.

Stripped materials consisting of vegetation and organic materials should be wasted from the site, or used to revegetate landscaped areas or exposed slopes after completion of grading operations.

It is anticipated that excavations for the proposed construction can be accomplished with conventional earthmoving equipment provided the excavators have booms long enough to reach the desired depths. To excavate near the center of the inlet equipment will likely

need to be moved into the existing inlet area. This will require lowering of the groundwater levels to provide a stable material to support large construction equipment.

Lowering the lake level and installation of dewatering wells will likely be required to provide access for large construction equipment into the central areas of the inlet.

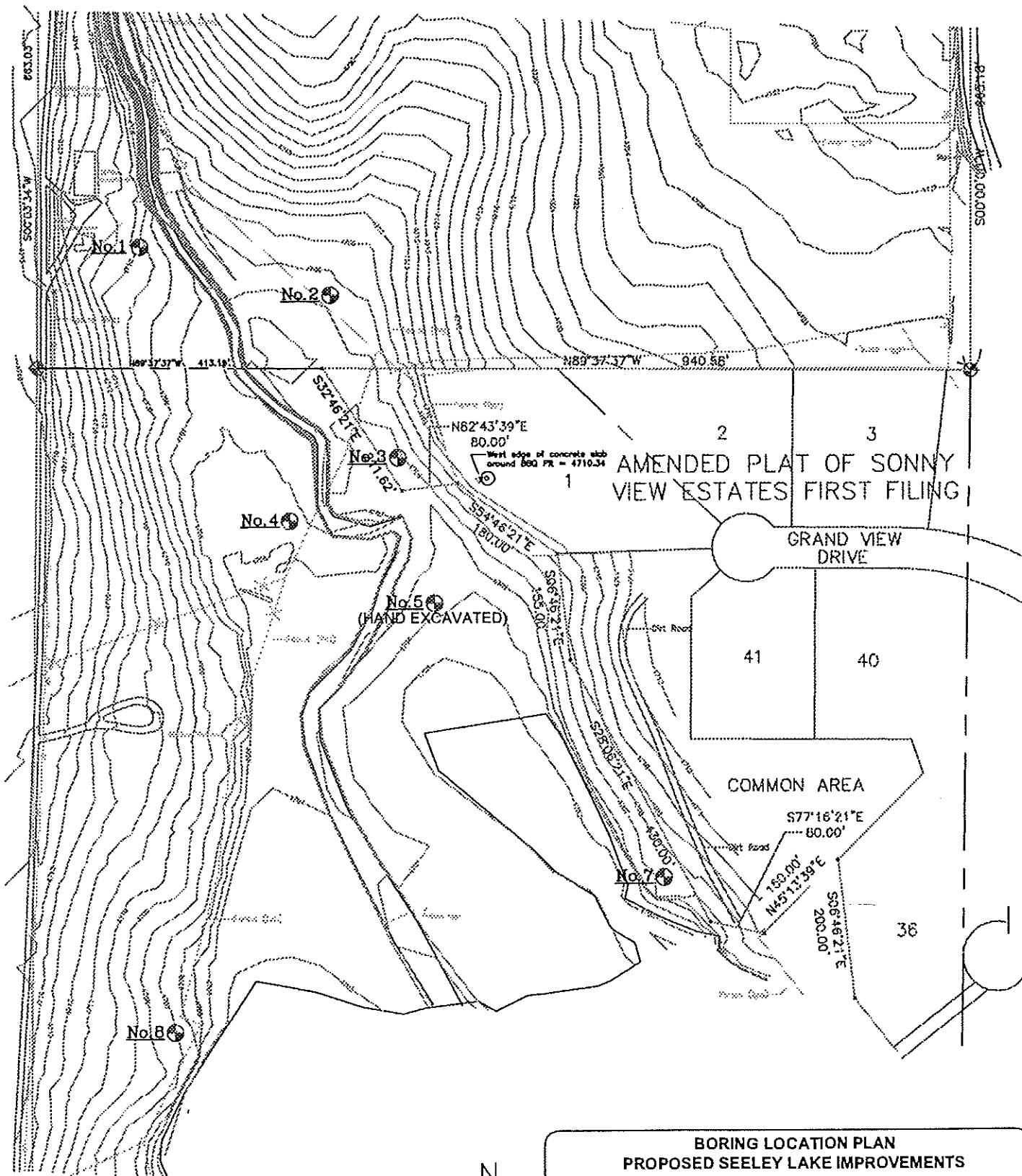
The individual contractor(s) is responsible for designing and constructing stable, temporary excavations as required to maintain stability of both the excavation sides and bottom. All excavations should be sloped or shored in the interest of safety following local, and federal regulations, including current OSHA excavation and trench safety standards.

GENERAL COMMENTS

The analysis and recommendations presented in this report are based upon data obtained from borings performed to obtain representative subsurface conditions at the site. Variations in the soil between borings will occur. Northern Colorado Geotech should be present during construction to observe the excavation and construction procedures and confirm or modify our recommendations.

The scope of services for this project does not include either specifically or by implication any environmental assessment of the site.

This report has been prepared in accordance with generally accepted geotechnical engineering practices in this area at this time. No warranties, either express or implied, are intended or made.



BORING LOCATION PLAN
PROPOSED SEELEY LAKE IMPROVEMENTS
 WELD COUNTY ROAD 35
 GREELEY, COLORADO
 FOR OGILVY AUGMENTATION/NEW CACHE LA POUFRE





Northern
 Colorado
 Geotech
 2956 29th Street, Unit 21
 Greeley, Colorado 80631
 Phone: (970) 506-9244
 Fax: (970) 506-9242

Project No.	266-05
Scale:	1" = 100'
Date:	2-8-06
Project Mgr:	DML
Figure No.	1

DIAGRAM IS FOR GENERAL LOCATION ONLY,
 AND IS NOT INTENDED FOR CONSTRUCTION PURPOSES

LOG OF BORING No. 1

Sheet 1 of 1

CLIENT Ogilvy Augmentation Company				ARCHITECT/ENGINEER			
SITE Seeley Lake Greeley, Colorado				PROJECT Seeley Lake Inlet Improvements			
	GRAPHIC LOG	DEPTH (FT.)	SAMPLES				TESTS
			BLOWS/12" N-VALUE	NUMBER	TYPE	IN. DRIVEN IN. RECOVERED	MOISTURE, % DRY DENSITY PCF UNCONFINED COMP. psf
0.5 6" TOPSOIL							
<u>SILTY CLAYEY SAND</u> Brown to tan, moist to wet, very loose							
		5	3	1	SS	12	27
		10	2	2	SS	12	28
		15	2	3	SS	12	27
		20	1	4	SS	12	22
		25	4	5	SS	12	21
26.0							
<u>WEATHERED SANDSTONE</u> Gold to grey, wet, soft							
30.0		30	43	6	SS	12	25
BOTTOM OF BORING							

WATER LEVEL OBSERVATIONS

WL	▽	3.0	W.D.
WL	▼	3.5	A.B.

When Checked 7 Days A.B.

**Northern
Colorado
Geotech**
2956 29th Street, Unit 21
Greeley, Colorado 80631
Phone: 970-506-9244
Fax: 970-506-9242

STARTED	12/19/06	FINISHED	12/19/06
DRILL CO.	Drilling Eng	DRILL RIG	CME-55
LOGGED BY	DBC	APPROVED	DML
NCG PROJECT NO.		266-05	

LOG OF BORING No. 2

Sheet 1 of 1

CLIENT		ARCHITECT/ENGINEER								
Ogilvy Augmentation Company										
SITE		PROJECT								
Seeley Lake Greeley, Colorado		Seeley Lake Inlet Improvements								
		GRAPHIC LOG	DEPTH (FT.)	SAMPLES				TESTS		
				BLOWS/12" N-VALUE	NUMBER	TYPE	IN. DRIVEN IN. RECOVERED	MOISTURE, %	DRY DENSITY PCF	UNCONFINED COMP psf
0.5	6" TOPSOIL									
	CLAYEY SAND									
	Brown to tan, moist to wet, very loose to loose									
			5	2	1	SS	12	35		
			10	2	2	SS	12	27		
11.0	CLAYEY SAND TO SANDY LEAN CLAY									
	Tan to grey, wet, soft to medium									
			15	7	3	SS	12	19		
			20	13	4	SS	12	21		
21.0	WEATHERED SANDSTONE									
	Gold to grey, wet, soft									
			25	45	5	SS	12	18		
25.0	BOTTOM OF BORING									

WATER LEVEL OBSERVATIONS

WL	▽	2.5	W.D.
WL	▽	1.5	A.B.

When Checked 7 Days A.B.

**Northern
Colorado
Geotech**
2956 29th Street, Unit 21
Greeley, Colorado 80631
Phone: 970-506-9244
Fax: 970-506-9242

STARTED	12/19/06	FINISHED	12/19/06
DRILL CO.	Drilling Eng	DRILL RIG	CME-55
LOGGED BY	DBC	APPROVED	DML
NCG PROJECT NO.	266-05		

LOG OF BORING No. 3

Sheet 1 of 1

CLIENT Ogilvy Augmentation Company				ARCHITECT/ENGINEER								
SITE Seeley Lake Greeley, Colorado				PROJECT Seeley Lake Inlet Improvements								
				GRAPHIC LOG	DEPTH (FT.)	SAMPLES				TESTS		
						BLOWS/12" N-VALUE	NUMBER	TYPE	IN. DRIVEN IN. RECOVERED	MOISTURE, %	DRY DENSITY PCF	UNCONFINED COMP psf
0.5	6" TOPSOIL CLAYEY SAND Brown to tan, moist to wet, loose											
2.5	WEATHERED SANDSTONE Gold to grey, wet, soft											
8.0	SANDSTONE Gold to grey, wet, moderately hard											
10.0	BOTTOM OF BORING											

WATER LEVEL OBSERVATIONS

WL	▽	2.5	W.D.
WL	▽	2.7	A.B.

When Checked 7 Days A.B.



2956 29th Street, Unit 21
Greeley, Colorado 80631
Phone: 970-506-9244
Fax: 970-506-9242

STARTED	12/19/06	FINISHED	12/19/06
DRILL CO.	Drilling Eng	DRILL RIG	CME-55
LOGGED BY	DBC	APPROVED	DML
NCG PROJECT NO.	266-05		

LOG OF BORING No. 4

Sheet 1 of 1

CLIENT		ARCHITECT/ENGINEER							
Ogilvy Augmentation Company									
SITE		PROJECT							
Seeley Lake Greeley, Colorado		Seeley Lake Inlet Improvements							
		SAMPLES				TESTS			
		DEPTH (FT.)	BLOWS/12" N-VALUE	NUMBER	TYPE	IN. DRIVEN IN. RECOVERED	MOISTURE, %	DRY DENSITY PCF	UNCONFINED COMP psf
0.5 6" TOPSOIL									
CLAYEY SAND									
Brown to tan, moist to wet, very loose to loose									
		5	3	1	SS	12	46		
		10	2	2	SS	12	31		
		15	2	3	SS	12	31		
		20	1	4	SS	12	29		
		25	4	5	SS	12	33		
26.0 WEATHERED SANDSTONE									
Gold, wet, moderately hard									
29.0 SANDSTONE									
Gold, wet, hard									
30.0 BOTTOM OF BORING									
		30	50	6	SS	12	28		

WATER LEVEL OBSERVATIONS

WL 3.0 W.D.

WL 2.8 A.B.

When Checked 7 Days A.B.



2956 29th Street, Unit 21
Greeley, Colorado 80631
Phone: 970-506-9244
Fax: 970-506-9242

STARTED 12/19/06 FINISHED 12/19/06

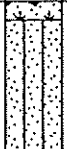
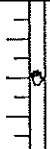
DRILL CO. Drilling Eng DRILL RIG CME-55

LOGGED BY DBC APPROVED DML

NCG PROJECT NO. 266-05

LOG OF BORING No. 5

Sheet 1 of 1

CLIENT Ogilvy Augmentation Company		ARCHITECT/ENGINEER						
SITE Seeley Lake Greeley, Colorado		PROJECT Seeley Lake Inlet Improvements						
	GRAPHIC LOG	DEPTH (FT.)	SAMPLES				TESTS	
			BLOWS/12" N-VALUE	NUMBER	TYPE	IN. DRIVEN IN. RECOVERED	MOISTURE, %	DRY DENSITY PCF
0.5 6" TOPSOIL SILTY SAND Brown to tan, moist to wet, very loose				1	GRAB	48		
4.0 BOTTOM OF BORING								

WATER LEVEL OBSERVATIONS

WL	▽	2.5	W.D.
WL	▽	1.5	A.B.
When Checked 7 Days A.B.			

**Northern
Colorado
Geotech**
2956 29th Street, Unit 21
Greeley, Colorado 80631
Phone: 970-506-9244
Fax: 970-506-9242

STARTED	1/4/06	FINISHED	1/4/06
DRILL CO.	DRILL rig-Hand Auger		
LOGGED BY	DBC	APPROVED	DML
NCG PROJECT NO.	266-05		

LOG OF BORING No. 7

Sheet 1 of 1

CLIENT Ogilvy Augmentation Company		ARCHITECT/ENGINEER					
SITE Seeley Lake Greeley, Colorado		PROJECT Seeley Lake Inlet Improvements					
	GRAPHIC LOG	DEPTH (FT.)	SAMPLES				TESTS
			BLOWS/12" N-VALUE	NUMBER	TYPE	IN. DRIVEN IN. RECOVERED	MOISTURE, % DRY DENSITY PCF UNCONFINED COMP. psf
0.5 6" TOPSOIL SILTY CLAYEY SAND Brown to tan, moist to wet, loose							
3.5 WEATHERED SANDSTONE Gold to grey, wet, soft		5	15	1	SS	12 24	
7.0 SANDSTONE Gold to grey, wet, hard		10	50/9	2	SS	9 25	
15.0 BOTTOM OF BORING		15	50/7	3	SS	7 24	

WATER LEVEL OBSERVATIONS

WL	▽	4.0	W.D.
WL	▽	3.0	A.B.

When Checked 7 Days A.B.



2956 29th Street, Unit 21
Greeley, Colorado 80631
Phone: 970-506-9244
Fax: 970-506-9242

STARTED	12/19/06	FINISHED	12/19/06
DRILL CO.	Drilling Eng	DRILL RIG	CME-55
LOGGED BY	DBC	APPROVED	DML
NCG PROJECT NO.	266-05		

266-05.GPJ

LOG OF BORING No. 8

Sheet 1 of 1

CLIENT Ogilvy Augmentation Company		ARCHITECT/ENGINEER							
SITE Seeley Lake Greeley, Colorado		PROJECT Seeley Lake Inlet Improvements							
	GRAPHIC LOG	DEPTH (FT.)	SAMPLES				TESTS		
			BLOWS/12" N-VALUE	NUMBER	TYPE	IN. DRIVEN IN. RECOVERED	MOISTURE, %	DRY DENSITY PCF	UNCONFINED COMP psf
0.5 6" TOPSOIL <u>CLAYEY SAND</u> Brown to tan, moist to wet, loose									
7.0									
<u>WEATHERED SANDSTONE</u> Gold, wet, soft									
10.0									
<u>SANDSTONE</u> Gold, wet, hard									
15.0									
BOTTOM OF BORING									

WATER LEVEL OBSERVATIONS

WL	▽	4.5	W.D.
WL	▽	3.0	A.B.

When Checked 7 Days A.B.



2956 29th Street, Unit 21
Greeley, Colorado 80631
Phone: 970-506-9244
Fax: 970-506-9242

STARTED	12/19/06	FINISHED	12/19/06
DRILL CO.	Drilling Eng	DRILL RIG	CME-55
LOGGED BY	DBC	APPROVED	DML
NCG PROJECT NO.	266-05		

266-05.GPJ



Northern
Colorado
Geotech

2956 29th Street, Unit 21
Greeley, Colorado 80631
Phone (970) 506-9244
Fax (970) 506-9242

FALLING HEAD PERMEABILITY TEST RESULTS

CLIENT NAME: Ogilvy Augmentation
PROJECT NAME: Seeley Lake Improvements
PROJECT LOCATION: Weld County Road 35
SAMPLE LOCATION: Composite Sample TB 7 @ 3 to 7'

Project No: 266-05

REVIEWED BY: Doug Leafgren, P.G.

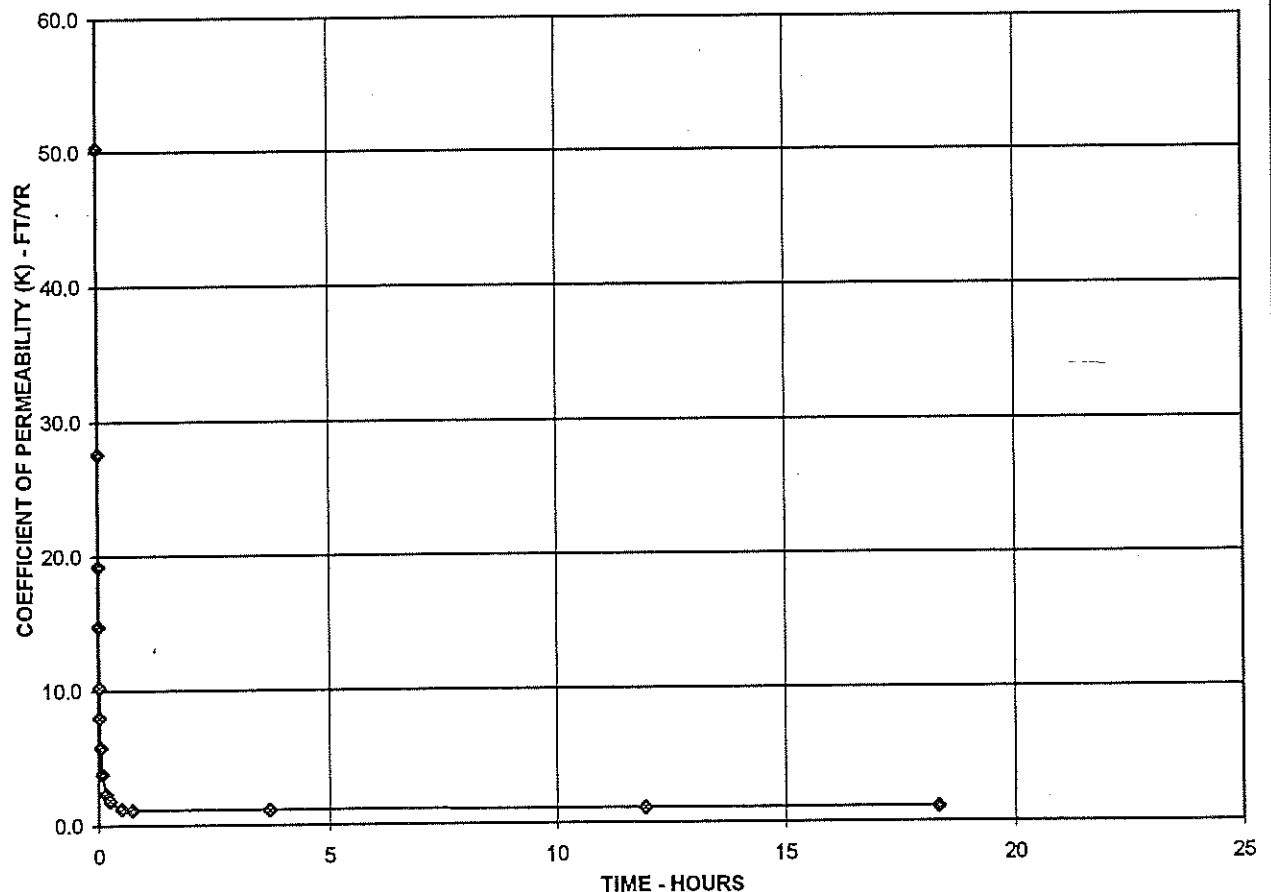
ATTERBERG LIMITS

LIQUID LIMIT: 23
PLASTICITY INDEX: 5
PERCENT PASSING # 200: 42

TEST RESULTS

PERCENT MOISTURE: 20.0 %
PERCENT COMPACTION: 95.6 %
PERMEABILITY DENSITY: 102.3 PCF
COEF. OF PERMEABILITY (K): 1.11 FT/YR
1.1E-06 CM/SEC

FALLING HEAD PERMEABILITY TEST RESULTS



Moisture Density Relationship



Northern
Colorado
Geotech
2956 29th Street, Unit 21
Greeley, Colorado 80631
Phone: (970) 506-9244
Fax: (970) 506-9242

Client: Ogilvy Augmentation Company

Project: Seeley Lake Inlet Improvements

Project No: 266-05

Location: Greeley, CO

Sample: Curve # 1

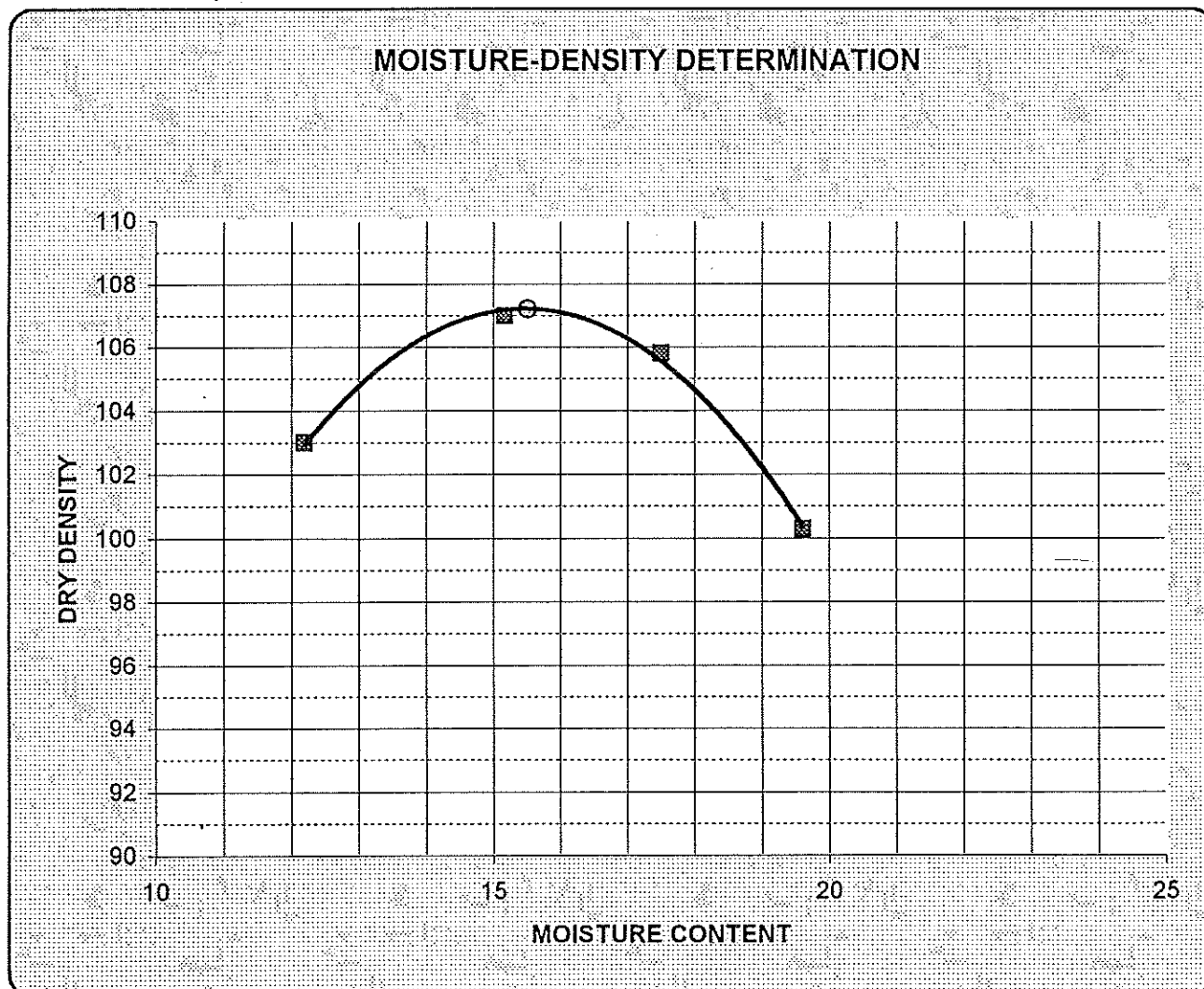
Test Method: D698 A

Description of Material:

Goldish tan Silty Clayey Sand

Max Dry Density 107.0

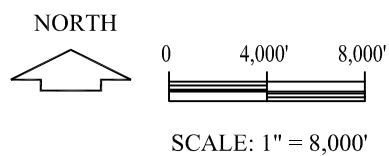
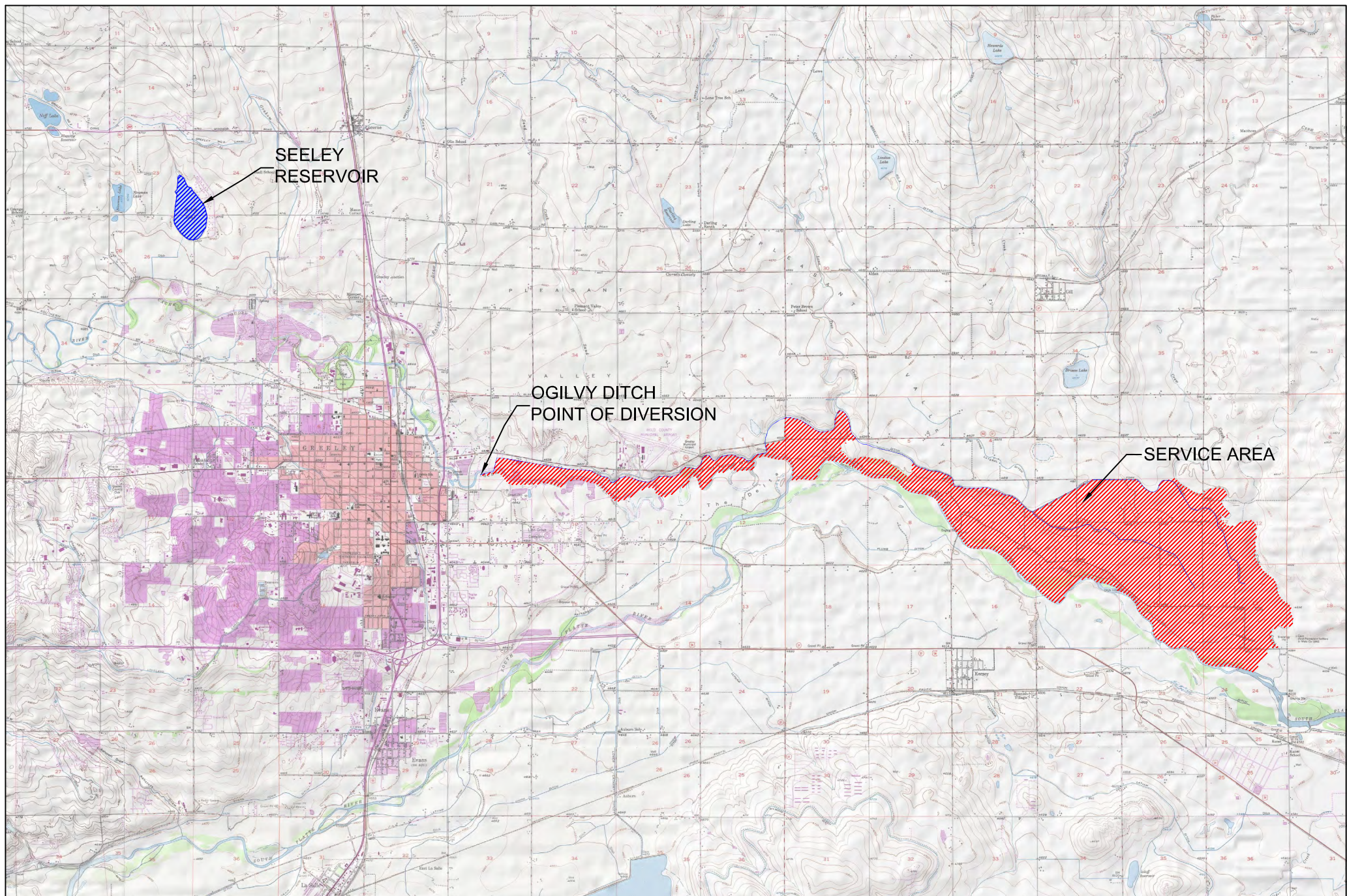
Optimum Moisture 15.5%



Reviewed by:

Doug Leafgren, P.G.
President

FIGURES



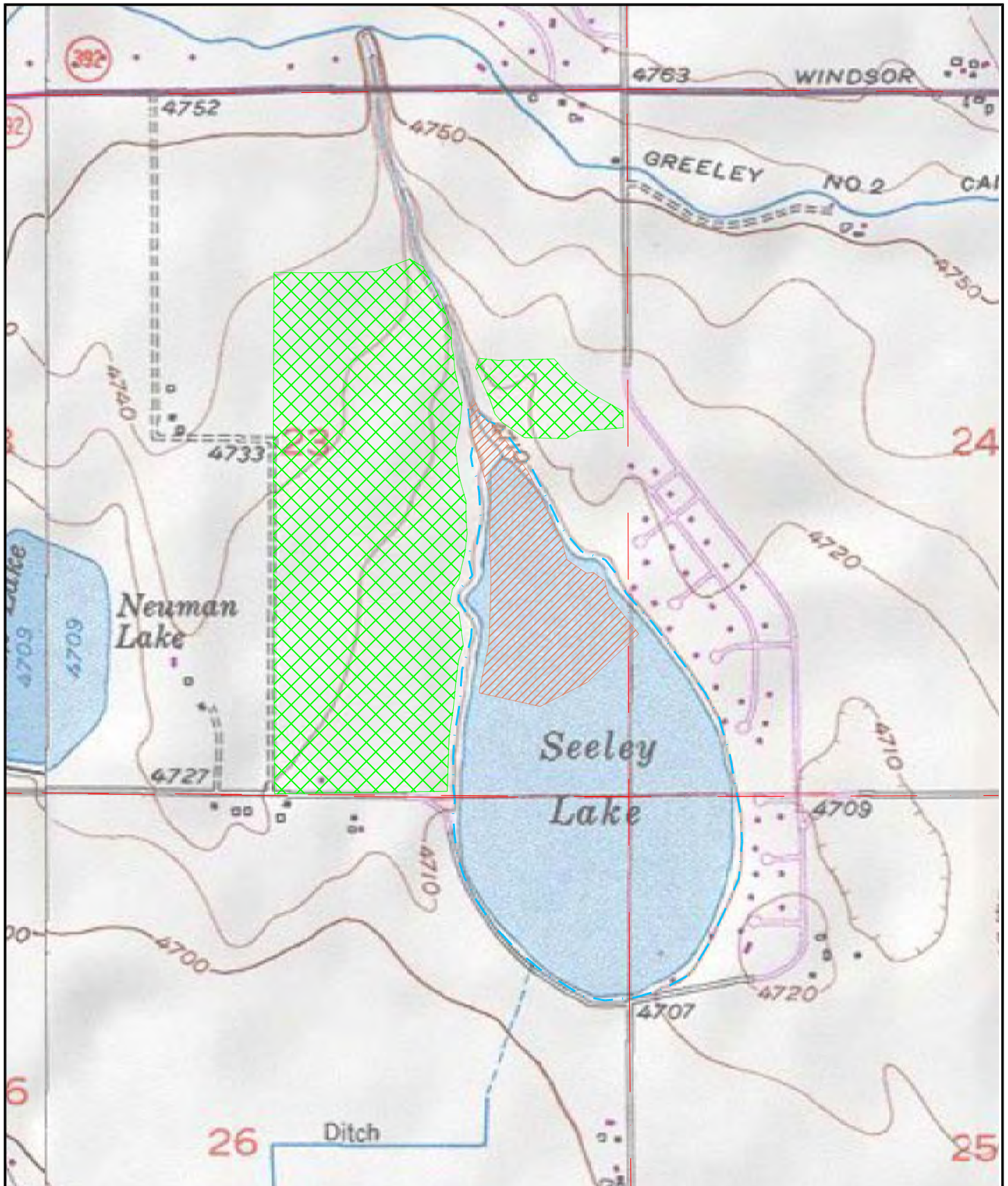
Prepared by:
Douglas C. Seely, PE
300 E. 16th St., Ste 309
Greeley, CO 80631

Date:
May, 2008

Ogilvy Irrigating & Land Co.

General Location Map

FIGURE:
1



Prepared by:
 NOCO Engineering, Inc.
 8209 W. 20th St., Ste A
 Greeley, CO 80634

January 19, 2018

LEGEND

- - - High Water Line
- Proposed Excavation Area (30.6 ac)
- Proposed Fill Areas (133 ac)

FIGURE 2

**Seeley Reservoir
 Proposed Maintenance
 Sects. 23-26, T6N, R66W**



COLORADO

Colorado Water
Conservation Board

Department of Natural Resources

Water Project Loan Program

Application Type	
<input type="checkbox"/> Prequalification (Attach 3 years of financial statements)	<input checked="" type="checkbox"/> Loan Approval (Attach Loan Feasibility Study)
Agency/Company Information	
Company / Borrower Name: Ogilvy Irrigating and Land Company	
Authorized Agent & Title: Stow Witwer Jr.	
Address: 822 7th Street, Suite 760, Greeley, CO 80631	
Phone: (970-352-3161	Email: switwer@wobjlaw.com; alternative: rwelte@wobjlaw.com
Organization Type: <input checked="" type="checkbox"/> Ditch Co, <input type="checkbox"/> District, <input type="checkbox"/> Municipality <input type="checkbox"/> Other: _____	Incorporated? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
County: Weld	Number of Shares/Taps: 360 shares
Water District: 3	Avg. Water Diverted/Yr 14,778 acre-feet
Number of Shareholders/Customers Served: 33	Current Assessment per Share \$200 (Ditch Co)
Federal ID Number: 84-0283550	Average monthly water bill \$ _____ (Municipality)
Contact Information	
Project Representative: Scott Cockroft and Don Wacker	
Phone: 970-371-6616/371-5322	Email: srcockroft@gmail.com donaldwacker1@gmail.com
Engineer: Douglas C. Seely	
Phone: (970) 988-1459	Email: Doug@NOCOEngineering.com
Attorney: Daniel K. Brown	
Phone: (970) 407-9000 x212	Email: Danbrown@fbgpc.com
Project Information	
Project Name: Seeley Lake Maintenance Dredging	
Brief Description of Project: (Attach separate sheets if needed)	
Remove approximately 575,000 cubic yards of sediment from the inlet area of Seeley Reservoir; deposit sediment on adjoining lands for draining; grade and re-seed. Project costs include construction in addition to engineering and legal fees for feasibility study, design and permitting.	
General Location: (Attach Map of Area)	
See feasibility study Figures 1 and 2.	
Estimated Engineering Costs: \$18,000	Estimated Construction Costs: \$3,642,000
Other Costs (Describe Above): \$8,000	Estimated Total Project Costs: \$3,668,000
Requested Loan Amount: \$3,338,000	Requested Loan Term (10, 20, or 30 years): 30 Years
Project Start Date(s) Design: 1/1/2018	Construction: 11/1/2018
Signature	
Donald A Wacker President Signature / Title	Return to: Finance Section Attn: Anna Mauss 1313 Sherman St #718 Denver, CO 80203 Ph. 303/866.3449 e-mail: anna.mauss@state.co.us
2-1-18 Date	

**STATE OF
COLORADO****Pittinger - DNR, Rachel <rachel.pittinger@state.co.us>**

Ogilvy Irrigating and Land Co - Seeley Reservoir Loan Amount

5 messages

Pittinger - DNR, Rachel <rachel.pittinger@state.co.us>
To: Scott Cockroft <srcockroft@gmail.com>, donaldwacker1@gmail.com
Cc: Douglas Seely <doug@nocoengineering.com>

Mon, May 14, 2018 at 10:46 AM

Good Morning, Gentlemen.

As follow-up to our telephone conversations, I am emailing to document the changed amount requested on the loan application. The preliminary application had \$3,338,000. In light of the \$1,415,740 anticipated from Water Plan Grant, the loan amount requested was reduced to \$2,252,000.

Please respond to this email with confirmation that the loan amount you request is \$2,252,000.

We are looking forward to continuing to work with you all on this project. Thank you.

Sincerely,
Rachel

Rachel Pittinger, P.E.
Project Manager
Finance Section

**COLORADO**Colorado Water
Conservation Board

Department of Natural Resources

O 303.866.3441 x 3254 | C 720.607.3549
1313 Sherman St., Rm. 718, Denver, CO 80203
rachel.pittinger@state.co.us | cwcb.state.co.us

Scott Cockroft <srcockroft@gmail.com>
To: "Pittinger - DNR, Rachel" <rachel.pittinger@state.co.us>
Cc: "Don Wacker (donaldwacker1@gmail.com)" <donaldwacker1@gmail.com>, Douglas Seely <doug@nocoengineering.com>

Mon, May 14, 2018 at 8:16 PM

That looks sufficient.

[Quoted text hidden]

Pittinger - DNR, Rachel <rachel.pittinger@state.co.us>
To: Scott Cockroft <srcockroft@gmail.com>
Cc: "Don Wacker (donaldwacker1@gmail.com)" <donaldwacker1@gmail.com>, Douglas Seely <doug@nocoengineering.com>

Tue, May 15, 2018 at 3:42 PM

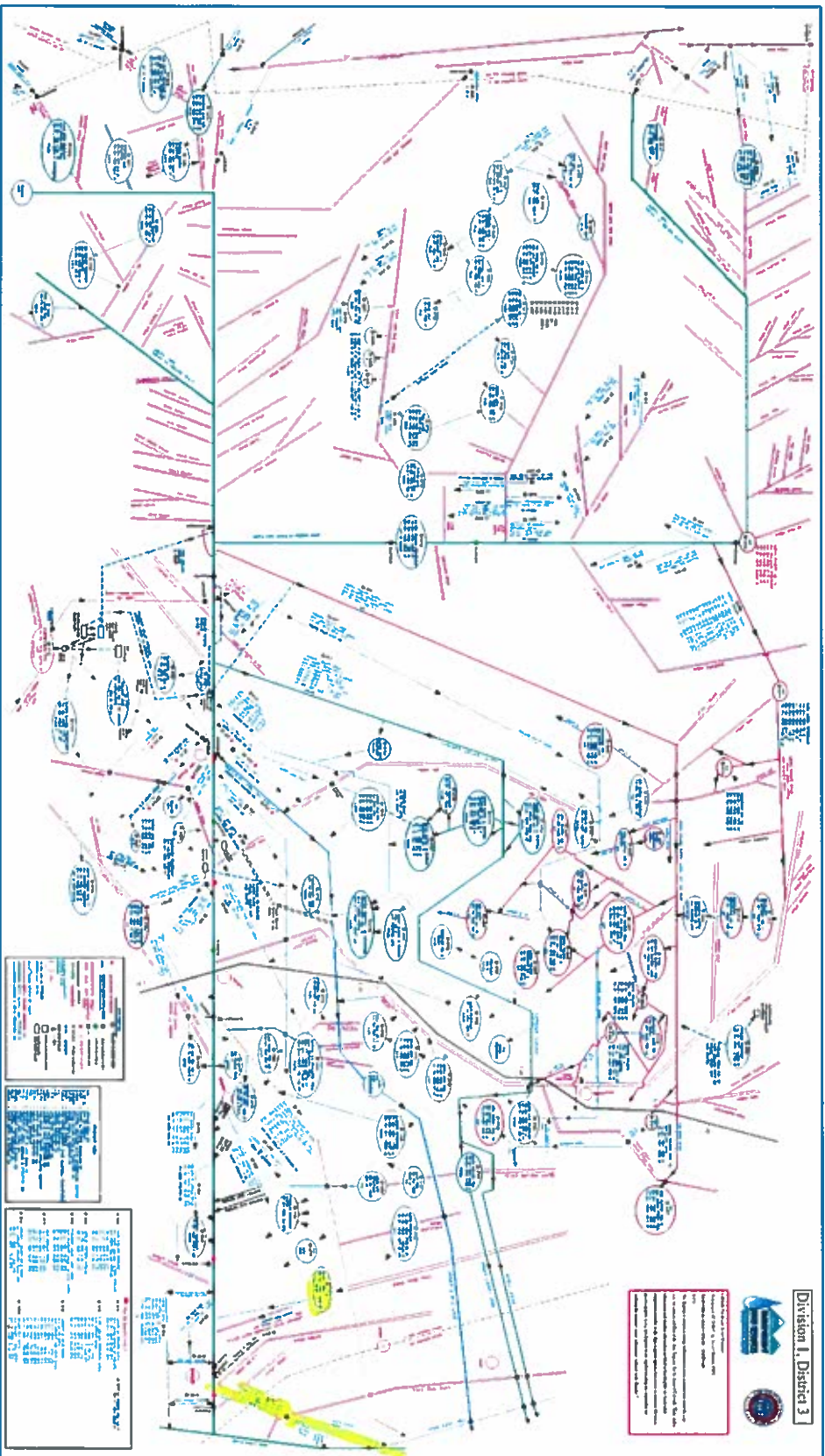
Thank you, Scott.

Please see the attached final Agenda. Doug said he will be the designated representative at the Board Meeting. If you have any questions, please contact me.

Thank you.
Rachel

Rachel Pittinger, P.E.
Project Manager
Finance Section

Ogilvy



OGILVY IRRIGATING AND LAND COMPANY

December 2017

<u>Certificate No</u>		<u>Number of Shares</u>
513	Jack L. Allmer, DECEASED 1100 Fern Avenue Greeley, CO 80631	3
580	Erica Arnold 26746 County Road 388 Kersey, CO 80644	1
488, 498	Jess L. and Irene G. Bond 26421 Weld County Road 388 Kersey, CO 80644	11
535	Cockroft Dairy Farm, LLLP 27906 Weld County Road 388 Kersey, CO 80644	28
570	Cockroft Rafter L, LLC 27906 Weld County Road 388 Kersey, CO 80644 (mail to this Dairy address) Scott's addy: 27712 County Road 62 Greeley, CO 80631	8
564	Stephen P. and Michelle J. Cockroft 29060 Weld County Road 388 Kersey, CO 80644	2
562	DPG Farms, LLC. c/o Don Jones #6 Marian Drive Ft. Morgan, CO 80701 <i>Alternative address:</i> c/o Kendall H. Holm 3300 South Parker Road Aurora, CO 80014	3

566	Dale Gene Doty 29168 Weld County Road 388 Kersey, CO 80644	1
579	David and Mary Droegemueller 27451 Weld County Road 388 Kersey, CO 80644	2
578	David S. Droegemueller 27451 Weld County Road 388 Kersey, CO 80644	2
582	Mark & Jana Fetcenko 26859 Weld County Road 388 Kersey, CO 80644	1
546	Front Range FeedLots LLC P. O. Box 517 Eaton, CO 80615	9
465, 530	Lavern and Athlyn K. Glover PO Box 44 Kersey, CO 80644	4
528	Travis Heare 28040 County Road 57 1/2 Kersey, CO 80644	20
581	Joanne I. Heckendorf P. O. Box 154 Kersey, CO 80644	5
514, 515	Dorothy M. Holman 28236 Weld County Road 582 Greeley, CO 80631	19
552	James and Elizabeth M. Holman 1720 32 nd St. Unit 24 Evans, CO 80620	5
551	James A. Holman 28642 Weld County Road 388	1

Kersey, CO 80644

569	Darren E. Horn Cynthia K. Horn 26587 County Road 388 Kersey, CO 80644	1
565	HLT Farms, LLLP P.O. Box 119 Kersey, CO 80644	20
544	Terry Ray McClure Bonnie Sue McClure 26849 Weld County Road 388 Kersey, CO 80644	7
574	The New Cache La Poudre Irrigating Company c/o Dale Trobridge 33040 Railroad Ave. PO Box 104 Lucerne, CO 80646	3 —
478, 485, 486	Arthur R. and Judith T. Peterson 27602 Weld County Road 388 Kersey, CO 80644	20
524	Scot A. Reynolds 29436 Weld County Road 388 Kersey, CO 80644	10
538	Bryan and Jessica Self 29158 Weld County Road 388 Kersey, CO 80644	1
542, 575	Seyler Kersey Farms Partnership 27373 Weld County Road 388 Kersey, CO 80644	13
549, 568	SLW Farm Company, LLC 27401 Weld County Road 582 Greeley, CO 80631	40

417, 560	SLW Ranch Company 27401 Weld County Road 582 Greeley, CO 80631	38
519	Robert N. Mitani Tokuyasu 24016 Highway 263 Greeley, CO 80631	5
556, 557	United Water and Sanitation District 8301 East Prentice Avenue, Suite 100 Greenwood Village, CO 80111	19 — Muni
532	Terry Kevan Vider Roberta Vider 4860 W. 80 th Ave., Suite A Westminster, CO 80030	2
561	Donald G. Wacker Theresa L. Wacker 27125 Weld County Road 58 1/2 Greeley, CO 80631	30
548	Rosalie Wacker 27125 Weld County Road 58 1/2 Greeley, CO 80631	26

Rates 2/1/18 w/ Application

Total Shares: 360

Greeley MH1 = \$48,813 = middle income

$$\frac{19}{360} \times \frac{2.65}{2.75\%} = \frac{0.14}{0.145\%}$$

$$\frac{341}{360} \times \frac{1.65}{1.70\%} = \frac{1.50}{1.61\%}$$

$$\frac{1.75\%}{1.70\%} - 4$$

Blended rate
5% middle-income muni
95% Ag

~~1.75%~~

1.70%

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Summary

Details			
Name	THE OGILVY IRRIGATING AND LAND COMPANY		
Status	Good Standing	Formation date	07/16/1881
ID number	19871004001	Form	Nonprofit Corporation
Periodic report month	July	Jurisdiction	Colorado
Principal office street address	822 7th Street, Suite 760, Greeley, CO 80631, United States		
Principal office mailing address	n/a		

Registered Agent	
Name	Stow L Witwer Jr.
Street address	822 7TH ST STE 760, GREELEY, CO 80631, United States
Mailing address	n/a

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OGILVY IRRIGATION AND LAND COMPANY SEELEY LAKE OUTLET REHABILITATION



Contractor Working on Outlet Tower

Project Description

The Ogilvy Ditch is located in Weld County, east of Greeley, and diverts water from the Cache La Poudre River. The Ditch Company operates the ditch to supply irrigation water for 34 shareholders to a 3,600 acre service area. This project involved the rehabilitation of Seeley Lake, a 1,542 acre-foot storage facility on their ditch system, due to a large sinkhole that developed on the dam embankment near the outlet. Construction efforts included the replacement of the outlet pipe, a new concrete gate tower, a pre-cast concrete box spillway and the placement of rip rap.

Project Data

Sponsor: Ogilvy Irrigation & Land Co. **County:** Weld **Water Source:** Cache La Poudre River

Terms of Loan: \$353,500@2.25% for 20-yrs. **Substantial Completion Date:** August 1, 2004

Design Engineer: Smith Geotechnical, Inc. – Fort Collins, Colorado

Construction Contractor: GLH Construction, Inc. - Windsor, Colorado

Design/Construction Elements: 110 l.f. - 24-inch Ductile Iron Outlet Pipe
Dam Height - 5-ft. Length of Dam - 1,300-ft.
Surface Area - 126 acres Storage - 1,543 acre-ft.
Spillway – 42 Units of 2-ft x 4-ft. Precast CBC's

Average Annual Diversion – 16,000 acre-feet