

STATE OF
COLORADO

Ebert - DNR, Jared <jared.ebert@state.co.us>

Re: Signal Reservoir 1 Expansion, M-2017-013

Comaniciu - DNR, Ioana <ioana.comaniciu@state.co.us>
To: "Ebert - DNR, Jared" <jared.ebert@state.co.us>
Cc: Joanna Williams - DNR <johnna.williams@state.co.us>

Wed, Aug 8, 2018 at 1:05 PM

Hello Jared,

The affidavit for the dedication of Todd Creek's Consolidated Mutual Water for the DRMS Permit No. M2017-013 is accepted for the purpose of the pending SWSP and/or as long as the reservoir exposes ground water. I hope this answers your question.

Sincerely,

Ioana Comaniciu, P.E.
Water Resources Engineer

**COLORADO**

Division of Water Resources

Department of Natural Resources

P 303-866-3581 x 8246

1313 Sherman St., Suite 818, Denver, CO 80203

ioana.comaniciu@state.co.us | www.water.state.co.us

On Tue, Aug 7, 2018 at 7:42 AM, Ebert - DNR, Jared <jared.ebert@state.co.us> wrote:

Good morning Ioana,

Todd Creek Village Metropolitan District would like to dedicate water for permanent augmentation in lieu of bonding for the installation of a clay liner for the Signal 1 Reservoir Expansion application M-2017-013. They indicate they will be submitting the attached document to your office. Please let me know if this is acceptable and we can move forward with the approval of the DRMS application.

Thanks

Jared

----- Forwarded message -----

From: <don@pssmail.com>

Date: Thu, Aug 2, 2018 at 4:26 PM

Subject: Re: Signal Reservoir 1 Expansion, M-2017-013

To: "Ebert - DNR, Jared" <jared.ebert@state.co.us>, Gina Burke <gburke@jehnwater.com>

Jared,

Attached is the recorded Water Rights affidavit for DWR.

I am sending this to Gina Burke (our water engineer) as well; she will be forwarding it to Joanna at DWR per their conversation.

Please let me know what, if anything, you need from me.

Have a good weekend!,

Don

Don Summers

TCVMD

720.373.7373

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Jared Ebert

Environmental Protection Specialist III



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**AFFIDAVIT OF DON SUMMERS,
TODD CREEK VILLAGE METROPOLITAN DISTRICT,
DEDICATING WATER RIGHTS TO THE
SIGNAL RESERVOIR NO. 1 SUBSTITUTE WATER SUPPLY PLAN**

I, Don Summers, being of legal age and being first duly sworn, state upon oath as follows:

1. I am the Secretary of the Board of Directors of Todd Creek Village Metropolitan District ("Todd Creek"), a quasi-municipal corporation and political subdivision of the State of Colorado organized under Title 32 of the Colorado Revised Statutes.

2. As Secretary of the Board of Directors of Todd Creek, one of my responsibilities is to oversee capital projects for the district, including the enlargement of Signal Reservoir No. 1 (WDID 0203939).

3. Todd Creek is seeking a permit from the state Division of Reclamation, Mining and Safety ("DRMS") to perform excavation work for the enlargement of Signal Reservoir No. 1.

4. As part of Todd Creek's portfolio of water rights, Todd Creek has the perpetual right to divert, use, and reuse to extinction 500 acre-feet of fully-consumable effluent per year under an April 30, 2004 Amended and Restated Raw Water Service Agreement with Consolidated Mutual Water Company ("ConMutual"). Todd Creek holds the right to 200 acre-feet per year of said contract rights, with the remaining 300 acre-feet per year held by H3O, LLC, which has granted permission in writing for Todd Creek to use its portion of the ConMutual water as a replacement source under Todd Creek's plan for augmentation decreed in Case No. 13CW3181. The sources of ConMutual's rights to the fully-consumable effluent under the Raw Water Service Agreement include, but are not limited to, the decrees entered in Case Nos. 94CW197, dated October 20, 1997, 01CW56, dated January 27, 2006, 02CW226, dated

February 21, 2006, 09CW107, dated January 21, 2013, and 13CW17, dated July 26, 2016, all in Water Division No. 1. The water supplied under the ConMutual agreement is fully consumable and is decreed for all beneficial uses, including augmentation. ConMutual's reusable effluent is discharged to the South Platte River from Metro Wastewater Reclamation District's Robert W. Hite sewage treatment plant outfall, located on the east bank of the South Platte River at a point near the section line between Sections 1 and 12, T.3S., R.68W., 6th P.M., Adams County, Colorado.

5. The quantity of groundwater projected to be depleted through evaporation as a result of excavation work at the Signal Reservoir No. 1 enlargement totals 111 acre-feet per year, as shown in the July 30, 2018 memorandum prepared by Gina Burke, attached hereto as **Exhibit A**.

6. Todd Creek submitted an application for a Substitute Water Supply Plan ("SWSP") to the state Division of Water Resources on June 21, 2018. The application is pending.

7. Todd Creek will retain ownership and control of the ConMutual water rights for as long as replacement of the evaporative depletions is necessary or until Todd Creek obtains another replacement source. Said water rights will not be sold or traded to others during the term of this dedication.


Don Summers
Secretary, Board of Directors
Todd Creek Village Metropolitan District

STATE OF COLORADO)
)
COUNTY OF Adams) ss.

The foregoing instrument was acknowledged before me this 2nd day of August, 2018 by Don Summers.

WITNESS my hand and official seal.

My commission expires:

03.06.2021

Adriane Riggs

Notary Public

17125141

