



STATE OF  
COLORADO

Eschberger - DNR, Amy <amy.eschberger@state.co.us>

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## Partners Combined Substitute Water Supply Plan Amendment

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**Comaniciu - DNR, Ioana** <ioana.comaniciu@state.co.us>

Tue, Oct 9, 2018 at 1:59 PM

To: Richard Raines <rraines@scwtp.org>, jennifer.petrzelka@greeleygov.com

Cc: Michael Hein <michael.hein@state.co.us>, Mark Simpson - DNR <mark.simpson@state.co.us>, Amy Eschberger - DNR <amy.eschberger@state.co.us>

Good Afternoon,

Attached for your reference is the SWSP amendment approval letter for the Treiber Lakes (M2011-049) and Lamb Lakes portion of the Home Office Pit M1977-439.

Sincerely,

Ioana Comaniciu, P.E.  
Water Resources Engineer



**COLORADO**

Division of Water Resources

Department of Natural Resources

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**SWSP ID 2998\_5436\_M2011 049\_Treiber Lakes\_AMD Approval.pdf**  
597K



**COLORADO**  
Division of Water Resources  
Department of Natural Resources

October 9, 2018

Mr. Richard T. Raines, P.H.  
Water Resource Manager  
Tri-Districts  
4424 LaPorte Avenue  
Fort Collins, CO 80521

Ms. Jen Petrzelka  
Water Resource Administrator  
City of Greeley  
1100 10<sup>th</sup> Street, Suite 300  
Greeley, CO 80631

Re: **Partners Combined Substitute Water Supply Plan (WDID 0302556) Amendment**  
**Treiber Lakes, DRMS Permit No. M-2011-049 (WDID 0303042)**  
**Lamb Lakes portion of the Home Office Pit, DRMS Permit No. M-1977-439 (WDID 0303005)**  
**Section 33, T8N and Section 3, T7N, R69W, 6<sup>th</sup> P.M.**  
**Water Division 1, Water District 3, Larimer County**  
**Plan IDs: 2998 and 5436**

**Amendment Approval Period: October 9, 2018 through December 31, 2019**

*Contact Information for Mr. Raines: (970) 218-2738; [rraines@scwtp.org](mailto:rraines@scwtp.org)*

*Contact Information for Ms. Petrzelka: (970) 350-9859; [jennifer.petrzelka@greeleygov.com](mailto:jennifer.petrzelka@greeleygov.com)*

Dear Mr. Raines:

We have reviewed your letter dated August 17, 2018, requesting an amendment to the approval of the Partners Combined substitute water supply plan ("SWSP") dated January 5, 2018. The current SWSP approval covers depletions caused by gravel mining operations at two mine sites owned by the Tri-Districts and the City of Greeley ("Partners" or "Applicant") and located within two permitted sites, known as Treiber Lakes and Lamb Lakes, along the Cache La Poudre River. The required fee of \$514 (2 × \$257) has been submitted (receipt nos. 3687985A-B). The purpose of this amendment is to add another source of replacement water to the combined plan in addition to the water sources already included in the approved plan. All consumptive uses and other replacements of the original SWSP approved for the Partners will remain the same as in the January 5, 2018 approval.

The two Treiber Lakes and three Lamb Lakes were constructed under DRMS permit no. M-1977-439 (Home Office Pit). The Home Office Pit is operated by Martin Marietta Materials ("MMM") and is included in their Upper Poudre Combined SWSP (WDID 0302517), most recently approved in a letter dated February 23, 2018. The Treiber Lakes have officially been separated from the Home Office Pit mining permit boundaries and are now covered under DRMS permit no. M-2011-049.

#### **Replacements**

The source of replacement water to be added under this amendment to the plan is water stored in priority in the River Bluffs Lake (WDID 0303324) located at the Three Bells Veldman Property. The River Bluffs Lake is primarily located in the W1/2 of the NE1/4 and the E1/2 of the NW1/4 of Section 13, Township 6 North, Range 68 West of the 6<sup>th</sup> P.M., and was mined under the Three Bells gravel pit (DRMS M-1979-191). The reservoir was lined with a compacted clay liner and the liner was approved by the State Engineer's Office (SEO) on March 6, 2015 as meeting the design standard referenced in the August 1999



State Engineer Guidelines for Lining Criteria for Gravel Pits (1999 SEO Guidelines). The reservoir capacity is approximately 1,038 acre-feet.

On March 23, 2018, East Larimer County Water District (ELCO) and North Weld County Water District (North Weld) purchased River Bluffs Lake ("Lake"). ELCO and North Weld are two entities of the Tri-Districts. As part of the purchase ELCO and North Weld obtained the right to use up to 500 acre-feet of the water stored in the Lake. The Partners are proposing to use this replacement water for evaporative depletions at the two sites if the calling right is located downstream of the River Bluffs Lake. Releases of replacement water will be made at or above the point of the downstream calling right. Releases from the Lake will be delivered into the Cache La Poudre River in the SW1/4 of the SW1/4 of Section 13, Township 8 North, Range 68 West, of the 6<sup>th</sup> P.M. No transit losses associated with the releases from the Lake will be assessed under this SWSP amendment since the releases will be upstream of the calling right.

Water has been stored in the reservoir during free river period since 2015 through present. Water stored in the reservoir is also being used for replacements of depletions at the Three Bells site. The attached Figure 1 shows the location of the temporary pump that will be used to pump water from River Bluffs Lake to the Cache Poudre River. The temporary pump must be equipped with a totalizing flow meter to record daily discharge volumes to the river. The applicant shall obtain prior permission from the District 3 Water Commissioner when making releases from the River Bluff Lake. Credit will not be given to any releases not measured and recorded to the satisfaction of the District 3 Water Commissioner or Division Engineer.

### Conditions of Approval

I hereby approve the proposed SWSP amendment in accordance with § 37-90-137(11), C.R.S., subject to the following conditions:

1. All conditions listed in the original SWSP for the **Partners Combined Substitute Water Supply Plan** approved on January 5, 2018 remain in effect except as modified herein. A copy of the original approval is attached for your reference. This amendment does not alter the approval period of this plan, which shall be **January 1, 2018 through December 31, 2019** unless otherwise revoked or superseded by a decree. If this plan will not be made absolute by a water court action by the plan's expiration date, a renewal request must be submitted to this office with the statutory fee (currently \$257/pit) no later than November 1, 2019.
2. Approval of this plan is for the purposes as stated herein. Any additional uses of water must first be approved by this office. Any future additional historical consumptive use credit given (e.g., agricultural water transfer) for this site must consider all previous credits given.
3. The replacement water, which is the subject of this plan, cannot be sold or leased to any other entity. As a condition of subsequent renewals of this substitute water supply plan, the replacement water must be appurtenant to this site until a plan for augmentation is obtained. All replacement water must be concurrent with depletions in quantity, timing, and location.
4. Replacement water shall be made available to cover all out-of-priority depletions in time, place, and amount and shall be made available under the direction and/or approval of the water commissioner. Notice must be provided and approval made by the water commissioner at least 48 hours prior to the release of replacement water from River Bluffs Lake, or as required by the water commissioner.
5. All releases from River Bluffs Lake shall be measured in a manner acceptable to the water commissioner and division engineer.
6. Conveyance loss for delivery of augmentation water to the Cache La Poudre River is subject to assessment and modification as determined by the division engineer.

7. The Division Engineer, or his designated representative, will administer all such water transported in the South Platte River or its tributaries under this SWSP, including water for replacement of depletions, past intervening headgate to ensure that such water is not intercepted or otherwise diminished in quantity by diversion, use or other interference by intervening water rights and to assure that such water remains available and suitable for Applicant's uses under this SWSP, except when any intervening headgate is diverting the entire flow of ("sweeping") the river. In the event that delivery past headgate which sweep the river requires the installation of a bypass structure or the use of an existing bypass structure by agreement with a third-party, Applicant is responsible for either installation a new bypass structure with a continuous recording measuring device(s) as approved by the Water Commissioner or securing an agreement with a third-party to use an existing bypass structure and providing such information and agreement to the Division Engineer.
8. Adequate accounting of depletions and replacements must be provided to the division engineer in Greeley ([DNR\\_Div1accounting@state.co.us](mailto:DNR_Div1accounting@state.co.us)) and the water commissioner (Mark Simpson, [Mark.Simpson@state.co.us](mailto:Mark.Simpson@state.co.us)) on a monthly basis, or more frequent if required by the water commissioner. Submitted accounting shall conform to the Administration Protocol *"Augmentation Plan Accounting, Division One - South Platte River"* (attached). All amounts shall be in acre-feet.

In addition, the Applicant shall verify that the entities providing replacement water for this plan have included and shown this use in their monthly accounting submitted to this office. For this plan those entities are the North Weld County Water District (WDID 0302268) and the East Larimer County Water District (WDID 0302563).

9. The State Engineer may revoke this SWSP or add additional restrictions to its operation if at any time the State Engineer determines that injury to other vested water rights has occurred or will occur as a result of the operation of this SWSP. Should this SWSP expire without renewal or be revoked prior to adjudication of a permanent plan for augmentation, all use of water under this SWSP must cease immediately.

Should you have any questions or comments, please contact Michael Hein, Assistant Division Engineer, in Greeley at (970) 352-8712 or Ioana Comaniciu in Denver at (303) 866-3581.

Sincerely,



for Jeff Deatherage, P.E.  
Chief of Water Supply

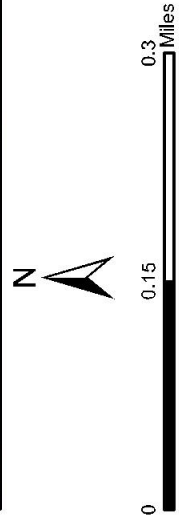
Attachments: River Bluffs Reservoir Map  
Partners Combined Substitute Water Supply Plan dated January 5, 2018

Cc: Michael Hein, Assistant Division Engineer, Division 1, [Michael.Hein@state.co.us](mailto:Michael.Hein@state.co.us)  
810 9<sup>th</sup> Street, Suite 200, Greeley CO 80631; (970) 352-8712

Mark Simpson, Water Commissioner, District 3, [Mark.Simpson@state.co.us](mailto:Mark.Simpson@state.co.us)

Amy Eschberger, Division of Reclamation Mining and Safety, [Amy.Eschberger@state.co.us](mailto:Amy.Eschberger@state.co.us)





# River Bluffs Reservoir

August 2018

Map for reference only. Not a legal document.  
It is not intended to be used for description,  
conveyance, authoritative definition of legal  
boundary, or property title.