

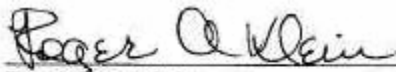
DISTRICT COURT, WATER DIVISION NO. 1, COLORADO 9 th Street & 9 th Avenue P.O. Box 2038 Greeley, CO 80632	▲ COURT USE ONLY ▲	
CONCERNING THE APPLICATION FOR WATER RIGHTS OF: LOGAN WELL USERS, INC. IN LOGAN, MORGAN & WASHINGTON COUNTIES.		
ORDER TO CORRECT FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECREE OF THE WATER COURT PURSUANT TO § 37-92-304(10), C.R.S.		

The Court having considered the Motion to Amend the Findings of Fact, Conclusions of Law and Decree of the Water Court entered on January 20, 2006 in this matter, hereby grants said motion pursuant to § 37-92-304(10), C.R.S. and orders that the Findings of Fact, Conclusions of Law and Decree of the Water Court entered herein shall be corrected as follows:

1. The penultimate sentence of ¶31.1 shall be corrected to read, "The kilowatt hours used by the augmentation well during the period of malfunction shall be multiplied by the acre foot per kilowatt hour figure to arrive at the total acre feet pumped."
2. Tables 1, 10 and 10a submitted with the Motion to Amend shall be attached to the Findings of Fact, Conclusions of Law and Decree of the Water Court.

DATED: February 21, 2006.

BY THE COURT:


 Roger A. Klein
 Water Judge
 Water Division No. 1

This order was filed electronically pursuant to Rule 121, §1-26. The original signed order is in the Court's file.

DISTRICT COURT, WATER DIVISION NO. 1, COLORADO P. O. Box 2038 Greeley, CO 80632		
CONCERNING THE APPLICATION FOR WATER RIGHTS OF: LOGAN WELL USERS, INC. IN LOGAN, MORGAN, AND WASHINGTON COUNTIES.		
<p align="center">CORRECTED FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECREE OF WATER COURT</p>		

This Application for Approval of Plan for Augmentation was filed in the Water Court, Water Division No. 1 by Logan Well Users Inc., a Colorado Nonprofit Corporation. The Court, having considered the pleadings, evidence and arguments presented and the stipulations of the parties, and being fully advised in the premises hereby finds, concludes, adjudicates and decrees as follows.

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FINDINGS OF FACT

1. The Applicant. Logan Well Users, Inc., hereinafter "Applicant," P.O. Box 1172, Sterling, CO 80751. Applicant is a Colorado Nonprofit Corporation formed pursuant to §7-121-101, *C.R.S.* on March 21, 2003, for the acquisition and distribution of water, the adjudication of wells and the development, approval and continued operation of a plan of augmentation for the members of said corporation. Applicant has operated a Substitute Water Supply Plan for Member Wells since June 11, 2003. The current Member Wells are set out in Table 1, attached hereto.
2. The Application. Applicant filed the Application for Water Rights, Change of Water Rights and Approval of Augmentation Plan on April 24, 2003. The Application was rereferred to the Water Judge by Order dated July 25, 2003. An Amendment to the Application was filed December 31, 2004. A second Amendment was filed June 15, 2005.
3. Notice and Jurisdiction. All notices of this matter required by law have been fulfilled and the Court has jurisdiction over the subject matter of this application and all amendments 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 groundwater basin.
4. Statements of Opposition. The following parties filed timely Statements of Opposition to the Application or Amended Application. No other Statements of Opposition have been filed and the time for filing Statements of Opposition has expired.
 - 4.1. Accomasso Brothers.
 - 4.2. City of Aurora.
 - 4.3. Bijou Irrigation Company and Bijou Irrigation District.
 - 4.4. City of Boulder.
 - 4.5. Centennial Water and Sanitation District.
 - 4.6. Tim Cook.
 - 4.7. Division and State Engineers.
 - 4.8. East Cherry Creek Valley Water & Sanitation

- 4.9. City of Englewood.
 - 4.10. Farmers Pawnee Ditch Company.
 - 4.11. Farmers Reservoir and Irrigation Company.
 - 4.12. Larry B. Foiles.
 - 4.13. Harmony Ditch Company.
 - 4.14. Henrylyn Irrigation District.
 - 4.15. Irrigationists Association, Water District No. 1.
 - 4.16. Dave Kautz, Charlie Bartlett, Gordon Stumpf, Don Werner, Bryan Dermer, Dorothy Helmut, Howard Hettinger, Rusty Smith, Ronnie Quint, Jim Quint, and Chris Vandemoer.
 - 4.17. Liddle Ditch Company.
 - 4.18. North Sterling Irrigation District.
 - 4.19. Parker Water & Sanitation District.
 - 4.20. Pawnee Well Users, Inc.
 - 4.21. Pioneer Water and Irrigation, Inc.
 - 4.22. Public Service Company.
 - 4.23. South Platte Ditch Company.
 - 4.24. City of Sterling.
 - 4.25. United Water and Sanitation District.
 - 4.26. Don Werner.
5. Summaries of Consultation. The Division Engineer for Water Division No. 1 filed Summaries of Consultation dated July 9, 2003, October 20, 2003 and May 4, 2005. Applicant served copies of the Summaries of Consultation on the objectors. Applicant filed a Response to the Summaries of Consultation on July 21, 2005. The Court has duly considered the Summaries of Consultation and the Responses.

6. Stipulations and Settlements. Stipulations or settlements were entered into between Applicant and the objectors as follows.
 - 6.1. Don Werner withdrew his Statement of Opposition by Order dated November 14, 2003.
 - 6.2. The City of Englewood withdrew its Statement of Opposition August 2, 2005.
 - 6.3. East Cherry Creek Valley Water & Sanitation entered a Stipulation with Applicant on January 4, 2006.
 - 6.4. Accomasso Brothers entered a Stipulation with Applicant on January 16, 2006.
 - 6.5. City of Aurora entered a Stipulation with Applicant on January 9, 2006.
 - 6.6. Bijou Irrigation Company and Bijou Irrigation District entered a Stipulation with Applicant on January 10, 2006.
 - 6.7. City of Boulder entered a Stipulation with Applicant on January 16, 2006.
 - 6.8. Centennial Water and Sanitation District entered a Stipulation with Applicant on January 16, 2006.
 - 6.9. Tim Cook entered a Stipulation with Applicant on January 16, 2006.
 - 6.10. Division and State Engineers entered a Stipulation with Applicant on January 16, 2006.
 - 6.11. Farmers Pawnee Ditch Company entered a Stipulation with Applicant on January 16, 2006.
 - 6.12. Farmers Reservoir and Irrigation Company entered a Stipulation with Applicant on January 16, 2006.
 - 6.13. Larry B. Foiles entered a Stipulation with Applicant on January 3, 2006.
 - 6.14. Harmony Ditch Company entered a Stipulation with Applicant on January 17, 2006.
 - 6.15. Henrylyn Irrigation District entered a Stipulation with Applicant on January 16, 2006.
 - 6.16. Irrigationists Association, Water District No. 1 entered a Stipulation with

Applicant January 13, 2006.

- 6.17. Dave Kautz, Charlie Bartlett, Gordon Stumpf, Don Werner, Bryan Dermer, Dorothy Helmut, Howard Hettinger, Rusty Smith, Ronnie Quint, Jim Quint, and Chris Vandemoer entered a Stipulation with Applicant on January 16, 2006.
- 6.18. Liddle Ditch Company entered a Stipulation with Applicant on January 17, 2006.
- 6.19. North Sterling Irrigation District entered a Stipulation with Applicant January 13, 2006.
- 6.20. Parker Water & Sanitation District entered a Stipulation with Applicant on January 15, 2006.
- 6.21. Pawnee Well Users, Inc entered a Stipulation with Applicant on January 16, 2006.
- 6.22. Pioneer Water and Irrigation, Inc entered a Stipulation with Applicant on January 10, 2006.
- 6.23. Public Service Company entered a Stipulation with Applicant on January 12, 2006.
- 6.24. South Platte Ditch Company entered a Stipulation with Applicant on January 17, 2006.
- 6.25. City of Sterling entered a Stipulation with Applicant on January 16, 2006.
- 6.26. United Water and Sanitation District entered a Stipulation with Applicant on January 16, 2006.

RECHARGE WATER RIGHTS

- 7. Recharge Projects. Applicant is entitled to a decree for the following recharge projects, including recharge ponds, recharge surface diversions and recharge wells as identified in the succeeding paragraphs.
- 8. Name of Structure. Schneider Ditch Recharge Project.
 - 8.1. Diversion Points.
 - 8.1.1. Schneider Ditch. In the NW¼ SW¼ of Section 9, Township 6

North, Range 53 West of the 6th P.M., Logan County, Colorado, at the diversion works of the Schneider Ditch.

8.1.2. Famm Recharge Well. In the NE¼ NE¼ of Section 25, Township 7 North, Range 53 West, of the 6th P.M., Logan County, Colorado, 1290 feet from the North section line and 1080 feet from the East section line.

8.2. Source.

8.2.1. Schneider Ditch. The South Platte River.

8.2.2. Famm Recharge Well. Groundwater tributary to the South Platte River.

8.3. Dates of Appropriation.

8.3.1. Schneider Ditch Recharge. January 13, 2003.

8.3.2. Famm Recharge Well. March 25, 2003.

8.4. Description of Recharge. Water is diverted at the points described in ¶8.1 and is allowed to percolate from the ditch and ponds into the underground aquifer for Applicant's stated beneficial uses. To avoid loss of water to the stockholders during the irrigation season, no action shall be taken by any person to increase the seepage or percolation from the ditch, and nothing in the Decree shall be construed to prevent or restrict work on the ditch to decrease seepage losses. Recharge credit may not be claimed from ditch seepage that occurs whenever any water is being diverted by the ditch under a water right senior to the recharge diversion water right granted in ¶8. The water so diverted may also be delivered either above or below the ditch to recharge ponds proximate to the ditch for the same purposes. The following initial recharge pond sites have been identified. These ponds may be modified and other ponds added as long as the source of water is from the same diversion points described above, Applicant provides notice to the objectors and the Division Engineer, pursuant to ¶20, and the Division Engineer approves modification of the existing pond or use of the new pond. Applicant agrees and the Court orders that the Applicant shall not use any structure owned by the Schneider Ditch Company for diversion, carriage, recharge or any other purpose unless the Applicant has entered into a written Agreement with the Schneider Ditch Company specifically allowing such use.

- 8.4.1. Schneider Recharge/Reservoir Site No. 1 (Lingreen No. 1). In the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 36, Township 7 North, Range 53 West of the 6th P.M., Logan County, Colorado. Surface area of high water line. 5 acres. Total active capacity in acre feet. 15 a.f. with 0 dead storage.
- 8.4.2. Schneider Recharge/Reservoir Site No. 2 (Lingreen No. 2). In the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 36, Township 7 North, Range 53 West of the 6th P.M., Logan County, Colorado. Surface area of high water line. 10 acres. Total active capacity in acre feet. 30 a.f. with 0 dead storage.
- 8.4.3. Schneider Recharge/Reservoir Site No. 3 (Carlson). In the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 30, Township 7 North, Range 52 West of the 6th P.M., Logan County, Colorado. Surface area of high water line. 2 acres. Total active capacity in acre feet. 6 a.f. with 0 dead storage.
- 8.4.4. Schneider Recharge/Reservoir Site No. 4 (Propst). In the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 2, Township 6 North, Range 53 West of the 6th P.M., Logan County, Colorado. Surface area of high water line. 15 acres. Total active capacity in acre feet. 90 a.f. with 0 dead storage.
- 8.5. Amounts.
 - 8.5.1. Schneider Ditch Recharge. 14.3 c.f.s., absolute, and 43.7 c.f.s., conditional.
 - 8.5.2. Famm Recharge Well. 3000 g.p.m., conditional.
- 8.6. Use. Subject to the limitations set forth in ¶125, augmentation, directly and by exchange, of water rights used for irrigation, municipal, commercial, livestock, fire protection, recharge, replacement, wildlife and wildlife recovery. Absolute amounts are for direct augmentation of water rights used for irrigation, livestock, commercial, recharge and replacement. All other uses are conditional.
9. Name of Structure. South Platte Ditch Recharge Project No. 2.
 - 9.1. Diversion Points.
 - 9.1.1 South Platte Ditch. In the SW $\frac{1}{4}$ of Section 9, Township 5 North,

Range 54 West of the 6th P.M., Washington County, Colorado at the diversion works of the South Platte Ditch.

- 9.1.2 Pumping Station No. 1 (Curlee) in the SW¼ of Section 30, Township 6 North, Range 53 West of the 6th P.M., Logan County, Colorado on the Prewitt Seep Ditch.
- 9.1.3 Pumping Station No. 2 (Quint) in the NW¼ of Section 31, Township 6 North, Range 53 West of the 6th P.M., Logan County, Colorado on the Prewitt Seep Ditch.
- 9.2. Source. The South Platte River.
- 9.3. Dates of Appropriation.
 - 9.3.1. South Platte Recharge, March 21, 1997.
 - 9.3.2. Pumping Station No. 1-Curlee, April 11, 2003.
 - 9.3.3. Pumping Station No. 2-Quint, December 10, 2002.
- 9.4. Description of Recharge. Water is diverted at the points described in ¶9.1. and is allowed to percolate from the ditch or ponds into the underground aquifer for Applicant's stated beneficial uses. To avoid loss of water to the stockholders during the irrigation season, no action shall be taken by any person to increase the seepage or percolation from the ditch, and nothing in the Decree shall be construed to prevent or restrict work on the ditch to decrease seepage losses. Recharge credit may not be claimed from ditch seepage that occurs whenever water is being diverted by the South Platte Ditch under a water right senior to the recharge diversion water right granted in ¶9, except for the senior recharge water right for the South Platte Ditch Recharge Project No. 1, also known as the Sand Hill Ditch Recharge Project, as described in ¶50.3 below. To the extent both rights are in priority and are diverted into the South Platte Ditch, recharge credits may be claimed from South Platte Ditch Recharge Project No. 1 as well as under the recharge right granted in ¶9. The water so diverted may also be delivered either above or below the ditch to recharge ponds proximate to the ditch for the same purposes. The following initial recharge pond sites have been identified. These ponds may be modified and other ponds added as long as the source of water is from the same diversion points described above, Applicant provides notice to the objectors and the Division Engineer, pursuant to ¶20, and the Division Engineer approves modification of the existing pond or use of the new

pond.

- 9.4.1. South Platte Recharge/Reservoir Site No. 1 (Kautz). In the N½ of Section 3, Township 5 North, Range 54 West of the 6th P.M., Logan County, Colorado. Surface area of high water line. 14 acres. Total active capacity in acre feet. 42 a.f. with 0 dead storage.
- 9.4.2. South Platte Recharge/Reservoir Site No. 2 (Amen). In the SW¼ of Section 34, Township 6 North, Range 54 West of the 6th P.M., Logan County, Colorado. Surface area of high water line. 7 acres. Total active capacity in acre feet. 21 a.f. with 0 dead storage.
- 9.4.3. South Platte Recharge/Reservoir Site No. 3 (Anderson). In the SE¼ of Section 34, Township 6 North, Range 54 West of the 6th P.M., Logan County, Colorado. Surface area of high water line. 7 acres. Total active capacity in acre feet. 21 a.f. with 0 dead storage.
- 9.4.4. South Platte Recharge/Reservoir Site No. 4 (Fiscus). In the SE¼ of Section 26, Township 6 North, Range 54 West of the 6th P.M., Logan County, Colorado. Surface area of high water line. 10 acres. Total active capacity in acre feet. 30 a.f. with 0 dead storage.
- 9.4.5. South Platte Recharge/Reservoir Site No. 5 (Propst). In the NE¼ of Section 28, Township 6 North, Range 53 West of the 6th P.M., Logan County, Colorado. Surface area of high water line. 15 acres. Total active capacity in acre feet. 300 a.f. with 0 dead storage.
- 9.4.6. South Platte Recharge/Reservoir Site No. 6 (Mari No. 1). In the NW¼ of Section 21, Township 6 North, Range 53 West of the 6th P.M., Logan County, Colorado. Surface area of high water line. 5 acres. Total active capacity in acre feet. 65 a.f. with 0 dead storage.
- 9.4.7. South Platte Recharge/Reservoir Site No. 7 (Mari No. 2). In the SE¼ of Section 21, Township 6 North, Range 53 West of 6th P.M., Logan County, Colorado. Surface area of high water line. 10 acres. Total active capacity in acre feet. 30 a.f. with 0 dead storage.

- 9.4.8. South Platte Recharge/Reservoir Site No. 9 (Smart No. 1). In the SW¼ of Section 22, Township 6 North, Range 53 West of the 6th P.M., Logan County, Colorado. Surface area of high water line. 5 acres. Total active capacity in acre feet. 15 a.f. with 0 dead storage.
- 9.4.9. South Platte Recharge/Reservoir Site No. 10 (Smart No. 2). In the SE¼ of Section 16, Township 6 North, Range 53 West of the 6th P.M., Logan County, Colorado. Surface area of high water line. 7 acres. Total active capacity in acre feet. 21 a.f. with 0 dead storage.
- 9.4.10. South Platte Recharge/Reservoir Site No. 11 (Hettinger). In the SW¼ of Section 25, Township 6 North, Range 53 West of the 6th P.M., Logan County, Colorado. Surface area of high water line. 7 acres. Total active capacity in acre feet. 21 a.f. with 0 dead storage.
- 9.4.11. South Platte Recharge/Reservoir Site No. 12 (Lingreen). In the E¼ SW¼ of Section 25, Township 6 North, Range 54 West of the 6th P.M., Logan County, Colorado. Surface area of high water line. 5 acres. Total active capacity in acre feet. 50 a.f. with 0 dead storage.
- 9.4.12. South Platte Recharge/Reservoir Site No. 13 (Smart No. 3). In the N½ SE¼ of Section 15, Township 6 North, Range 53 West of the 6th P.M., Logan County, Colorado. Surface area of high water line. 10 acres. Total active capacity. 40 a.f. with 0 dead storage.
- 9.4.13. South Platte Recharge/Reservoir Site No. 14 (Smart No. 4). In the E½ NW¼ of Section 14, Township 6 North, Range 53 West of the 6th P.M., Logan County, Colorado. Surface area of high water line. 20 acres. Total active capacity. 80 a.f. with 0 dead storage.
- 9.4.14. South Platte Recharge/Reservoir Site No. 15 (Smart No. 5). In the NW¼ NE¼ of Section 15, Township 6 North, Range 53 West of the 6th P.M., Logan County, Colorado. Surface area of high water line. 2 acres. Total active capacity. 6 a.f. with 0 dead storage.
- 9.4.15. South Platte Recharge/Reservoir Site No. 16 (Smart No. 6). In

the NW¼ SW¼ of Section 11, Township 6 North, Range 53 West of the 6th P.M., Logan County, Colorado. Surface area of high water line. 5 acres. Total active capacity. 15 a.f. with 0 dead storage.

- 9.4.16. All recharge structures/ponds that are part of the South Platte Ditch Recharge Project No. 1 decreed in Case No. W-7839, Water Division No. 1, which use the South Platte Extension Ditch (Sand Hill Lateral Ditch) and associated ponds and potholes along this lateral.

9.5. Amounts.

- 9.5.1. South Platte Ditch Recharge Headgate Diversion. 39.4 c.f.s. absolute, 80.6 c.f.s., conditional.
- 9.5.2. Pumping Station No. 1-Curlee. 4.75 c.f.s., absolute, 5.25 c.f.s., conditional.
- 9.5.3. Pumping Station No. 2-Quint. 4.5 c.f.s., absolute, 5.5 c.f.s., conditional.
- 9.5.4. Capacity of South Platte Ditch. Applicant and the South Platte Ditch Company have agreed to provide additional evidence to objectors concerning the capacity of the South Platte Ditch to convey 120 c.f.s. of recharge water appropriated herein for the diversion under ¶9.5.1. Applicant and/or the South Platte Ditch Company shall provide such evidence to objectors by written notice on or before the end of the initial period during which Applicant must demonstrate diligence in perfecting the conditional portion of this water right. If no written notice is filed on or before the end of the initial period during which Applicant must demonstrate diligence in perfecting the conditional portion of this water right, the conditional amount claimed for the South Platte Ditch shall be reduced to 40.6 c.f.s. without further action by the Court. If the notice is filed and no objection to the notice is filed within 30 days thereof, then no change in the conditional amount claimed in ¶9.5.1 shall be necessary in this decree. If any objector files an objection to the notice, Applicant and/or the South Platte Ditch Company shall file a motion with this Court to have the matter determined in proceedings before the Court. If Applicant and/or the South Platte Ditch determine that the capacity of the South Platte

Ditch is less than 120 c.f.s. then they may also file a Motion with the Court to modify the conditional claim in ¶9.5.1. The burden of proof before the Court to support the claim that the South Platte Ditch can carry 120 c.f.s. shall be on the Applicant and/or the South Platte Ditch. Nothing in this ¶ 9.5.4 shall affect Applicant's and/or South Platte Ditch Company's continuing obligation in diligence proceedings and/or proceedings to make absolute to demonstrate that the South Platte Ditch Recharge water right has operated or can and will be operated to recharge in the amount of 120 c.f.s.

- 9.6. Use. Subject to the limitations set forth in ¶25, augmentation, directly and by exchange, of water rights used for irrigation, municipal, commercial, livestock, fire protection, recharge, replacement, wildlife and wildlife recovery. Absolute amounts are for direct augmentation of water rights used for irrigation, livestock, commercial, recharge and replacement. All other uses are conditional.
10. Name of Structure. LWU South Platte Ditch Recharge Project.
 - 10.1. Diversion Points.
 - 10.1.1. Hessler Well No. 59273-F. In the NW¼ SW¼ of Section 3, Township 6 North, Range 53 West of the 6th P.M., Logan County, Colorado, 1450 feet from the South section line and 100 feet from the West section line.
 - 10.1.2. Curlee Well. In the NW¼ SW¼ of Section 9, Township 6 North, Range 53 West of the 6th P.M., Logan County, Colorado.
 - 10.2. Source. Groundwater tributary to the South Platte River.
 - 10.3. Dates of Appropriation.
 - 10.3.1. Hessler Well No. 59273-F. March 25, 2003.
 - 10.3.2. Curlee Well. April 11, 2003.
 - 10.4. Description of Recharge. Water is diverted at the points described in ¶10.1. and is allowed to percolate from the ditch or ponds into the underground aquifer for Applicant's stated beneficial uses. To avoid loss of water to the stockholders during the irrigation season, no action shall be taken by any person to increase the seepage or percolation from the

ditch, and nothing in the Decree shall be construed to prevent or restrict work on the ditch to decrease seepage losses. Recharge credit may not be claimed from ditch seepage that occurs whenever any water is being diverted by the ditch under a water right senior to the recharge diversion water right granted in ¶10. The water so diverted may also be delivered either above or below the ditch to recharge ponds proximate to the ditch for the same purposes. The following initial recharge pond sites have been identified as well as the sites in ¶9.4. These sites may be modified and other sites added as long as the source of water is from the same diversion points described above, Applicant provides notice to the objectors and the Division Engineer, pursuant to ¶20, and the Division Engineer approves modification of the existing site or use of the new site.

- 10.4.1. LWU South Platte Recharge/Reservoir Site No. 1 (Curlee). In the SW¼ of Section 16, Township 6 North, Range 53 West of the 6th P.M., Logan County, Colorado. Surface area of high water line. 14 acres. Total active capacity in acre feet. 42 a.f. with 0 dead storage.
- 10.4.2. LWU South Platte Recharge/Reservoir Site No. 2 (Accomasso). In the SW¼ NW¼ of Section 10, Township 6 North, Range 53 West of the 6th P.M., Logan County, Colorado. Surface area of high water line. 6 acres. Total active capacity in acre feet. 24 a.f. with 0 dead storage.
- 10.4.3. LWU South Platte Recharge/Reservoir Site No. 3 (Hoogland No. 1). In the NW¼ SW¼ of Section 10, Township 6 North, Range 53 West of the 6th P.M., Logan County, Colorado. Surface area of high water line. 6 acres. Total active capacity in acre feet. 24 a.f. with 0 dead storage.
- 10.4.4. LWU South Platte Recharge/Reservoir Site No. 4 (Hoogland No. 2). In the SE¼ SW¼ of Section 10, Township 6 North, Range 53 West of the 6th P.M., Logan County, Colorado. Surface area of high water line. 6 acres. Total active capacity in acre feet. 24 a.f. with 0 dead storage.
- 10.4.5. LWU South Platte Recharge/Reservoir Site No. 5 (Hoogland No. 3). In the SW¼ SW¼ of Section 10, Township 6 North, Range 53 West of the 6th P.M., Logan County, Colorado. Surface area of high water line. 6 acres. Total active capacity. 18 a.f. with 0 dead storage.

- 10.4.6. LWU South Platte Recharge/Reservoir Site No. 6 (Hessler No. 1). In the NW¼ NW¼ of Section 15, Township 6 North, Range 53 West of the 6th P.M., Logan County, Colorado. Surface area of high water line. 6 acres. Total active capacity. 18 a.f. with 0 dead storage.
- 10.4.7. LWU South Platte Recharge/Reservoir Site No. 7 (Hessler No. 2). In the NE¼ NW¼ of Section 15, Township 6 North, Range 53 West of the 6th P.M., Logan County, Colorado. Surface area of high water line. 3 acres. Total active capacity. 9 a.f. with 0 dead storage.

10.5. Amounts.

- 10.5.1. Hessler Well No. 59273-F. 4000 gpm, absolute, 2000 gpm, conditional.
- 10.5.2. Curlee Well. 4000 g.p.m., conditional.

- 10.6. Use. Subject to the limitations set forth in ¶25, augmentation, directly and by exchange, of water rights used for irrigation, municipal, commercial, livestock, fire protection, recharge, replacement, wildlife and wildlife recovery. Absolute amounts are for direct augmentation of water rights used for irrigation, livestock, commercial, recharge and replacement. All other uses are conditional.

11. Name of Structure. Springdale Ditch Recharge Project.

11.1. Diversion Points.

- 11.1.1. Springdale Ditch. Legal Description of Diversion Point. In the NW¼ NW¼ of Section 35, Township 7 North, Range 53 West of the 6th P.M., Logan County, Colorado at the diversion works of the Springdale Ditch.
- 11.1.2. Miller Well No. 1-59196-F. In the SE¼ NE¼ of Section 26, Township 7 North, Range 53 West of the 6th P.M., Logan County, Colorado, 2020 feet from the North section line and 980 feet from the East section line.
- 11.1.3. Miller Well No 2-59195-F. In the SE¼ NE¼ of Section 26, Township 7 North, Range 53 West of the 6th P.M., Logan County, Colorado, 2000 feet from the North section line and 150

feet from the East section line.

- 11.1.4. Miller Well No. 3-59188-F. In the SW¼ NE¼ of Section 26, Township 7 North, Range 53 West of the 6th P.M., Logan County, Colorado, 2420 feet from the North section line and 1950 feet from the East section line.

11.2. Source.

- 11.2.1. Springdale Ditch. The South Platte River.
- 11.2.2. Miller Wells. Groundwater tributary to the South Platte River.

11.3. Dates of Appropriation.

- 11.3.1. Springdale Ditch Recharge. January 6, 2003.
- 11.3.2. Miller Well No. 1-59196-F. March 3, 2003.
- 11.3.3. Miller Well No. 2-59195-F. March 3, 2003.
- 11.3.4. Miller Well No. 3-59188-F. March 3, 2003.

- 11.4. Description of Recharge. Water is diverted at the points described in ¶11.1 and is allowed to percolate from the ditch and ponds into the underground aquifer for Applicant's stated beneficial uses. To avoid loss of water to the stockholders during the irrigation season, no action shall be taken by any person to increase the seepage or percolation from the ditch, and nothing in the Decree shall be construed to prevent or restrict work on the ditch to decrease seepage losses. Recharge credit may not be claimed from ditch seepage that occurs whenever any water is being diverted by the ditch under a water right senior to the recharge diversion water right granted in ¶11. The water so diverted may also be delivered either above or below the ditch to recharge ponds proximate to the ditch for the same purposes. The following initial recharge pond sites have been identified. These sites may be modified and other sites added as long as the source of water is from the same diversion points described above, Applicant provides notice to the objectors and the Division Engineer, pursuant to ¶20, and the Division Engineer approves modification of the existing site or use of the new site. Applicant agrees and the Court orders that the Applicant shall not use any structure owned by the Springdale Ditch Company for diversion, carriage, recharge or any other purpose unless the Applicant has entered into a written Agreement

with the Springdale Ditch Company specifically allowing such use.

- 11.4.1. Springdale Recharge/Reservoir Site No. 1 (Baney). In the NW¼ SW¼ of Section 13, Township 7 North, Range 53 West of the 6th P.M., Logan County, Colorado. Surface area of high water line. 15 acres. Total active capacity in acre feet. 45 a.f. with 0 dead storage.
- 11.4.2. Springdale Recharge/Reservoir Site No. 2 (Keller). In the SW¼ NE¼ of Section 11, Township 7 North, Range 53 West of the 6th P.M., Logan County, Colorado. Surface area of high water line. 7 acres. Total active capacity in acre feet. 21 a.f. with 0 dead storage.
- 11.4.3. Springdale Recharge/Reservoir Site No. 3 (Wyckof). In the NW¼ NW¼ of Section 17, Township 8 North, Range 52 West of the 6th P.M., Logan County, Colorado. Surface area of high water line. 1 acres. Total active capacity in acre feet. 3 a.f. with 0 dead storage.
- 11.4.4. Springdale Recharge/Reservoir Site No. 4 (Samber). In the SW¼ NW¼ of Section 8, Township 8 North, Range 52 West of the 6th P.M., Logan County, Colorado. Surface area of high water line. 2 acres. Total active capacity in acre feet. 6 a.f. with 0 dead storage.
- 11.4.5. Springdale Recharge/Reservoir Site No. 5 (Fritzler No. 2). In the NE¼ NW¼ of Section 1, Township 7 North, Range 53 West of the 6th P.M., Logan County, Colorado. Surface area of high water line. 3 acres. Total active capacity in acre feet. 9 a.f. with 0 dead storage.
- 11.4.6. Springdale Recharge/Reservoir Site No. 6 (Schuman). In the NW¼ NE¼ of Section 1, Township 7 North, Range 53 West of the 6th P.M., Logan County, Colorado. Surface area of high water line. 20 acres. Total active capacity in acre feet. 60 a.f. with 0 dead storage.
- 11.4.7. Springdale Recharge/Reservoir Site No. 7 (Fritzler No. 1). In the N ½ NE¼ NW¼ of Section 1, Township 7 North, Range 53 West of the 6th P.M., Logan County, Colorado. Surface area of high water line. 3 acres. Total active capacity. 9 a.f. with 0 dead storage.

- 11.4.8. Springdale Recharge/Reservoir Site No. 8 (Reike). In the SW¼ of Section 4, Township 8 North, Range 52 West of the 6th P.M., Logan County, Colorado. Surface area of high water line. 7 acres. Total active capacity. 14 a.f. with 0 dead storage.

11.5. Amounts.

- 11.5.1. Springdale Ditch Recharge. 30.6 c.f.s., absolute, 31.9 c.f.s. conditional.
- 11.5.2. Miller Well No. 1-59196-F. 4000 g.p.m., conditional.
- 11.5.3. Miller Well No. 2-59195-F. 4000 g.p.m., conditional.
- 11.5.4. Miller Well No. 3-59188-F. 4000 g.p.m., conditional.

- 11.6. Use. Subject to the limitations set forth in ¶125, augmentation, directly and by exchange, of water rights used for irrigation, municipal, commercial, livestock, fire protection, recharge, replacement, wildlife and wildlife recovery. Absolute amounts are for direct augmentation of water rights used for irrigation, livestock, commercial, recharge and replacement. All other uses are conditional.

12. Name of Structure. Sterling Irrigation Company Recharge Project.

12.1. Diversion Points.

- 12.1.1 Sterling Irrigation Canal. In the NW¼ of Section 25, Township 7 North, Range 53 West of the 6th P.M., Logan County, Colorado at the diversion works of the Sterling Irrigation Company Ditch.
- 12.1.2 Section 19 Seep. In the SE¼ SW¼ of Section 19, Township 8 North, Range 52 West, 6th PM, Logan County, Colorado, where Section 19 Draw is intercepted by the Sterling Irrigation Ditch.

12.2. Source. The South Platte River.

12.3. Dates of appropriation.

- 12.3.1. Sterling Irrigation Canal. March 20, 2003.
- 12.3.2. Section 19 Seep. March 31, 2004

12.4. Description of Recharge. Water is diverted at the points described in

¶12.1 and is allowed to percolate from the ditch and ponds into the underground aquifer for Applicant's stated beneficial uses. To avoid loss of water to the stockholders during the irrigation season, no action shall be taken by any person to increase the seepage or percolation from the ditch, and nothing in the Decree shall be construed to prevent or restrict work on the ditch to decrease seepage losses. Recharge credit may not be claimed from ditch seepage that occurs whenever any water is being diverted by the ditch under a water right senior to the recharge diversion water right granted in ¶12. The water so diverted may also be delivered either above or below the ditch to recharge ponds proximate to the ditch for the same purposes. The following initial recharge pond sites have been identified. These sites may be modified and other sites added as long as the source of water is from the same diversion points described above, Applicant provides notice to the objectors and the Division Engineer, pursuant to ¶20, and the Division Engineer approves modification of the existing site or use of the new site.

- 12.4.1. SIC Recharge/Reservoir Site No. 1 (Guenzi). In the NW¼ NE¼ of Section 9, Township 8 North, Range 52 West of the 6th P.M., Logan County, Colorado. Surface area of high water line. 10 acres. Total active capacity in acre feet. 30 a.f. with 0 dead storage.
- 12.4.2. SIC Recharge/Reservoir Site No. 2 (Manuello No. 1). In the NW¼ NE¼ of Section 3, Township 8 North, Range 52 West of the 6th P.M., Logan County, Colorado. Surface area of high water line. 2 acres. Total active capacity in acre feet. 12 a.f. with 0 dead storage.
- 12.4.3. SIC Recharge/Reservoir Site No. 3 (Manuello No. 2). In the NE¼ NE¼ of Section 4, Township 8 North, Range 52 West of the 6th P.M., Logan County, Colorado. Surface area of high water line. 2 acres. Total active capacity in acre feet. 40 a.f. with 0 dead storage.
- 12.4.4. SIC Recharge/Reservoir Site No. 4 (Manuello No. 3-Pasture Pond). In the NE SW of Section 2, Township 8 North, Range 52 West of the 6th P.M., Logan County, Colorado. Surface area of high water line. 20 acres. Total active capacity in acre feet. 60 a.f. with 0 dead storage.
- 12.4.5. SIC Recharge/Reservoir Site No. 5 (Mike Weis –MX2 No. 1). In the NW¼ SE¼ of Section 34, Township 9 North, Range 52

West of the 6th P.M., Logan County, Colorado. Surface area of high water line. 5 acres. Total active capacity in acre feet. 15 a.f. with 0 dead storage.

12.5. Amounts.

12.5.1. Sterling Irrigation Canal. 22.3 c.f.s., absolute and 91.6 c.f.s., conditional.

12.5.2. Section 19 Seep. 3.0 c.f.s., conditional.

12.6. Use. Subject to the limitations set forth in ¶25, augmentation, directly and by exchange, of water rights used for irrigation, municipal, commercial, livestock, fire protection, recharge, replacement, wildlife and wildlife recovery. Absolute amounts are for direct augmentation of water rights used for irrigation, livestock, commercial, recharge and replacement. All other uses are conditional.

13. Name of Structure. Ron Ruff Recharge Project.

13.1. Diversion Point. Legal Description of Diversion Point. Ruff Recharge Well No. 1-58819-F, in the SW¼ SE¼ of Section 8, Township 7 North, Range 52 West of the 6th P.M., Logan County, Colorado.

13.2. Source. Groundwater tributary to the South Platte River.

13.3. Date of Appropriation. December 19, 2002.

13.4. Description of Recharge. Water is diverted at the recharge well described in ¶13.1 and is allowed to percolate into the underground aquifer from the Recharge/Reservoir sites for Applicant's stated beneficial uses. The following initial sites have been identified. These sites may be modified and other sites added as long as the source of water is from the same diversion points described above, Applicant provides notice to the objectors and the Division Engineer, pursuant to ¶20, and the Division Engineer approves modification of the existing site or use of the new site.

13.4.1. Ruff Recharge/Reservoir Site No. 1. In the SE¼ NW¼ of Section 9, Township 7 North, Range 52 West of the 6th P.M., Logan County, Colorado. Surface area of high water line. 4 acres. Total active capacity in acre feet. 12 a.f. with 0 dead storage.

- 13.4.2. Ruff Recharge/Reservoir Site No. 2. In the NW¼ NE¼ of Section 9, Township 7 North, Range 52 West of the 6th P.M., Logan County, Colorado. Surface area of high water line. 4 acres. Total active capacity in acre feet. 12 a.f. with 0 dead storage.
- 13.5. Amount. 2.7 c.f.s., absolute and 2.9 c.f.s., conditional.
- 13.6. Use. Subject to the limitations set forth in ¶25, augmentation, directly and by exchange, of water rights used for irrigation, municipal, commercial, livestock, fire protection, recharge, replacement, wildlife and wildlife recovery. Absolute amounts are for direct augmentation of water rights used for irrigation, livestock, commercial, recharge and replacement. All other uses are conditional.
- 14. Name of Structure. Prewitt Ranch Recharge Project.
 - 14.1. Diversion Point. At the Prewitt Inlet Canal located in SW¼, Section 24, Township 5 North, Range 55 West of the 6th P.M., Morgan County, Colorado.
 - 14.2. Source. The South Platte River and its tributaries.
 - 14.3. Date of Appropriation. August 30, 2001.
 - 14.4. Description of Recharge. Water is diverted at the point described in ¶14.1 and is allowed to percolate into the underground aquifer from Recharge/Reservoir sites for Applicant's stated beneficial uses. The water so diverted may also be delivered either above or below the canal to facilities proximate to the ditch for the same purposes. The following initial sites have been identified. These sites may be modified and other sites added as long as the source of water is from the same diversion points described above, Applicant provides notice to the objectors and the Division Engineer, pursuant to ¶20, and the Division Engineer approves modification of the existing site or use of the new site.
 - 14.4.1. Prewitt Ranch Recharge/Reservoir Site No. 1. In the S1/2 of Section 15, Township 5 North, Range 54 West of the 6th P.M., Washington County, Colorado.
 - 14.5. Amount Claimed. 50 c.f.s., conditional.
 - 14.6. Use. Subject to the limitations set forth in ¶25, augmentation, directly

and by exchange, of water rights used for irrigation, municipal, commercial, livestock, fire protection, recharge, replacement, wildlife and wildlife recovery.

- 14.7. Determination of Prewitt Ranch Recharge Project Credit. Applicant and objectors agree that Applicant has not yet developed sufficient information to support determination of the capacity, surface area and recharge credit, if any, which should be adjudicated to the Prewitt Ranch Recharge Project. The court finds and concludes that the Applicant shall not be entitled to any such recharge credit under this decree at this time. If the Applicant wishes to request the court to approve a recharge credit for the Prewitt Ranch Recharge Site in this decree, it shall proceed as follows.

- 14.7.1. Applicant shall, within three years of the date of this decree, file a motion with the court requesting approval of a recharge credit for the Prewitt Ranch Recharge Project. The motion shall include at least the following information.

14.7.1.1. A survey, showing 1) the maximum water surface area of the Prewitt Ranch Recharge/Reservoir Site No. 1, 2) the maximum area subject to increased groundwater consumptive use due to recharge in the Prewitt Ranch Recharge/Reservoir Site No. 1, 3) the capacity and maximum water level of the Prewitt Ranch Recharge/Reservoir Site No. 1.

14.7.1.2. A methodology to determine the amount of increased groundwater consumptive use due to recharge in the Prewitt Ranch Recharge/ Reservoir Site No. 1, if any.

- 14.7.2. Applicant shall serve the motion and all supporting information on the Division Engineer and all objectors in this matter. If the Division Engineer, an objector or any other person objects to Applicant's request for approval, it shall file a written objection with the court within 60 days after the notice is served by the Applicant.

14.7.3. No recharge credit shall be allowed unless the court grants Applicant's motion. If no person files a timely objection to the motion the Court may grant the motion without further proof or hearing. If any person files an objection to the motion, the court shall review and rule on the pleadings and/or conduct such hearings on the motion as the court determines are appropriate, which hearings may include the taking of evidence and legal argument. At the conclusion of the hearing, the court may deny or grant the motion. If the court grants the motion, it may impose such terms and conditions as it determines are appropriate to prevent injury to owners and users of vested water rights and decreed conditional water rights. Applicant shall have the burden of proof on all issues pertaining to the motion. The court retains jurisdiction under this decree for the purpose of determining the motion.

15. Name of Structure. Guenzi Pawnee Creek Recharge Project.

15.1. Diversion Points.

15.1.1. Pawnee Creek 1. In the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 11, Township 7 North, Range 54 West, 6th P.M., Logan County, Colorado.

15.1.2. Pawnee Creek 2. In the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 19, Township 7 North, Range 53 West, 6th P.M., Logan County, Colorado.

15.1.3. Pawnee Creek 3. In the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 20, Township 7 North, Range 53 West, 6th P.M., Logan County, Colorado.

15.2. Source of Water. Pawnee Creek, a tributary of the South Platte River.

15.3. Date of Appropriation. June 15, 2005.

15.4. Description of Recharge. Water diverted at the points described in ¶15.1 and delivered to recharge ponds is allowed to percolate into the underground aquifer for Applicant's stated beneficial uses. The following initial recharge pond sites have been identified. These sites may be modified and other sites added as long as the source of water is from the same diversion points described above, Applicant provides notice to the objectors and the Division Engineer, pursuant to ¶20, and the Division Engineer approves modification of the existing site or use of the new site.

- 15.4.1. Guenzi Pond No. 1. In the N½ of Section 11 and the S½ of Section 2, Township 7 North, Range 54 West, 6th P.M., Logan County Colorado. Surface area of high water line. 80 acres. Total active capacity. 240 acre-feet with 0 dead storage.
- 15.4.2. Guenzi Pond No. 2. In the SW¼ of Section 19, Township 7 North, Range 53 West, 6th P.M., Logan County Colorado. Surface area of high water line. 40 acres. Total active capacity. 120 acre-feet with 0 dead storage.
- 15.4.3. Guenzi Pond No. 3. In the E½ of Section 20, Township 7 North, Range 53 West, 6th P.M., Logan County Colorado. Surface area of high water line. 40 acres. Total active capacity. 120 acre-feet with 0 dead storage.

15.5. Amounts Claimed.

- 15.5.1. Pawnee Creek 1. 4.0 c.f.s., conditional.
- 15.5.2. Pawnee Creek 2. 4.0 c.f.s., conditional.
- 15.5.3. Pawnee Creek 3. 4.0 c.f.s., conditional.

15.6. Use. Subject to the limitations set forth in ¶125, augmentation, directly and by exchange, of water rights used for irrigation, municipal, commercial, livestock, fire protection, recharge, replacement, wildlife and wildlife recovery.

16 Name of Structure. Guenzi Recharge Well Project (GRWP).

16.1 Diversion Points.

- 16.1.1 Guenzi Well No. 2-62508-F. In the SE¼ NE¼ of Section 18, Township 6 North, Range 53 West of the 6th P.M., Logan County, Colorado, 1540 feet from the North section line and 340 feet from the East section line.
- 16.1.2 Guenzi Well No. 4-59465-F. In the SE¼ NE¼ of Section 18, Township 6 North, Range 53 West of the 6th P.M., Logan County, Colorado, 1458 feet from the North section line and 4178 feet from the West Section line.
- 16.1.3 Guenzi Recharge Well No. 13. In the NW¼ NW¼ of Section 17, Township 6 North, Range 53 West, 6th P.M., Logan

County, Colorado.

- 16.2 Source of Water. Groundwater tributary to the South Platte River.
- 16.3 Dates of Appropriation.
- 16.3.1 Guenzi Well No. 2-62508-F. March 25, 2003 for 4000 gpm; April 21, 2005 for 2000 gpm.
- 16.3.2 Guenzi Well No. 4-59465-F. February 28, 2003.
- 16.3.3 Guenzi Recharge Well No. 13. June 15, 2005.
- 16.4 Description of Recharge. Water diverted at the points described in ¶16.1 and delivered to recharge ponds is allowed to percolate into the underground aquifer for Applicant's stated beneficial uses. The following initial recharge pond sites and facilities described below have been identified. These sites may be modified and other sites added as long as the source of water is from the same diversion points described above, Applicant provides notice to the objectors and the Division Engineer, pursuant to ¶20, and the Division Engineer approves modification of the existing site or use of the new site.
- 16.4.1 GRWP Pond No. 1 (Ladd No. 1). In the N½ of Section 12, Township 6 North, Range 54 West, 6th P.M., Logan County, Colorado. Surface area of high water line. 20 acres. Total active capacity. 60 a.f. with 0 dead storage.
- 16.4.2 GRWP Pond No. 2 (Ladd No. 2). In the SW¼ of Section 1, Township 6 North, Range 54 West, 6th P.M., Logan County, Colorado. Surface area of high water line. 20 acres. Total active capacity. 60 a.f. with 0 dead storage.
- 16.4.3 GRWP Pond No. 3 (Schott Nos. 1 and 2). In the SW¼ of Section 7, Township 6 North, Range 53 West, 6th P.M., Logan County, Colorado. Surface area of high water line. 15 acres. Total active capacity. 45 a.f. with 0 dead storage.
- 16.4.4 Ponds described in Case No. 95CW263, Farmers Pawnee Ditch Company and shown on Table 4, and all ditches and ponds described in Case No. 96CW1034, North Sterling Irrigation District, provided Applicant or its members obtain written agreements with the owners of the structures.

Applicant agrees and the Court orders that the Applicant shall not use any structure owned by the North Sterling Irrigation District for diversion, carriage, recharge or any other purpose unless the Applicant has entered into a written Agreement with the North Sterling Irrigation District specifically allowing such use. Applicant agrees and the Court orders that the Applicant shall not use any structure owned by the Farmers Pawnee Ditch Company for diversion, carriage, recharge or any other purpose unless the Applicant has entered into a written Agreement with the Farmers Pawnee Ditch Company specifically allowing such use.

16.5 Amounts.

16.5.1 Guenzi Well No. 2-62508-F, 4000 g.p.m., absolute with March 25, 2003 appropriation date; 2000 gpm, absolute with April 21, 2005 appropriation date.

16.5.2 Guenzi Well No. 4-59465-F. 2250 g.p.m., absolute; 750 g.p.m., conditional.

16.5.3 Guenzi Recharge Well No. 13. 6000 g.p.m., conditional.

16.6 Use. Subject to the limitations set forth in ¶125, augmentation, directly and by exchange, of water rights used for irrigation, municipal, commercial, livestock, fire protection, recharge, replacement, wildlife and wildlife recovery. Absolute amounts are for delivery to the recharge ponds described in ¶16.4.1, ¶16.4.2 and ¶16.4.3 only and for direct augmentation of water rights used for irrigation, livestock, commercial, recharge and replacement. Delivery to all other recharge facilities described in this ¶16 and for all other uses are conditional.

17. Name of Structure. Hessler Farms Inc. Recharge Well Project.

17.1 Diversion Point. Hessler Well 59273-F. In the NW¼ SW¼ of Section 3, Township 6 North, Range 53 West of the 6th P.M., Logan County, Colorado, 1450 feet from the South section line and 100 feet from the West section line.

17.2 Source of Water. Groundwater tributary to the South Platte River.

17.3 Date of Appropriation. March 25, 2003.

- 17.4 Description of Recharge. Water diverted at the point described in ¶17.1 and delivered to recharge ponds is allowed to percolate into the underground aquifer for Applicant's stated beneficial uses. The following initial recharge pond sites have been identified. These sites may be modified and other sites added as long as the source of water is from the same diversion points described above, Applicant provides notice to the objectors and the Division Engineer, pursuant to ¶20, and the Division Engineer approves modification of the existing site or use of the new site.
- 17.4.1 South Platte Ditch Recharge Project No. 2 recharge/reservoir sites Nos. 6, 7, 9, 10, 11, and 14 through 23 described in ¶9.4.
- 17.5 Amounts. 4000 g.p.m., absolute.
- 17.6 Use. Subject to the limitations set forth in ¶25, augmentation, directly and by exchange, of water rights used for irrigation, municipal, commercial, livestock, fire protection, recharge, replacement, wildlife and wildlife recovery. Absolute amounts are for direct augmentation of water rights used for irrigation, livestock, commercial, recharge and replacement. All other uses are conditional.
18. Name of Structure. Buffalo Farms Water Development Inc., Recharge Well Project.
- 18.1 Diversion Points.
- 18.1.1 Vollmer Well 61642-F. In the NW¼ NW¼ of Section 25, Township 6 North, Range 54 West of the 6th P.M., Logan County, Colorado, 500 feet from the North section line and 300 feet from the West section line.
- 18.1.2 Recharge Well No. 14. In the NW¼ NW¼ of Section 25, Township 6 North, Range 54 West, 6th P.M., Logan County, Colorado.
- 18.2 Source of Water. Groundwater tributary to the South Platte River.
- 18.3 Dates of Appropriation.
- 18.3.1 Vollmer Well 61642-F. March 25, 2003.
- 18.3.2 Recharge Well No. 14. June 15, 2005.

- 18.4 Description of Recharge. Water diverted at the points described in ¶18.1 and delivered to the recharge pond sites and facilities described below is allowed to percolate into the underground aquifer for Applicant's stated beneficial uses. The following initial recharge pond sites and facilities have been identified. These sites may be modified and other sites added as long as the source of water is from the same diversion points described above, Applicant provides notice to the objectors and the Division Engineer, pursuant to ¶20, and the Division Engineer approves modification of the existing site or use of the new site.
- 18.4.1 Goss No. 1. In the SW¼ NW¼ of Section 24, Township 6 North, Range 54 West, 6th P.M., Logan County, Colorado. Surface area of high water line. 7 acres. Total active capacity. 21 a.f. with 0 dead storage.
- 18.4.2 Goss No. 2. In the SE¼ SE¼ of Section 14, Township 6 North, Range 54 West, 6th P.M., Logan County, Colorado. Surface area of high water line. 7 acres. Total active capacity. 21 a.f. with 0 dead storage.
- 18.4.3 Cross. In the SE¼ SE¼ of Section 23, Township 6 North, Range 54 West, 6th P.M., Logan County, Colorado. Surface area of high water line. 22 acres. Total active capacity. 66 a.f. with 0 dead storage.
- 18.4.4 Ponds described in Case No. 95CW263, Farmers Pawnee Ditch Company and shown on Table 4, and all ditches and ponds described in Case No. 96CW1034, North Sterling Irrigation District, provided Applicant or its members obtain written agreements with the owners of the structures. Applicant agrees and the Court orders that the Applicant shall not use any structure owned by the North Sterling Irrigation District for diversion, carriage, recharge or any other purpose unless the Applicant has entered into a written Agreement with the North Sterling Irrigation District specifically allowing such use. Applicant agrees and the Court orders that the Applicant shall not use any structure owned by the Farmers Pawnee Ditch Company for diversion, carriage, recharge or any other purpose unless the Applicant has entered into a written Agreement with the Farmers Pawnee Ditch Company specifically allowing such use.

18.5 Amounts.

18.5.1 Vollmer Well 61642-F. 5000 g.p.m., conditional.

18.5.2 Recharge Well No. 14. 4000 g.p.m., conditional.

18.6 Use. Subject to the limitations set forth in ¶25, augmentation, directly and by exchange, of water rights used for irrigation, municipal, commercial, livestock, fire protection, recharge, replacement, wildlife and wildlife recovery.

19. Name of Structure. Lutin-Curlee Recharge Project.

19.1 Diversion Point. Curlee Pump Station No. 2. In the SE¼ SW¼ of Section 30, Township 6 North, Range 53 West, 6th P.M., Logan County, Colorado, on the Prewitt Seep Ditch.

19.2 Source of Water. The South Platte River.

19.3 Date of Appropriation. June 15, 2005.

19.4 Description of Recharge. Water diverted at the point described in ¶19.1 and delivered to recharge ponds is allowed to percolate into the underground aquifer for Applicant's stated beneficial uses. The following initial recharge pond sites have been identified. These sites may be modified and other sites added as long as the source of water is from the same diversion points described above, Applicant provides notice to the objectors and the Division Engineer, pursuant to ¶20, and the Division Engineer approves modification of the existing site or use of the new site.

19.4.1 Lutin-Curlee Pond No.1. In the SW¼ SW¼ of Section 30, Township 6 North, Range 53 West, 6th P.M., Logan County, Colorado. Surface area of high water line. 5 acres. Total active capacity. 15 a.f. with 0 dead storage.

19.4.2 Lutin-Curlee Pond No. 2. In the SE¼ SE¼ of Section 25, Township 6 North, Range 54 West, 6th P.M., Logan County, Colorado. Surface area of high water line. 5 acres. Total active capacity. 15 a.f. with 0 dead storage.

19.5 Amount. 10.0 c.f.s., conditional.

19.6 Use. Subject to the limitations set forth in ¶25, augmentation, directly and

by exchange, of water rights used for irrigation, municipal, commercial, livestock, fire protection, recharge, replacement, wildlife and wildlife recovery.

20. Notice of New or Modified Recharge Sites. The notice required in ¶8.4, ¶9.4, ¶10.4, ¶11.4, ¶12.4, ¶13.4, ¶14.4, ¶15.4, ¶16.4, ¶17.4, ¶18.4 and ¶19.4 shall be given 60 days before the Division Engineer approves any modified or new recharge site, and shall include at least the following information. (1) a description of the proposed modification of any existing site; (2) the location of any new site; (3) the increased or new capacity of the site; (4) the information required by ¶22.1; (5) whether the accretions will affect the South Platte River or a tributary or drain to the river; and (6) the W, B, X and T values which Applicant proposes to use to determine the effect of the increased or new accretions on the South Platte River or a tributary or drain to river, under ¶52.2.4; and (7) whether there will be an increase in consumptive use of groundwater caused by recharge to the recharge site. The Court retains jurisdiction to resolve any dispute regarding the approval, use or operation of any modified or new site.
21. Measurement and Accounting for Recharge Ponds or Reaches. The amount of water recharged to the alluvial aquifer at each of the recharge ponds or ditch reaches, will be determined by measuring the amount of water released to each pond or reach by use of a continuous recording measuring device, and by subtracting 1) the amount of water which flowed out of or was discharged from that pond or reach as determined by use of a continuous recording measuring device, 2) the amount of water that was lost to evaporation from that pond or reach, 3) the amount of water lost to consumptive use due to vegetation located in the recharge pond which will be determined by multiplying the pond surface area in acres which is covered by vegetation, during the two months following any month in which water is in the pond, times the monthly factors, which are in feet, shown in the table below, and the amount of water lost to consumptive use due to alfalfa, pasture grass, hay grass or any other crops located in the recharge pond which will be determined by multiplying the pond surface area in acres which is covered by crops in any month, times the monthly factors, which are in feet, shown in the table below, and 4) the amount of increased consumptive use of groundwater caused by recharge to any recharge pond as determined per ¶14.7.1.2 or ¶24; 5) the amount of water retained in the recharge pond that has not yet percolated into the ground. Prior to the use of any recharge pond or reach Applicant shall obtain the Division Engineer's and Water Commissioner's approval and must provide the pond or reach location, which will include distances from the nearest section line, and the maximum surface area of the pond or reach to the Water Commissioner for each site. The design and installation of the measuring devices shall be approved by the Water Commissioner. Each recharge pond shall

have a staff gauge installed such that the gauge registers the lowest water level at the recharge pond. The staff gauge must be readable from a readily accessible location adjacent to the pond. Each measuring device must be at least equivalent in accuracy to a Parshall flume.

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

22. Recharge Evaporation.

22.1 Surface Area Determination. At this time, the structures used for recharge purposes have not been surveyed and some of the structures have not been constructed. Therefore, the maximum number of surface acres associated with each structure and the number of surface acres as a function of the depth of water in each structure is not defined. Prior to the use of any structure that has not been constructed as of the date of this decree, the Applicant shall provide the Division Engineer, and all objectors, a copy of a diagram depicting the location of the structure and an estimate of the maximum number of surface acres associated with delivery of water into the recharge structure. In the event the Applicant completes a survey of any recharge structure and determines 1) the relationship between the depth of the water in the recharge structure 2) the volume of the water in the structure at various depths of water in the recharge structure, and 3) the exposed surface acres, the survey and the methodology by which this information was developed shall be provided to the Division Engineer and all objectors. In the event any party, other than the Division Engineer, objects to the determination of the maximum number of surface acres associated with delivery of water into a recharge structure or calculation of the relationship between the depth of the water in the recharge structure and the exposed surface acres, the objection shall be filed with the Court within sixty (60) days after filing of the survey with the Division Engineer and all parties to this case. The Division Engineer's ability to object to such a determination is not restricted in any way by this paragraph, and the Division Engineer may object at any time without notice. The court retains continuing jurisdiction to resolve any dispute regarding the determination of surface area hereunder.

22.2 Evaporation Calculation. Until such time as a survey is completed, if water is exposed in the recharge site at the end of any month, it shall be assumed that the maximum surface area for the recharge site is exposed. The amount of water lost to evaporation shall be determined by multiplying the exposed assumed maximum or surveyed water surface

area by the rate of net evaporation for the days of exposed water surface. The Applicant shall use real time net evaporation data determined from the Sterling weather station, or if unavailable, the average net values, which are acre feet per acre of exposed surface area, in the following table, will be used.

Month	Jan	Feb	March	April	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
AF	0.11	0.13	0.18	0.30	0.33	0.44	0.47	0.45	0.35	0.23	0.14	0.10

Real time net evaporation will be determined as follows, or by an alternative procedure that has received prior approval by the State Engineer. Site-specific data obtained from the Sterling weather station maintained by the Northern Colorado Water Conservancy District (NCWCD) will be used in the calculations. Gross pan evaporation will be computed from published monthly data on the NCWCD web site by multiplying standard alfalfa reference ETr by 1.2 (FAO Irrigation and Drainage Paper #24/56-1977/1998). Gross pan evaporation will be multiplied by 0.7 to obtain gross pond evaporation. Net pond evaporation in inches will be computed as gross pond evaporation minus effective precipitation, where effective precipitation is total precipitation multiplied by 0.7.

23. Lagging Recharge. The net monthly volume recharge from the recharge ponds and ditch reaches shall be lagged to the South Platte River using the Glover method described in ¶152.2.4, except for the ponds described in ¶15.4, which shall be lagged to Pawnee Creek and then to the South Platte River. The recharge ponds shall be lagged using the aquifer parameters shown on Table 4.
24. Recharge Pond Monitoring. Applicant shall construct three monitoring wells with a minimum depth of six feet at each of the following existing recharge ponds: Sterling No. 1 Recharge Project, site S-44 Manuella No. 1; South Platte Ditch Recharge Project No. 2, site S-20 Lingreen (Reservoir Site No. 12, Lingreen); Prewitt Ranch site S-1; and Springdale Ditch Recharge Project, site S-64 Anderson (Springdale Site No. 8). Upon application to and approval of the Division Engineer, Applicant or its successor may construct additional or substitute monitoring sites for the South Platte Ditch Recharge Project No. 2 to supplement or replace site S-20, so long as such alternative sites are representative of recharge conditions for the project. The monitoring wells shall be installed and operational no later than

December 31, 2006. The monitoring wells shall be located down gradient of each recharge pond, in a triangular pattern approximately 100 feet apart from each other, and all within 200 feet of the particular recharge pond. The purpose of the monitoring wells is to determine if the recharge water is being consumed rather than resulting in accretions to the South Platte River. Applicant shall measure and record the depth to water in each monitoring well at each recharge pond at the end of each month in which water is visible in that recharge pond and at the end of the month following the observance of no water in that recharge pond. Applicant shall provide the water level measurement data to the Division Engineer annually by June 1, at no cost to the Division Engineer, and also to Centennial Water and Sanitation District and the City of Boulder, as well as any other objectors who request such data, all of whom shall reimburse Applicant for reasonable costs of copying such data. If the water level in any of the monitoring wells at each recharge pond reaches a level of two feet or less below the ground surface during the monitoring period, Applicant shall notify the Division Engineer and the objectors, in writing, and also provide either 1) a proposal to reduce the water level or to reduce recharge credits from that recharge pond or 2) evidence that neither the recharge deliveries to that pond nor the water level need to be reduced to prevent recharged groundwater from being consumed. Applicant shall measure and record the water levels in the three monitoring wells at each recharge pond until the recharge pond has been filled to capacity for a period of not less than 90 consecutive days in any year or for a period of not less than 60 consecutive days in three consecutive years, after which the monitoring can cease at that recharge pond unless otherwise ordered by the Court. The Court retains jurisdiction to resolve any disputes regarding whether the recharge water is being consumed rather than resulting in accretions to the South Platte River.

25. Limitation on Diversion and Use of Recharge Water Rights. The diversion and use of the water rights to be used for recharge, which are set out in ¶¶8-19 are intended to 1) provide the amounts necessary to replace depletions occurring from pumping of the Member Wells, Augmentation Wells and Recharge Wells included in this decree, the Dedicated Augmentation Credits (DAC) in ¶52.5.1 and to duplicate historical return flows from use of the 8,149.41 Logan Irrigation District acre-rights, 15.25 Morgan-Prewitt Reservoir Company shares, 180.62 Farmers Pawnee Ditch Company shares, 34.0 Schneider Ditch Company shares, 79.92 South Platte Ditch Company shares and 643.2 Springdale Ditch Company shares changed by this decree and 2) for the recharge water rights set out in ¶¶8, 9, 11, 12 to provide the amounts of water necessary to replace depletions resulting from pumping of wells owned by shareholders of the ditch companies that are not members of Applicant. Applicant shall not divert these water rights without first obtaining permission of the Water Commissioner. Applicant and any successors are and shall be prohibited diverting water to recharge under this

decree 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 credits available to its members with the timing of the replacements needed under this plan. Therefore, to the extent that water diverted to recharge under this decree and available to Applicant's members may return to the South Platte River when it is not needed to replace depletions from the wells included in this decree, the DAC and historical return flows from use of Prewitt water rights, Farmers Pawnee, Schneider, South Platte or Springdale ditch rights and if the Applicant does not have a water supply need to redivert the water for its own augmentation use by exchange under ¶¶61-66 of this decree, then Applicant may lease the amount of water not otherwise required for Applicant's diversion and use for a period not to exceed one year at a time, to other persons or entities for use under approved substitute water supply plans or plan for augmentation decrees. If such recharge water available to Applicant's members is 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 recharge water in order for such use to continue. The Court shall retain perpetual jurisdiction to review Applicant's compliance with this paragraph.

RECHARGE WELL WATER RIGHTS

26. Definition. The term "Recharge Well" as used in this decree means a well that diverts groundwater tributary to the South Platte River and delivers it to a recharge facility to replace out-of-priority depletions with recharge accretions as part of the plan of augmentation approved herein.
27. Terms and Conditions for the Use of Recharge Wells. Prior to the use of a Recharge Well, Applicant shall secure a well permit for recharge purposes from the State Engineer in accordance with this decree and C.R.S. §37-90-137(2). Water diverted from all Recharge Wells for recharge shall be measured using flow meters. To the extent a Recharge Well is used both for irrigation purposes and recharge purposes, the records of pumping shall separately identify the dates and amounts of water used for each purpose. Water from all Recharge Wells will be conveyed to the recharge pond, facility or reach by a pipeline and will be considered 100% consumptive. In the event a flow meter for a Recharge Well malfunctions, the amount of water withdrawn from the well during the period of time the flow meter malfunctioned may be estimated based on the power records for the pump associated with the well for up to 60 days. The amount of acre-feet pumped shall be determined by summing the acre feet pumped from the recharge well for recharge for the last 2 months pumped and dividing that sum by the kilowatt hours for the same 2 month period. The kilowatt hours used by the

recharge well during the period of malfunction shall then be multiplied by the acre foot per kilowatt hour figure to arrive at the total acre feet pumped. If the malfunctioning flow meter is not repaired or replaced within 60 days, the Applicant may not take any credit for well pumping occurring after that time, but must replace any out-of-priority depletions caused by such pumping.

28. Calculation of Recharge Well Depletions. On or before December 1, 2006, Applicant shall file with the Court, the State Engineer and Division Engineer and all objectors a calculation of the timing of depletions associated with the pumping of each Recharge Well. The calculations shall be done using the tools and procedures described herein. The Recharge Wells are identified in ¶¶8-18 and ¶49.4, and described on Table 3. Two of the recharge wells, R-8 and R-11, are also used as irrigation wells. Diversions from those two wells, R-8 and R-11, for irrigation shall also be subject to this ¶28 for purposes of calculating the timing of depletions associated with irrigation use. The Recharge Wells located less than 100 feet from the South Platte River at the time they are operated shall be entitled to withdraw water under the priority awarded by this decree rather than under the terms of the plan for augmentation decreed herein until October 1, 2006, provided they are constructed to produce from the alluvium of the South Platte River. Miller Recharge Well No. 3-59188-F, ¶11.3.4, is the only recharge well located more than 100 feet from the South Platte River. This well is located 104 feet from the South Platte River and shall operate based on the factors computed by the Glover method described in ¶52.2.4 until October 1, 2006. If the depletions calculated using the procedures described herein show that less than 95% of the depletions to the South Platte River resulting from pumping of a Recharge Well occur within 14 days after the date of cessation of pumping from that Recharge Well, which pumping has occurred continuously for at least 30 days, then the unit replacement factors calculated using the procedures described herein shall be used retroactively to determine the timing of depletions for that Recharge Well beginning October 1, 2006 and shall also be used for all future calculations of depletions for that Recharge Well. The calculations required hereunder to develop unit replacement factors for each Recharge Well shall be based on aquifer conditions in the vicinity of that Recharge Well and shall be based upon the use of the ModFlow Model, or another finite difference model, with the capability: 1) to simulate the impact of inter-bedded clays within the aquifer on vertical ground water movement, and seepage from the river into the aquifer limited by the vertical hydraulic conductivity of the streambed; and 2) to take into account both the potential for a break in hydraulic connection between the river and the aquifer, and the volume of flow in the river. If the ModFlow Model is used, the Streamflow-Routing Package developed and published by David E. Prudic (Documentation of a Computer Program to Simulate Stream-Aquifer Relations Using a Modular, Finite-Difference, Ground-Water Flow Model, U.S.

Geological Survey Open-File Report 88-729, 1989) shall be used to simulate seepage from the river, unless this package is determined by the Court not to be necessary in this case, or if the parties agree that it is not necessary. The total volume of pumping by each such Recharge Well shall be multiplied by the unit replacement factors to determine the amount of water to be replaced to the South Platte River in accordance with the terms and conditions of this decree. If the State Engineer, Division Engineer or any objector disagrees with the calculations submitted by the Applicant, an objection shall be filed within sixty (60) days from the date the calculations are filed with the Court and served on objectors, and the Court shall hold a hearing on the limited issue of the calculations required under this paragraph including but not limited to the appropriate data, assumptions, model specifications and interpretation of results.

29. Location of Recharge. The location of recharge accretions, including the accretions above and below the Sterling No. 1 Ditch headgate located in the NW1/4 NW1/4 of Section 19, Township 7 North, Range 52 West of the 6th P.M., are shown in Table 4.

AUGMENTATION WELL WATER RIGHTS

30. Augmentation Wells. Applicant is entitled to a decree confirming the following augmentation well water rights as contemplated under §37-92-103(14)(a), C.R.S. The use for each water right is augmentation of water rights used for irrigation, municipal, commercial, livestock, fire protection, recharge and replacement. The source for each well is groundwater tributary to the South Platte River.

30.1 Name of Structure. Amen Well 59339-F

30.1.1 Location. In the NW¼ SW¼ of Section 21, Township 7 North, Range 53 West of the 6th P.M., Logan County, Colorado, 2697 feet from the North section line and 41 feet from the West section line.

30.1.2 Appropriation date. March 28, 2003.

30.1.3 Amount. 1000 g.p.m., conditional.

30.2 Name of Structure. Anderson Well 58046-F

30.2.1. Location. In the SE¼ SW¼ of Section 9, Township 8 North, Range 52 West of the 6th P.M., Logan County, Colorado, 550 feet from the South section line and 2650 feet from the East section line.

30.2.2. Appropriation date. August 16, 2002.

30.2.3. Amount. 1500 g.p.m., conditional.

30.3 Name of Structure. DeSoto Well 58050-F

30.3.1. Location. In the NW¼ SE¼ of Section 27, Township 9 North, Range 52 West of the 6th P.M., Logan County, Colorado, 2220 feet from the South section line and 2628 feet from the East section line.

30.3.2. Appropriation date. August 16, 2002.

30.3.3. Amount. 500 g.p.m., conditional, 1000 g.p.m., absolute.

30.4 Name of Structure. Fiscus Well 60606-F

30.4.1 Location. In the NW¼ SE¼ of Section 35, Township 6 North, Range 54 West of the 6th P.M., Logan County, Colorado 1770 feet from the South Section Line and 2561 feet from the East section line.

30.4.2 Appropriation date. February 28, 2003.

30.4.3 Amount. 2500 g.p.m., conditional.

30.5 Name of Structure. Springdale Ditch Well 59322-F

30.5.1 Location. In the SW¼ NE¼ of Section 7, Township 7 North, Range 52 West of the 6th P.M., Logan County, Colorado, 1382 feet from the North section line and 2055 feet from the East section line.

30.5.2 Appropriation date. March 28, 2003.

30.5.3 Amount. 1100 g.p.m., conditional, 2900 g.p.m., absolute.

30.6 Name of Structure. Guenzi Well 58044-F.

30.6.1 Location. In the NW¼ NE¼ of Section 9, Township 8 North, Range 52 West of the 6th P.M., Logan County, Colorado, 600 feet from the North section line and 2650 feet from the West section line.

30.6.2 Appropriation date. August 16, 2002.

30.6.3 Amount. 500 g.p.m., conditional, 1000 g.p.m., absolute.

30.7 Name of Structure. Guenzi Well 58045-F

30.7.1 Location. In the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 9, Township 8 North, Range 52 West of the 6th P.M., Logan County, Colorado, 850 feet from the North section line and 2650 feet from the West section line.

30.7.2 Appropriation date. August 16, 2002.

30.7.3 Amount. 500 g.p.m., conditional, 1000 g.p.m., absolute.

30.8 Name of Structure. Hessler Well 59337-F

30.8.1 Location. In the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 15, Township 6 North, Range 53 West of the 6th P.M., Logan County, Colorado, 1237 feet from the North section line and 2370 feet from the East section line.

30.8.2 Appropriation date. February 28, 2003.

30.8.3 Amount. 2500 g.p.m., conditional.

30.9 Name of Structure. Hoogland Well No. 1.

30.9.1 Location. In the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 10, Township 6 North, Range 53 West of the 6th P.M., Logan County, Colorado.

30.9.2 Appropriation date. February 28, 2003.

30.9.3 Amount. 2500 g.p.m., conditional.

30.10 Name of Structure. Hoogland Well No. 2.

30.10.1 Location. In the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 10, Township 6 North, Range 53 West of the 6th P.M., Logan County, Colorado

30.10.2 Appropriation date. February 28, 2003.

30.10.3 Amount. 2500 g.p.m., conditional.

30.11 Name of Structure. JEMAC Well 60147-F

- 30.11.1 Location. In the NW¼ SE¼ of Section 23, Township 6 North, Range 54 West of the 6th P.M., Logan County, Colorado, 1328 feet from the South section line and 1519 feet from the East section line.
- 30.11.2 Appropriation date. February 28, 2003.
- 30.11.3 Amount. 2500 g.p.m., conditional.
- 30.12 Name of Structure. Lingreen Well 59333-F
 - 30.12.1 Location. In the SW¼ SW¼ of Section 36, Township 7 North, Range 53 West of the 6th P.M., Logan County, Colorado, 117 feet from the South section line and 660 feet from the West section line.
 - 30.12.2 Appropriation date. February 28, 2003.
 - 30.12.3 Amount. 1750 g.p.m., conditional, 1250 g.p.m., absolute.
- 30.13 Name of Structure. Lingreen Well 59332-F
 - 30.13.1 Location. In the NW¼ SE¼ of Section 36, Township 7 North, Range 53 West of the 6th P.M., Logan County, Colorado, 2040 feet from the South section line and 1630 feet from the East section line.
 - 30.13.2 Appropriation date. February 28, 2003.
 - 30.13.3 Amount. 1500 g.p.m., conditional
- 30.14 Name of Structure. Curlee Well 60633-F
 - 30.14.1 Location. In the SE¼ SE¼ of Section 25, Township 6 North, Range 54 West of the 6th P.M., Logan County, Colorado, 50 feet from the South section line and 60 feet from the East section line.
 - 30.14.2 Appropriation date. February 28, 2003.
 - 30.14.3 Amount. 850 g.p.m., conditional, 1650 g.p.m., absolute.
- 30.15 Name of Structure. Curlee Well 60375-F

- 30.15.1 Location. In the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 16, Township 6 North, Range 53 West of the 6th P.M., Logan County, Colorado, 325 feet from the South section line and 2625 feet from the West section line.
- 30.15.2 Appropriation date. February 28, 2003.
- 30.15.3 Amount. 1250 g.p.m., conditional, 1250 g.p.m., absolute.
- 30.16 Name of Structure. Manuello Well 58042-F
 - 30.16.1 Location. In the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 3, Township 8 North, Range 52 West of the 6th P.M., Logan County, Colorado, 1250 feet from the North section line and 2850 feet from the East section line.
 - 30.16.2 Appropriation date. August 16, 2002.
 - 30.16.3 Amount. 700 g.p.m., conditional, 800 g.p.m., absolute
- 30.17 Name of Structure. Mari Bros. Well 58052-F
 - 30.17.1 Location. In the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 20, Township 6 North, Range 53 West of the 6th P.M., Logan County, Colorado, 500 feet from the South section line and 35 feet from the East section line.
 - 30.17.2 Appropriation date. August 16, 2002.
 - 30.17.3 Amount. 550 g.p.m., conditional, 1450 g.p.m., absolute
- 30.18 Name of Structure. Mari Bros. Well 58053-F
 - 30.18.1 Location. In the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 21, Township 6 North, Range 53 West of the 6th P.M., Logan County, Colorado, 1330 feet from the South section line and 500 feet from the West section line.
 - 30.18.2 Appropriation date. August 16, 2002.
 - 30.18.3 Amount. 800 g.p.m., conditional, 1300 g.p.m., absolute
- 30.19 Name of Structure. Rod Mari Well 59849-F

- 30.19.1 Location. In the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 21, Township 6 North, Range 53 West of the 6th P.M., Logan County, Colorado, 982 feet from the South section line and 486 feet from the West section line.
- 30.19.2 Appropriation date. February 28, 2003.
- 30.19.3 Amount. 1500 g.p.m., conditional
- 30.20 Name of Structure. Propst Well 61093-F
 - 30.20.1 Location. In the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 2, Township 6 North, Range 53 West of the 6th P.M., Logan County, Colorado, 639 feet from the South section line and 2576 feet from the East section line.
 - 30.20.2 Appropriation date. February 28, 2003.
 - 30.20.3 Amount. 850 g.p.m., conditional, 1650 g.p.m., absolute.
- 30.21 Name of Structure. Roth Well 58043-F
 - 30.21.1 Location. In the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 16, Township 8 North, Range 52 West of the 6th P.M., Logan County, Colorado, 2100 feet from the North section line and 2100 feet from the West section line.
 - 30.21.2 Appropriation date. August 16, 2002.
 - 30.21.3 Amount. 600 g.p.m., conditional, 900 g.p.m., absolute.
- 30.22 Name of Structure. Smart Well 59336-F
 - 30.22.1 Location. In the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 16, Township 6 North, Range 53 West of the 6th P.M., Logan County, Colorado, 42 feet from the South section line and 1118 feet from the East section line.
 - 30.22.2 Appropriation date. February 28, 2003.
 - 30.22.3 Amount. 1250 g.p.m., conditional, 1250 g.p.m., absolute.
- 30.23 Name of Structure. Vollmer Well 58055-F

- 30.23.1 Location. In the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 20, Township 6 North, Range 53 West of the 6th P.M., Logan County, Colorado, 605 feet from the South section line and 2692 feet from the East section line.
- 30.23.2 Appropriation date. August 16, 2002.
- 30.23.3 Amount. 750 g.p.m., conditional, 1750 g.p.m., absolute
- 30.24 Name of Structure. Vollmer Well 59338-F
 - 30.24.1 Location. In the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 24, Township 6 North, Range 54 West of the 6th P.M., Logan County, Colorado, 2475 feet from the South section line and 100 feet from the West section line.
 - 30.24.2 Appropriation date. March 28, 2003.
 - 30.24.3 Amount. 2500 g.p.m., conditional.
- 30.25 Name of Structure. SIC A1 Well 16760-F
 - 30.25.1 Location. In the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 7, Township 7 North, Range 52 West of the 6th P.M., Logan County, Colorado, 2600 feet from the North section line and 1060 feet from the East section line.
 - 30.25.2 Appropriation date. December 31, 1972.
 - 30.25.3 Amount. 2450 g.p.m., conditional.
- 30.26 Name of Structure. SIC A2 Well 16763-F
 - 30.26.1 Location. In the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 7, Township 7 North, Range 52 West of the 6th P.M. Logan County, Colorado, 1370 feet from the North section line and 980 feet from the East section line.
 - 30.26.2 Appropriation date. December 31, 1972.
 - 30.26.3 Amount. 2450 g.p.m., conditional.
- 30.27 Name of Structure. SIC A3 Well 16759-F

- 30.27.1 Location. In the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 6, Township 7 North, Range 52 West of the 6th P.M., Logan County, Colorado, 25 feet from the South section line and 390 feet from the East section line.
- 30.27.2 Appropriation date. December 31, 1972.
- 30.27.3 Amount. 2450 g.p.m., conditional.
- 30.28 Name of Structure. SIC A4 Well 16764-F
 - 30.28.1 Location. In the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ Section 6, Township 7 North, Range 52 West of the 6th P.M., Logan County, Colorado, 1335 feet from the South section line and 420 feet from the East section line.
 - 30.28.2 Appropriation date. December 31, 1972.
 - 30.28.3 Amount. 2450 g.p.m., conditional.
- 30.29 Name of Structure. SIC A5 Well 16762-F
 - 30.29.1 Location. In the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 6, Township 7 North, Range 52 West of the 6th P.M., Logan County, Colorado at a point 2190 feet North and 670 West of the SE corner of said Section 6.
 - 30.29.2 Appropriation date. December 31, 1972.
 - 30.29.3 Amount. 2450 g.p.m., conditional.
- 30.30 Name of Structure. SIC A6 Well 16761-F.
 - 30.30.1 Location. In the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 6, Township 7 North, Range 52 West of the 6th P.M., Logan County, Colorado, at a point 2250 feet South and 1325 feet West of the NE Corner of said Section 6.
 - 30.30.2 Appropriation date. December 31, 1972.
 - 30.30.3 Amount. 2450 g.p.m., conditional.
- 30.31 Name of Structure. SIC B1 Well 19533-F.

- 30.31.1 Location. In the SE¼ SE¼ Section 7, Township 7 North, Range 52 West of the 6th P.M., Logan County, Colorado, at a point 1000 feet from the South section line and 1000 feet from the East section line, said Section 7.
- 30.31.2 Appropriation date. April 7, 1975.
- 30.31.3 Amount. 2240 g.p.m., conditional.
- 30.32 Name of Structure. SIC B2 Well 19532-F.
 - 30.32.1 Location. In the SE¼ SW¼ of Section 31, Township 8 North, Range 52 West of the 6th P.M., Logan County, Colorado, at a point 400 feet from the South section line and 2600 feet from the West section line, said Section 31.
 - 30.32.2 Appropriation date. April 7, 1975.
 - 30.32.3 Amount. 2240 g.p.m., conditional.
- 30.33 Name of Structure. SIC B3 Well 19531-F.
 - 30.33.1 Location. In the SE¼ SW¼ Section 30, Township 8 North, Range 52 West of the 6th P.M., Logan County, Colorado, at a point 100 feet from the South section line and 2000 feet from the West section line, said Section 30.
 - 30.33.2 Appropriation date. April 7, 1975.
 - 30.33.3 Amount. 1340 g.p.m., conditional.
- 30.34 Name of Structure. SIC B4 Well 19530-F.
 - 30.34.1 Location. In the SW¼ SE¼ Section 20, Township 8 North, Range 52 West of the 6th P.M., Logan County, Colorado, at a point 50 feet from the South section line and 2000 feet from the East Section line, said Section 20.
 - 30.34.2 Appropriation date. April 7, 1975.
 - 30.34.3 Amount. 2070 g.p.m., conditional.
- 30.35 Name of Structure. Cecil Farms Well.

- 30.35.1 Location. SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 25, Township 7 North, Range 53 West of the 6th P.M., Logan County, Colorado.
- 30.35.2 Appropriation date. December 14, 2004.
- 30.35.3 Amount. 2500 g.p.m., conditional.
- 30.36 Name of Structure. Famm Well.
 - 30.36.1 Location. In the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 25, Township 7 North, Range 53 West, Logan County, Colorado.
 - 30.36.2 Appropriation date. December 14, 2004.
 - 30.36.3 Amount. 3000 g.p.m., conditional.
- 30.37 Name of Structure. Goss Well No. 1.
 - 30.37.1 Location. In the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 13, Township 6 North, Range 54 West, Logan County, Colorado.
 - 30.37.2 Appropriation date. December 14, 2004.
 - 30.37.3 Amount. 1000 g.p.m., conditional.
- 30.38 Name of Structure. Goss Well No. 2.
 - 30.38.1 Location. In the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 14, Township 6 North, Range 54 West, Logan County, Colorado.
 - 30.38.2 Appropriation date. December 14, 2004.
 - 30.38.3 Amount. 1000 g.p.m., conditional.
- 30.39 Name of Structure. Guenzi Well.
 - 30.39.1 Location. In the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 8, Township 6 North, Range 53 West, Logan County, Colorado.
 - 30.39.2 Appropriation date. December 14, 2004.
 - 30.39.3 Amount. 1800 g.p.m., conditional.
- 30.40 Name of Structure. Hessler Farms Well No. 1-62513-F.

30.40.1 Location. In the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 10, Township 6 North, Range 53 West, Logan County, Colorado, 2550 feet from the South section line and 50 feet from the East section line.

30.40.2 Appropriation date. December 14, 2004.

30.40.3 Amount. 2500 g.p.m., conditional.

30.41 Name of Structure. Hessler Farms Well No. 2-62515-F.

30.41.1 Location. In the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 15, Township 6 North, Range 53 West, Logan County, Colorado, 2630 feet from the North section line and 40 feet from the West section line.

30.41.2 Appropriation date. December 14, 2004.

30.41.3 Amount. 2500 g.p.m., conditional.

30.42 Name of Structure. Hessler Farms Well No. 3-62514-F.

30.42.1 Location. In the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 15, Township 6 North, Range 53 West, Logan County, Colorado, 600 feet from the North section line and 600 feet from the East section line.

30.42.2 Appropriation date. December 14, 2004.

30.42.3 Amount. 2500 g.p.m., conditional.

31. Terms and Conditions for Use of Augmentation Wells.

31.1. Measurement. Water diverted from all Augmentation Wells for augmentation shall be measured using flow meters installed on each well. To the extent an Augmentation Well is used both for irrigation purposes and augmentation purposes, the records of pumping shall separately identify the dates and amounts of water used for each purpose. In the event a flow meter for an Augmentation Well malfunctions, the amount of water withdrawn from the well during the period of time the flow meter malfunctioned may be estimated based on the power records for the pump associated with the well for up to 30 days. The kilowatt hours used to pump an acre foot shall be determined by summing the kilowatt hours for the last 2 months of pumping and dividing that by the sum of the acre feet pumped from the augmentation well for augmentation for the same 2 months of pumping. The kilowatt hours used by the augmentation well during the period of malfunction shall be multiplied by the acre foot per

kilowatt hour figure to arrive at the total acre feet pumped. If the malfunctioning flow meter is not repaired or replaced within that 30 days, the Applicant may not take any credit for well pumping occurring more than 15 days after the malfunction, but must replace any out of priority depletions caused by such pumping.

- 31.2. Volume of Pumping. The total annual amount of augmentation well pumping shall be limited by the annual and monthly projections under ¶52.6 of this decree.
- 31.3. Volume of Depletions. The total depletions to the aquifer associated with the use of the Augmentation Wells for augmentation purposes shall be equal to the total volume of water pumped from the Augmentation Wells.
- 31.4. Lagging of Depletions. The monthly volume pumped from each Augmentation Well listed in Table 5 shall be lagged to the South Platte River using the Glover method described in ¶52.2.4. Pursuant to ¶50.1, ¶52.2.4 and ¶52.5.3 any new, supplemental or alternate point of diversion for an Augmentation Well not included in Table 5 shall be lagged, using the Glover method described in ¶52.2.4, to the South Platte River or applicable tributary or drain, as may be determined by the water court when the well is added to this decree.
- 31.5. Augmentation Well Accretions and Accounting. Prior to the use of an augmentation well Applicant shall secure a well permit for augmentation purposes from the State Engineer in accordance with this decree and C.R.S. §37-90-137(2). . The water pumped from the Augmentation Wells must reach the South Platte River to augment the river. Applicant shall measure the water discharged by each Augmentation Well for augmentation purposes using a flow meter attached to the discharge pipe immediately adjacent to the well.
 - 31.5.1. Sealed Pipeline. If the water is conveyed from the Augmentation Well directly to the South Platte River in a sealed pipeline, no other measurement shall be required. If the water is conveyed in a sealed pipeline from the Augmentation Well to an irrigation ditch or to a tributary drain or stream before it reaches the South Platte River, no other measurement between the Augmentation Well and the point of introduction of the water to the ditch, drain or stream shall be required, but the following paragraphs shall apply.

- 31.5.2. Flowing Drain or Stream. If the water is conveyed from the Augmentation Well to the South Platte River through a tributary drain or stream which is flowing along its entire length between the point of introduction of the water and the South Platte River, transit losses due to evaporation and evapotranspiration within the drain or tributary stream will be considered to be 0.5% per mile, or such greater amount as determined by the Division Engineer, and the amount of augmentation credits received by the Applicant will be reduced by said transit losses.
- 31.5.3. Non-flowing Drain or Stream. If the water is conveyed from the Augmentation Well to the South Platte River through (1) an irrigation ditch or (2) a tributary drain or stream which is not flowing at any point on the drain or stream between the point of introduction of the water and the South Platte River, Applicant shall measure the augmentation well water in accordance with ¶¶31.5 and 31.5.1 and shall also measure the augmentation well water at or as near as possible to the location at which the water is placed into the South Platte River. The amount of augmentation credit received by the Applicant will be the lesser of (a) the measurement at the location at which the water is placed into the South Platte River, or (b) the measurement at the point where the water is discharged into the irrigation ditch, drain or stream reduced by transit losses due to evaporation and evapotranspiration, which will be considered to be 0.5% per mile or such greater amount as determined by the Division Engineer. Applicant may establish accretions of water that percolate into the ground prior to reaching the South Platte River, by establishing the amounts percolating on a daily basis from a tributary drain or stream or from an irrigation ditch, provided that no water is then being supplied from the irrigation ditch for irrigation use, and lagging those amounts to the South Platte River using the Glover method described in ¶52.2.4 Applicant shall not be entitled to take an accretion credit for Augmentation Well deliveries which percolate into the ground from an irrigation ditch at any time that water is being supplied from the irrigation ditch for irrigation use. The amount of such accretions will be the lesser of: the above-described measurement (b) minus the above described measurement (a), or 5% of the amount

pumped from the Augmentation Well. Accretions shall be lagged using a distance which is equal to one-half the distance that the water would be required to travel on the surface to reach the South Platte River from its point of introduction to the irrigation ditch, drain or stream. The Court retains continuing jurisdiction to resolve any disputes regarding the amount, timing and location of any such accretions.

- 31.5.4. Table 5 Summary. The method of conveyance, the location of delivery, and the applicable transit loss factor for each augmentation well is shown on Table 5.
- 31.5.5. Limitation of use. The Augmentation Wells adjudicated by this decree are for the sole use of the Applicant and its members under the terms and conditions of this decree. Applicant shall not divert these water rights without first obtaining permission of the Water Commissioner. Applicant shall not sell, lease or otherwise dispose of water produced by the Augmentation Wells for any other purpose. Applicant will not use the Augmentation Wells for replacement purposes unless its other sources of replacement water are insufficient. Disposition of the water rights decreed to the Augmentation Wells shall be subject to ¶52.6.4.
- 31.5.6. Feasibility. Applicant has established that the conditional water rights described herein can and will be diverted and controlled and the water will be beneficially used and the projects can and will be completed with diligence within a reasonable time.
- 31.5.7. Well Location. Within 60 days of completion of construction of the wells pursuant to a well permit, the Applicant must notify the Division of Water Resources of the precise location of the well(s). Applicant shall not construct a well on property owned by another unless the right to construct such well is obtained by consent of the landowner. In any subsequent application for diligence or to make the conditional ground water rights absolute, the Applicant shall identify the specific locations of the wells.

GROUNDWATER RIGHTS

32. Name of Structures. SIC Well A1, SIC Well A2, SIC Well A3, SIC Well A4, SIC Well A5, SIC Well A6, SIC Well B1, SIC Well B2, SIC Well B3 SIC Well B4.

32.1 Diversion Points.

- 32.1.1 SIC Well A1. In the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 7, Township 7 North, Range 52 West of the 6th P.M., Logan County, Colorado, 2600 feet from the North section line and 1060 feet from the East section line.
- 32.1.2 SIC Well A2. In the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 7, Township 7 North, Range 52 West of the 6th P.M. Logan County, Colorado, 1370 feet from the North section line and 980 feet from the East section line.
- 32.1.3 SIC Well A3. In the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 6, Township 7 North, Range 52 West of the 6th P.M., Logan County, Colorado, 25 feet from the South section line and 390 feet from the East section line.
- 32.1.4 SIC Well A4. In the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 6, Township 7 North, Range 52 West of the 6th P.M., Logan County, Colorado, 1335 feet from the South section line and 420 feet from the East section line.
- 32.1.5 SIC Well A5. In the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 6, Township 7 North, Range 52 West of the 6th P.M., Logan County, Colorado at a point 2190 feet North and 670 West of the SE corner of said Section 6.
- 32.1.6 SIC Well A6. In the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 6, Township 7 North, Range 52 West of the 6th P.M., Logan County, Colorado, at a point 2250 feet South and 1325 feet West of the NE Corner of said Section 6.
- 32.1.7 SIC Well B1. In the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 7, Township 7 North, Range 52 West of the 6th P.M., Logan County, Colorado, at a point 1000 feet from the South section line and 1000 feet from the East section line, said Section 7.
- 32.1.8 SIC Well B2. In the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 31, Township 8

North, Range 52 West of the 6th P.M., Logan County, Colorado, at a point 400 feet from the South section line and 2600 feet from the West section line, said Section 31.

32.1.9 SIC Well B3. In the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 30, Township 8 North, Range 52 West of the 6th P.M., Logan County, Colorado, at a point 100 feet from the South section line and 2000 feet from the West section line, said Section 30.

32.1.10 SIC Well B4. In the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 20, Township 8 North, Range 52 West of the 6th P.M., Logan County, Colorado, at a point 50 feet from the South section line and 2000 feet from the East Section line, said Section 20.

32.2 Source. Groundwater tributary to the South Platte River.

32.3 Date of Appropriation. June 15, 2005 for all wells.

32.4 Amount.

32.4.1 SIC Well A1. 2450 g.p.m., conditional.

32.4.2 SIC Well A2. 2450 g.p.m., conditional.

32.4.3 SIC Well A3. 2450 g.p.m., conditional.

32.4.4 SIC Well A4. 2450 g.p.m., conditional.

32.4.5 SIC Well A5. 2450 g.p.m., conditional.

32.4.6 SIC Well A6. 2450 g.p.m., conditional.

32.4.7 SIC Well B1. 2240 g.p.m., conditional.

32.4.8 SIC Well B2. 2240 g.p.m., conditional.

32.4.9 SIC Well B3, 1340 g.p.m., conditional.

32.4.10 SIC Well B4, 2070 g.p.m., conditional.

32.5 Use. Irrigation of any lands within the service area of the Sterling Irrigation Company, consisting of approximately 7400 acres served by the Sterling No. 1 Ditch, which headgate is located in the NW $\frac{1}{4}$ of Section 25, Township 7 North, Range 53 West, 6th P.M., Logan County, Colorado.

- 32.6 Combined Use of Wells. The wells may be used in any combination to achieve the total flow rate of 22,590 g.p.m. for irrigation on the total area claimed to be irrigated.
- 32.7 Augmentation. Any out of priority depletions caused by the wells described in this ¶32 caused by diversions for irrigation use as decreed in this ¶32 or by prior pumping of these wells by GASP will be augmented by the plan for augmentation decreed herein. The ongoing depletions from prior pumping of these wells by GASP are set forth on Table 14.
- 32.8 Diversion. Applicant shall not divert these water rights without first obtaining permission of the Water Commissioner.

CHANGES OF WATER RIGHTS

- 33. Decreed Name of Structure. Prewitt Inlet Canal. Logan Irrigation District (8149.41 Acre-Rights), Morgan Prewitt Reservoir Company (15.25 shares).
 - 33.1. Decrees. Prewitt Inlet Canal was decreed in Case No. 2142 on January 15, 1914, for 32,300 a.f. with an appropriation date of May 25, 1910 and in Case No. 16704 on October 18, 1965, for 34,960 a.f. with an appropriation date of December 31, 1929. The Prewitt Inlet Canal is located in Section 24, Township 5 North, Range 55 West of the 6th P.M., Morgan County, Colorado, and the Prewitt Reservoir is located in Section 2, Township 5 North, Range 54 West of the 6th P.M., Washington and Logan Counties, Colorado.
 - 33.2. Ownership. Applicant's members own and have consented to change 8149.41 Acre-Rights of Logan-Prewitt, and 15.25 shares of Morgan-Prewitt. The owners of such Acre-Rights and shares are hereinafter referred to as "Prewitt Owners." The owners of the Acre-Rights, shares and the ditch system under which they are used are shown on Table 6. The ownership of Logan Irrigation District Acre-Rights and Morgan-Prewitt Reservoir Company shares entitles the owners to delivery of water allocated to the Logan Irrigation District and the Morgan Prewitt Reservoir Company in Prewitt Reservoir. The foregoing Prewitt Owners seek to change the use of the water which may be allocated to the Prewitt Owners.
 - 33.3. Historical Use. The water associated with Prewitt Reservoir is allocated to the owners of the Prewitt Reservoir water rights. The Prewitt Owners have historically used their aliquot share of the Prewitt Reservoir water rights for irrigation or leased the water to other water

users for irrigation.

- 33.4. Prewitt Reservoir Operations. The water stored in Prewitt Reservoir is allocated among three entities: (1) Morgan Prewitt Reservoir Company, which owns six thirty-firsts (6/31) of the water stored in Prewitt Reservoir, (2) Iliff Irrigation District, which owns eight thirty-firsts (8/31) of the water stored in Prewitt Reservoir, and (3) Logan Irrigation District, which owns seventeen thirty-firsts (17/31) of the water stored in Prewitt Reservoir.
- 33.5. Proposed Change. Applicant seeks to change the use of the Acre Rights and Shares to include augmentation, replacement, and recharge into the groundwater recharge ponds described in ¶¶8-19 to include wildlife and wildlife recovery, as well as the decreed irrigation use, with the right to totally consume the consumable portion of the water, either by first use, successive use, or disposition. Applicant must demonstrate dominion and control over the water for reuse and successive use through proper measurement and accounting. Applicant also proposes to release the rights and shares from Prewitt Reservoir and leave the water in the river to provide augmentation rather than divert them at downstream ditches for irrigation. The water from Prewitt Reservoir will be released from Prewitt Reservoir and if not diverted at the headgates of the South Platte, Farmers Pawnee, Schneider, Springdale, and the Sterling No. 1 Ditches for irrigation purposes, will be diverted at the headgates of the ditches or at the Recharge Wells and delivered to recharge ponds, or allowed to remain in the South Platte River to replace out-of-priority depletions.
- 33.6. Terms and Conditions. The change of the Prewitt Owners' proportionate share of the Prewitt Reservoir water rights shall be on the following terms and conditions.
 - 33.6.1. Designation. On or before April 1 of each year, Applicant shall designate by ditch system the number of Acre-Rights or shares that have been assigned in writing to Applicant for augmentation and/or recharge use during the forthcoming year, and the number of Acre-Rights or shares that will only be used for irrigation during the forthcoming year. After April 1, Applicant may designate additional Acre-Rights or shares that have been assigned in writing to Applicant for augmentation and/or recharge, but Acre-Rights or shares designated for augmentation and/or recharge cannot be

changed back to irrigation use. Subject to the terms of this paragraph, nothing herein shall prevent or constrain each owner of Acre-rights or shares from determining the use of their Prewitt water for the coming year. Applicant may not take any credit under this decree for any Acre-Rights or shares that are not designated for augmentation and/or recharge use.

- 33.6.2. System Losses. To prevent injury to other owners of Prewitt Reservoir water rights and other water rights, in determining the amount of water available to the Prewitt Owners in Prewitt Reservoir, the Prewitt Owners shall be assessed the same system losses that are uniformly assessed to other Prewitt Reservoir water, prior to release from Prewitt Reservoir. Under no circumstances shall the releases of Prewitt Reservoir water under this decree exceed the amount of water allocated to the Prewitt Owners associated with the ownership of Logan Irrigation District Acre-Rights or Morgan-Prewitt shares designated for augmentation under ¶33.6.1. The releases of water from Prewitt Reservoir, of the Prewitt Owners, shall be made upon the request of the Applicant, except that the Applicant will be responsible for any additional losses of water or increased operational costs associated with releases of water during periods that water is not released from Prewitt Reservoir for irrigation purposes.
- 33.6.3. Deliveries for Recharge. At such times when the Applicant requires water for delivery to groundwater recharge ponds as described in ¶¶8-19, located on land owned or leased by Applicant's members and within the Logan Irrigation District boundaries, the Prewitt Owners' proportionate share, or such portion thereof as requested by the Applicant, of the Prewitt Reservoir water shall be released from Prewitt Reservoir. The water released from Prewitt Reservoir shall be diverted at the headgates of the South Platte, Farmers Pawnee, Schneider, Springdale, and the Sterling No. 1 Ditches, hereinafter the "Ditches," or at the Recharge Wells and delivered to the recharge ponds described in this paragraph. Applicant shall not be entitled to any credit for the stream losses or ditch losses incurred in delivery of the Acre-Rights or shares to the recharge ponds and shall first divert all water available for delivery to the respective recharge ponds

from the rights in ¶¶8-12 before diverting their Prewitt Reservoir water rights for recharge hereunder. Applicant shall not deliver water available for recharge under the Acre-Rights or shares to recharge ponds under the Farmers Pawnee Canal unless all water available for delivery for recharge under the decree in Case No. 95CW263 has first been used.

- 33.6.4. Deliveries for Augmentation and Replacement. At such times when the Applicant requires water for replacement of out-of-priority depletions associated with the operation of the augmentation plan described in this decree, the Prewitt Owners' proportionate share, or such portion thereof as requested by the Applicant, of the Prewitt Reservoir water shall be released from Prewitt Reservoir. The water released from Prewitt Reservoir shall be delivered to the headgates of the Ditches through which each of the Acre-Rights and shares was historically diverted and used. The water shall not be diverted into said Ditches for irrigation but shall be left in the South Platte River for augmentation and replacement and such water shall be subject to additional transportation losses, if any, pursuant to ¶86, between the headgate of the respective Ditches and the locations of the depletions to the South Platte River described in ¶49.8. The Applicant shall not be entitled to any credit for the stream losses incurred in delivery of the Acre-Rights or shares to the headgates of the Ditches or to the locations of the depletions to the South Platte River described in ¶49.8.
- 33.6.5. Stream Losses. Stream losses shall be assessed by the Division Engineer at a rate per mile equal to the rate assessed against all other users of water from Prewitt Reservoir at the time of release of the water from Prewitt Reservoir. The distance between the point at which the Prewitt Outlet Canal discharges to the South Platte River and each of the Ditches and the distances between the headgates of the Ditches and the locations of the depletions to the South Platte River from the Member Wells are shown in the table below. Stream losses for these total distances shall be determined by multiplying the volume of water released from the Prewitt Reservoir Outlet Canal to the South Platte River by the applicable percentage of stream

losses assessed, and multiplying the product by the applicable number of miles.

	Prewitt Outlet to Ditch	Ditch to end of upper reach, near Sterling No. 1	Ditch to end of lower reach, near Iliff & Platte Valley Ditch
South Platte Ditch	0.0	12.5	23.5
Farmers Pawnee Ditch	1.0	11.5	22.5
Schneider Ditch	7.0	5.5	16.5
Springdale Ditch	9.3	3.3	14.3
Sterling No. 1 Ditch	12.5	-	11.0
Iliff & Platte Valley Ditch	23.5	-	-

33.6.6. Accounting for Deliveries to Recharge. With respect to Prewitt Reservoir water diverted at the headgates of the Ditches or the Recharge Wells and delivered to recharge ponds, an amount equal to the volume of water delivered and measured into the recharge ponds shall be considered fully consumable and may be used to replace out-of-priority depletions and return flow replacement obligations to the South Platte River associated with this plan for augmentation, subject to the provisions of ¶¶22, 23, and 24. The amount of water actually recharged, however, will be as determined in ¶21. Delayed out-of-priority depletions resulting from diversions at the Recharge Wells shall be determined in accordance with ¶28 and replaced in accordance with the terms of this decree. In order to replicate historical return flows associated with the use of the Prewitt Reservoir water for irrigation purposes, however, an amount of water equal to 40% of the water delivered to the recharge ponds shall be accounted for as a return flow replacement obligation. Fifty percent (50%) of the total return flow obligation shall be considered surface returns and 50% of the total return flow obligation shall be considered ground water returns. The volume of water determined to be surface returns shall be delivered to the South Platte River during the month the water is delivered for recharge, except that for water delivered for recharge

during the period of November 1 through April 30, the surface return flow portion shall be aggregated and one third of the surface return flow portion shall be delivered each month during the following July, August, and September. For water delivered to recharge ponds during the period of May 1 through October 31, groundwater return flow replacement obligations will commence during the month the water is delivered. For water delivered to recharge ponds during the period of November 1 through April 30, groundwater return flow replacement obligations will commence the following July, and will be calculated as if one-third of the water was delivered each month during the period of July, August, and September. The rate and volume of groundwater returns to the South Platte River shall be determined by the procedures set forth in the augmentation plan portion of this decree, which shall include the Glover method described in ¶52.2.4 For purposes of calculating both the ground water returns and recharge accruing to the South Platte River, the aquifer parameters associated with the recharge structure where the water is delivered shall be used in application of the Glover method described herein. Applicant will be required to replace return flows when there is a downstream call for water on the South Platte River senior to April 30, 2003. Water to replace historical return flows will be made available from the sources described in ¶50.

- 33.6.7. Accounting for Deliveries to the South Platte River for Augmentation and Replacement. With respect to Prewitt Reservoir water delivered to the South Platte River to replace out-of-priority depletions associated with the operation of the plan for augmentation, an amount equal to the volume of water delivered to the headgates of the Ditches shall be considered to be fully consumable and, subject to the terms of this decree, may be used to replace out-of-priority depletions and return flow obligations to the South Platte River associated with the operation of the plan for augmentation described in this decree. In order to replicate historical return flows and ditch losses associated with the use of the Prewitt Reservoir water for irrigation purposes, however, an amount of water equal to 50% of the water delivered to the headgates of the Ditches shall be

accounted for as a return flow replacement obligation. Thirty-three percent (33%) of the total return flow obligation shall be considered surface returns and 67% of the total return flow obligation shall be considered ground water returns. The accounting for the surface returns portion shall be determined as specified in ¶33.6.6. For water delivered during the period of May 1 through October 31, groundwater return flow replacement obligations will commence during the month the water is delivered. For water delivered during the period of November 1 through April 30, groundwater return flow replacement obligations will commence the following July, and will be calculated as if one-third of the water was delivered each month during the period of July, August, and September. The rate and volume of groundwater return flow replacement obligations to the South Platte River shall be determined by the procedures set forth in the augmentation plan portion of this decree, which shall include the Glover method described in ¶52.2.4. For purposes of calculating the ground water returns accruing to the South Platte River, the aquifer parameters associated with the ditch system where the water is delivered (as shown on the attached Table 7) shall be used in application of the Glover method described herein. Applicant will be required to replace return flows when there is a downstream call for water on the South Platte River senior to April 30, 2003. Water to replace historical return flows will be made available from the sources described in ¶50.

- 33.6.8. Location of Historical Return Flows. Return flows from historical use of 3846.74 acre-rights of the subject Logan Irrigation District acre-rights accrued to the South Platte River above the headgate of the Sterling No. 1 Ditch headgate, located as described in ¶29. Return flows from historical use of the remaining 4317.92 acre-rights of the subject Logan Irrigation District acre-rights, as shown in Table 6 accrued to the South Platte River below the headgate of the Sterling No. 1 Ditch headgate. Return flows from historical use of 9 shares of the subject Morgan-Prewitt shares accrued to the South Platte River above the headgate of the Sterling No. 1 Ditch, located as described in ¶29. Return flows from historical use of the remaining 6.25 shares of the subject Morgan-Prewitt shares, as shown in

Table 6 accrued to the South Platte River below the headgate of the Sterling No. 1 Ditch.

- 33.6.9. Records. Applicant shall maintain daily records of (1) the volume of water released from Prewitt Reservoir associated with the Acre Rights and shares used for augmentation, recharge and /or return flow replacement purposes, (2) the volume of water delivered to recharge ponds and the ditch losses and stream losses associated with such deliveries, (3) the volume of water delivered to the headgates of the Ditches and left in the South Platte River for augmentation purposes, (4) the ditch system under which the water would have been used for irrigation if it were not used for these purposes, (5) the determination of the surface return flow and ground water return flow replacements required, above and below the Sterling No. 1 Ditch headgate described in ¶129 and (6) the replacement of the return flows.
- 33.6.10. Accounting. Accounting for the use of the changed water rights shall be on the accounting forms attached hereto as Table 12. These forms shall contain the information required by ¶33.6.9 and be submitted to the Division Engineer at least monthly. The accounting shall also be provided to any Objector making a written request for said accounting for that water year, upon payment of reasonable copy costs. The accounting shall be delivered to the Division Engineer and Water Commissioner in the manner they prescribe and shall be delivered to other objectors in the same format by Applicant. The accounting forms are not decreed herein and may be changed from time to time so long as the information required by this decree is included in the forms and such changes are approved by the Division Engineer or Water Commissioner.
- 33.6.11. Use within Boundaries of Logan Irrigation District. For so long as Resolutions or Rules and Regulations of the Logan Irrigation District prohibit any change of use of Logan Irrigation District allotments or Acre-Rights to benefit lands outside the boundaries of the Logan Irrigation District, the Acre-Rights herein shall be limited to use, including augmentation and recharge us only for the benefit of those Member Wells that are located, and serve land within, the

boundaries of the Logan Irrigation District, and no replacement, augmentation, or recharge credit resulting from such Acre-Rights may be used for or credited against depletions resulting from the use of any Member Wells that are located, or serve lands outside, the boundaries of the Logan Irrigation District.

34. Decreed Name of Structure. Farmers Pawnee Ditch (180.632 shares).
- 34.1. Decrees. The Farmers Pawnee Ditch was decreed in Case No. 304, on November 15, 1894 with appropriation dates of September 17, 1873 for 14.4 c.f.s and June 22, 1882 for 126.0 c.f.s from the South Platte River. The decreed use is for irrigation. The Farmers Pawnee Ditch headgate is located in the NE $\frac{1}{4}$ of Section 27, Township 6 North, Range 54 West of the 6th P.M., Logan County, Colorado.
- 34.2. Historical Use. The subject 180.632 shares of the ditch are used to irrigate approximately 3282.6 acres and, with Springdale Ditch shares, an additional 726 acres, as shown in Table 10.
- 34.3. Proposed Change. Applicant seeks to change the use of the shares to include augmentation, replacement, exchange and recharge into the ponds described in the Farmers Pawnee Recharge Project decree in Case No. 95CW263, Water Division No. 1, and located on land owned or controlled by Applicant's members; as well as the decreed irrigation use, with the right to totally consume the consumable portion of the water, either by first use, successive use, or disposition. Applicant will take delivery of the water available to the shares for augmentation at structures along the ditch below the river headgate to provide augmentation water. When augmentation use of the shares is made, Applicant will replace historical return flows including ditch seepage losses from the use of such surface water rights in the time, location and amount in which they occurred and will prevent expanded use of such surface water rights so that other water rights will not be injured. When water available to the changed shares is being used for recharge no credit shall be allowed for the ditch losses incurred in delivery of the water to the recharge ponds in order to maintain historical ditch losses from the transportation of the shares in the ditch. Recharge water decreed and diverted under the decree in Case No. 95CW263 shall first be used to fill the recharge ponds before use of water available to the changed shares.
35. Decreed Name of Structure. Schneider Ditch (34.0 shares).

- 35.1. Decrees. The Schneider Ditch was decreed in the Logan County District Court, Case No. 547 on May 29, 1897 for 11 c.f.s. with an appropriation date of April 10, 1873; Case No. 766 on November 15, 1894 for 25 c.f.s. with an appropriation date of July 15, 1875 and 22 c.f.s. with an appropriation date of October 20, 1880. The decreed use is irrigation. The point of diversion is on the south bank of the South Platte River near the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 9, Township 6 North, Range 53 West of the 6th P.M., Logan County, Colorado.
- 35.2. Historical Use. The subject 34.0 shares of the ditch are used to irrigate up to approximately 949.3 acres, as shown in Table 10.
- 35.3. Proposed Change. Applicant seeks to change the use of the shares to include augmentation, replacement, exchange and recharge into the structures described in ¶8, as well as the decreed irrigation use, with the right to totally consume the consumable portion of the water, either by first use, successive use, or disposition. Applicant will take delivery of water available to the shares for augmentation at structures along the ditch below the river headgate to provide augmentation water. When augmentation or recharge use of the shares is made, Applicant will replace historic return flows including ditch seepage losses from the use of such surface water rights in the time, location and amount in which they occurred and will prevent expanded use of such surface water rights so that other water rights will not be injured. When water available to the changed shares is being used for recharge no credit shall be allowed for the ditch losses incurred in deliver of the water to the recharge ponds in order to maintain historical ditch losses from the transportation of the shares in the ditch. Applicant or Applicant's members shall provide to the Schneider Ditch Superintendent and the Schneider Ditch Company Secretary written notice on or before April 1 each year of the number of Schneider shares being designated for augmentation use for that Water Year (April 1 through March 31) and of the names of all owners of such designated Schneider shares. Such notice shall indicate by a map or otherwise the location of the lands to be dried up, the total number of acres to be dried up and the volumetric limits for such shares. If such notice is not properly given, water attributable to such shares may not be useable for augmentation during that year.
- 35.4. Meadow Rights. On May 29, 1897, the Court in Case No. 547 awarded 11 c.f.s. to be diverted into the Schneider Ditch as a Meadow Right with an appropriation date of April 10, 1873. The Meadow Right diverts from April 10 – July 10. There has been no determination of ownership. The court

makes no findings about ownership of the Meadow Rights, and nothing in this decree determines any issue as to ownership of the Meadow Rights. No consumptive use associated with beneficial use of the Meadow Rights shall be used by the owners of the 34.0 shares for the changed uses described above unless and until there is a determination as to ownership of the Meadow Rights. If it is determined that the Meadow Rights are owned by the Schneider Ditch Company, the owners of the 34.0 shares may use the consumptive use associated with the Meadow Rights under the terms herein. Notice to all objectors shall be as required in ¶52.6.4 in the event the consumptive use of the Meadow Rights is proposed to be used. If it is determined that the Meadow Rights are owned by other shareholders, the owners of the 34.0 shares may not use the consumptive use associated with the Meadow Rights under the terms herein.

36. Decreed Name of Structure. South Platte Ditch (79.92 shares).

- 36.1. Decrees. The South Platte Ditch was decreed to the South Platte Ditch Company in Case No. 304 on November 15, 1894 for 22.5 c.f.s. with an appropriation date of May 1, 1872; Case No. 765 on February 24, 1903 for 7.5 c.f.s. with an appropriation date of February 15, 1876, 20.0 c.f.s. with an appropriation date of April 21, 1883 and 37.5 c.f.s. with an appropriation date of May 1, 1890; and Case No. 605 on September 29, 1902 for 50.0 c.f.s. with an appropriation date of April 1, 1896. The decreed use is irrigation. The point of diversion is in the SW¼ of Section 9, Township 5 North, Range 54 West of the 6th P.M., Washington County, Colorado.
- 36.2. Historical Use. The subject 79.92 shares of the ditch are used to irrigate up to approximately 1829.2 acres, as shown in Table 10.
- 36.3. Proposed Change. The subject 79.92 shares that are being changed are identified by owner in Table 10. No other SPDC shares are included in, changed under, or affected in any way by this case or Decree, except such recharge accretions as are available from the 17.38 (97.3 shares – 79.92 shares) additional shares in ¶50.3 and ¶50.5. Specifically, the SPDC shares held by Smart Brothers, Inc. and changed in Case No. W-8686-77 are not included in, changed by or useable for augmentation under this case and Decree. The historical consumptive use of the changed SPDC shares described above has been calculated on a share-specific, farm-by-farm basis and shall not be binding on any other SPDC shares that may be changed in the future. Applicant seeks to change the use of the shares to include augmentation, replacement, exchange and recharge into the

structures described in ¶9, as well as the decreed irrigation use, with the right to totally consume the consumable portion of the water, either by first use, successive use, or disposition. Applicant will deliver water available to the SPDC shares for augmentation to the South Platte River at and through the SPDC wasteway at the end of the South Platte Ditch. When augmentation or recharge use of the shares is made, Applicant will replace historical return flows including ditch seepage losses from the use of such surface water rights in the time, location and amount in which they occurred and will prevent expanded use of such surface water rights so that other water rights will not be injured. Each SPDC share designated for augmentation use in a particular Water Year will be entitled to credit for augmentation use in the amount of water attributable to that share's historical consumptive use, as established and limited herein. The historical consumptive use of the changed 79.92 SPDC shares described above has been calculated on a share-specific, farm-by-farm basis and the historical consumptive use determination by this Court for those 79.92 shares shall not be evidence of the historical consumptive use of any other SPDC shares that may be changed in the future. The recharge accretions from 97.3 SPDC shares set out in ¶50.5 are committed to this plan and decree. Use of any facilities or structures owned or controlled by SPDC for flow or delivery of water shall be subject to and permitted only in accordance with SPDC's Bylaws and duly adopted policies and procedures. Applicant or Applicant's members shall provide to the South Platte Ditch Superintendent and the South Platte Ditch Company Secretary written notice on or before April 1 each year of the number of SPDC shares being designated for augmentation use for that Water Year (April 1 through March 31) and of the names of all owners of such designated SPDC shares. Such notice shall indicate by a map or otherwise the location of the lands to be dried up, the total number of acres to be dried up and the volumetric limits for such shares. If such notice is not properly given, water attributable to such shares may not be useable for augmentation during that year. Applicant agrees and the Court orders that the Applicant shall not use any structure owned by the SPDC for diversion, carriage, recharge or any other purpose unless Applicant has entered into a written agreement with the SPDC specifically allowing such use.

37. Decreed Name of Structure. Springdale Ditch (643.2 shares).

37.1. Decrees. Springdale Ditch was decreed in Case No. 304 on November 15, 1894 for 62.275 c.f.s. with an appropriation date of July 19, 1886. The decreed use is irrigation. The point of diversion is in the NW ¼ NW ¼ of Section 35, Township 7 North, Range 53 West of the 6th P.M., Logan

County, Colorado.

- 37.2. Historical Use. The subject 643.2 shares of the ditch are used to irrigate up to approximately 2015.5 acres and, with Farmers Pawnee Ditch shares, an additional 726 acres, as shown in Table 10.
- 37.3. Proposed Change. Applicant seeks to change the use of the shares to include augmentation, replacement, exchange and recharge into the structures described in ¶11, as well as the decreed irrigation use, with the right to totally consume the consumable portion of the water, either by first use, successive use, or disposition. Applicant will take delivery of water available to the shares for augmentation at structures along the ditch below the river headgate to provide augmentation water. When augmentation or recharge use of the shares is made, Applicant will replace historical return flows including ditch seepage losses from the use of such surface water rights in the time, location and amount in which they occurred and will prevent expanded use of such surface water rights so that other water rights will not be injured. When water available to the changed shares is being used for recharge no credit shall be allowed for the ditch losses incurred in delivery of the water to the recharge ponds in order to maintain historical ditch losses from the transportation of the shares in the ditch. Applicant or Applicant's members shall provide to the Springdale Ditch Superintendent and the Springdale Ditch Company Secretary written notice on or before April 1 each year of the number of Springdale shares being designated for augmentation use for that Water Year (April 1 through March 31) and of the names of all owners of such designated Springdale shares. Such notice shall indicate by a map or otherwise the location of the lands to be dried up, the total number of acres to be dried up and the volumetric limits for such shares. If such notice is not properly given, water attributable to such shares may not be useable for augmentation during that year.
38. No Change City of Sterling Ditch Shares. Objector, the City of Sterling is the owner of shares in the Sterling Irrigation Company, the Farmers Pawnee Canal Company and Springdale Ditch Company which were changed by the decree of this Court in Consolidated Cases No. 98CW450 and 00CW253. Nothing in this decree changes the City of Sterling's shares nor affects Sterling's rights to use water under the shares as decreed in Consolidated Cases No. 98CW450 and 00CW253.
39. Designation of Shares. Shares to be used for augmentation or recharge will be designated in writing by their owners on or before April 1 each year. The

designation shall include the name of the ditch, member, number of shares and number of acres which will not be irrigated for the next irrigation season. Once shares have been designated for augmentation or recharge by the owner of said shares and included in the projection for the coming irrigation season, the shares cannot be used for irrigation during the irrigation season. Additional shares may be designated for augmentation later during the season only under ¶ 43.5. Any SPDC shareholder who designates his/her SPDC shares for augmentation in a particular Water Year, pursuant to the notice required in ¶36 and ¶40, must designate all of his/her SPDC shares owned for augmentation.

40. Recording of Shares. Except as otherwise provided for in ¶36.3 for SPDC shares, each changed share will be entitled to its pro rata farm headgate delivery for augmentation or recharge. All water attributable to the shares shall be diverted and measured by the ditch companies at their respective diversion works on the South Platte River. Water diverted for augmentation purposes shall then be delivered to Applicant's "augmentation stations" within the ditches, where the water will be measured, recorded and delivered to the South Platte River for augmentation use. Water diverted for recharge use will be measured, recorded and delivered to recharge ponds owned or controlled by Applicant or Applicant's members. All augmentation stations shall be located so as to discharge water to the South Platte River above the Sterling No. 1 Ditch headgate located as described in ¶29 except the augmentation station(s) for the Schneider Ditch which discharges below the Sterling No. 1 Ditch headgate. Applicant or Applicant's members shall provide to the South Platte Ditch Superintendent and the South Platte Ditch Company Secretary written notice on or before April 1 each year of the number of SPDC shares being designated for augmentation use for that Water Year (April 1 through March 31) and of the names of all owners of such designated SPDC shares. Such notice shall indicate by a map or otherwise the location of the lands to be dried up, the total number of acres to be dried up and the volumetric limits for such shares. If such notice is not properly given, water attributable to such shares may not be useable for augmentation during that year. Applicant or Applicant's members shall provide to the Schneider Superintendent and the Schneider Ditch Company Secretary written notice on or before April 1 each year of the number of Schneider shares being designated for augmentation use for that Water Year (April 1 through March 31) and of the names of all owners of such designated Schneider shares. Such notice shall indicate by a map or otherwise the location of the lands to be dried up, the total number of acres to be dried up and the volumetric limits for such shares. If such notice is not properly given, water attributable to such shares may not be useable for augmentation during that year. Applicant or Applicant's members shall provide to the Springdale Ditch Superintendent and the Springdale Ditch Company Secretary written notice on or before April 1 each year of the number

of Springdale shares being designated for augmentation use for that Water Year (April 1 through March 31) and of the names of all owners of such designated Springdale shares. Such notice shall indicate by a map or otherwise the location of the lands to be dried up, the total number of acres to be dried up and the volumetric limits for such shares. If such notice is not properly given, water attributable to such shares may not be useable for augmentation during that year.

41. Ditch Loss. The ditch loss on the changed shares will be assessed the same as for other shares in the ditch. Changed shares will be entitled to pro rata delivery at the augmentation station or for recharge, the same as other shareholders using water for irrigation, subject to the volumetric limits of ¶44.
42. Return Flows. Return flow obligations for any deliveries to augmentation stations or recharge ponds will be computed as a fixed percentage of the augmentation station or recharge pond delivery. The return flow percentages for each ditch are shown in Table 8, and the return flow percentage group in which the shares are included is shown in Table 10. The schedule of return flow delivery obligations will be determined using the Glover AWAS methodology described in ¶52.2.4 for the corresponding zone in which the shares were historically used. The Glover parameters to be used to determine the timing of return flows are provided in Table 9. Applicant will be required to replace return flows when there is a downstream call for water on the South Platte River senior to April 30, 2003.
 - 42.1. Alternate Tables 8a and 10a. Applicant and all parties, except the South Platte Ditch Company (SPDC) have stipulated to the use of Table 8a and Table 10a attached hereto to determine certain terms and conditions of this decree. The SPDC asserts that the correct values for the South Platte Ditch are set out in Table 8 and Table 10 and has stipulated to the terms and conditions of this decree only upon use of Table 8 and Table 10. Applicant and SPDC agree, however, and the Court Orders that if Applicant and SPDC file a Stipulation and Agreement with the Water Court on or before April 17, 2006 agreeing to the use of Table 8a and Table 10a in place of Table 8 and Table 10, and then Table 8a and Table 10a shall be used to determine the applicable terms and conditions of this decree.
43. Conditions of Share Use. The following conditions shall apply to use of the changed shares.
 - 43.1. Designated Acreage. Shares are associated with designated acreage, which shall not be irrigated with any surface water from the ditch when

the shares are used for augmentation or recharge. The ditch shares to be changed, the acreage irrigated by the shares, and their location above or below the headgate of the Sterling No. 1 Ditch are shown on Table 10 and maps 4a, 4b, and 4c attached thereto. No parcel dryup credit for augmentation or recharge use shall be allowed for lands on which alfalfa or other forage or perennial crop continues to exist.

- 43.2. Pro rata Designation. When only a portion of the shares used on a farm are designated, the acreage designated will be at least the pro rata amount of the total acreage irrigated by surface water on that farm.
- 43.3. Ground Water Returns. For purposes of calculating the ground water returns accruing to the South Platte River, the aquifer parameters associated with groups of parcels under each ditch system as shown on Table 9 shall be used in application of the Glover method described in ¶52.2.4. The parcels and return flow zones are shown on Table 10.
- 43.4. Separation. Areas designated as not irrigated by surface water will be separated from irrigated areas so that irrigation water from gravity systems does not flow onto the designated area.
- 43.5. Partial Year Dryup. Shares which have been designated for irrigation in the April 15 projection, or in any update, shall not be designated or used for augmentation or recharge after the April 15 projection deadline specified in ¶52.6.1, except subject to the following limitations.
 - 43.5.1. Designation. Shares designated in any projection or update for irrigation may be changed from irrigation to augmentation or recharge use in the same calendar year only if delivery of water under the shares for irrigation is (1) no longer beneficial due to destruction of the row crops being irrigated by the shares due to hail, insects or disease to such an extent that no crops can be taken to harvest (partial year dry-up credit will only be allowed for row crops but not for forage crops, such as alfalfa or pasture) or (2) interrupted due to destruction or damage to the diversion works of the ditch company used to divert water under the shares that prevents delivery of water for irrigation purposes such that the diversion works cannot reasonably be repaired within four weeks. Either such event is referred to as "Irrigation Non-delivery."
 - 43.5.2. Notice. The owner of shares which are subject to an Irrigation Non-delivery must provide sufficient proof to the Division

Engineer of any Irrigation Non-delivery under ¶ 43.5.1 and have the Division Engineer confirm the Irrigation Non-delivery in writing. Said owner shall provide such information the Division Engineer determines is reasonably necessary to confirm the Irrigation Non-delivery. The owner shall then send a written notice of the Division Engineer's confirmation to objectors herein stating the owner's intent to use the shares for augmentation or recharge use during the calendar year in which the Irrigation Non-delivery occurs. Such notice shall be filed at least 30 days in advance of the use of the shares for augmentation or recharge. Such use shall be subject to all terms and conditions of this decree, including, but not limited to, application of volumetric limits and return flow obligations. The augmentation or recharge credit authorized under this paragraph shall be referred to as a "partial year dryup credit." The notice shall include the reason for the claim of partial dryup credit under ¶43.5.1, the number of shares, the irrigated acreage to be dried up, the amount of the claimed partial year dryup credit, the manner in which dryup will be accomplished, a map showing the acreage, and the amount of water delivered year to date for the shares and the return flow obligation associated with use of the shares for irrigation and augmentation or recharge use. The year-to-date irrigation use will be applied against the volumetric limit to determine the remaining available delivery for augmentation or recharge. If the notice is based on crop destruction, the application shall include a copy of any claims made on crop insurance. If the application is based on destruction of diversion works, it shall include a written statement signed by a ditch company representative that the damage cannot be fixed within the four week period. The owner shall also provide such other information as reasonably requested by the Division Engineer.

- 43.5.3. Credit. No partial year dryup credit may be taken unless the notice under this paragraph is provided to the Division Engineer and objectors by July 31 of the year in which the partial year dryup claim is made.
- 43.5.4. Approval. The owner of shares which are subject to an Irrigation Non-delivery shall not make augmentation or recharge use of the shares unless the Division Engineer or the Water Court approves such use as provided in this paragraph. The burden of proof to support the request for partial year dryup credit before the

Division Engineer and the Water Court shall be on the applicant for the credit. Objectors shall have 30 days from the date notice is sent in which to file written objections with the Water Court. If no objections are filed with the Water Court, the Division Engineer shall, within 45 days from the date notice is sent, approve the use of shares for augmentation or recharge if the Division Engineer determines that, subject to the terms and conditions of this decree, partial year augmentation or recharge use may be allowed without injury to owners and users of vested water rights or decreed conditional water rights. Applicant, the owner of the shares or objectors may appeal any decision or inaction of the Division Engineer under this paragraph. If a written objection is filed with the Water Court, the Water Court, and not the Division Engineer, shall determine whether subject to the terms and conditions of this decree, partial year augmentation or recharge use may be allowed without injury to owners and users of vested water rights or decreed conditional water rights.

- 43.5.5. Retained Jurisdiction. The court retains continuing jurisdiction to resolve any disputes relating to the use of partial year dry-up credit, including but not limited to resolving written objections to the notice made under paragraph 43.5.4., which the court shall promptly hear and decide. In order to prevent injury to vested water rights and decreed conditional water rights, the Court may in proceedings under this paragraph enjoin the use of any partial year dry-up credit.
- 43.5.6. Irrigation Discontinued. Use of the shares for irrigation will be discontinued at the time of notice and water available to the shares will be delivered to the augmentation station or for recharge. No partial year dry-up credit shall be allowed for any water delivered for irrigation use. Credit for augmentation or recharge may not commence sooner than 30 days after notice and discontinuance of irrigation with the shares.
- 43.5.7. Measurement of Credit. The quantity of water which may be allocated to the partial year dryup credit shall be measured at and delivered to the South Platte River through augmentation stations or measured into recharge ponds. The augmentation station and/or recharge pond deliveries shall be added to the year-to-date irrigation deliveries and the combined total

deliveries shall be limited by the applicable volumetric limits shown in Table 8. The year-to-date irrigation use shall be based upon the period when the shares were used for irrigation and shall be determined using the pro rata portion of the applicable ditch company's total river headgate diversion attributable to the shares for which the partial year dry up credit is sought, less the applicable ditch loss.

- 43.5.8. Return Flow Percentage. Applicant shall make all return flows required under this decree. Return flow percentages will be adjusted from the percentages used for full season augmentation or recharge for the months of September and October, according to the following schedule:

Canal	Return Flow %	
	September	October
Pawnee	42%	76%
Springdale	43%	85%
South Platte	43%	72%
Schneider	42%	76%

- 43.6. Partial Parcel Dryup. Except as provided below, a portion of the shares used on a farm may be used for augmentation or recharge in any year so long as a pro rata amount of acreage is dried up. No partial parcel dryup credit for augmentation or recharge use shall be allowed unless the pro rata amount of acreage is actually dried up, which includes but is not limited to, excluding credit for lands on which alfalfa or other forage or perennial crop continues to exist. In addition, the use of shares changed by this decree which are applied for irrigation use by sprinkler shall be limited by the following provisions. Notwithstanding the foregoing, no partial designation may be made of SPDC shares under this decree in any year. An owner of SPDC shares changed herein must designate all SPDC shares used on the same farm (as identified in Table 10) to be used for augmentation or recharge, if such owner desires to make augmentation or recharge use of the shares.

- 43.6.1. Conversion to Sprinklers. The ditch company shares changed by this decree were historically used to apply water diverted under the shares by flood irrigation. In some instances, water diverted under the changed shares is now applied through sprinklers, and the share owners anticipate increasing future use of sprinklers to

apply water under the shares for irrigation purposes. Use of sprinklers may have the result that portions of parcels formerly irrigated by flood irrigation will no longer be irrigated. Owners of the changed shares propose to take historical consumptive use credit under the changed shares for augmentation and recharge under this decree for the amount of water formerly consumed by flood irrigation on those areas which will be dried-up as a result of the conversion to sprinklers, which credit is referred to herein as the Partial Parcel Dry-up Credit ("PPDC"). Allowing a PPDC could result in injury to other water users. The Court finds that the owners of the changed shares may be entitled to a PPDC under this decree only under the following terms and conditions.

43.6.2. Approved PPDC for Table 13 Parcels. Table 13 is a list of parcels for which a PPDC is allowed by this decree with the corresponding amount of credit allowed.

43.6.3. Procedure and Standards for Approval of PPDC on other Parcels. For parcels and farms not listed on Table 13, when water available under the changed shares is used in center pivot sprinklers, and when use of the sprinklers results in an historically irrigated portion of the parcel no longer being irrigated, a PPDC may be allowed only as follows.

43.6.3.1 Application. By April 1 of a year in which a PPDC is claimed, Applicant must submit a written application for approval of the PPDC to the Division Engineer and all objectors. To limit the burden on the Division Engineer, objectors and the Court, Applicant shall be allowed to make only one application on behalf of members for PPDC each year.

43.6.3.2 Application Information. The application shall include the name of the owner of the shares, the number of shares being used, the location and number of irrigated acres to be dried up, the manner in which dry-up will be accomplished, a map showing the acreage which has been dried-up, the monthly amount of credit claimed, and a historical consumptive use analysis demonstrating that the

combination of sprinkler irrigation and use of the shares for changed uses under this decree will not result in increased consumptive use of water by the shares for which the PPDC is claimed when compared to the historical consumptive use for flood irrigation as determined by this decree and will not otherwise injure vested water rights or decreed conditional water rights. The Applicant shall also provide such other information as reasonably requested by the Division Engineer.

- 43.6.3.3 Conditions of Approval. The PPDC shall be subject to all applicable terms and conditions of this decree, including but not limited to volumetric limits and return flow obligations. PPDC shall only be allowed if the use of the shares for which the PPDC is requested does not result in expansion of the historical consumptive use of the shares or result in injury to vested water rights or decreed conditional water rights.
- 43.6.3.4 Objections. Objectors and the Division Engineer shall have 30 days from the date notice is sent in which to file written objections with the Water Court to the claimed PPDC. If no written objections are filed within 30 days from the date the notice is sent, the owner of shares seeking the PPDC may take the PPDC as set out in the notice. The owner of shares seeking PPDC shall not take PPDC until all written objections are resolved by the Water Court.
- 43.6.3.5 Burden of Proof. The Applicant shall have the burden of proof before the Court to demonstrate that the PPDC will not result in expansion of the historical consumptive use of the shares for which a PPDC is claimed and that injury will not otherwise occur to vested water rights or decreed conditional water rights

as a result of approval of the PPDC.

43.6.4. Measurement of Credit. The quantity of water which may be allocated to the PPDC shall be measured at and delivered to the South Platte River through augmentation stations or delivered to recharge ponds.

44. Volumetric Limits. So long as the changed shares continue to be used only for irrigation purposes and have not been used for augmentation or recharge purposes, then diversions for irrigation use will not be limited by the volumetric limits in this decree. After the changed shares are first used for any of the changed uses, all subsequent use, including irrigation, of the changed shares shall be subject to the monthly, annual and long-term average (20-year) volumetric limits in this decree as shown in Table 8. Credits for augmentation or recharge use will be limited, on a per share basis, to the amounts shown in Table 8. The 20-year volumetric limitation shall be calculated in the following steps. Step 1: Divide the annual river headgate diversion (in acre-feet) by the total number of shares in each ditch to get a diversion per share for the entire ditch (in acre-feet per share). Step 2: Multiply the diversion per share amount by 1 minus the ditch loss percentage. For the purposes of determining the volumetric limits under this paragraph only, the ditch loss percentage shall be 30% for all ditches except for the Springdale Ditch, which shall be 40%. The product is the delivery per share (in acre-feet) to apply to the volumetric limits. Step 3: Sum the delivery per share from the previous 19 years and subtract this sum from the 20-year limit. The remainder is the per share limit (in acre-feet) for the current year of operation to be applied to the amount of water delivered under any share to an augmentation station or recharge site or for irrigation. For the purposes of starting the calculation for the 20-year volumetric limit during the first year and subsequent years after the water has been used for the changed purposes, the applicant will use the previous 19 years of delivery per share (as calculated above) in Year 1, the previous 18 years of delivery per share added to the Year 1 delivery in Year 2, the previous 17 years of delivery per share added to the Year 1 and Year 2 delivery in Year 3, and so on. Deliveries for the changed uses will be determined from the records maintained pursuant to this decree. Any water that would otherwise be available to Applicant under its shares in the ditch companies which Applicant is not able to divert or use because of operation of maximum or average volumetric limits shall be returned immediately to the South Platte River through Applicant's augmentation stations following diversion at the applicable ditch headgate and shall not be available for irrigation, augmentation or any other use until such time as their use is again allowed in accordance with the maximum and average volumetric limits. In the case of the South Platte Ditch, however, the water Applicant is not able to divert or use

because of operation of maximum or average volumetric limits shall be returned immediately to the South Platte River through the SPDC wasteway at the end of the South Platte Ditch.

45. Records. Applicant shall maintain daily records of the following for the changed ditch shares: (1) the volume of water delivered to recharge ponds, (2) the volume of water delivered to augmentation stations, (3) the volume of water delivered to the headgates of the Ditches and returned to the South Platte River for augmentation purposes, (4) the surface return flow and ground water return flow replacement obligation required, and (5) deliveries for the replacement of the return flow obligations. The Applicant shall also maintain such records as reasonably requested by the Division Engineer. Applicant shall promptly forward to the SPDC all records relating to the use or delivery of the SPDC shares or facilities. In the event of any discrepancy between Applicant's records and SPDC's records regarding such use, SPDC's records shall control.
46. Accounting. Accounting for the use of the changed ditch shares shall be on the accounting forms attached hereto as Table 12. These forms shall contain the information required by ¶45 and be submitted to the Division Engineer at least monthly. The accounting shall also be provided to any Objector making a written request for said accounting for that water year. The accounting shall be delivered to the Division Engineer and Water Commissioner in the manner they prescribe, without a copying cost, and shall be delivered to other objectors in the same format by Applicant, upon payment of reasonable copy costs. The accounting forms are not decreed herein and may be changed from time to time so long as the information required by this decree is included in the forms and such changes are approved by the Division Engineer or Water Commissioner. The forms may also be changed as reasonably required by the Division Engineer or Water Commissioner so long as the information required by this decree is included in the forms.
47. No Material Injury. If operated in accordance with the terms and conditions of this decree, the changes of the water rights will not result in material injury to other vested water rights and should be approved.
48. Approval of Changes of Water Rights. The changes of the water rights are in accordance with law and should be granted subject to the terms of this Decree. The change of uses of Prewitt water rights described in this decree shall not allow Prewitt Owners to use more than their aliquot share of water from the Prewitt Acre-Rights or shares.

PLAN FOR AUGMENTATION

49. Structures to Be Augmented.

49.1. Member Wells. The wells listed in Table 1, also described as "Member Wells." The wells with Permit Nos. 5891F and 6809-R, listed for Larry Kloberdanz, are used jointly by Mr. Kloberdanz, Ermelindo N. Mateus and Barbara J. Mateus pursuant to an agreement dated August 20, 1971 and recorded in the Logan County real property records on September 3, 1971 at Book 660, Page 244. Only the depletions from use of those wells by Mr. and Mrs. Mateus are to be augmented under this decree. These two wells are also included in the Decree of the Pawnee Well Users Inc. in Case No. 04CW046 and depletions from use of those wells by Mr. Kloberdanz will be covered by that decree. Nothing in this decree is intended to or shall be interpreted to modify or otherwise affect the rights of the parties pursuant to the August 20, 1971 agreement referenced above. Accomasso Brothers, Smart Brothers, Inc., and Hessler Farms Inc., have an agreement dated October 13, 2004 for the transfer of recharge credits in exchange for an augmentation well easement for Augmentation Well Permit No. 59273-F in ¶10.1.1. Nothing in this decree is intended to or shall be interpreted to modify or otherwise prevent such transfer pursuant to the October 13, 2004 agreement referenced above as long as such recharge credits are not otherwise needed by this plan. Nothing in this decree is intended to or shall be interpreted to modify or otherwise affect the rights of the parties pursuant to the October 13, 2004 Agreement. Certain Member Wells are decreed as alternate points of diversion for surface water rights in other decrees and only need replacement water under this decree to the extent such wells divert at times when the surface water rights decreed to the original points of diversions are not in priority. Certain Member Wells are augmented pursuant to other decreed plans for augmentation and only need replacement water under this decree to the extent replacement is insufficient under the other decreed plans. All depletions from such wells must be replaced under this decree or the other plans for augmentation and Applicant shall maintain accounting under this decree which shall demonstrate that all depletions have been replaced. These wells and the decrees are listed in Table 2.

49.2. Replacement, Supplemental or Alternate Point of Diversion Wells. Any well that is constructed with a valid well construction permit issued by the Office of the State Engineer as a replacement well to a Member Well may also be covered by this plan for augmentation provided the replaced well

is properly abandoned. The Member Well information shall be updated with the new permit number and well location but such update does not require an amendment to this decree. Any well constructed as an alternate point of diversion or supplemental well for one of the wells listed in Table 1 may also be covered by this plan provided it is added to the plan pursuant to ¶49.6.

- 49.3. Augmentation Wells. The Augmentation Wells are set out in ¶30.
- 49.4. Recharge Wells. The Recharge Wells are set out in ¶18-18.6. Miller Recharge Well No. 3-59188-F, ¶11.3.4, is located 104 feet from the South Platte River. Depletions to the South Platte River resulting from the pumping of this Recharge Well shall be determined using the Glover method as described in ¶52.2.4 until October 1, 2006, and thereafter in accordance with results of the calculations made under ¶28, and shall be replaced in accordance with the terms and conditions of this decree. The remaining Recharge Wells are located within 100 feet of the South Platte River. After October 1, 2006, depletions to the South Platte River resulting from the pumping of these remaining Recharge Wells shall be determined in accordance with the results of the calculations made under ¶28 and, if required under the terms of ¶28, shall be replaced in accordance with the terms and conditions of this decree.
- 49.5. Deletion of a Member Well. Applicant shall replace all out of priority depletions from Member Wells, pursuant to the terms of this decree until and unless a decree or order of this Court authorizes the deletion of a Member Well from the plan for augmentation. Applicant may file a Motion herein, with notice as required by law to all parties, to delete a Member Well and the Court retains perpetual jurisdiction to consider the terms and conditions on which such motion may be granted, including but not limited to, terms and conditions requiring replacement of ongoing depletions resulting from use of the Member Well prior to the date the Court allows the Member Well to be deleted from the plan for augmentation. Applicant or the owner of a Member Well may file an Application in the Water Court, with notice as required by law, seeking the deletion of a Member Well and the owner's water rights from the plan for augmentation and proposing terms and conditions on which said application should be granted.
- 49.6. Addition of Member Wells. If Applicant seeks to add a well to this Plan for Augmentation, Applicant or the well owner shall file an Application with the Water Court to add the well to the Plan for Augmentation. Any well

added to the plan for augmentation shall be located in Logan County. A member well may be added to the plan under such appropriation date and priority as the Court may determine, so long as the well is operated and used, and out of priority depletions are replaced, on terms and conditions at least as restrictive as decreed herein for the Plan for Augmentation. A well added to the plan shall use the applicable consumptive use factors set out in ¶52.3.4. and ¶52.3.5. and shall use the methods for determining depletions from past and future pumping set out in ¶52.2 and ¶52.3. Out of priority depletions resulting from use of any well which Applicant or a well owner requests the court to add to this plan shall be replaced in accordance with the following. Out of priority depletions from use of the well that have occurred prior to the date the court allows the well to be added to the plan, shall be replaced by the Applicant or well owner in compliance with an applicable water court decree or substitute water supply plan approved by the State Engineer. Out of priority depletions from use of the well that will occur after the court decree adding the well to the plan, whether or not the depletions result from pumping before or after the date the court allows the well to be added to the plan, shall be replaced by the Applicant or well owner under the terms and conditions of this decree and any additional terms and conditions ordered by the court in connection with adding the well. Nothing in this decree shall be interpreted to authorize a well to be operated before it is added to this decree without replacement of out of priority depletions. No well shall be added except upon court order or decree.

- 49.7. Validity of Decrees and Permits. Entry of this decree does not validate any expansion of use that may have occurred for any member, recharge, or augmentation well in Tables 1, 3 and 5 nor does it mean that each member, recharge, or augmentation well is operating in compliance with its permit and/or decree. Applicant shall ensure that all member, recharge, or augmentation well permit files are complete and valid and the uses proposed for the member, recharge, or augmentation wells in this decree are consistent with their decreed and permitted uses. If well permits for any of the member, recharge, or augmentation wells do not meet this standard, valid well permits must be obtained by the well owners.
- 49.8. Location of Depletions. The Member Wells, Augmentation Wells and Recharge Wells deplete the South Platte River in the reach from approximately the Prewitt Reservoir Inlet Canal downstream to the North section line of Section 25, Township 9 North, Range 52 West, 6th P.M., Logan County, Colorado. Table 1 contains information about the locations

of Member Wells, whether they cause depletions upstream or downstream of the Sterling No. 1 Ditch headgate, and whether or not they are within the boundaries of the Logan Irrigation District.

50. Water Rights to be Used for Augmentation.

- 50.1. Water Rights. Water rights described in ¶¶8-31 and ¶¶33-48. The use of such water rights shall also be in accordance with any decree for such water rights and any rules, regulations or resolutions governing the use of such sources, including, but not limited to, any resolutions or rules and regulations governing the operations of Prewitt Reservoir or the use of water from Prewitt Reservoir. The changed shares that may be used for augmentation and recharge are set out in Table 15. Applicant reserves the right to add additional augmentation wells, recharge wells, ditch shares, Morgan-Prewitt shares and Logan Prewitt Acre-Rights to this plan and shall file a new application in the Water Court to add such additional sources. New augmentation or recharge wells may be added under such appropriation date and priority as the Court may determine, so long as the wells are operated and used, and depletions are replaced, on terms and conditions at least as restrictive as those decreed herein. Shares and Acre-Rights may be added to the plan so long as they are operated and used, and return flows are replaced, on terms and conditions at least as restrictive as decreed herein. Augmentation Wells shall be used to augment depletions under this decree only at such times as all other augmentation sources described in ¶¶8-29 and ¶¶33-48 are not sufficient to augment such depletions, as determined in accordance with the terms and conditions of this decree and only if all out-of-priority depletions from the use of the Augmentation Wells can themselves be replaced.
- 50.2. Farmers Pawnee Canal Recharge Project. This water right was decreed in Case No. 95CW263 on May 23, 2003 in the amount of 140 c.f.s., 77 c.f.s. absolute and 63 c.f.s. conditional for augmentation, recharge, replacement and exchange for irrigation, municipal, wildlife and wildlife recovery. Applicant's members own 247.755 shares of the 500 shares (49.6%) of The Farmers Pawnee Canal Company stock. These members and their ownership are listed in Table 15. The total amount, timing and location of replacement water available from the Farmers Pawnee Canal Recharge Project will be determined in accordance with the terms of the decree in Case No. 95CW263. Applicant shall separately account for depletions from Member Wells under the Farmers Pawnee Canal and for recharge credits generated

pursuant to Case No. 95CW263 and applied to those well depletions.

- 50.3. South Platte Ditch Recharge Project No. 1. This water right was decreed in Case No. W-7839 on December 14, 1977 in the amount of 3000 acre feet for augmentation, recharge, replacement and exchange for irrigation, municipal, wildlife and wildlife recovery. Applicant's members own 97.30 shares of the 206.9 shares (47.0%) of the South Platte Ditch Company (SPDC) stock. The total amount, timing and location of replacement water available from the South Platte Ditch Recharge Project No. 1 will be determined in accordance with the terms of the decree in Case No.W-7839 and subsequent decrees perfecting or relating to that recharge water right. The SPDC has the authority and responsibility for measuring and otherwise accounting for all water recharged under this water right. These members and their ownership are listed in Table 15. Use of any facilities or structures owned or controlled by SPDC for flow or delivery of water shall be subject to and permitted only in accordance with SPDC's Bylaws and duly adopted policies and procedures.
- 50.4. Schneider Ditch Recharge Project. This water right is described herein at ¶8. Applicant's members own 52 shares of the 125 shares (41.6%) of the Schneider Ditch Company stock. These members and their ownership are listed in Table 15.
- 50.5. South Platte Ditch Recharge Project No 2. This water right is described herein at ¶9. Applicant's members own 97.3 shares of the 206.9 shares (47%) of the South Platte Ditch Company stock. These members and their ownership are listed in Table 15. Nothing in this decree shall authorize Applicant to make use of any South Platte Ditch structures without the written consent of the South Platte Ditch Company.
- 50.6. Springdale Ditch Recharge Project. This water right is described herein at ¶11. Applicant's members own 674 shares of the 831.5 shares (81.1%) of the Springdale Ditch Company stock. These members and their ownership are listed in Table 15.
- 50.7. Sterling Irrigation Company Recharge Project. This water right is described herein at ¶12. Applicant's members own 500.5 shares of the 1290 shares (38.8%) of the Sterling Irrigation Company stock. These members and their ownership are listed in Table 15.
- 50.8. Allocation of Replacement Water. By virtue of the ownership of shares

in the companies described in ¶50.2, ¶50.3, ¶50.4, ¶50.5, ¶50.6 and ¶50.7, Applicant's members are entitled to a pro rata share of the recharge water available to the companies under this decree and for the recharge projects described in ¶¶50.2 and 50.3, the decrees in Case Nos. 95CW263 and W-7839, respectively. In addition, certain of Applicant's members are entitled to a share of the recharge water available to the companies under this decree pursuant to agreements between such members and the companies concerning the use of recharge ponds located on lands owned by such members. In addition Applicant is entitled to a share of the recharge water pursuant to membership agreements between Applicant and shareholders of the Companies and by Applicant's Augmentation Policy One. The amount of recharge water allocated to Applicant's members will be determined based upon their share ownership in the respective companies and the agreements referenced above between the companies and Applicant's members and/or Applicant. Applicant shall not include in the annual or updated projections of augmentation water required by this decree any water which is not committed in specific amount to the Applicant or its members by virtue of the member's ownership of shares in a ditch company, ownership of Logan Irrigation District acre-rights or by Applicant's bylaws or policy, a completed consent, agreement or other authorization between the Applicant or its members.

- 50.9. Decreed Augmentation Credits. Applicant has or will attempt to obtain agreements to use excess augmentation credits available from the following decreed recharge and augmentation plans: Farmers Pawnee Recharge Project, 95CW263; South Platte Ditch Recharge, W-7839, W-8686, and 96CW097; Bill IIs, 04CW53; Fritzler, 95CW101; Lower Logan Well Users Inc., 03CW208; Schuman Recharge, 86CW368; Propst, 96CW161; City of Sterling, 98CW450 and 00CW253; Pawnee Well Users, 04CW46; Thomas Brown, 96CW117; Sessions, 98CW253; Schure, 98CW280; Sand Creek Estates, 98CW281; and GASP, W-7473 and W-7954.
- 50.10. Undecreed Augmentation Credits. Applicant has or will attempt to obtain agreements to use excess augmentation credits available from the following undecreed recharge and augmentation plans: Low Line Ditch Company, 03CW094; Johnson & Edwards, 03CW423; Sterling Well Users, 04CW026; Vandemoer, 04CW86; South Platte Ditch Well Users, 04CW110; and Hessler, 01CW303. Applicant also will use leased accretions and/or owners' prorata accretions from the Guenzi Ponds 1-9 and other ponds in North Sterling Irrigation District

96CW1034. Applicant agrees and the Court orders that the Applicant shall not use any structure owned by the North Sterling Irrigation District for diversion, carriage, recharge or any other purpose unless the Applicant has entered into a written Agreement with the North Sterling Irrigation District specifically allowing such use. Applicant agrees and the Court orders that the Applicant shall not use any structure owned by the Farmers Pawnee Ditch Company for diversion, carriage, recharge or any other purpose unless the Applicant has entered into a written Agreement with the Farmers Pawnee Ditch Company specifically allowing such use.

- 50.11. Notice of use of Augmentation Credits. In order to use excess augmentation credits from any of these plans described in ¶50.9 and ¶50.10, Applicant must include them in this decree pursuant to the provisions of ¶51. Any use of such augmentation credits must be in accordance with the terms and conditions of this decree as well as any decree for such water rights or other plans and any rules, regulations, or resolutions governing the use of such sources.
- 50.12. Modification, Termination or Expiration of Agreements and of Applicant's Augmentation Policy One Amended. The structures used to generate augmentation supplies in this plan and many of the water rights referenced in the plan are owned by members of Applicant and by others, but not by Applicant. Applicant has adopted its Augmentation Policy One Amended which governs its Members' augmentation supplies in this plan for augmentation. Applicant has also entered agreements for the use of some of the water rights and structures included in this decree. Applicant continues to seek additional agreements allowing it to use other structures and water rights. Modification, termination or expiration of Applicant's Augmentation Policy One Amended or of any existing agreements or agreements which may be entered by Applicant may change the time, amount and location of replacement water available to the Applicant for the plan for augmentation decreed herein and may affect the Applicant's ability to replace depletions under the terms and conditions of the augmentation plan. The Court retains continuing jurisdiction to review the modification, termination or expiration of Applicant's Augmentation Policy One Amended or of any agreements for Applicant's use of augmentation supplies, and the effect the modification, termination or expiration may have on the plan for augmentation. Applicant shall provide written notice to the Court and to all objectors in this matter of the modification, termination or

expiration of Applicant's Augmentation Policy One Amended or of any agreement by which it uses augmentation supplies, unless a modification of an agreement is for the sole purpose of making the periodic adjustment in the amount which Applicant shall pay for water under the terms of particular agreement. The notice shall identify the Applicant's Augmentation Policy One Amended or the affected agreement, any changes in the time, location or amount of the augmentation supplies available for the plan for augmentation resulting from such modification, termination or expiration and the terms and conditions proposed by the Applicant to assure that continued operation of the plan shall not result in injury to owners and users of vested water rights and decreed conditional water rights. Applicant shall have the burden of proving that no injury results and to propose terms and conditions to the court to prevent such injury. The court shall impose such terms and conditions as it deems necessary to prevent injury to water users. Any objector herein which opposes the proposed terms and conditions shall file a written objection with the Court and serve the same on all other parties within 30 days of receipt of the notice and may also request the Court set the matter for hearing. For purposes of this paragraph, modification means any alteration in the terms of Applicant's Augmentation Policy One Amended or of an agreement which may affect the timing, location or amount of augmentation supplies available to replace out of priority depletions under this decree.

51. Supplies of Augmentation Water of Limited Duration. Pursuant to §37-92-305(8) *C.R.S.*, the Court may authorize Applicant to use additional or alternative sources of augmentation water for replacement in this Augmentation Plan, including water leased by Applicant, if such sources are part of a substitute water supply plan approved pursuant to §37-92-308 *C.R.S.*, or if such sources are decreed for such use. The Court may also authorize Applicant to use additional or alternative sources of augmentation water for replacement in this Augmentation Plan, including water leased by Applicant, if such sources are part of an interruptible water supply agreement approved pursuant to § 37-92-309, *C.R.S.* This paragraph sets forth the procedure under which these sources may be added to this plan. These procedures are adequate to prevent injury to other water rights that might otherwise result from the addition of these sources to this plan.
- 51.1. Additional Water Rights Separately Decreed for Augmentation Use. Where a water right is decreed for augmentation use in a decree other than this decree, Applicant shall give at least 30 days advance written Notice of Use of Water Right for Augmentation, to the Court, the

Division Engineer and all the objectors herein which shall describe 1) the water right by name and decree 2) the annual and monthly amount of water available to Logan from the water right, 3) how the augmentation credits will augment depletions from wells included in this plan for augmentation in time, location and amount, 4) evidence that the claimed amount of water is and will not be used by any other person, and 5) the manner in which Logan will account for use of the augmentation credits. Applicant shall also include in the notice the current monthly projection prepared under ¶52.6 of this decree which will show the amount and time during which the water will be available under the water right. If any person wishes to object to the addition of the noticed water rights to this plan, a written objection shall be filed with the Court within 30 days after the date the Notice was mailed by the Applicant. If no objection is so filed, then Applicant may use the noticed water rights in this plan in a manner stated in the Notice, without further action by the Court. If an objection is filed, then Applicant may not use the noticed water rights until the Court determines that the water rights may be used in this plan and, if so, the Court will impose such terms and conditions as necessary to prevent injury to vested water rights and decreed conditional water rights. If the Notice requested temporary use of the noticed water rights in this plan for a period not to exceed one year, then the Court shall grant an expedited hearing and promptly decide the disputed issues. If the Notice requested use for more than one year or permanent use of the noticed water rights in this plan, then the Court shall conduct whatever proceedings are needed to appropriately address and resolve the disputed issues. This paragraph shall apply to all separately decreed sources, whether they are permanent additions to this plan for augmentation or of limited duration.

- 51.2. Other Additional Water Rights. As to any other additional water rights Applicant seeks to use for augmentation in this plan and which are not otherwise authorized for use by this decree, Applicant shall provide written notice to the objectors herein of its request for approval of the State Engineer pursuant to § 37-92-308 or § 37-92-309, C.R.S. Applicant shall not use the noticed water rights in this plan for augmentation until the State Engineer's approval of Applicant's request for substitute water supply plan ("SWSP") or interruptible water supply agreement ("IWSA") approval has become final, including any appeal. If any person wishes to appeal the decision of the State Engineer, a written objection shall be filed with the Court within 30 days after the date the written decision of the State Engineer is mailed to the parties.

If no appeal is so filed, then Applicant may use the noticed water rights in this plan in the manner stated in the State Engineer's approval, without further action by the Court. If an appeal from a SWSP approval is so filed, then the Court shall grant an expedited hearing and promptly decide the disputed issues. If an appeal from an IWSA approval is so filed, then the Court shall grant an expedited hearing and promptly decide the disputed issues in accordance with § 37-92-309, C.R.S. Neither the approval nor the denial by the State Engineer shall create any presumptions, shift the burden of proof, or serve as a defense in any appeal or this case. In no event shall Applicant be allowed to use the same portion of a water right or shares for undecreed augmentation use under this plan pursuant to either SWSP or IWSA approvals for more than the period allowed by § 37-92-308 or § 37-92-309, C.R.S., respectively.

- 51.3. Agreements. Applicant may not use additional augmentation supplies discussed in this ¶51.3 unless Applicant has a written agreement with the owners of the additional augmentation supplies allowing Applicant to do so. A copy of any such agreement shall be provided with the written notice to the objectors and the Division Engineer and/or State Engineer required in ¶51.1 and ¶51.2.
- 51.4. Retained Jurisdiction. The Court retains perpetual jurisdiction of the plan for augmentation approved herein to resolve any disputes, objections or appeals including, but not limited to, claims of injury, that relate to Applicant's use or proposed use of the water rights or replacement sources described in ¶51.

52. Operation of the Plan for Augmentation.

- 52.1. Plan for Augmentation. Diversions from the wells listed in Table 1 (Member Wells), ¶30 (Augmentation Wells) and ¶¶8-19 (Recharge Wells) cause depletions to the South Platte River and its tributaries. To the extent that those depletions are out of priority, the purpose of this plan is to provide for replacement of such out of priority depletions in time, location and amount, under the terms of this decree, to the extent necessary to prevent material injury to senior vested water rights. The Court approves the Plan for Augmentation subject to the terms and conditions of this decree.
- 52.2. Method for Determination of Historical Well Depletions. Depletions caused by prior pumping from 1974 to 2002 have been calculated from GASP pumping records. The IDS CU computer program, a consumptive

use/water budget model developed by the Integrated Decision Support (IDS) Group at Colorado State University, was used to calculate the consumptive use of water by the Member Wells. The timing of depletions was determined by the Glover method described in ¶52.2.4. The steps involved in determining the quantity and timing of the depletions from past pumping are summarized below.

- 52.2.1. Time Period of Historical Depletions. Consistent with the administration of this Court's Decrees in Case Nos. W2692, W2968, W2969, and for the purpose of determining historic depletions, the pumping of member wells shall be assumed to have begun no earlier than March 15, 1974.
- 52.2.2. Consumptive Use of Member Wells from Past Pumping 1974-2002. The consumptive use of groundwater for the years 1982 - 2002 was computed using the pumping estimates collected by GASP. The IDSCU program was used to compute water budgets for each well. The water supply for each well was compared to the crop demand, based on the crop and acreage data collected by GASP. The water supply for wells that are used as supplemental supply to surface water included the surface water, based on the number of shares and diversions for the respective ditch. The consumptive use for the well was estimated as the amount of pumping multiplied by the irrigation efficiency, limited by the crop demand in the IDSCU program less the amount of the surface water supply. The consumptive use for the period 1974 - 1981, for which no GASP pumping data are available, was assumed to equal the average for 1982 - 1986.
- 52.2.3. Consumptive Use of Member Wells from Past Pumping 2003 through 2005. The consumptive use of pumping for member wells was estimated for the years 2003 through 2005 using a combination of power records, flowmeter records, and the irrigated acreage and crop data collected by the association in 2003 through 2005. Where available, measured pumping data were used. Crop cards were completed by each user, which documented the acreage, crop, irrigation type and other sources of supply for each well for the 2003 and 2004 seasons. Temperature and precipitation data from the Sterling station were used in the calculations. Surface water

supplies available to the Members are provided by the following ditches: South Platte, Farmers Pawnee, Schneider, Springdale, and the Sterling No. 1. Logan-Prewitt Reservoir water is also delivered to some of the Members through these ditches. The amount of surface water available was pro-rated based on the number of ditch shares used on each farm. The diversions for each ditch and the number of shares used on each farm are included in the IDS CU model data files. A water budget analysis was performed for each farm using a monthly time step. Irrigation efficiencies for surface water supplies were considered to be 55 percent for flood irrigation and 80 percent for sprinkler irrigation. The resulting difference between the total irrigation requirement and the irrigation requirement met by surface water was considered to be the consumptive use of ground water at each farm.

- 52.2.4. Timing and Location of Depletions and Accretions. The effects on the South Platte River resulting from the consumptive use of water caused by pumping from wells or from recharge pursuant to this plan (except for delayed depletions from recharge wells, which will be determined in accordance with ¶28 of this decree) will be calculated by means of the analytical equations described by Glover (Glover 1977) and others. Although there are various methods for applying the analytical equations described by Glover, the primary method to be used in this case shall represent a parallel no-flow boundary which requires the following parameters: (1) a boundary condition for the alluvial aquifer indicating that the boundary constitutes a "no-flow" condition; (2) the distance between the well and the no-flow boundary, commonly referred to as "B"; (3) the width of the aquifer on the side of the river where the well or recharge structure is located, commonly referred to as "W"; (4) the distance from the river to the location of the well or recharge structure, commonly referred to as "X"; (5) the transmissivity of the aquifer between the location of the structure and the stream, commonly referred to as harmonic "T", and (6) the specific yield of the aquifer, commonly referred to as "S". The aquifer parameters for each of the wells and recharge ponds which are a part of this plan were determined, when possible, from the U.S. Geological Survey

Publications entitled Hydrogeologic Characteristics of the Valley Fill Aquifer in the Julesburg Reach of the South Platte River Valley, Colorado and Hydrogeologic Characteristics of the Valley Fill Aquifer in the Sterling Reach of the South Platte River Valley, Colorado ("Hydrogeologic Characteristics"). For purposes of determining the aquifer parameters, the location of the South Platte River was determined by reference to the plates included within the Hydrogeologic Characteristics. The "X" and "W" factors for each structure were determined by measurement of the perpendicular distance from the South Platte River to the structure. The "T" factor was determined by using the harmonic mean transmissivity, which is the transmissivity between the location of the structure and the South Platte River using mapping tools developed by the IDS Group based upon data contained in Hydrogeologic Characteristics. To the extent a structure is located outside the area of the Hydrogeologic Characteristics, the "X", "W" and "T" factors were determined by reference to alternative aquifer data. The specific yield for the aquifer shall be equal to twenty percent (20%). The aquifer parameters developed for the wells to be augmented under this plan are shown on the attached Table 1. The aquifer parameters developed for the recharge ponds included in this plan are shown on the attached Table 4. The aquifer parameters developed for the augmentation wells included in this plan are shown on the attached Table 5. The aquifer parameters developed for use in calculating Prewitt Reservoir return flow replacement obligations are shown on the attached Table 7. The Applicant has proposed use of the "alluvial aquifer" setting in the Integrated Decision Support Alluvial Water Accounting System ("AWAS") to complete the calculations of the stream depletions and recharge described in the Glover equation. AWAS was developed in 2003 by the Integrated Decision Support System at Colorado State University. AWAS is based upon the Analytical Stream Depletion Model of the Office of the State Engineer, Colorado Division of Water Resources, which was developed by Dewayne R. Schroeder in 1987 to compute stream depletion or accretion caused by a well pumping from or recharging to an aquifer hydraulically connected to the stream. The alluvial aquifer setting of the AWAS program, or another program which

incorporates the Glover no-flow alluvial aquifer boundary method, shall be used to determine the timing of stream depletions and recharge. The accounting for depletions shall be completed on a well-by-well basis. The Member Wells depletions reach the South Platte River in the reach from approximately the Prewitt Reservoir Inlet Canal downstream to the North section line of Section 25, Township 9 North, Range 52 West, 6th P.M., Logan County, Colorado. Member Wells, Augmentation Wells and Recharge Wells shown on Tables 1, 3 and 5 shall be lagged to the South Platte River. Diversions from any Member Wells, Augmentation Wells and Recharge Wells added to the decree under ¶49.6 shall be lagged to the South Platte River or applicable tributary or drain as may be determined by the Water Court when the well is added, using the Glover alluvial aquifer method described in ¶52.2.4

52.3. Determination of Future River Depletions for Member Wells. Beginning with April 1, 2006, Applicant shall calculate well depletions as follows.

- 52.3.1. Measured Well Pumping. Applicant's method of determining well depletions shall be based on well pumping data. Applicant shall collect actual well pumping data based on power records or flow meter readings and determine the amount pumped as required by this decree. On or before February 1, 2008 flow meters shall be installed on all Members wells and shall be used to measure well pumping, rather than power records.
- 52.3.2. Power Coefficients. Prior to the installation of flow meters as required by ¶52.3.1, Applicant may determine a power coefficient for each member well which shall be used in conjunction with the electric power records of the well to determine monthly pumping. The meters may be read by Applicant or the member and reported to Applicant. Power coefficients will be 1) determined utilizing rating procedures approved by the State Engineer and conducted under the supervision of a person certified by the Division of Water Resources as qualified to properly conduct such tests. 2) conducted when the pumping system has stabilized, i.e. both operating pressure and pumping drawdown has not changed more 10% in the last hour and 3) include on the test report the pumping drawdown and operating pressure at the time the test

was conducted and 4) determined from a test conducted between March 1 and June 30. If the Division of Water Resources ceases to provide certification of persons to conduct such tests, then the tests shall be conducted by such other persons qualified to conduct such tests. Power coefficients will be initially determined for wells for which pumping will be determined using power records in March - June, 2006. After initial power coefficients are measured, Applicant will establish a schedule to re-rate power coefficients of one-half of all such wells each year beginning with 2008. The purpose of this provision is to recertify the power coefficient of each well every two years. Re-rating of power coefficients shall be required more frequently than two years if and when any of the following occur. Power Coefficients will be re-rated whenever 1) a new or re-worked pump or motor is installed 2) the well is reworked to change the yield of the well, 3) the system that the well discharges into is modified in such a manner as to change the power coefficient or discharge of the pump, or 4) any other change is made to the system that changes the discharge or power coefficient. Such re-rating shall be completed within 90 days after any one of the occurrences above. If a power meter malfunctions, the amount of water pumped during the time of malfunction may be estimated based on either 1) prior power records, or 2) determination of crop potential consumptive use for the acres irrigated by the well, using the Modified Blaney-Criddle method. A malfunctioning power meter shall be repaired or replaced within 15 days of the time the malfunction is discovered. If the owner fails to do so, Applicant shall, for administration of this plan, assume that the well was used to produce the maximum amount required for crop consumption or other intended use during the period of the malfunction. Court retains perpetual jurisdiction to review the decision of the board regarding use of power meters.

- 52.3.3. Flow Meters. Flow meters may be read by members and reported to Applicant. Flow meters will be maintained in working order by the member well owner. Meters will be tested and certified as accurate at least once every four years by a registered professional engineer or other qualified person. In the event a flow meter malfunctions, the amount of water pumped during the time of malfunction may be estimated based on either 1) power records for the well, calculating the power

coefficient for the prior month (by calculating the kilowatt hour consumption per acre foot pumped for irrigation of the crops for the prior two months of pumping and multiplying that number times the kilowatt hours for the time period the flow meter malfunctioned) or 2) for an irrigation well by determination of crop irrigation requirement using weather data from the Sterling Weather Station, the acres and the crop irrigated by the well, by use of the potential consumptive use for the acres irrigated by the well, by use of the Modified Blaney-Criddle method. A malfunctioning flow meter shall be repaired or replaced within 60 days of the time the malfunction is discovered. If the owner fails to do so, Applicant shall, for administration of this plan, assume that the well was used to produce the maximum amount required for crop consumption or other intended use during the period of the malfunction.

- 52.3.4. Consumptive Use Factors. The consumptive use of total pumping will be 60% for ground water applied by flood irrigation, and 80% for ground water applied by sprinkler irrigation, 100% for ground water used for feed lot, augmentation, recharge, industrial, and 10% for ground water used for in-house domestic uses where the return flow is treated by a non-evaporative waste water disposal system. For domestic wells with outdoor uses, the amount of pumping for outdoor uses shall be calculated as the monthly pumping minus indoor use, where indoor use is the average monthly ground water pumping during the previous December, January, and February. If the outdoor uses are limited to irrigation of lawn and gardens, the consumptive use of the outdoor use amount will be 85%. If the outdoor uses include livestock watering, the consumptive use of the outdoor use amount will be 100%
- 52.3.5. Municipal Consumptive Use Calculation. To the extent that water from any member well is used for municipal purposes, the net consumptive use of ground water during the months of December, January, and February shall be calculated as 10% of the measured ground water pumping. The net consumptive use of ground water during the months of March through November shall be calculated as follows: 1) Indoor use = average monthly ground water pumping during the previous December, January, and February. 2) Outdoor Use = monthly ground water pumping – Indoor Use. 3) Net monthly consumptive use of

ground water = (Indoor Use X 10%)+(Outdoor Use X 85%).

- 52.3.6. Monthly Calculation of Consumptive Use of Groundwater by Member Wells. The monthly pumping of each Member Well, derived in accordance with ¶52.2. and ¶52.3., shall be multiplied by the consumptive use factor in ¶52.3.4, or ¶52.3.5. for municipal purpose wells, to arrive at the monthly consumptive use of groundwater by the Member Well.
- 52.4. Lagged Monthly Depletion for Member Wells. Monthly consumptive use from pumping member wells will be lagged to the South Platte River using the AWAS Glover alluvial aquifer method described in ¶52.2.4, except as otherwise provided in ¶128 for irrigation use of wells R-8 and R-11. Depletions from any new well not listed in Table 1 and added to this decree pursuant to ¶49.6 shall be lagged to the applicable Tributary or Drain based on the wells location being above either Pawnee Creek, North Cedar Creek, Pioneer Drain, or Community Drain using the Glover alluvial aquifer method described in ¶52.2.4
- 52.5. Dispute Regarding Location and Timing of Depletions. Applicant and the City of Sterling (Sterling) dispute whether the depletions from certain Member Wells and Augmentation Wells shown on Tables 1 and 5 to this decree are hydrologically connected to, and should be lagged to Pawnee Creek, North Cedar Creek (collectively referred to as "Tributaries"), Pioneer Drain, and Community Drain (collectively referred to as "Drains") or whether they should be lagged directly to the South Platte River. Sterling asserts that depletions from certain wells listed on Tables 1 and 5 should be lagged to the nearest Tributary or Drain which would have the effect of increasing the amount of depletions during the initial years of the plan's operation. Applicant asserts depletions from all wells on Tables 1 and 5 should be lagged directly to the South Platte River. Applicant and Sterling also dispute which measure of transmissivity to use in lagging depletions. Applicant proposed to use the transmissivity of the aquifer in the vicinity of the well or recharge structure, commonly referred to as "T." Sterling asserts Applicant should use the transmissivity between the location of the structure and the South Platte River using mapping tools developed by the IDS Group, commonly referred to as the "Harmonic T." These disputes do not affect the total amount of depletions caused by the pumping of the Member Wells or Augmentation Wells but relate to the timing of those depletions as they impact the South Platte River. For purposes of resolving these

disputes in this matter only and not to be construed as precedent in any subsequent matter, including but not limited to proceedings to change or amend this decree or to add wells to the plan for augmentation herein, 1) Sterling and Applicant agree, and the Court determines, that Applicant shall lag the depletions from all Member Wells in Table 1 and Augmentation Wells in Table 5 directly to the South Platte River, but that Applicant shall make available to the South Platte River augmentation credits under the terms and conditions set forth in ¶¶52.5.1-52.5.4 in order to prevent potential injury to water users including objectors, which shall be known as "Dedicated Augmentation Credits," or "DAC," and 2) Applicant and Sterling agree Applicant shall use the Harmonic transmissivity.

52.5.1. Dedicated Augmentation Credits. Applicant represents that Applicant will have the capability to divert to recharge an amount of water which will be more than the amount required, in combination with other augmentation sources described herein, to replace all projected depletions from Member Wells and Augmentation Wells. At all times when the recharge water rights included in this decree as water rights to be used for augmentation, including but not limited to those in ¶8 through ¶18.6 but excluding the Farmers Pawnee Canal and related ponds, are in priority, Applicant shall be obligated under this decree to divert water to recharge in an amount sufficient to replace, in combination with other augmentation sources projected under ¶52.6, all projected monthly depletions from Member Wells, Recharge Wells and Augmentation Wells, and to make available, each month, Dedicated Augmentation Credits (DAC) in the amount and for the period of time specified in the following table. The Time Period and monthly amount of the DAC is as follows:

Time Period	Monthly Amount of DAC (acre-feet)
2006 through 2015	71
2016 through 2025	51
2026 through 2035	35
2036 through 2055	20

Applicant shall deliver the DAC by means of recharge to the

South Platte River. Applicant shall be entitled to take credit under this decree for the DAC only if and to the extent such credits are actually delivered by recharge to the South Platte River and only to the extent such use of the recharge credits does not violate any terms and conditions for use of such recharge credits in the applicable decree for such recharge project. Applicant is prohibited from leasing or otherwise disposing of any recharge water under ¶25 which is not needed by Applicant to replace all depletions from Member Wells, Recharge Wells and Augmentation Wells until it has first made available to the river water in the full amount of the DAC shown in the above table since delivery of the DAC is part of the obligation to prevent injury. Applicant shall maintain accounting records under ¶52.8 which shall demonstrate the amount of DAC which have been made available to the South Platte River on a monthly basis. To the extent sufficient water is available under the terms and conditions of this paragraph, Applicant shall make the full amount of the DAC available to the South Platte River each month. If the amount of available DAC is on a monthly basis, less than the full amount shown in the above table, then Applicant shall make available the entire lesser amount of the DAC to the South Platte River. The fact that the full amount of the DAC may not be available in a given month does not relieve Applicant of its continuing obligation under this decree to deliver all available DAC to the River at all other times. Applicant shall make available DAC at all times under this decree whether or not there is a call on the South Platte River or its tributaries, it being the meaning of this provision that Applicant's obligations under this paragraph are not dependent on or conditioned by the existence or non-existence of calls or call conditions on the River.

- 52.5.2. Applicant Required to Maintain Adequate Recharge Facilities. Applicant shall maintain recharge facilities which are capable of diverting and recharging to the South Platte River an amount of water sufficient to replace all Member Well, Recharge Wells and Augmentation Wells depletions, to replace all return flow obligations and to make available the DAC. This obligation shall extend beyond 2056, except thereafter Applicant shall not be required to make available the DAC. Nothing in ¶ 52.5 or its subparagraphs gives Applicant the ability to use or maintain recharge facilities owned or controlled by others, including but not limited to ditch companies from which recharge credits may

originate, without lawful and legally binding agreements for such use and maintenance.

52.5.3. Addition of Wells to Plan for Augmentation. The DAC have been agreed to by Applicant and the City of Sterling as a means of resolving disputes relating to the timing and location of depletions from wells listed on Tables 1 and 5 only. In order to prevent the DAC required under this paragraph from being dedicated to wells other than those shown on Tables 1 and 5, no new, additional or supplemental wells may be allowed in this plan for augmentation unless the Applicant first demonstrates to the court that the DAC shall be available and supplied by Applicant to the South Platte River in the full monthly amount shown on the above table in every month in which depletions from the wells on Table 1 and 5 may occur. Replacement wells or Alternate Point Wells, as described in ¶49.2, for wells that are included on Tables 1 and 5 shall not be subject to this limitation, so long as the replaced well is plugged and abandoned in accordance with law and so long as the combined diversion of the original well and the alternate point well do not exceed the original decreed rate or volume of the original well. If the Applicant shall at any time file an application to include new, additional or supplemental wells which are not on Tables 1 and 5 in the plan for augmentation, the court shall determine whether depletions from such wells affect the South Platte River, tributaries of the River or drains tributary to the River and the depletions shall be lagged to the location determined by the court.

52.5.4. No Exchange against Dedicated Augmentation Credit. Applicant is prohibited from operating the right of substitution and exchange decreed in ¶¶61-66 herein with the intention or result of capturing or diverting by substitution or exchange any part of the DAC.

52.5.5. Retained Jurisdiction. The Court has retained jurisdiction over ¶52.5.

52.6. Annual and Monthly Projections.

52.6.1. Timing and Purpose of Projection. On or before April 15th of each year Applicant will make a 3-year projection (for each month of the three-year projection period beginning on April

1st of the current year) of its operations. The purpose of the projection is to demonstrate that Applicant will have sufficient augmentation supplies to replace all depletions and return flow obligations during the entire three-year projection period. The projection will be used to limit the pumping of Member Wells, and augmentation wells and the recharge wells in ¶8-18, to assure that full augmentation will occur during the projection period. The projection will be provided to the Division Engineer. The objectors will receive the projection and all backup information to support the projection upon written request and payment of reasonable copying costs. The Court retains perpetual jurisdiction of the plan for augmentation decreed herein to determine whether the projection method is sufficient to prevent injury under the terms and conditions of this decree. If a projection is not submitted by April 15, all irrigation well pumping under the plan for augmentation decreed herein shall cease until the three-year projection is submitted, provided that the court may review as part of its retained jurisdiction whether, due to increased non-irrigation well pumping under this plan, any non-irrigation wells must also be required to cease pumping if the projection is not submitted.

52.6.2. Information Required for Annual and Monthly Projections. Subject to the requirements of ¶52.6.3, the annual and monthly projections will include the following information which information shall be described as being either above and below the Sterling No. 1 Ditch (located as described in paragraph 29) and as long as the limitation on use of Prewitt Acre Rights described in ¶33.6.11 is in effect, the information shall be broken out between wells located, and serving land within the boundaries of the Logan Irrigation District, and those located, or serving land outside the boundaries of the Logan Irrigation District.

52.6.2.1 Previous Depletions. The depletions associated with previous pumping of the Member Wells, augmentation wells and recharge wells.

52.6.2.2 Projected Member Well Depletions. The amount of pumping and resulting depletions from the Member Wells that can occur in the

current year without causing unreplaced depletions over the 3-year projection period.

- 52.6.2.3 Projected Recharge Well Depletions. The amount of pumping and resulting depletions from the recharge wells in ¶18-18 that can occur in the current year without causing unreplaced depletions over the 3-year projection period.
- 52.6.2.4 Projected Augmentation Well Pumping and Depletions. The amount, if any, of augmentation well pumping, and resulting depletions, to be used to replace Member Well, augmentation well and recharge well depletions, and Prewitt and changed Ditch share return flows, under the plan during the projection period.
- 52.6.2.5 Recharge Accretions. The accretions associated with Applicant's previous (prior to the current annual or monthly projection) and projected recharge activities. The projected annual recharge deliveries will be distributed among recharge ponds using the average recharge pattern, in December through March, for the prior three years.
- 52.6.2.6 Prewitt Reservoir deliveries. The projected deliveries of Prewitt Reservoir water for augmentation pursuant to ¶152.6.3.4.
- 52.6.2.7 Prewitt Return Flows. The return flow obligations attributable to its previous and projected use of Prewitt Reservoir water used for augmentation or recharge hereunder.
- 52.6.2.8 Ditch Shares delivered for augmentation. The projected deliveries of water available under changed ditch shares for augmentation.
- 52.6.2.9 Ditch Shares Return Flows. The return flow obligations attributable to its previous and

projected use of changed ditch shares for augmentation and recharge hereunder.

52.6.2.10 Additional Supplies. Any additional net replacement supplies or credits, the amounts of which are known at the time the projection is made, that Applicant has secured for any or all of the next three years.

52.6.2.11 Transit Loss. Estimated Stream Transit Loss. Estimated stream transit loss determined pursuant to ¶33.6.5.

52.6.3. Projection Limitations and Assumptions

52.6.3.1 Period of Call. The projection shall be completed assuming there is a South Platte River call senior to the priorities of the Member Wells, the recharge and augmentation well water rights decreed herein and the return flow obligations required herein from at least April 1 to December 15 each year. The projection must demonstrate, however, that depletions from the augmentation and recharge wells, and return flow replacement obligations can also be replaced, if necessary to prevent injury, from December 16th to March 31st of each year.

52.6.3.2 Projected Augmentation Well Pumping. The amount of augmentation well pumping which may be projected for use in years two and three of the projection period to replace (1) lagged depletions from pumping of Member Wells, augmentation wells and recharge wells during the current year and all previous years and (2) return flow obligations from previous and projected use of acre-rights and shares as augmentation supplies, shall be limited to not more than the following total combined amounts in projection years two and three.

Years	Amount (acre-feet)
2006-2007	4000
2008-2009	3500
2010-2011	3000
2012-2013	2500
2014 and following	2500

If Member Wells are removed from the Plan for Augmentation decreed herein, the limits on augmentation well pumping in the second and third years of the projection period will be reduced based on the proportion of the total Member Well depletions removed from the plan.

- 52.6.3.3 Projected Recharge Deliveries. Projected recharge deliveries for each year of the three-year projection period shall be limited by the assumption that the recharge water rights used as augmentation supplies under ¶50 and ¶51 will divert only from December 16 to March 31 each year. Beginning in April, 2011, the amount projected for each year of the projection period shall be limited to the average of Applicant's Members' pro rata share of the three lowest annual deliveries to recharge during the December 16 through March 31 period during the prior fifty years of operation of the plan beginning with water year 2009. For the purpose of determining the three lowest years of recharge, years in which water was physically and legally available for diversion to recharge, but was not diverted because the full amount of water available for recharge was not needed to replace depletions under this decree, will be excluded from the average, as will years when the failure to divert was the result of a mechanical or structural

failure of a recharge pond or structure used to deliver water to a recharge pond, but Applicant shall be entitled to exclude from the pre- or post-2011 average its failure to divert due to mechanical or structural failure only so long as it diligently proceeds to repair the failure as quickly as possible and, under any circumstances, for a period not to exceed one year from the date of such failure. Before the April, 2011, projection, the projected recharge delivery will be the Applicant's Members' pro rata share of the amounts for the applicable December 16 through March 31 deliveries to recharge set forth below: For April, 2006: Actual deliveries during 2005/2006; For April, 2007: Average of deliveries during 2005/2006 and 2006/2007; For April, 2008: Average of deliveries during 2005/2006, 2006/2007, and 2007/2008; For April, 2009 and April, 2010: Average of three lowest deliveries beginning with 2005/2006. For so long as the limitation on use of Prewitt Acre Rights described in ¶33.6.11 is in effect, projected recharge deliveries attributable to Prewitt Acre-Rights shall be projected only to provide recharge credit for the benefit of Member Wells that are located, and serve land within the boundaries of the Logan Irrigation District.

- 52.6.3.4 Projected Prewitt Reservoir Releases. The projected total volume of releases of Prewitt Reservoir water for augmentation for the current year will be based upon the amount of water available for release to the river from the reservoir per acre-right or share as projected by the Prewitt Operating Committee (prior to April 1 of each year) multiplied by the number of acre-rights or shares committed by their owners in writing to augmentation use for the current year, less transit losses assessed under the terms of this decree. The projected total volume of releases of Prewitt Reservoir water

for augmentation for years two and three of the projection period will be the lesser of 0.4 acre feet per Logan Prewitt acre-right and 8 acre-feet per Morgan-Prewitt share , or the average of the allocations for the two lowest consecutive years over the period of operation of the plan multiplied by the number of acre-rights and shares committed by their owners to augmentation use for those years, less transit losses assessed under the terms of this decree. For so long as the limitation on use of Prewitt Acre Rights described in ¶33.6.11 is in effect, projected recharge deliveries attributable to Prewitt Acre-Rights shall be projected only to provide recharge credit for the benefit of Member Wells that are located, and serve land within the boundaries of the Logan Irrigation District.

- 52.6.3.5 Projected Changed Ditch Right Deliveries and Return Flow Obligations. The projected total volume of deliveries of changed ditch rights or any ditch right added to the plan under the terms of this decree, for each year of the projection will be limited to the amount of water available per share based on the dry year yield of the shares. The projection return flow obligations associated with such shares shall also be based on the dry year yield of the shares. The dry year yield and return flow factors for ditch shares are set out on Table 8 for ditches included as sources in this decree. For any ditch water not included as a source in this decree the dry year yield and return flow factors shall be determined by the terms of the SWSP approving the use of the shares in this plan, subject to review under ¶51.2. Once a decree changing the ditch shares to augmentation use is entered, the terms of the decree shall be used to determine the dry year yield and return flow factors.

52.6.3.6 Additional or Alternate Supplies. Any additional or alternate net replacement supplies or credits that have been authorized for use in the plan pursuant to ¶51, the amounts of which are known at the time the projection is made, that Applicant has secured for any or all of the years of the projection period.

52.6.3.7 Agreements. Unless already provided to objectors as required in ¶51.3, Applicant shall provide copies of any new, revised, or amended agreements, consents, or other authorization entered into by the Applicant under which it claims to be entitled to include such augmentation supplies in the projections at least 30 days before the Applicant shall be entitled to include such augmentation supplies in the annual or updated projections.

52.6.4. Periodic Updates. Applicant shall complete a periodic update of the annual and monthly three-year projection based on actual to date operations of all wells and augmentation supplies included in the projection for any month in which (1) projected augmentation supplies will be less than in the April projection or the most recent periodic update or (2) projected Member Well pumping will be more than in the April projection or the most recent periodic update; or (3) Applicant has sold or transferred a replacement source relied upon in a previous projection; or (4) one or more of the Applicant's agreements with landowners or other augmentation entities has been modified, has terminated or has expired, unless a modification is (1) for the sole purpose of making a periodic adjustment of the amount which Applicant shall pay for water under the terms of the agreement or (2) solely to assign the agreement to a successor in interest who will be the owner of the water rights and structures included in the agreement, the lands on which the water rights and structures included in the agreement are located and any Member Wells located on such lands, and the water rights and structures will continue after the assignment to be used under the terms and

conditions of the Plan for Augmentation. The court perpetually retains jurisdiction to review any such sale, transfer, modification, termination or expiration of any agreement, which retained jurisdiction shall be invoked and determined in accordance with ¶90, below. The court shall impose such terms and conditions on the Plan for Augmentation as it deems necessary to prevent injury to vested water rights and decreed conditional water rights which may result from any sale or transfer of water rights or modification, termination or expiration of an agreement. The Applicant shall complete any periodic update not later than the end of the month following the occurrence of the event which causes the update to be required and shall, in the same month a periodic update is completed, submit the update to the Division Engineer and Water Commissioner and shall submit the update and all backup information to support the update to the objectors upon written request and payment of reasonable copying costs. Applicant may update the annual projection at other times it deems appropriate and shall submit each update to the Division Engineer and Water Commissioner without payment of copying costs and at the same time notice the objectors, who may obtain copies of the update and all backup information to support the update upon written request and payment of reasonable copying costs.

52.6.5. Projection Spreadsheet. The annual and monthly projections for the plan for augmentation shall be submitted on the projection spreadsheet attached hereto as Table 11. The projection spreadsheet is not decreed herein and may be changed from time to time so long as all information required by this decree is included in the spreadsheet and all changes are approved by the Division Engineer.

52.7. Limitation of Current Year Pumping and Depletions. In order that depletions from pumping Member Wells, Augmentation Wells and Recharge Wells, and return flow obligations, can be fully replaced in time, location and amount under the terms and conditions of this decree by the amount of projected augmentation supplies determined under ¶52.6, Applicant's pumping of Member Wells, Augmentation Wells, and Recharge Wells shall at all times be limited to the amounts allowed by the projections completed in accordance with ¶52.6. If at

any time the projected depletions from well pumping and the return flow obligations which must be replaced under this plan exceed the amount of projected supplies, Applicant shall immediately do either or both of the following.

- 52.7.1. Additional Water Rights. Applicant shall secure by purchase or lease sufficient water rights in accordance with ¶50 and/or ¶51 which will be sufficient in time, location and amount to replace all projected depletions and return flow obligations. The use of such water rights shall also be in accordance with any decree for such water rights or any rules, regulations or resolutions governing the use of such sources.
- 52.7.2. Reduction of Projected Out of Priority Depletions. Applicant shall reduce the out of priority depletions from Member Wells by curtailing well pumping in an amount which will assure that all well depletions and return flow obligations projected under ¶52.6 will be replaced in time, location and amount in accordance with the terms and conditions of this decree. The allocation of the reduction of projected out of priority depletions between Member Wells and the amount of reduction of projected out of priority depletions from each Member Well shall be determined by Applicant in accordance with Applicant's lawful bylaws, rules and regulations and policies. As soon as Applicant completes annual and monthly projections under ¶52.6, Applicant will notify each of the owners of the Member Wells, the Division Engineer and Water Commissioner of the maximum monthly volume in acre feet that may be pumped from each Member Well and the Member Wells as a whole. Monthly power readings and/or flow meter readings will be provided by Applicant to the Division Engineer and Water Commissioner so it can be determined whether the Member Wells as a whole have exceeded the maximum volume allowed.
- 52.7.3. Enforcement of Pumping Limits. If the monthly power readings and/or flow meter readings show a Member Well has exceeded the maximum monthly volume allowed, and the total allowed maximum monthly or annual volume allowed in accordance with the monthly or annual projection from all Member Wells has been exceeded, Applicant shall under its lawfully adopted bylaws, rules and regulations and

policies, notify the Member Well owner and Division Engineer in writing and order the Member to cease pumping immediately. If the member refuses to cease pumping Applicant shall take such action under its lawfully adopted bylaws, rules and regulations and policies to prevent pumping of the Member Well in excess of the maximum monthly volume allowed.

- 52.8. Post-pumping depletions. The Court finds that depletions from pumping of wells included in this decree continue for many years after well pumping has ceased. In addition to any other requirement to replace well depletions under this decree, Applicant shall, in accordance with the terms and conditions of this decree, replace all depletions that occur after pumping of any of the wells included in this decree cease. The augmentation supplies to replace such depletions under this decree shall be those water rights included in ¶150 or ¶151 or any other augmentation supplies which may have been added under the terms and conditions of this decree. Applicant shall be required to operate and use such water rights in order to assure that all post-pumping well depletions will be replaced in accordance with this decree. In the event the Member Wells have been curtailed, or have ceased to divert for any other reason, and irrespective of other terms and conditions limiting the use of Augmentation Wells, Applicant shall use the Augmentation Wells to replace post-pumping depletions if all other augmentation sources are not sufficient to replace out of priority depletions in time, location and amount, and if the depletions from the use of the Augmentation Wells can themselves be replaced in a manner which will prevent injury to water users. The Court retains perpetual jurisdiction of the plan for augmentation decreed herein to determine whether all such post-pumping depletions are being and will be replaced under the terms and conditions of this decree.
- 52.9. Accounting and Reporting. Accounting for the Plan for Augmentation shall be on the accounting forms attached hereto as Table 12. Accounting shall be submitted monthly to the Division Engineer and Water Commissioner. Applicant will attempt to complete the monthly accounting on or before the 10th day of each month following the month of operation, but shall complete the update before the last day of the following month. The monthly accounting shall also be provided to any objector making a written request for said accounting for that water year, upon payment of reasonable costs. The accounting shall be delivered to the Division Engineer and Water Commissioner in the

manner they prescribe and may be delivered to other objectors in paper or electronic format at Applicant's option. The accounting forms are not decreed herein and may be changed from time to time so long as the information required by this decree is included in the forms and such changes are approved by the Division Engineer or Water Commissioner.

53. Replacement. Applicant shall, in compliance with the terms and conditions of this decree, replace all stream depletions resulting from operation of Member Wells, Recharge Wells and Augmentation Wells listed in this decree and all historical return flows from the water rights changed herein and used for augmentation, hereinafter "depletions" and "return flows", in time, location and amount when the depletions or lack of return flows affect the South Platte River or its tributaries and there is a valid senior call for water from a location downstream of such Wells or historical return flows, as applicable. Depletions from Member Wells, Recharge Wells and Augmentation Wells will be considered to be out of priority during all times when there is a valid call for water downstream of the affected well from a water right that is senior to the individual well's respective water right. Unless accounting is provided for either individual wells or groups of wells, depletions from Member Wells, Recharge Wells and Augmentation Wells shall be considered out of priority at all times when there is a valid downstream call for water from water rights senior to the priority date of the most junior well being covered by this plan for augmentation. For purposes of this matter only and not to be construed as precedent in subsequent matters, the term "call" as used in this decree means a demand, recorded or unrecorded, by a senior priority for the curtailment of diversions by junior, upstream priorities in order that water be made available to the calling senior to satisfy the need for water of its senior priorities. For purposes of the matter only, valid senior calls are also defined in this decree to include any period of time when diversions of Colorado water rights in Water District 64 are not permitted by operation of Article IV, Section 2 of the South Platte River Compact, C.R.S. 37-65-101 *et seq.*
54. Curtailment. Applicant's Plan for Augmentation is sufficient to permit the continuation of diversions by the Member Wells, Recharge Wells and Augmentation Wells when curtailment would otherwise be required to meet a valid senior call for water, to the extent Applicant complies with all the terms and conditions of this decree including, but not limited to providing the necessary replacement water as required by this decree. Pursuant to §37-92-305(8) *C.R.S.*, the State Engineer shall curtail all out-of-priority diversions, the depletions from which are not so replaced as to prevent injury to vested water rights.
55. Disposition of Prewitt Water. The owner of a Member Well who owns Logan

Acre-Rights or Morgan Prewitt shares may sell, lease or otherwise dispose of such Acre-Rights or shares to a person who does not have a Member Well, if the Applicant or member demonstrates that Applicant will be able to replace all depletions from past and future well pumping from the Member Wells under this decree with the remaining augmentation supplies available to Applicant at that time. If the owner of Acre-Rights or shares proposes to sell, lease or otherwise dispose of any Acre-Rights or shares, the requirements of ¶52.6.4 shall apply. The court shall have continuing jurisdiction to review the sale, lease or other disposition of Acre-Rights or shares. The court shall either disallow sale, lease or other disposition of the Acre-Rights or shares or allow their sale, lease or other disposition on such terms and conditions as it deems necessary to prevent injury, including but not limited to, reduction or discontinuation of pumping and depletions by wells included in the plan for augmentation. The sale, lease or other disposition of Logan Acre-Rights and Morgan Prewitt shares the result of which is not to remove them from the plan is not prohibited or subject to the requirements of ¶52.6.4.

56. Disposition of Recharge Credits and Other Water Relied on in Projection. Recharge credits available to Member Well owners as a result of the recharge of water described in ¶¶50.2-50.8 are dedicated to this plan. Member Well owners who own ditch shares may sell, lease or otherwise dispose of the recharge credits attributable to their shares to a person who does not have a Member Well if the Applicant or member demonstrates that Applicant will be able to replace all depletions from past and future pumping from the Member Wells under this decree with the remaining augmentation supplies available to Applicant at that time. If the owner of the ditch shares proposes to sell, lease or otherwise dispose of recharge credits attributable to such shares, the notice requirements of ¶52.6.4 (Periodic Updates) shall apply except as otherwise provided herein. The Court shall have continuing jurisdiction to review the sale, lease or other disposition of recharge credits. Subject to ¶25, the Court shall either disallow sale, lease or other disposition of recharge credits or allow their sale, lease or other disposition on such terms and conditions as it deems necessary to prevent injury, including, but not limited to, reduction or discontinuation of pumping and depletions by wells included in the plan for augmentation. The sale, lease or other disposition of the ditch shares, the result of which is not to remove from the plan the recharge credits from the ditch shares associated with such shares or water of any kind that was used in this plan in a projection to allow well pumping, is not subject to any restriction by this decree, including the notice requirements of ¶52.6.4 or the Court's retained jurisdiction.
57. Global Positioning Satellite Locations For Structures. The State Engineer and Division Engineer have requested that in the event the locations for the Member

Wells and other structures described in this decree are determined by reference to the Global Positioning Satellite (GPS), the data regarding the locations will be provided to the State Engineer and Division Engineer. Applicant has agreed to provide the data to the State Engineer and Division Engineer at such time when a GPS determination is completed. The Court hereby orders that the GPS data for all structures in this case shall be provided to the State Engineer and Division Engineer at such times as the data are developed.

58. The City of Sterling's Rights Not Affected. This decree adjudicates water rights for the Sterling Irrigation Company Recharge Project and the Springdale Ditch Company Recharge Project. This decree also designates as one source of augmentation water for the augmentation plan herein the water rights decreed by this Court to the Farmers Pawnee Canal Company Recharge Project in Case No. 95CW263. Nothing in this decree determines whether Applicant, its members or the Sterling Irrigation Company, the Farmers Pawnee Canal Company or the Springdale Ditch Company have any right to use recharge credits which are or may become available to the City of Sterling from said recharge projects by virtue of the City of Sterling's ownership of shares in said companies or for any other reason.
59. Maximization of Use. Under this decree, Applicant is entitled to divert surface water from the South Platte River, divert groundwater from augmentation wells, divert groundwater from recharge wells, operate an exchange and operate the Plan for Augmentation. So long as such diversions take place in accordance with the terms and conditions set forth in this decree, Applicant is entitled to operate its water rights, exchange and Plan for Augmentation in the manner which will, in Applicant's judgment, maximize the beneficial use of its water rights for the purposes for which they were adjudicated.
60. Parker Provisions. Applicant has agreed with the Parker Water and Sanitation District to the following to resolve all matters pertaining to the terms and conditions of this decree.
 - 60.1. Information. Applicant shall provide to Parker information about the amount of pumping, amount of recharge and the amount of Prewitt water released and all other information required by this decree to account for depletions to the river from pumping and accretions/releases of augmentation water at the same time this information is provided to State water administration officials.
 - 60.2. Sterling No. 1 Ditch and Schneider Ditch. The Sterling No. 1 Ditch shall be used as an index ditch as described in this ¶60.2. Applicant will account for depletions and replacement water above and below the

Sterling No. 1 Ditch and will keep track of when the ditch is in and out of priority during the irrigation season and this information will be included in the monthly reporting of plan operations. The annual projection will use the assumption that the Sterling No. 1 Ditch is the calling right throughout the irrigation season so that adequate water for replacement of depletions above that location will be available. Schneider Ditch will not be used as an index ditch but Applicant will keep track of when the Schneider Ditch is in and out of priority during the irrigation season and this information will be included in the monthly reporting of plan operations.

- 60.3. Monitoring of Wells. Applicant shall monitor water levels in nine existing wells with Permit Nos. 10174-F, 1776-R, 8856-F-R, which three are already monitored pursuant to the Pawnee Wells Users Inc., Decree Case No. 04CW046, and Permit Nos. 12690, 1089, PO2077, 6940-F, 9154-F, 16764-F, which wells are described on Tables 1 and 5. Water level measurements from Permit Nos. 10174-F, 1776-R, 8856-F-R shall be obtained by Parker from the Pawnee Wells Users Inc., pursuant to the terms of the Decree in Case No. 04CW046 and nothing in this paragraph is intended to or shall be construed to give Applicant any right to access such wells for any purpose. Water level measurements from Permit Nos. 12690, 1089, PO2077, 6940-F, 9154-F, 16764-F shall be taken once each month on or as close as possible to the first business day of each month, by members of or designated representatives of Applicant, and provided to Parker within 15 days of the date of the measurements. If Parker wants water level data from more of applicant's member wells, applicant shall cooperate but collection of such data and any necessary pump or well modification required to collect such water level data shall be at Parker's expense. Any expenses incurred by applicant on behalf of Parker in connection with such additional water level measurements shall be reimbursed to applicant by Parker within 60 days after Parker's receipt of invoice. This monitoring requirement shall terminate 10 years from the date of entry of the decree in this case unless any party herein files a motion with the court seeking to extend the monitoring and stating why it is necessary. Applicant shall provide to Parker all well logs available for applicant's member wells and any other information in its possession concerning aquifer characteristics in the vicinity of applicant's member wells.
- 60.4. Annual Report. No later than April 15 of each year, applicant shall provide an annual report to Parker, in addition to the monthly reports

described in ¶60.2 above and the projection report required by this decree, which shall include information in the monthly reports for the previous April 1 through March 31 period, the annual projection for the current April 1 through March 31 period, and daily records as to whether the Sterling No. 1 Ditch was in priority or not during the previous irrigation season.

- 60.5. Timing of Accretions, Depletions and Return Flows. Applicant and Parker have a dispute as to the adequacy of the AWAS method to accurately determine the timing of depletions, accretions and return flows. In order to resolve this dispute Applicant shall not use Excess Water, as defined in ¶62 and ¶63, unless and until the plan uses a model which is subject to calibration, sensitivity analysis and field verification, such as ModFlow, together with such additional number of monitoring wells and other observation or measurement facilities as necessary to reasonably set up, calibrate and run the model. Applicant's use of the South Platte Decision Support System ("SPDSS") would also satisfy this requirement provided the SPDSS incorporates or uses a numerical aquifer model which is subject to calibration, sensitivity analysis and field verification. If and when the plan uses such a model, Applicant may use the Excess Water pursuant to terms of this decree. Parker and Applicant agree that the Court retains jurisdiction pursuant to this paragraph and ¶90 to determine whether or not the parameters and methodology of the South Platte Decision Support System ("SPDSS") should be used in place and instead of the AWAS method, at such time as the SPDSS is completed, if it can be shown that said model provides more accurate results and is more capable of verification than AWAS.

EXCHANGE

61. Exchange. Applicant claims the following right of substitution and exchange pursuant to §§37-80-120, 37-82-106, 37-83-104, and 37-92-101, et. seq., C.R.S.
62. Operation of the Substitution and Exchange. At such times when recharge water is delivered to the South Platte River pursuant to the plan for augmentation requested in this case in excess of the replacement requirements, the recharge water will be substituted and exchanged for water diverted at the headgates of the Ditches and/or the Recharge Wells which are also described in ¶8.1, ¶10.1, ¶11.1, ¶13.1, ¶16.1, ¶17.1, and ¶18.1. The exchange to and from points and the claimed flow rates are set out in Table 16. The substitution and exchange will only operate at such times when, and to such extent that, no water rights

located between the point of delivery to the South Platte River and the point of diversion will be materially injured by the substitution and exchange. Applicant shall provide prior notice to the Division Engineer, who shall assess reasonable transit losses on the amount substituted or exchanged. The substitution and exchange will only operate at such times when there is a live stream between the point of delivery to the South Platte River and the point of diversion. Subject to ¶25, excess recharge credits may also be leased to other water users pursuant to an approved Substitute Water Supply Plan or a Water Court Decree. Applicant does not own these structures and shall operate exchanges only with the permission of the owners of such structures. For so long as the limitation on use of Prewitt Acre Rights described in ¶33.6.11 is in effect, excess recharge deliveries attributable to Prewitt Acre-Rights shall be substituted and exchanged, or leased, only for the benefit of wells or water uses that are located, and serve land within the boundaries of the Logan Irrigation District.

- 62.1. Legal Description of Points of Diversion. The points of diversion are the headgates of the South Platte, Schneider, Springdale, and Sterling No. 1 Ditches, the Prewitt Reservoir Inlet Canal, and the Recharge Wells described in ¶8.1, ¶10.1, ¶11.1, ¶13.1, ¶16.1, ¶17.1 and ¶18.1 all in Logan County, Colorado.
- 62.2. Legal Description of the Reach of the South Platte River Within the Substitution and Exchange. The recharge water delivered to the South Platte River will be delivered within a reach of the South Platte River, consisting of an upstream point at the Prewitt Reservoir Inlet Canal, described in ¶33.1 and a downstream point at the North section line of Section 25, Township 9 North, Range 52 West, 6th P.M., Logan County, Colorado.
- 62.3. Date of initiation of appropriation. April 23, 2003.
- 62.4. Amount claimed. 52 c.f.s., conditional.
- 62.5. Use. Subject to the limitations set forth in ¶25, augmentation of water rights used for irrigation, municipal, commercial, livestock, fire protection, recharge, and replacement.
- 63. Operation of Appropriative Right of Substitution and Exchange. At such times when recharge water delivered to the South Platte River pursuant to the operation of the augmentation plan is in excess of the amount of water required to replace out of priority depletions associated with the operation of the Member Wells, Augmentation Wells, Recharge Wells, historical share and acre-right return flows and the Dedicated Augmentation Credit, the excess water (Excess Water)

may be substituted and exchanged for water diverted at the headgate of the Ditches or to the Recharge Wells. In determining whether Excess Water exists the amount of (1) out of priority well depletions during the month, (2) the amount of share and acre-right return flow obligation during the month (3) recharge water delivered to the South Platte River during the month and (4) the amount of DAC shall be divided by the number of days in the month to determine the daily well out of priority depletions, the daily return flow obligation, and daily recharge water accretion deliveries. The exchange shall only operate on days when there is Excess Water which means recharge water accretion deliveries are greater than the sum of out of priority depletions, historical return flow obligations and the DAC. The amount that is divertable shall be not greater than the Excess Water. The water diverted at the headgate of the Ditches or at the recharge wells pursuant to the substitution and exchange shall be fully consumable, and may be used for recharge in the facilities as described in ¶8.4, ¶9.4, ¶10.4, ¶11.4, ¶12.4, ¶13.4, ¶15.4, ¶16.4, ¶17.4, ¶18.4 and ¶19.4 of this decree. Any exchanged volume delivered to recharge ponds by diversion through a ditch when the ditch is only in priority for a water right that is senior to April 23, 2003 must be reduced by the ditch loss being charged to the senior right. Delayed out-of-priority depletions resulting from diversions at the Recharge Wells shall be determined in accordance with ¶28 of this decree and replaced in accordance with the terms of this decree. Additionally, the exchange shall not operate to move any Excess Credits that accrue to the South Platte River at a location below the headgate of the Sterling No. 1 Ditch to any point of diversion located above the headgate of the Sterling No. 1 Ditch at any time when there is a call being placed by the Sterling No. 1 Ditch for water to satisfy its senior direct flow water right. For so long as the limitation on use of Prewitt Acre Rights described in ¶33.6.11 is in effect, excess recharge deliveries attributable to Prewitt Acre-Rights shall be exchanged only for the benefit of wells or other water uses that are located, and serve land within, the boundaries of the Logan Irrigation District.

64. Appropriate Rights of Substitution and Exchange. The appropriate rights of substitution and exchange will be operated pursuant to §§37-80-120, 37-82-106, 37-83-104, and 37-92-101, et seq., *C. R. S.* and in accordance with the terms and conditions of this decree.
65. Feasibility. The conditional water right for the substitution and exchange can be and will be diverted and controlled and the water will be beneficially used and the project can and will be completed with diligence and within a reasonable time.
66. Approval of Exchange. The exchange is in accordance with law and should be

granted subject to the terms of this Decree.

CONCLUSIONS OF LAW

67. Incorporation of Findings of Fact. The foregoing Findings of Fact are incorporated herein.
68. Notice and Jurisdiction. The Water Court for Water Division No. 1 has jurisdiction over the subject matter of these proceedings and over all persons, owners of property and water rights that may be affected hereby, whether or not they have chosen to appear. The original application in this matter, the amendment of the application, and the resume publications of the application and amendment placed such persons on notice of the relief requested by the application and granted by this decree.
69. Surface Water Rights Contemplated by Law. The application for surface water rights in ¶8, ¶9, ¶11, ¶12, ¶14, ¶15, and ¶19 of this decree is contemplated by law and satisfies the requirements of §37-92-101 et seq., including but not limited to §§ 37-92-103, 37-92-302, 37-92-305(1), 37-92-305(9) and 37-92-305(12) C.R.S. The appropriations for the water rights were lawfully initiated on the dates shown in the Findings of Fact, were pursued with reasonable diligence from the date of initiation. Applicant has established that the conditional water rights described herein can and will be diverted and controlled and the water will be beneficially used and the projects can and will be completed with diligence within a reasonable time. The absolute amounts claimed were diverted and placed to beneficial use by the Applicant under the water rights and priorities awarded herein and the Applicant is entitled to an absolute decree therefore pursuant to §37-92-305(9)(a), C.R.S..
70. Groundwater Rights Contemplated by Law. The application for groundwater rights in ¶8, ¶10, ¶11, ¶13, ¶16, ¶17, ¶18, ¶30 and ¶32 of this decree is contemplated by law and satisfies the requirements of §37-92-103(14)(a), 37-92-101 et seq., including but not limited to §§37-92-103, 37-92-302, 37-92-305(1), 37-92-305(9) and 37-92-305(12), C.R.S. The appropriations for the groundwater rights were lawfully initiated on the dates shown in the Findings of Fact, were pursued with reasonable diligence from the date of initiation. Applicant has established that the conditional groundwater rights described herein can and will be diverted and controlled and the water will be beneficially used and the projects can and will be completed with diligence within a reasonable time. The absolute amounts claimed were diverted and placed to beneficial use by the Applicant and the Applicant is entitled to an absolute decree therefor pursuant to §37-92-305(9)(a), C.R.S.

71. Change of Water Rights Contemplated by Law. The application for approval of the Change of Water Rights in ¶¶33-¶48 of this decree is contemplated by law and satisfies the requirements of §37-92-101 et seq., C.R.S., including but not limited to §§37-92-103, 37-92-302, 37-92-304(6), 37-92-305(3). The change of water rights will not injuriously affect any owner of or person entitled to use water under a vested water right or decreed conditional water right, so long as operated and administered in accordance with the terms of this decree.
72. Plan for Augmentation Contemplated by Law. The application for approval of the Plan for Augmentation in ¶¶49-¶60 of this decree is contemplated by law and satisfies the requirements of §37-92-101 et seq., C.R.S., including but not limited to §§37-92-103, 37-92-302, 37-92-304(6), 37-92-305(3), 37-92-305(5), 37-92-305(8) and 37-92-305(12). Operation of the Plan for Augmentation will not injuriously affect any owner of or person entitled to use water under a vested water right or decreed conditional water right, so long as operated and administered in accordance with the terms of this decree.
73. Exchange Contemplated by Law. The application for approval of the Exchange in ¶¶61-¶66 of this decree is contemplated by law and satisfies the requirements of §§37-80-120, 37-92-101 et seq., C.R.S., including but not limited to §§37-92-302, 37-92-305(3), 37-92-305(5), and 37-92-305(9). The exchange can and will be diligently completed and water diverted and beneficially used under the exchange for the purposes adjudicated in this decree within a reasonable time. Operation of the exchange will not injuriously affect any owner of or person entitled to use water under a vested water right or decreed conditional water right, so long as operated and administered in accordance with the terms of this decree.
74. Character of Substitute and Augmentation Supply. Water which is diverted under Applicant's Exchange acquires all of the legal characteristics and attributes of the substitution or exchange supply used for operation of the Exchange, and the substitution, exchange supply, when released from the dominion of the exchanger, loses its former legal characteristics. §§37-80-120, 37-83-104, C.R.S., *City & County of Denver v. Fulton Irr. Ditch Co.*, 179 Colo. 47, 506 P.2d 144, 150 (1972).
75. Retention of Dominion. Dominion over water depends on a water user's intent and ability to quantify and use, by recapture or other proper means, a certain quantity of water which may be distinguished by volume from other water in a stream. *Public Service Co. v. Willows Water Dist.*, 856 P.2d 829 (Colo. 1993). Applicant has the intent and ability to maintain dominion over, and to use for the purposes adjudicated by this decree, all recharge water and water released for

replacement of out of priority depletions described in this decree, until used for augmentation pursuant to the terms of this decree.

76. Burden of Proof. Applicant has met its burden of proof and is therefore entitled to a decree approving its conditional groundwater appropriations and Plan for Augmentation.
77. Administrability. The water rights, change of water rights, plan for augmentation and exchange decreed herein are administrable by the officials of the State of Colorado.

DECREE

78. Incorporation of Findings and Conclusions. The foregoing Findings of Fact and Conclusions of Law are incorporated herein as if set forth.
79. Approval of Water Rights, Change of Water Rights, Plan for Augmentation and Exchange. The surface water rights set out in ¶8, ¶9, ¶11, ¶13, ¶14, ¶15 and ¶19, the groundwater rights set out in ¶8, ¶10, ¶11, ¶12, ¶16, ¶17, ¶18, ¶30 and ¶32, the change of water rights set out in ¶33-¶48, plan for augmentation set out in ¶49-¶60 and the exchange set out in ¶61-¶66 are hereby confirmed, approved, adjudicated and decreed.
80. Adequacy of Replacement and Augmentation Supplies. The replacement and augmentation supplies which Applicant will use for operation of the Plan for Augmentation shall be of a quantity, quality and continuity satisfactory to meet, in time, location and amount, the requirements for which the water of senior appropriators has normally been used.
81. No Material Injury. The terms and conditions provided for in this decree are adequate to assure that no material injury to any water users will result from operation of the plan for augmentation, including water rights, change of water rights and appropriative rights of exchange.
82. Measuring Devices. In addition to the measuring devices expressly required herein, Applicant shall install and maintain, at Applicant's expense, such additional meters, gauges, or other measuring devices as are required by the Water Commissioner or Division Engineer, and shall report at reasonable times to the Water Commission and/or Division Engineer the readings of such meters, gauges, or other measuring devices pursuant to §37-92-502(5)(a), C.R.S.
83. Satisfaction of Senior Water Rights. So long as operated and administered in accordance with this decree, the plan for augmentation will be sufficient to

permit the continuation of withdrawals, and resulting depletions, from the Member Wells, Recharge Wells and Augmentation Wells without impairing the water rights of others, in the amounts and for the purposes adjudicated herein, when curtailment of such operations would otherwise be required to meet valid senior calls for water. Pursuant to §37-92-305(8) *C.R.S.*, the State Engineer shall curtail all out-of-priority diversions, the depletions from which are not so replaced as to prevent injury to vested water rights.

84. Accounting. Applicant has demonstrated an appropriate method of accounting for diversions and stream depletions associated with the operation of the plan for augmentation, including water rights, change of water rights and appropriative rights of exchange. Applicant's accounting under this decree shall include, at a minimum, the following information: (1) The volume of water pumped, type of irrigation, and corresponding depletions above and below the Sterling No. 1 Ditch (located as described in ¶29) and within and outside of the Logan Irrigation District, for each Member Well, which shall be recorded, calculated and reported monthly; (2) The volume of pumping and amount of augmentation credits to the South Platte River from each Augmentation Well above and below the Sterling No. 1 Ditch, which shall be accounted for daily and reported monthly; (3) Diversions under recharge water rights, including diversions to each recharge pond above and below the Sterling No. 1 Ditch, which shall be accounted for daily and reported monthly; (4) The amount of recharge pond evaporation and recharge accretions to the South Platte River, from each recharge pond above and below the Sterling No. 1 Ditch, which shall be accounted for daily and reported monthly and shall specifically list each recharge pond and the accretions from each pond and shall attach the information required by ¶21 on which the recharge accretions are based, (5) Releases of replacement water from Prewitt Reservoir, deliveries of Prewitt water for the purposes allowed by this decree above and below the Sterling No. 1 Ditch, adjusted for all ditch, system and transit losses, and historic Prewitt return flow obligations, which shall be recorded daily and submitted monthly, (6) Diversions of changed ditch water rights for the purposes allowed by this decree above and below the Sterling No. 1 Ditch, adjusted for all ditch losses, and historical return flow obligations, which shall be recorded daily and submitted monthly; (7) the amount of any additional or alternative augmentation supplies allowed under ¶51 above and below the Sterling No. 1 Ditch, which shall be accounted for daily and submitted monthly; and (8) the amount of any DAC which shall be accounted for daily and submitted monthly. The accounting and reporting intervals of this paragraph notwithstanding, when there is a valid South Platte River call senior to priority dates of the Member Wells, augmentation wells or recharge wells or senior to return flow obligations under this decree, Applicant shall replace all such depletions and return flows on a daily basis. Unless specifically indicated by this

decree, all accounting records required by this decree shall be filed with the State Engineer and Division Engineer on a monthly basis. Copies of all accounting records required by this decree shall also be provided by Applicant to any objector which requests them in writing and pays reasonable copy costs. If accounting forms have not yet been approved by the Division Engineer by the time of the approval of this decree by the Water Court then the accounting forms must be approved by the Division Engineer within 120 days after entry of this decree or the Member wells herein shall not divert. Applicant shall provide copies of the proposed accounting forms consistent with this paragraph as well as supporting documentation to the objectors and Division Engineer within 30 days of entry of this decree. Any objector may submit comments concerning the proposed accounting forms to the Division Engineer within 60 days of entry of this decree.

85. Method of Calculating and Measuring Water Conveyed Past the Headgate of the Sterling No. 1 Ditch. Applicant will use the methods described in other sections of this decree to calculate, on a daily basis, the amount of well depletions, recharge accretions, return flow obligations and other replacement supplies located above and below the headgate of the Sterling No. 1 Ditch described in ¶29. Through the projections and accounting required by this decree, Applicant will (1) report to the Division Engineer, or his designated representative, the amount of water that needs to be delivered below the headgate of the Sterling No. 1 Ditch and (2) demonstrate that sufficient replacement water is available above and below the headgate of the Sterling No. 1 Ditch to replace well depletions and historical return flows above and below the headgate of the Sterling No. 1 Ditch. To the extent replacement water supplies are made available by Applicant above the headgate of the Sterling No. 1 Ditch for replacement of well depletions and historical return flow obligations hereunder below the headgate of the Sterling No. 1 Ditch, and at such times that the Sterling No. 1 Ditch is placing a call for water and diverting the entire flow of the South Platte River, water will need to be delivered past the headgate of the Sterling No. 1 Ditch. The Division Engineer, or his designated representative, currently estimates the amount of water passing the headgate of the Sterling No. 1 Ditch by estimating the flow passing over the Sterling No. 1 Ditch diversion dam located just downstream of the confluence of the South Platte River with Pawnee Creek and estimating the flow delivered back to the South Platte River at the Sterling No. 1 Ditch waste way located just up the ditch from the Sterling No. 1 Ditch flume and recorder. The combined estimate of these two flow rates is equal to the amount of water delivered downstream of the headgate of the Sterling No. 1 Ditch. Nothing herein limits the Division Engineer's discretion to require actual measurement of these two flow rates by Applicant or by other parties required to account for water passing over the Sterling No. 1 Ditch

diversion dam and/or water delivered back to the South Platte River at the Sterling No. 1 Ditch waste way. The Court retains continuing jurisdiction of the plan for augmentation decreed herein to determine whether these methods of calculating and measuring water conveyed past the headgate of the Sterling No. 1 Ditch are sufficient to prevent injury under the terms and conditions of this decree.

86. **Transportation Losses.** When water available under the water rights which are the subject of this decree is transported to the South Platte River or its tributaries for any of the functions, purposes or uses adjudicated by this decree, including but not limited to maintenance of return flows obligations, replacement of out of priority depletions or recapture and/or beneficial use by Applicant, the Division Engineer, or his designated representative, shall assess reasonable losses resulting from such transportation when determining the amount of water available for such uses by Applicant. The Division Engineer, or his designated representative, will administer all such water transported in the South Platte River or its tributaries under this decree, including water for return flow obligations, replacement of depletions or recapture and/or beneficial use by Applicant, past intervening headgates to ensure that such water is not intercepted or otherwise diminished in quality or quantity by diversion, use or other interference by intervening water rights including, but not limited to, the Sterling No. 1 Ditch, and to assure that such water remains available and suitable for Applicant's uses under this decree.
87. **Binding Effect of Decree.** Applicant shall record this decree with the clerk and recorder for Logan County within 10 days after the decree becomes final upon the expiration of the right of all parties to appeal this decree. The terms and conditions of this decree shall bind, and be enforceable against, the owners of the wells in Tables 1 and 5, the water rights decreed to or otherwise associated with those wells, and the lands upon which the Member Wells included in this decree are located, and the successors and assigns of such owners, until all obligations under this decree have been fulfilled. In the event Applicant is unable or unwilling, for any reason, fully to comply with the terms of this decree, including, but not limited to, as a result of dissolution of the Applicant in accordance with the procedures required by law, the owners of such lands, wells and water rights, shall comply with the terms and conditions of this decree, as it relates to the wells owned by that owner, and shall replace all out of priority well depletions which are occurring or which will occur from operation of that owners wells in this decree. So long as the terms and conditions of this decree are fully complied with, nothing in this paragraph is intended to prohibit the owners of the wells in this decree from adjudicating an additional plan for augmentation to replace depletions from the wells or from establishing another corporation for

replacement of depletions under this decree or an additional decree. Nor is anything in this paragraph intended to affect the exercise of any remedy which may be available to any person affected by the failure of the Applicant or the land owners to comply with the terms and conditions of this decree.

88. Adoption of Bylaws and other Requirements. Applicant shall adopt bylaws, rules and regulations and policies which are consistent with, and which will permit Applicant fully to comply with, the terms and conditions of this decree and shall enforce such bylaws, rules and regulations and policies against Applicant's members. Applicant shall provide copies of the applicable bylaws or other documents to the Division Engineer and the objectors in this matter. The court retains continuing jurisdiction to consider whether the bylaws or other requirements adopted by the Applicant from time to time are consistent with and permit Applicant fully to comply with, the terms and conditions of this decree.
89. No Precedent. There was no trial in this matter and no issues were litigated. The findings of fact, conclusions of law, judgment and decree were completed as the result of substantial discussions, negotiations and compromises by, between and among the 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 court, 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 plan for augmentation or other matter filed in this or any other court without limitation by these findings, conclusions, judgment and decree.
90. Retained Jurisdiction. Pursuant to §37-92-304(6) C.R.S., the Change of Water Rights, Plan for Augmentation and Exchange decreed herein shall remain subject to reconsideration on the issue of injury to vested water rights of others which may result from future operation of the Change of Water Right, Plan for Augmentation or Exchange for (7) seven years from the date on which the

Applicant notifies the court and opposers that the last recharge pond which the Applicant shall construct under this decree has been placed into operation, or such longer period as the court may allow. All findings of fact, conclusions of law and rulings of this Court relating to historical use of the water rights changed by this Decree shall, however, be final and not subject to reconsideration under this retained jurisdiction provision. Except to the extent subject to retained jurisdiction, the findings, conclusions and decree herein are final. The retained jurisdiction provision of this paragraph is in addition to specific retained jurisdiction provisions included in other sections of this decree.

- 90.1. Perpetual and Continuing Jurisdiction. In addition to the general retained jurisdiction set forth above, the Court retains perpetual or continuing jurisdiction as described in ¶25 (Limitation on Diversion and Use of Recharge Water Rights), ¶49.5 (Deletion of Member Wells), ¶51.4 (Additional Water Rights), ¶52.3.2 (Power Coefficients), ¶52.3.3 (Power Meters), ¶52.6.1 (Timing and Purpose of Projection), ¶52.6.4 (Periodic Updates of Projection) and ¶52.8 (Post Pumping Depletions), ¶22.1 (Recharge Site Surface Area), ¶31.5.3 (Non-flowing Drain Accretions), ¶43.5.5 (Partial year dry-up), ¶55 (Disposition of Prewitt), ¶56 (Disposition of Recharge Credits), ¶85 (Method of Measuring and Conveying Water Past the Sterling No. 1 Ditch and ¶88 (Adoption of Bylaws and Other Requirements).
- 90.2. Retained Jurisdiction Provisions. Provisions for retained jurisdiction are also set out in ¶14.7.3 (Prewitt Ranch), ¶20 (New or Modified Recharge Sites), ¶24 (Consumption of Recharge Water), ¶50.12 (Modification of Agreements), ¶60 (Parker Provisions).
- 90.3. State and Division Engineer Determinations. The Court retains perpetual jurisdiction to review promptly, as a water matter, all actions taken by the State and Division Engineers in the administration of the terms and conditions of this decree.
- 90.4. Review of Disputes about Projections. The Court also retains perpetual jurisdiction to review any disputes about the manner in which the projection spreadsheet required by ¶52.6.5 and attached as Table 11 are actually being used as required herein to depict and project plan operations, to establish pumping quotas, to update pumping quotas for this plan and to limit pumping Member Wells and Augmentation Wells.
- 90.5. Power Meters. The Court retains perpetual jurisdiction to review decisions of the Board of the Logan Well Users regarding use of power

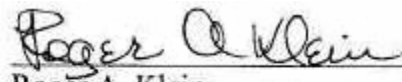
meters.

- 90.6. Dedicated Augmentation Credit. The Court retains jurisdiction with respect to all matters related to the DAC as set out in ¶52.5.1. The Court's retained jurisdiction under this paragraph shall continue through 2056 or such longer period as the Court may require under C.R.S. § 37-92-305(8) or any successor statute.
- 90.7. Procedure for Retained Jurisdiction. Unless a different procedure is specifically set forth in a previous paragraph of this decree, any person, including the State and Division Engineers, may invoke retained jurisdiction within the general retained jurisdiction or under perpetual jurisdiction, by filing a motion to do so with this Court. Such motion shall be filed under the caption and case number of this case and shall be served on counsel of record for all parties who have appeared. Any motion to invoke the retained jurisdiction shall set forth with particularity the factual basis and the alleged injury or violation of this Decree upon which the requested reconsideration is premised, together with proposed decree language modifications offered by the moving party or relief requested to remedy the alleged injury or violation. The moving party shall have the initial burden of going forward to establish the prima facie facts and the existence of the injury or violation alleged in the motion, then Applicant shall have the burden of proof to show either that the alleged injury or violation has not occurred or will not occur, or to propose additional terms and conditions which will prevent injury or violation from occurring.
91. Administration by State and Division Engineers. The State Engineer and Division Engineer shall administer this decree in accordance with the terms and conditions set forth herein.
92. Stipulations and Settlements. The Stipulations entered into between Applicant and Objectors are approved by the Court.
93. Diligence. The conditional water rights herein are continued in full force and effect until January 31, 2012. If Applicant desires to maintain such conditional rights, an application for finding of reasonable diligence shall be filed on or before January 31, 2012, or a showing made on or before such date that the conditional water rights have become absolute water rights by reason of the completion of the appropriation.
94. Priorities. The priorities herein awarded said Applicant for the recharge water rights, augmentation water rights and the exchange were filed in the Water

Court in the year of 2003, 2004, and 2005 and shall be administered as having been filed in those years; and shall be junior to all priorities filed in previous years. As between all rights, filed in the same calendar year, priority shall be determined by historical date of appropriation and not affected by date of the entry of ruling.

DATED this 21st day of February, 2006.

BY THE COURT:



Roger A. Klein
Water Judge
Water Division No. 1

This order was filed electronically pursuant to Rule 121, §1-26. The original signed order is in the Court's file.

Table 1
03CW195
Logan Well Users Member Wells

Well No	Name	Permit No.	WDID	Case No	Well Location				In LID ¹	Abv/Bel SIC ²	USE ³	Aquifer Parameters ⁴		
					Qtr/Qtr	Sec	TwN	Rge				W	X	Harm T
1	C. Anderson	8576	64 5762	W2551	NENE	24	08N	53W	x	b	I	25,328	18,369	175,700
2	Robert Baney	5852	64 5793	W1936 83W362	SWSW	12	07N	53W	x	b	I	26,667	8,721	334,400
3	Robert Baney	5853	64 5794	W1936	SWSW	12	07N	53W	x	b	I	28,078	7,662	362,600
4	Robert Baney	015534	64 5800	W1936	SWNW	13	07N	53W	x	a	I	28,941	6,764	297,000
5	Robert Baney	015535 F	64 5802	W1936	SWNE	13	07N	53W	x	b	I	25,585	4,748	354,100
6	Robert Baney	NOT REG	64 5591	W5807	SESW	10	08N	53W		b	I	36,749	31,749	109,400
9	Larry Bettger	19902	64 5186	W1173	NWSE	18	08N	52W	x	b	I	19,979	15,569	249,700
10	Harry Bostron	12690	64 5204	W2041	SWNW	31	07N	53W		a	I	16,756	15,070	158,500
11	Harry Bostron	6569F	64 6066	W620	SESE	31	07N	53W		a	I	17,268	11,102	152,600
12	Harry Bostron	9325F	64 5202	W2041	NESW	31	07N	53W		a	I	16,389	13,299	190,200
13	Harry Bostron	9465F	64 6063	W620	NENE	31	07N	53W		a	I	18,293	13,004	130,100
14	Harry Bostron	15084	64 5205	W2041	NWNE	6	06N	53W	x	a	I	16,388	10,728	184,400
15	Harry Bostron	0648	64 5199	W2040	SWSE	32	07N	53W	x	a	I	17,836	7,191	212,900
16	Wayne Jensen	1-2699F	64 6362	W1387	NENE	8	08N	52W	x	b	I	17,500	14,264	132,100
21	Bret McEndaffer	1089	64 5647	W1865	SWNE	5	06N	53W	x	a	I	15,903	5,567	288,800
25	Mark Dick	NR	64 5400	W3564	NWNE	8	08N	52W	x	b	I	18,168	15,303	123,400
26	Albert Fritzler	1538	64 5509	W868	SWNW	1	07N	53W	x	b	I	25,044	12,760	301,900
27	Albert Fritzler	6940F	64 5526	W868	SENW	1	07N	53W	x	b	I	25,055	11,204	327,100
28	Katherine Fritzler	PR19853 RF60	64 5543	W2322	SWSW	18	06N	53W	x	a	I	7,669	2,193	343,400
29	Douglas Fritzler	9392F	64 5530	W908	NENE	11	07N	53W	x	b	I	27,120	11,051	333,700
30	Douglas Fritzler	10355	64 5508	W908	NWNE	11	07N	53W	x	b	I	26,817	12,154	290,200
31	Guenzi Family Land LLLP	4511F	64 5586	W797	NENW	7	08N	52W	x	b	I	20,535	19,117	218,000
32	Eileen Hein	5924F	64 5784	W3008	SWSE	18	08N	52W	x	b	I	20,245	14,678	260,300
34	D&H Holding	1092	64 5618	W632	SWSE	24	08N	53W	x	b	I	23,907	17,623	159,000
35	Dennis Hettinger	14621	64 5089	W1096	NWSW	27	07N	53W	x	a	I	20,678	5,868	295,400
36	Bill Ils	203	64 5670	W881	NWNE	7	08N	52W	x	b	I	20,724	18,963	211,700
38	Keller Farms, Inc.	1031	64 5742	W2364	SESW	11	07N	53W	x	b	I	24,784	10,683	219,800
39	Keller Farms, Inc.	1032	64 5744	W2364	SESE	11	07N	53W	x	b	I	24,985	9,482	296,400
40	Keller Farms, Inc.	6181	64 5278	W2711	NWNW	10	07N	53W		b	I	26,366	18,225	145,500
41	Keller Farms, Inc.	10430 F	64 5280	W2711	NWNW	10	07N	53W		b	I	27,202	18,556	151,000
42	Keller Farms, Inc.	6800	64 5455	W400	SWNE	12	07N	53W	x	b	I	27,085	6,915	379,900
43	Keller Farms, Inc.	12246RF	64 5184	W3649	SWSW	10	07N	53W		a	I	23,206	17,007	110,400
44	Keller Farms, Inc.	10945 F	64 5801	W1936	NWNE	9	07N	53W		a	I	24,561	18,781	108,800
45	Kenneth J. & Eva M. Guenzi	8871F	64 5733	W1559	SESW	8	06N	53W		a	I	9,402	2,893	390,000
46	Jerald Kuntz	13710F	64 5211	W8566	SWNW	26	07N	53W	x	a	I	19,142	2,809	389,900
48	Ermelindo Mateus	6809	64 5148	W2586	SESE	13	08N	53W	x	b	I	23,869	18,710	194,500

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					Qtr/Qtr	Sec	TwN	Rge	In LID ¹	Abv/Bel SIC ²	USE ³	W	X	Harm T
49	Ermelindo Mateus	5891F	64 5147	W2586	NESE	13	08N	53W	x	b	I	21,404	18,988	211,300
50	Alex Meisner	13500	64 5906	W808	SESW	5	08N	52W	x	b	I	18,459	17,344	112,200
51	Alex Meisner	13499	64 5907	W808	SESW	5	08N	52W	x	b	I	18,193	16,681	113,900
54	Gary Miller	12487	64 5920	W791	NWSW	13	07N	53W	x	a	I	25,084	5,919	300,600
56	A.H. Tetsell Farm & Ranch	20269	64 6442	W531	NWSW	18	08N	52W	x	b	I	21,262	17,708	215,400
57	Shirley Williamson	14160	64 5731	W1559	NWNW	8	06N	53W	x	a	I	11,557	5,612	385,700
58	Daryle Vollmer	1350	64 5646	W1865	SESW	8	06N	53W	x	a	I	9,683	1,955	390,000
59	Shirley Williamson	14159	64 5732	W1559	NWSW	8	06N	53W	x	a	I	9,663	3,844	390,000
61	Lousberg Partnership, a Colo Partnership	0841	64 5952	W1358	SWSW	16	07N	53W		a	I	21,160	15,032	265,400
62	Lousberg Partnership, a Colo Partnership	0843	64 5954	W1358	SWSW	16	07N	53W		a	I	22,330	15,268	263,400
65	Town of Merino	RF160	64 5910	W901	NESE	13	06N	54W	x	a	M	8,923	3,380	290,800
66	Town of Merino	1208	64 6523	W2368	NWNE	18	06N	53W	x	a	M	6,786	1,487	390,000
67	Bret McEndaffer	11064	64 6205	W3290	SWSW	5	06N	53W	x	a	I	12,025	5,565	382,200
68	Bret McEndaffer	11065	64 6210	W3290	SWNE	5	06N	53W	x	a	I	14,824	5,611	303,400
69	Bret McEndaffer	39309	64 6629	99CW183 Pend	SWSE	5	06N	53W	x	a	S	13,653	4,563	362,300
70	Bret McEndaffer	Pending	64 6630	99CW183 Pend	SWSE	5	06N	53W	x	a	S	12,627	3,362	390,000
72	Werdna Nelson	7287	64 6505	W2029	NENW	8	08N	52W	x	b	I	19,153	16,174	158,900
73	Werdna Nelson	6207F	64 5984	W2029	SESW	8	08N	52W	x	b	I	21,047	13,411	361,700
74	Robert Patten	20746	64 5217	W3456	NWSE	25	08N	53W	x	b	I	24,206	15,960	239,800
75	Lester Patten	35453	64 6013	W1398	NWNW	16	08N	52W	x	b	I	20,782	9,556	374,800
76	Betty Patten	1-4472	64 5897	W1320	SWNW	12	07N	53W	x	b	I	28,509	10,530	339,900
77	Propst, Lewis V., Corp.	0597	64 6091	W1750	SWNE	13	06N	54W	x	a	I	8,884	5,271	201,700
80	Marjorie Rieke	14143	64 6146	W655	NWNW	9	08N	52W	x	b	I	16,238	13,145	145,300
81	Victor Schroeder	14743	64 6214	W813	NWNW	9	08N	52W	x	b	I	15,044	13,591	138,600
84	Gerald Ruf	20059-1	64 6145	W1268	NWNE	18	08N	52W	x	b	I	20,184	16,349	251,700
85	Gerald Ruf	5754F	64 6148	W1268	NWNE	18	08N	52W	x	b	I	20,257	15,536	266,900
86	Gerald Ruf	20059-2	64 6147	W1268	NWNE	18	08N	52W	x	b	I	20,331	15,883	262,200
89	Zella Sager	0821	64 6175	W1654	NWSW	18	06N	53W	x	a	I	6,597	2,360	354,500
95	Joe Delaware	RO1724	64 5499	W5735	SWSE	33	07N	53W	x	a	I	17,883	3,955	354,000
98	Schlegel Ranch Partnership	4402-F	64 6502	W1809	NENW	24	06N	54W	x	a	I	7,798	3,794	144,700
99	Schlegel Ranch Partnership	5781F	64 6503	W1809	SESW	13	06N	54W	x	a	I	7,503	4,855	137,800
106	Mergs Unlimited, a Colo General Part.	PO 2077	64 5593	W1895	NWSW	4	06N	53W	x	a	I	14,167	3,042	390,000
110	Daryle Vollmer	RO1060	64 5623	W693	NENW	24	06N	54W	x	a	I	6,293	3,621	162,800

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					Qtr/Qtr	Sec	TwN	Rge	In LID ¹	Abv/Bel SIC ²	USE ³	W	X	Harm T
111	Daryle Vollmer	1 -6546R	64 5604	W1456	NWSW	24	06N	54W	x	a	I	5,317	3,128	124,700
112	Daryle Vollmer	R01695	64 6475	W680	NWNW	25	06N	54W	x	a	I	3,875	100	223,400
113	Richard Walker	7172	64 6534	W893	SENE	13	07N	53W	x	b	I	24,461	2,510	382,600
114	Richard Walker	1-5239F	64 6493	W1069	SENE	18	07N	52W	x	b	I	25,198	1,712	390,000
116	Kenneth J. & Eva M. Guenzi	6034	64 5617	W632	NWNW	4	06N	53W	x	a	I	16,392	4,508	312,400
117	Christopher Smith	10836-F	64 5780	W5734	NENE	24	06N	54W	x	a	I	7,003	2,838	261,800
118	Dave Lebsock	1765	64 6056	W1098	NWNE	25	08N	53W	x	b	I	24,079	17,060	175,500
120	Brett Nelson	P15593	64 6492	W1428	SWSW	28	07N	53W	x	a	I	20,432	8,333	227,000
121	Maira Jackson	6187R168	64 5717	W1627	SWSW	7	06N	53W	x	a	I	6,671	4,918	220,800
122	Larry Taylor	2279 RF	64 6107	W760	NESW	4	08N	52W	x	b	I	15,432	13,761	163,400
123	Sterling Country Club	R16079	64 6375	W5758	NWNW	36	08N	53W	x	b	I	26,571	16,521	133,800
124	Sterling Country Club	25864	64 6374	82-CW-291	SWNW	36	08N	53W	x	b	I	28,501	15,885	142,900
125	Rex Monahan	2115F	64 6559	W821	NWNW	31	08N	52W	x	b	I	24,054	11,918	257,900
126	Rex Monahan	12692	64 5792	W1936	NESW	26	08N	53W		b	I	25,099	21,868	203,400
127	Rex Monahan	9147F	64 5803	W3731	NWNW	26	08N	53W		b	I	24,700	23,536	207,400
128	Kenneth Guenzi	1551-R	64 5632	W860, 82CW273	SESE	7	06N	53W	x	a	I	6,758	1,848	390,000
129	Kenneth Guenzi	15698-F	64 5629	W860, 82CW273	NWNE	18	06N	53W	x	a	I	6,123	1,164	390,000
130	Kenneth Guenzi	14094	64 5633	W1425, 82CW273	SWSW	8	06N	53W	x	a	I	7,918	1,743	390,000
131	Kenneth Guenzi	03346F	64 5630	W4241, 82CW274	NENE	7	06N	53W	x	a	I	11,295	5,907	379,300
145	Albert Amen	1094	64 5616	W632	SESW	34	06N	54W	x	a	I	22,428	2,815	286,100
146	Albert Amen	R16396	64 5612	W632	SENE	34	06N	54W	x	a	I	24,561	1,152	115,500
149	Lutin Curlee Family Part., Ltd.	16868	64 5369	W497	SESE	25	06N	53W		a	I	19,744	4,888	360,900
159	Clinton Fiscus	R 19900	64 5857	W1762	NWSE	35	06N	54W		a	I	20,660	5,334	335,000
160	Mari Bros., Inc.	2974 F	64 5729	W1559	NWSW	21	06N	53W	x	a	I	11,794	8,406	176,700
162	Mari Bros., Inc.	12794	64 5724	W1559	NWSW	20	06N	53W	x	a	I	12,727	9,130	211,100
163	Mari Bros., Inc.	1259	64 6206	W792	SESE	20	06N	53W	x	a	I	12,727	9,130	211,100
164	Mari Bros., Inc.	20715	64 6204	W8166	SWSW	21	06N	53W	x	a	I	12,449	8,716	185,800
165	Propst, Lewis V., Corp.	0596	64 6088	W1750	SESW	19	06N	53W	x	a	I	13,501	1,548	390,000
166	Propst, Lewis V., Corp.	1803	64 6086	W1750	SWNE	19	06N	53W	x	a	I	12,988	1,352	390,000
167	Propst, Lewis V., Corp.	6692 F	64 6087	W1750	SESW	19	06N	53W	x	a	I	13,854	1,626	390,000
168	Propst, Lewis V., Corp.-stock	10825	64 6085	W5704	NESW	19	06N	53W	x	a	F	12,987	395	390,000
169	Propst, Lewis V., Corp.-stock	21830	64 6083	W5704	NESW	19	06N	53W	x	a	F	13,028	1,273	390,000
172	Daryle Vollmer	3142RF	64 6233	W1751	NESE	25	06N	54W		a	I	15,863	2,922	381,700

Table 1
03CW195
Logan Well Users Member Wells

Well No	Name	Permit No.	WDID	Case No	Well Location				In LID 1	Abv/Bel SIC 2	USE 3	Aquifer Parameters 4		
					Qtr/Qtr	Sec	TwN	Rge				W	X	Harm T
173	Daryle Vollmer	1802 RF573	64 6084	W1750	SWNE	19	06N	53W	x	a	I	14,315	1,962	390,000
174	Daryle Vollmer	0598	64 6089	W1750	SESW	20	06N	53W	x	a	I	12,948	6,703	341,200
175	Daryle Vollmer	15971	64 6208	W1760	SESW	25	06N	54W		a	I	19,927	2,792	372,900
176	Smart Brothers, Inc.	0607	64 6248	W1752	SWNE	21	06N	53W	x	a	I	12,174	7,441	175,700
177	Smart Brothers, Inc.	0608	64 6249	W1752	SENE	21	06N	53W	x	a	I	11,710	9,545	128,600
178	Smart Brothers, Inc.	8785	64 6250	W1752	SESE	16	06N	53W	x	a	I	12,868	7,207	195,400
179	Smart Brothers, Inc.	9148 F	64 6251	W1752	SWNW	22	06N	53W	x	a	I	12,921	9,840	132,600
181	Hessler Farms, Inc.	R6342RF	64 5044	W687	NESE	10	06N	53W	x	a	I	11,455	6,858	237,600
182	Hessler Farms, Inc.	5801	64 5626	W687	SW NW	15	06N	53W	x	a	I	10,984	6,387	227,400
183	Hessler Farms, Inc.	14137	64 5043	W687	NENE	15	06N	53W	x	a	I	10,734	8,350	199,600
184	Hessler Farms, Inc.	4466F	64 5042	W687	NWNE	15	06N	53W	x	a	I	10,699	8,027	206,400
185	Robert Lingreen	10320RF	64 5888	W8712(77)	NWNW	6	06N	52W		b	I	12,708	10,722	183,900
186	Robert Lingreen	21283-F	64 5817	W8712(77)	NWNW	6	06N	52W		b	I	12,708	10,722	201,500
187	Lutin Curlee Family Part., Ltd.	041776-F	64 5367	W497	SESW	16	06N	53W	x	a	I	12,590	3,490	332,800
188	Lutin Curlee Family Part., Ltd.	041777-F	64 5368	W497	SESW	16	06N	54W	x	a	I	15705	4243	358000
189	Lutin Curlee Family Part., Ltd.	041778-F	64 5371	92CW010	NESW	16	06N	53W	x	a	I	11,212	3,922	313,000
192	Hoogland Living Trust	19331	64 5702	W1099	SWSW	10	06N	53W	x	a	I	10,632	5,228	275,600
193	Hoogland Living Trust	R 5946	64 5795	W1936	SWSE	10	06N	53W	x	a	I	10,696	7,174	229,200
194	Hoogland Living Trust	38879-F	64 5167	91CW014	SENE	10	06N	53W	x	a	I	11,060	5,689	264,900
198	Sunset Memorial Gardens	11883F-R	64 6424	W5649	NESE	8	08N	52W	x	b	I	20,489	11,909	254,900
199	Alfred Vendegna	56980-F	64 5847	W991	SESW	31	08N	52W	x	b	I	24,119	10,854	259,800
200	Elmer Wagner	9058F	64 6489	W794	NWNE	17	08N	52W	x	b	I	20,844	12,199	371,300
201	Elmer Wagner	6150	64 6490	W794	NWNE	17	08N	52W	x	b	I	21,020	11,957	402,700
202	Jack Nixon	R 00909	64 5919	W790	SESW	7	07N	52W	x	b	I	26,865	3,122	390,000
203	George Klobberdanz	2-19659	64 6558	W1006	SWSE	1	07N	53W	x	b	I	27,599	9,012	352,300
204	George Klobberdanz	1-19659	64 5766	W1006	SESE	1	07N	53W	x	b	I	27,797	7,969	358,400
205	Frieda Knaub	R00691	64 5767	W864	NWSE	8	08N	52W	x	b	I	20,811	13,641	248,400
206	Sylvia Gregory	19867 RF	64 5582	W3130	SWNE	24	07N	53W	x	a	I	24,509	2,559	370,800
207	Carlton Wyckoff	5495 F	64 5949	W2474	NENW	17	08N	52W	x	b	I	20,793	12,762	416,400
208	Stan Fry	1088 RF391	64 5620	W632	SWNE	24	07N	53W	x	a	I	22,969	1,363	390,000
209	Leon Fritzler	19520	64 5510	W869	NWNW	7	07N	52W	x	b	I	28,144	6,129	358,100
210	Edward Fritzler	6261	64 5513	W870	SWSW	1	07N	53W	x	b	I	27,450	11,180	332,100
212	John Amen	18050	64 5010	W391	SWSW	7	07N	52W	x	b	I	26,431	3,260	378,500
213	Henry Schaffer	7076	64 6198	W944	SWNE	7	07N	52W	x	b	I	25,805	4,650	322,900
214	Henry Schaffer	7075	64 6195	W944	SWNE	7	07N	52W	x	b	I	26,017	3,468	338,600
215	Shane Miller	12486-R	64 5922	W3861	SESW	24	07N	53W	x	a	I	20,911	1,682	390,000

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Logan Well Users Member Wells

Well No	Name	Permit No.	WDID	Case No	Well Location							Aquifer Parameters ⁴		
					Qtr/Qtr	Sec	TwN	Rge	In LID ¹	Abv/Bel SIC ²	USE ³	W	X	Harm T
216	Shane Miller	18765-F	64 5925	W3861	NENE	26	07N	53W	x	a	l	22,343	2,861	374,900
217	Douglas Fritzler	4-2381-F	64 5529	W868	SWSE	4	07N	53W	x	b	l	26,927	22,899	104,200
218	Douglas Fritzler	6742F	64 5534	W868	NWSE	4	07N	53W	x	b	l	27,033	23,686	113,600
219	Allen Mitchek	6743 F	64 5926	W5736	SWNW	31	08N	52W	x	b	l	27,523	11,615	255,900
220	DJ & J Farms (FAMM farms)	1-04327	64 5718	W796	NESE	25	07N	53W	x	b	l	10,394	2,717	315,100
223	Propst Brothers Inc	04428F	64 6082	W795	SWSE	2	6N	53W		a	l	11,688	6,088	255,600
226	Dean Rasmussen	20467	64 6118	W3274	NENW	30	07N	52W		b	l	10,271	2,216	352,800
228	Colorado Division of Wildlife	NOT REG	64 5848	W3641	SESW	19	07N	52W		b	l	9,506	2,397	360,900
229	Cecil Farms, a Colorado General Partnership	14136	64 5487	W1614	SESW	25	07N	53W	x	b	l	9,920	2,838	365,000
230	Bryce Carlson	15264	64 5594	W815	SWNW	31	07N	52W		b	l	10,241	6,755	225,900
231	Bryce Carlson	8407	64 5246	W1547	SESW	30	07N	52W	x	b	l	10,033	4,746	244,500
232	Robert Lingreen	7195	64 5363	W2466	SWSW	36	07N	53W		a	l	13,171	5,957	309,200
235	Dale Anderson	03853 F	64 6144	W655	SESW	9	08N	52W		b	l	18,889	8,563	366,700
236	James Brammer	6149	64 6488	W1927	SENW	21	08N	52W		b	l	20,434	5,323	373,600
237	Bob Pennington	10495	64 5396	W1560	NWSE	27	09N	52W		b	l	13,913	10,021	69,700
238	Allen Mitchek	1488	64 5521	W568	SWSE	10	08N	52W		b	l	15,662	5,591	432,800
239	Allen Mitchek	2698F	64 5511	W568	SWNE	10	08N	52W		b	l	15,164	8,191	468,800
240	Gareis Farms, Inc.	2688F	64 5549	W1828	SWSW	10	08N	52W		b	l	14,699	6,539	477,200
241	Gareis Farms, Inc.	PO4465	64 5550	W1828	SENW	16	08N	52W		b	l	20,755	6,830	525,400
242	Daniel Jones	2-3620F	64 6103	W761	SWSW	3	08N	52W		b	l	16,090	11,264	273,700
243	Manuello's Inc.	4512F	64 5866	W639	NWNE	3	08N	52W		b	l	14,134	11,454	151,000
244	Robert Roth	P04465	64 5550	W1827	NENW	16	08N	52W		b	l	20,755	6,830	525,400
245	Robert Ruff	1596	64 6172	W928	SENW	6	07N	52W		b	l	23,903	7,480	337,600
246	David Guenzi	1-9057F	64 6101	W760	NWNE	9	08N	52W		b	l	14,816	11,653	205,500
247	David Guenzi	2-6630F	64 6105	W760	NWNE	9	08N	52W		b	l	14,696	11,448	205,500
248	Kenneth J. & Eva M. Guenzi	22299F	64 5889	W8713	SWNE	33	08N	53W		b	l	28,051	26,467	135,800
249	Kenneth J. & Eva M. Guenzi	3006F	64 5238	W498	NWNW	2	07N	53W		b	l	27,986	18,003	182,100
250	Kenneth J. & Eva M. Guenzi	3007F	64 5240	W498	SWNW	2	07N	53W		b	l	26,466	17,774	193,500
251	Kenneth J. & Eva M. Guenzi	4049 F	64 5237	W498	SESW	35	08N	53W		b	l	27,616	17,063	189,700
252	Kenneth J. & Eva M. Guenzi	5400F	64 6228	W793	SWNE	33	08N	53W		b	l	27,691	26,443	133,900
253	Kenneth J. & Eva M. Guenzi	6700	64 5236	W498	SESW	35	08N	53W		b	l	26,436	17,612	184,700
254	Kenneth J. & Eva M. Guenzi	6701	64 5239	W498	NWNW	2	07N	53W		b	l	28,017	18,100	182,100
255	Kenneth J. & Eva M. Guenzi	1A-19605-F	64 5694	W8055-75	SENE	4	07N	52W		b	l	6,798	2,901	141,100
256	Kenneth Guenzi	0842	64 5104	W4579	NWNW	19	07N	53W		a	l	24,163	20,795	129,500
257	Kenneth Guenzi	0844	64 5107	W4579	NENE	19	07N	53W		a	l	23,820	20,062	141,700
258	Kenneth Guenzi	12958	64 5220	W3814	NWSW	18	07N	53W		a	l	27,926	25,410	112,000

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03CW195
Logan Well Users Member Wells

Well No	Name	Permit No.	WDID	Case No	Well Location				In LID ¹	Abv/Bel SIC ²	USE ³	Aquifer Parameters ⁴		
					Qtr/Qtr	Sec	TwN	Rge				W	X	Harm T
259	Kenneth Guenzi	12959	64 5218	W3814	NWSW	18	07N	53W		a	I	25,642	24,043	107,700
260	Kenneth Guenzi	12960	64 5221	W3814	NWSW	18	07N	53W		a	I	27,821	24,689	128,000
261	Kenneth Guenzi	4016 F	64 5077	W7515-78	NWNW	11	07N	54W		a	I	42,943	37,943	94,700
262	Kenneth Guenzi	R13931	64 5075	W7515	NENW	11	07N	54W		a	I	41,820	36,983	96,000
263	Kenneth Guenzi	R13932	64 5076	W7515	NENW	11	07N	54W		a	I	41,931	37,028	105,100
264	Kenneth J. & Eva M. Guenzi	0111	64 5490	W3396	NWSE	6	06N	54W		a	I	32,248	27,248	61,400
265	Kenneth J. & Eva M. Guenzi	11406F	64 5488	W3396	SESW	6	06N	54W		a	I	32,429	27,429	60,900
266	Kenneth J. & Eva M. Guenzi	12712F	64 5489	W3396	SESE	6	06N	54W		a	I	30,298	25,614	61,500
267	Kenneth J. & Eva M. Guenzi	24582F	64 5491	W79CW069	NWNE	6	06N	54W		a	I	32,825	28,075	60,900
268	David Guenzi	014317	64 5592	W5807	SWNW	11	08N	53W		b	I	33,921	28,921	112,500
269	John Guenzi	11623F	64 5226	W3814	SESE	14	07N	54W		a	I	35,283	30,029	87,900
270	John Guenzi	6513F	64 5224	W3814	NWSW	13	07N	54W		a	I	35,473	30,473	88,500
271	John Guenzi	6514F	64 5223	W3814	NWSW	13	07N	54W		a	I	35,018	29,486	88,200
272	Hessler Farms, Inc.-feedlot north	NR	6406678	01CW303	NESW	15	06N	53W	x	a	F	11,068	8,394	170,000
273	Hessler Farms, Inc.-feedlot ltpole	111290-A	6406679	01CW303	NESW	15	06N	53W	x	a	F	11,023	8,533	166,100
274	Hessler Farms, Inc.-feedlot south	NR	6406680	01CW303	SWSE	15	06N	53W		a	F	10,996	9,365	143,600
277	Manuello's Inc.	49223	64 6621	99CW0036	NWNW	3	08N	52W		b	S	15,167	12,565	139,100
278	Manuello's Inc.	53980-F			NWNE	3	08N	52W		b	S	17,952	12,500	104,600
281	Bornhoft Feedyards, Inc.	49693	64 5197	W5813	SESE	35	09N	53W		b	F	33,106	28,106	105,200
282	Bornhoft Feedyards, Inc.	NOT REG	64 5196	W5813	SESE	35	09N	53W		b	F	32,994	27,994	105,200
283	Bornhoft Feedyards, Inc.	032422F	64 5198	W5813	SESE	35	09N	53W		b	F	33,194	28,194	104,900
284	Emmanuel Baptist Church	7286	64 5769	W1429	SWSW	30	08N	52W		b	I	24,148	12,846	253,400
285	Highland Park Water Co	14135	64 6468	W2440	NWNE	36	08N	53W	x	b	M	24,223	14,270	245,000
286	Ronald Ruff	20893	64 5064	W405	SWSE	8	07N	52W		b	I	2,671	100	91,600
287	Lousberg Partnership	013083RF	64 5796	W1936 83CW73	SWSW	9	07N	53W		a	F	21,074	19,091	126,600
288	Lousberg Partnership	26440-F	64 5098	W83CW073	NWNW	9	07N	53W		a	F	20,876	17,699	120,500
289	Lousberg Partnership	046767-F	64 6464		NENW	16	07N	53W		a	F	20,697	18,167	130,800
290	Lousberg Partnership	11427RF	64 5951	W1358	NENE	16	07N	53W		a	I	20,953	15,926	119,600
291	LBG Rental, LLC	35463	64 6681	W82CW194	NWSW	26	07N	53W		a	D	21,917	1287	390,000
292	LBG Rental, LLC	5011-F	64 6682	W82CW194	SWSW	26	07N	53W		a	Ind	20,224	1527	390,000
293	David Amen	7398	64 5624	W492	NWNW	21	07N	53W		a	I	19,243	14,703	257,200
294	David Amen	7400	64 5627	W492	NWNW	21	07N	53W		a	I	19,095	14,499	261,800
295	David Amen	R7399-RF	64 5625	W492	NWSW	21	07N	53W		a	I	29,678	13,660	219,000
296	Robert Karg	12079F	64 6209	W2539	SWSE	9	06N	53W		a	I	10,870	3,468	334,600

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Well No	Name	Permit No.	WDID	Case No	Well Location				In LID ¹	Abv/Bel SIC ²	USE ³	Aquifer Parameters ⁴		
					Qtr/Qtr	Sec	TwN	Rge				W	X	Harm T
297	Glen Pomeroy	6621	64 6062	W620	NESE	2	06N	54W		a	I	20,234	15,233	109,900
298	Glen Pomeroy	9464F	64 6065	W620	NWNW	29	07N	53W		a	I	19,904	14,886	101,800
299	Kenneth Pomeroy	17958-1	64 6069	W620	NWNE	20	07N	53W		a	I	21,462	16,775	138,700
300	Kenneth Pomeroy	17958-2	64 6068	W620	SWNE	20	07N	53W		a	I	21,939	16,348	200,900
301	Perry Pomeroy III	9463F	64 6064	W620	SWSW	29	07N	53W		a	I	21,014	12,147	118,600
302	Mark Kross & Bob Sanderson	4326F	64 6061	W620	NENE	30	07N	53W		a	I	19,696	17,328	114,000
303	Alan Amen	14164	64 6182	W1109	NWSE	13	07N	54W		a	I	26,891	26,692	92,600
304	Alan Amen	5010F	64 6183	W1109	NWSE	13	07N	54W		a	I	27,773	26,989	96,900
305	David J. Amen Farm Family Partnership	10783	64 6540	W3727	NWNW	18	07N	53W		a	I	29,696	26,657	148,500
306	David J. Amen Farm Family Partnership	10784	64 5011	W3727	NWNW	18	07N	53W		a	I	29,722	26,469	148,500
307	David J. Amen Farm Family Partnership	R10785	64 5012	W3727	SWNW	12	07N	54W		a	I	38,196	33,007	104,300
308	Paul Lebsock, Jr.	7097	64 5805	W894	SWSW	17	07N	53W		a	I	23,103	19,852	173,500
309	Paul Lebsock, Jr.	7098	64 5804	W894	SWSE	17	07N	53W		a	I	20,935	17,401	286,300
310	Paul Lebsock, Jr.	3659 F	64 5806	W894	NWSE	16	07N	54W		a	I	42,195	37,243	80,600
311	Prewitt Ranch	6195F	01 6682	W1469	SESW	14	05N	54W		a	I	16,911	12,873	266,300
312	Prewitt Ranch	6312-F	01 6683	W1469	NESE	12	05N	54W		a	I	20,318	16,992	227,800
313	Mike Goss	0339	64 5610	W2653	SWSW	13	06N	54W		a	I	5,997	5,824	95,300
314	Mike Goss	2-9447	64 5611	W2653	NWSE	14	06N	54W		a	I	13,581	8,581	78,200
315	School Dist Re 1 Valley	11856F	64 5831	W5731	NESE	29	08N	52W		b	I	23,536	11,143	254,400
316	School Dist Re 1 Valley	11857F	64 5828	W5731	SENW	29	08N	52W		b	I	22,871	9,711	249,600
317	School Dist Re 1 Valley	25519	64 5833	W5731	NWNE	21	08N	52W		b	I	19,934	4,406	329,500
318	School Dist Re 1 Valley	25520	64 5832	W5731	NWNE	21	08N	52W		b	I	19,925	4,206	329,500
319	School Dist Re 1 Valley	23690F	64 5830	W5731	NESE	30	08N	52W		b	I	23,504	9,938	251,800
320	School Dist Re 1 Valley	25521	64 5834	W5731	NESE	30	08N	52W		b	I	23,702	9,646	379,600
321	Logan County Court House	8900	64 5827	W5732	NENW	29	08N	52W		b	I	21,797	9,281	261,600
322	Northeastern Junior College	035467-F, 17563	64 5973	W2105	SWNW	28	08N	52W		b	I	21,027	4,212	244,200
323	Northeastern Junior College	04010-F	64 5971	W-2105	NENW	28	08N	52W		b	I	20,697	3,573	251,500
324	Northeastern Junior College	11061-F	64 5972	W-2105	NENW	28	08N	52W		b	I	21,306	4,672	252,600
325	Northeastern Junior College	5425-F	64 5974	W-2105	NWSE	21	08N	52W		b	I	18,924	2,998	328,800
326	Sterling East Side Water Co.	013690-F	64 6378	W3839	NWNW	26	08N	52W		b	M	9,147	5,760	188,900
327	Sterling East Side Water Co.	013691-F	64 6379	W3839	SENE	27	08N	52W		b	M	8,928	4,653	187,900
328	Richard Jackson	1516	64 5677	W754	NWNE	11	08N	53W		b	I	32,748	27,645	115,000
329	C & F Company	2633F	64 6317	W2289	SENW	28	08N	52W		b	I	24,749	3,749	247,200
330	McAtee Construction Co.	13644F	64 5876	W-2633	SESE	28	08N	52W		b	Ind	25,983	1402	197,900

Table 1
03CW195
Logan Well Users Member Wells

Well No	Name	Permit No.	WDID	Case No	Well Location				In LID ¹	Abv/Bel SIC ²	USE ³	Aquifer Parameters ⁴		
					Qtr/Qtr	Sec	TwN	Rge				W	X	Harm T
331	McAtee Construction Co.	13645F	64 5882	W-2633	SWSW	27	08N	52W		b	Ind	8,041	720	199,600
332	McAtee Construction Co.	13646F	64 5883	W-2633	SWSW	27	08N	52W		b	Ind	8,041	736	199,600
333	McAtee Construction Co.	13647F	64 5879	W-2633	SWSW	27	08N	52W		b	Ind	8,041	722	199,600
334	McAtee Construction Co.	13648F	64 5878	W2633	SWSW	27	08N	52W		b	Ind	8,041	818	195,200
335	McAtee Construction Co.	13649F	64 5880	W2633	SWSW	27	08N	52W		b	Ind	7,174	513	193,900
336	McAtee Construction Co.	13650F	64 5881	W-2633	SWSW	27	08N	52W		b	Ind	7,061	530	192,600
337	McAtee Construction Co.	13651F	64 5877	W2633	SESE	28	08N	52W		b	Ind	22,553	1501	195,700
340	Sandra Needham	3622F	64 5994	W4650	SWNE	18	08N	52W	x	b	I	24,773	19,331	151,600
341	Timothy Sonnenberg	1170	64 6482	W5049	SENE	19	08N	52W	x	b	I	25,150	14,361	203,200
342	Ed Fritzler (Joel Nelson)	0613	64 5838	W2363	SESE	18	08N	52W	x	b	I	20,048	14,064	283,900
343	L.A. Coakley	16317	64 5267	W3528	NESE	15	08N	52W		b	F	14,842	209	275,200
344	L.A. Coakley	24755	64 5260	W3528	SESE	15	08N	52W		b	F	15,057	384	290,200
345	L.A. Coakley	25306	64 5269	W3528	SWSE	15	08N	52W		b	F	14,683	595	309,000
346	Ronald Timmerman	95			SWSE	36	08N	53W		b	I	24,440	12,305	268,300
347	Brett Nelson	012934 F	64 6291	W2289	SESE	33	08N	53W		b	I	27,420	24,433	137,300
348	Mark Harrington	7219	64 5241	W5808	SWSW	34	08N	52W		b	I	6,639	1,261	161,900
349	Joel McCracken	14745	64 5694	W1013	SENE	4	07N	52W		b	I	6,138	3,024	95,800
350	Allen Mitchek	0124	64 6290	W2289	NENW	9	07N	53W		a	I	24,040	21,360	107,500
351	Allen Mitchek	0125	64 6289	W2289	NWSW	4	07N	53W		b	I	26,729	24,550	104,600
352	Allen Mitchek	15380 F	64 6288	W2289	SWNW	4	07N	53W		b	I	27,259	25,934	102,500
353	Allen Mitchek	3137 F	64 6286	W2289	NESE	5	07N	53W		b	I	27,003	25,546	104,400
354	Allen Mitchek	6620 F	64 6284	W2289	SWNW	4	07N	53W		b	I	27,858	26,286	102,400
355	Allen Mitchek	9613 F	64 5799	W1936	SESE	8	07N	53W		a	I	20,929	19,995	160,000
356	Atwood Commercial Feedlot, Inc	NOT REG			SENE	36	07N	53W	x	b	F	9,003	4,981	268,100
357	Atwood Commercial Feedlot, Inc	NR			NENE	36	07N	53W	x	b	D	10,839	4,660	269,900
360	Kidz Ark	046826	64 5566		NENW	24	08N	53W	x	b	D	24,960	20,542	163,200
361	Kidz Ark	41360	64 5255		NENW	24	08N	53W	x	b	D	24,850	20,456	157,500
362	Kidz Ark	71472	64 5256		NENW	24	08N	53W	x	b	D	25,023	20,513	164,500
363	Platte Valley Real Estate, LLC	5868RF121 4	64 6443	W2093	SWNW	33	08N	52W		b	I	23,235	2,187	201,400
364	Fairfield Management, Inc.	0063	64 5244	W529	SWNE	4	06N	53W		a	I	16,793	2,140	390,000
365	Fairfield Management, Inc.	2262-F	64 5243	W529	SWNE	4	06N	53W		a	I	17,801	3,024	386,000
366	David Naibauer	11607F	64 5975	W1872	SENE	18	07N	53W		a	I	29,733	24,826	164,600
367	David Naibauer	11609F	64 5976	W1872	SENE	18	07N	53W		a	I	29,639	24,826	164,600
368	David Naibauer	11608-F	64 5977	W1872	SWNW	18	07N	53W		a	I	29,519	25,994	121,000

Table 1
03CW195
Logan Well Users Member Wells

Well No	Name	Permit No.	WDID	Case No	Well Location				In LID ¹	Abv/Bel SIC ²	USE ³	Aquifer Parameters ⁴		
					Qtr/Qtr	Sec	TwN	Rge				W	X	Harm T
369	Allen Hutt	042328-F, 2045	64 5013	W4579	NWNE	30	07N	53W		a	I	20,962	18,734	116,500
370	Paul & MaryAnne Kaiser	10459	64 5222	W3814	NENE	24	07N	54W		a	I	25,103	24,281	99,500
371	John Pivonka	8536	64 5798	W1936	SWNW	17	07N	53W		a	I	22,235	21,200	209,700
372	John Pivonka	8537	64 5797	W1936	SWNW	17	07N	53W		a	I	22,270	21,534	201,300
373	Atwood Commercial Feedlot, Inc	N/R			NENE	36	07N	53W	x	b	D	10,615	4,440	273,700
374	Ronald Kurtzer	9572F	64 5745	W871	SWSW	15	07N	54W		a	I	39,447	34,595	82,900
375	Gregg & Charlene Archer	0430	64 5058	W3527	SWSW	23	06N	54W		a	I	3,877	1,323	134,100
376	Rocky Desanti	0517RF132	64 5601	W848	NWNW	26	06N	54W		a	I	3,566	970	139,900
377	The Bluffs at Vallahara Inc.	13420F	64 5898	W945	SENE	27	06N	54W		a	I	1,421	609	61,800
378	The Bluffs at Vallahara Inc	2836F	64 5899	W945	SENE	27	06N	54W		a	I	1,514	1,007	61,800
379	BCK Heath Property, LLC	25234	64 6073	W3276	NWSE	23	06N	54W	x	a	I	3,704	2,792	146,600
381	Charlie Stahley	11341	64 6508	W3527	SWNW	24	06N	54W		a	I	5,867	3,529	116,100
385	Jay Harryman	8413	64 5567	W1420	NENE	6	06N	54W		a	I	33,278	28,018	61,500
386	Alan Harryman	8414	64 5568	W1420	NWNE	6	06N	54W		a	I	34,207	29,379	61,400
387	Keith Ladd	N/R	64 5779	W1921	SENE	14	06N	54W		a	I	15,325	10,014	75,500
388	Elmer Diel	9154-F	64 5418	W4831	NWSW	6	07N	52W	x	b	I	24,223	7,816	338,600
389	Harold Fritzler	R-12058	01 6595	W889	SWSW	3	05N	54W		a	I	17,992	2,473	369,400
390	Harold Fritzler	37430-F	01 7488	90CW115	NESE	3	05N	54W		a	I	19,924	5,360	363,500
391	Randy Fritzler	881	01 6594	W889	SWNW	10	05N	54W		a	I	17,087	3,059	388,300
392	Warren Thompson	8407	64 5246	W1547	SESW	30	07N	52W		b	I	9,964	3,959	263,600
394	Smart Brothers, Inc. Portion 6508F	6508F, 45372	64 6252	W1752	SESE	17	06N	53W	x	a	I	12,480	4,287	295,000
395	Darrel Mertens	14623	64 6722		SWNW	32	08N	53W		b	Ind	38,452	32,616	92,700
396	Kircher Horner LLC	1-3657-F	64 6076	W1126	NWSW	28	08N	52W		b	Ind	22,263	4,016	216,800
397	James Gales	3712F	64 5608	W801	NWSW	19	08N	52W		b	I	25,537	16,016	144,400
398	Jeff Rice	249717			SWNE	27	08N	52W		b	D	8,754	2,674	203,900
399	Club West Subdivision	Pending			NWSW	36	08N	53W		b	D	28,704	15,305	154,600
400	Club West Subdivision	Pending			SWSW	36	08N	53W		b	D	28,704	15,305	154,600
401	Club West Subdivision	Pending			NWSW	36	08N	53W		b	D	28,704	15,305	154,600
402	Brad Thorpe	Pending			NENW	15	06N	53W		a	I	10,622	6,852	232,000
403	David Naibauer	16169			SENE	18	07N	53W		a	I	29,733	25,069	164,600
404	Timmerman Feeding Corp.	17578-F	64 5785	W7374	NESE	6	08N	52W		b	F	19,991	19,812	143,000
405	Timmerman Feeding Corp.	17579-F	64 5786	W7374	NESE	6	08N	52W		b	F	19,376	19,325	143,000
406	Albert Miller Trust	Pending			NENE	26	08N	53W	x	b	D	24,439	20,082	213,600
407	Albert Miller Trust	Pending			NENE	26	08N	53W	x	b	D	24,196	19,813	213,600
408	Albert Miller Trust	Pending			NENE	26	08N	53W	x	b	D	24,196	19,813	213,600

Table 1
03CW195
Logan Well Users Member Wells

Well No	Name	Permit No.	WDID	Case No	Well Location				In LID ¹	Abv/Bel SIC ²	USE ³	Aquifer Parameters ⁴		
					Qtr/Qtr	Sec	TwN	Rge				W	X	Harm T
409	Albert Miller Trust	Pending			SESE	26	08N	53W	x	b	D	26,172	18,327	181,300
410	Albert Miller Trust	Pending			SESE	26	08N	53W	x	b	D	26,172	18,327	181,300
411	Albert Miller Trust	Pending			SESE	26	08N	53W	x	b	D	26,172	18,327	181,300
412	SIC A1	Pending	64 6552		SENE	7	07N	52W	x	b	I	26,334	2,607	290,700
413	SIC A2	Pending	64 6555		SENE	7	07N	52W	x	b	I	26,194	3,493	304,300
414	SIC A3	Pending	64 6551		SESE	6	07N	52W	x	b	I	29,671	3,390	300,200
415	SIC A4	Pending	64 6556		NESE	6	07N	52W	x	b	I	29,678	4,014	293,400
416	SIC A5	Pending	64 6554		NESE	6	07N	52W	x	b	I	26,955	5,028	300,600
417	SIC A6	Pending	64 6553		SWNE	6	07N	52W	x	b	I	26,657	5,595	308,700
418	SIC B1	Pending	64 5558		SESE	7	07N	52W	x	b	I	28,660	487	271,200
419	SIC B2	Pending	64 5552		SESW	31	08N	52W	x	b	I	30,232	8,357	255,500
420	SIC B3	Pending	64 5557		SESW	30	08N	52W	x	b	I	24,186	11,267	256,900
421	SIC B4	Pending	64 5556		SWSE	20	08N	52W	x	b	I	20,338	6,431	312,400

NOTES:

- 1 In LID = Located inside boundaries of Logan Irrigation District as of November 2005
- 2 Abv/Bel SIC = Location of depletions with respect to Sterling No. 1 Ditch headgate. Above - a, Below - b
- 3 **Type of Use**
D = Domestic
F = Feed Lot
I = Irrigation
Ind = Industrial
M = Municipal
S = Stock
- 4 **Aquifer Parameters**
W = Width of aquifer on side of river where well is located (ft)
X = Distance from the river to the location of structure (ft)
Harm T = Harmonic Transmissivity of the aquifer in the vicinity of structure (gpd/ft)
S = 0.2

TABLE 10

LWU 03CW195
ACREAGE AND LOCATION INFORMATION FOR CHANGED SHARES

Farmers Pawnee	Shares	Acres	Map No	TWN	RGE	Sect	RF Group	RF ZONE	Abv/ Bel SIC
Anderson, C. Brad	4.5	106.3	4a-4	8N	53W	24	1	FP3	b
Bostron, Harry	20.75	313.2	4a-2	7N	53W	32	1	FP1	a
Delaware, Joseph	2	56.1	4a-2	7N	53W	33	1	FP1	a
Dick, Mark	2.6	72.6	4a-4	8N	52W	8	1	FP3	b
Fritzler, Albert	4.22	20.5	4a-3	7N	53W	1	3	FP2	b
Fritzler, D & K	4	110.4	4a-3	7N	53W	2	1	FP2	b
Guenzi Family Land LLP	3.79	87.4	4a-4	8N	52W	7	1	FP3	b
Guenzi 3.25 Historical Land	3.25	56.9	4a-4	8N	52W	8	1	FP3	b
Guenzi 7.25 Historical Land	7.25	121.3	4a-1	6N	53W	4	1	FP1	a
Guenzi-Scheuerman Historical Land	1	9.8	4a-4	8N	52W	17	3	FP3	b
Guenzi 5.5/Taylor 8 Combined-historical	13.5	219.1	4a-4	8N	52W	4	1	FP3	b
Hein, Eileen	1.75	35.5	4a-4	8N	52W	18	1	FP3	b
Ils, Bill	6	134	4a-4	8N	52W	7	1	FP3	b
Jensen, Wayne	1	65.3	4a-4	8N	52W	8	1	FP3	b
Kuntz, Jerry	2.084	37.6	4a-2	7N	53W	26	1	FP2	a
Littler, Dave	0.5	10	4a-3	7N	52W	30	1	FP3	b
Lousberg Partnership	1	21.9	4a-2	7N	53W	16	1	FP2	b
Marstellar & Tetsell Combined	4	108.4	4a-4	8N	52W	18	1	FP3	b
Mateus, Ermelindo	6	129.3	4a-4	8N	52W	18	1	FP3	b
Miller, Shane	1.75	59.2	4a-3	7N	53W	25	1	FP2	b
Monahan, Rex	3	66.1	4a-3	7N	53W	25	1	FP2	b
Nelson, Brett	5	143.6	4a-2	7N	53W	28	3	FP2	a
O'Connell, Charlotte	4	114.4	4a-3	7N	53W	25	1	FP2	b
Propst, Lewis V. Corp	1.907	56.9	4a-1	6N	54W	13	1	FP1	b
Sager, Zella	1	26.1	4a-1	6N	53W	18	1	FP1	a
Schlegel Ranch Partnership	2.316	86.3	4a-1	6N	54W	13	1	FP1	a
Schroeder, Victor	2	26.2	4a-4	8N	52W	9	2	FP3	b
Sterling Country Club	3	20	4a-3	7N	53W	36	3	FP2	b
Vollmer, Kevin	12.615	313	4a-1	6N	54W	24	1	FP1	a
Wagner, Steve	5.5	69.2	4a-3	7N	53W		2	FP2	b
Walker, Richard	3	72.4	4a-3	7N	52W	18	1	SPR1	b
Williamson, Shirley (2/7)	2	30.7	4a-1	6N	53W	8	1	FP1	a
Total Mixed from Page 3	44.35	1208.9							
Total FP	180.632	4008.6							

Schneider Ditch	Shares	Acres	Map No	TWN	RGE	Sect	RF Group	RF ZONE	Abv/ Bel SIC
Carlson, Bryce	2	34.4	4b	7N	52W	30	2	SCH2	a
Cecil Farms (6.5/7.5)	6.5	219.7	4b	7N	53W	25	1	SCH1	a
Colorado Division of Wildlife	6	123.9	4b	7N	52W	19	1	SCH1	a
Hoogland Living Trust	7	329.6	4b	6N	53W	10	2	DB3	a
Lingreen, Robert	5.5	106.3	4b	7N	53W	36	2	SCH2	a
Lingreen/ Scalva	7	135.4	4b	7N	53W	36	2	SCH2	a
Schneider Total	34.0	949.3							

TABLE 10

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ACREAGE AND LOCATION INFORMATION FOR CHANGED SHARES

South Platte Ditch	Shares	Acres	Map No	TWN	RGE	Sect	RF Group	RF ZONE	Abv/ Bel SIC
Amen, Albert	10	231.1	4c	6N	54W	34	1	SPD1	a
Fiscus, Clinton	12	225.6	4c	6N	54W	35	1	SPD1	a
Lutin Curlee Family Sec 16	5.8	106.2	4c	6N	53W	16	2	SPD2	a
Lutin Curlee Family/Lingreen Sec30	8.1	148.3	4c	6N	53W	30	2	SPD1	a
Lingreen Sec 25	5.2	94	4c	6N	54W	25	2	SPD1	a
Mari Bros., Inc.	4.1	68.2	4c	6N	53W	21	2	SPD2	a
Propst, Lewis V., Corp	12.86	393.5	4c	6N	53W	19	1	SPD2	a
Vollmer, Kevin Sec20	12.53	322.4	4c	6N	54W	20	1	SPD2	a
Vollmer, Kevin Sec25	9.33	239.9	4c	6N	53W	25	1	SPD1	a
Total SPD	79.92	1829.2							

Springdale Ditch	Shares	Acres	Map No	TWN	RGE	Sect	RF Group	RF ZONE	Abv/ Bel SIC
Castor, D.	3.2	16.4	4a-3	7N	52W	6	1	SPR1	b
Diel, Elmer	11	46	4a-3	7N	52W	6	2	SPR2	b
Fritzler, Albert	20.5	70.2	4a-3	7N	53W	1	1	SPR2	b
Fritzler, Chris	2	5	4a-3	7N	52W	30	1	SPR2	b
Fritzler, D & K	16	73.5	4a-3	7N	53W	11	1	SPR2	b
Fritzler, Edward	22	144.3	4a-3	7N	53W	1	1	SPR2	b
Fritzler, Leon	61	129.9	4a-3	7N	52W	7	2	SPR1	b
Fry, Stan	5	67.2	4a-2	7N	53W	24	1	SPR1	a
Gregory, Sylvia	15	60.4	4a-2	7N	53W	24	1	SPR1	a
Kloberdanz, George	32	155.2	4a-3	7N	53W	1	1	SPR2	b
Knaub, Freida	14	70.1	4a-4	8N	52W	8	1	SPR2	b
Miller, Al (Miller-Chance)	18.5	198	4a-2	7N	53W	24	1	SPR1	a
Mitchek, Alan	30	66	4a-3	7N	52W	31	2	SPR2	b
Monahan, Rex	9	32.6	4a-3	7N	52W	31	2	SPR2	b
Nixon, Jack	12	55.9	4a-3	7N	52W	7	1	SPR1	b
Schaffer, Henry & Sally	33	151.3	4a-3	7N	52W	7	1	SPR1	b
Schroeder, Victor	20	94	4a-4	8N	52W	9	1	SPR2	b
Sunset Mem Gardens	6	11.3	4a-4	8N	52W	8	3	SPR2	b
Vendegna, Alfred & Hendricks	17	78.6	4a-3	7N	52W	31	1	SPR2	b
Walker, Richard	42	72.4	4a-3	7N	52W	18	3	SPR1	b
Wagner, Elmer	16	78.1	4a-4	8N	52W	17	1	SPR2	b
Wyckoff, Carlton	9	53.3	4a-4	8N	52W	17	1	SPR2	b
Wyckoff/ Greenwood	12	61.3	4a-4	8N	52W	17	1	SPR2	b
Total Mixed from Page 3	217.0	950.5							
Total Springdale	643.2	2741.5							

TABLE 10

LWU 03CW195
ACREAGE AND LOCATION INFORMATION FOR CHANGED SHARES

Pawnee & Springdale Shares	Pawnee Shares	Springdale Shares	Acres FP shares only	Acres SPR shares only	Acres mixed shares	Map No	TWN	RGE	Sect	Pawnee RF Group	Springdale RF Group	RF ZONE	Abv/ Bel SIC
Baney, Robert FP Only	2.18	-	77.8			4a-3	7N	53W	12	1	-	SPR2	b
Baney, Robert SPR Only	-	34.59		143.4		4a-3	7N	53W	13	-	1	SPR1 & 2	b
Baney, Robert Mix shares 1	3.00	35.85			148.6	4a-3	7N	53W	13	1	1	SPR1	b
Baney, Robert Mix shares 2	2.14	18.43			76.4	4a-3	7N	53W	12	1	1	SPR2	b
Baney, Robert Mix shares 3	4.53	38.93			161.4	4a-3	7N	53W	12	1	1	SPR1 & 2	b
Keller Farms FP only	13.75	-	308.7			4a-3	7N	53W	11	1	-	RFP2	b
Keller Farms SPR only	-	10.00		57.5		4a-3	7N	53W	11	-	1	SPR2	b
Keller Farms-mix	4.40	25.00			132	4a-3	7N	53W	7 & 12	1	1	SPR1	b
Keller Farms-mix #2	5.35	25.20			84.2	4a-3	7N	53W	12	3	3	SPR2	b
Nelson, Werdna FP Only	4.22	-	96.4			4a-4	8N	52W	8	1	-	FP3	b
Nelson, Werdna SPR Only	-	4.30		23.6		4a-4	8N	52W	8	-	1	SPR2	b
Nelson, Werdna Mix	1.78	8.70			36.4	4a-4	8N	52W	8	2	3	SPR2	b
Rieke, Marjorie	3.00	16.00			87	4a-4	8N	52W	9	1	1	SPR2	b
TOTAL	44.35	217.00	482.9	224.5	726								

TABLE 10a

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ACREAGE AND LOCATION INFORMATION FOR CHANGED SHARES

Farmers Pawnee	Shares	Acres	Map No	TWN	RGE	Sect	RF Group	RF ZONE	Abv/ Bel SIC
Anderson, C. Brad	4.5	106.3	4a-4	8N	53W	24	1	FP3	b
Bostron, Harry	20.75	313.2	4a-2	7N	53W	32	1	FP1	a
Delaware, Joseph	2	56.1	4a-2	7N	53W	33	1	FP1	a
Dick, Mark	2.6	72.6	4a-4	8N	52W	8	1	FP3	b
Fritzler, Albert	4.22	20.5	4a-3	7N	53W	1	3	FP2	b
Fritzler, D & K	4	110.4	4a-3	7N	53W	2	1	FP2	b
Guenzi Family Land LLP	3.79	87.4	4a-4	8N	52W	7	1	FP3	b
Guenzi 3.25 Historical Land	3.25	56.9	4a-4	8N	52W	8	1	FP3	b
Guenzi 7.25 Historical Land	7.25	121.3	4a-1	6N	53W	4	1	FP1	a
Guenzi-Scheuerman Historical Land	1	9.8	4a-4	8N	52W	17	3	FP3	b
Guenzi 5.5/Taylor 8 Combined-historical	13.5	219.1	4a-4	8N	52W	4	1	FP3	b
Hein, Eileen	1.75	35.5	4a-4	8N	52W	18	1	FP3	b
Ils, Bill	6	134	4a-4	8N	52W	7	1	FP3	b
Jensen, Wayne	1	65.3	4a-4	8N	52W	8	1	FP3	b
Kuntz, Jerry	2.084	37.6	4a-2	7N	53W	26	1	FP2	a
Littler, Dave	0.5	10	4a-3	7N	52W	30	1	FP3	b
Lousberg Partnership	1	21.9	4a-2	7N	53W	16	1	FP2	b
Marstellar & Tetsell Combined	4	108.4	4a-4	8N	52W	18	1	FP3	b
Mateus, Ermelindo	6	129.3	4a-4	8N	52W	18	1	FP3	b
Miller, Shane	1.75	59.2	4a-3	7N	53W	25	1	FP2	b
Monahan, Rex	3	66.1	4a-3	7N	53W	25	1	FP2	b
Nelson, Brett	5	143.6	4a-2	7N	53W	28	3	FP2	a
O'Connell, Charlotte	4	114.4	4a-3	7N	53W	25	1	FP2	b
Propst, Lewis V. Corp	1.907	56.9	4a-1	6N	54W	13	1	FP1	b
Sager, Zella	1	26.1	4a-1	6N	53W	18	1	FP1	a
Schlegel Ranch Partnership	2.316	86.3	4a-1	6N	54W	13	1	FP1	a
Schroeder, Victor	2	26.2	4a-4	8N	52W	9	2	FP3	b
Sterling Country Club	3	20	4a-3	7N	53W	36	3	FP2	b
Vollmer, Kevin	12.615	313	4a-1	6N	54W	24	1	FP1	a
Wagner, Steve	5.5	69.2	4a-3	7N	53W		2	FP2	b
Walker, Richard	3	72.4	4a-3	7N	52W	18	1	SPR1	b
Williamson, Shirley (2/7)	2	30.7	4a-1	6N	53W	8	1	FP1	a
Total Mixed from Page 3	44.35	1208.9							
Total FP	180.632	4008.6							

Schneider Ditch	Shares	Acres	Map No	TWN	RGE	Sect	RF Group	RF ZONE	Abv/ Bel SIC
Carlson, Bryce	2	34.4	4b	7N	52W	30	2	SCH2	a
Cecil Farms (6.5/7.5)	6.5	219.7	4b	7N	53W	25	1	SCH1	a
Colorado Division of Wildlife	6	123.9	4b	7N	52W	19	1	SCH1	a
Hoogland Living Trust	7	329.6	4b	6N	53W	10	2	DB3	a
Lingreen, Robert	5.5	106.3	4b	7N	53W	36	2	SCH2	a
Lingreen/ Scalva	7	135.4	4b	7N	53W	36	2	SCH2	a
Schneider Total	34.0	949.3							

TABLE 10a

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ACREAGE AND LOCATION INFORMATION FOR CHANGED SHARES

South Platte Ditch	Shares	Acres	Map No	TWN	RGE	Sect	RF Group	RF ZONE	Abv/ Bel SIC
Amen, Albert	10	231.1	4c	6N	54W	34	1	SPD1	a
Fiscus, Clinton	12	225.6	4c	6N	54W	35	2	SPD1	a
Lutin Curlee Family Sec 16	5.8	106.2	4c	6N	53W	16	3	SPD2	a
Lutin Curlee Family/Lingreen Sec30	8.1	148.3	4c	6N	53W	30	3	SPD1	a
Lingreen Sec 25	5.2	94	4c	6N	54W	25	3	SPD1	a
Mari Bros., Inc.	4.1	68.2	4c	6N	53W	21	4	SPD2	a
Propst, Lewis V., Corp	12.86	393.5	4c	6N	53W	19	1	SPD2	a
Vollmer, Kevin Sec20	12.53	322.4	4c	6N	54W	20	1	SPD2	a
Vollmer, Kevin Sec25	9.33	239.9	4c	6N	53W	25	1	SPD1	a
Total SPD	79.92	1829.2							

Springdale Ditch	Shares	Acres	Map No	TWN	RGE	Sect	RF Group	RF ZONE	Abv/ Bel SIC
Castor, D.	3.2	16.4	4a-3	7N	52W	6	1	SPR1	b
Diel, Elmer	11	46	4a-3	7N	52W	6	2	SPR2	b
Fritzler, Albert	20.5	70.2	4a-3	7N	53W	1	1	SPR2	b
Fritzler, Chris	2	5	4a-3	7N	52W	30	1	SPR2	b
Fritzler, D & K	16	73.5	4a-3	7N	53W	11	1	SPR2	b
Fritzler, Edward	22	144.3	4a-3	7N	53W	1	1	SPR2	b
Fritzler, Leon	61	129.9	4a-3	7N	52W	7	2	SPR1	b
Fry, Stan	5	67.2	4a-2	7N	53W	24	1	SPR1	a
Gregory, Sylvia	15	60.4	4a-2	7N	53W	24	1	SPR1	a
Kloberdanz, George	32	155.2	4a-3	7N	53W	1	1	SPR2	b
Knaub, Freida	14	70.1	4a-4	8N	52W	8	1	SPR2	b
Miller, Al (Miller-Chance)	18.5	198	4a-2	7N	53W	24	1	SPR1	a
Mitchek, Alan	30	66	4a-3	7N	52W	31	2	SPR2	b
Monahan, Rex	9	32.6	4a-3	7N	52W	31	2	SPR2	b
Nixon, Jack	12	55.9	4a-3	7N	52W	7	1	SPR1	b
Schaffer, Henry & Sally	33	151.3	4a-3	7N	52W	7	1	SPR1	b
Schroeder, Victor	20	94	4a-4	8N	52W	9	1	SPR2	b
Sunset Mem Gardens	6	11.3	4a-4	8N	52W	8	3	SPR2	b
Vendegna, Alfred & Hendricks	17	78.6	4a-3	7N	52W	31	1	SPR2	b
Walker, Richard	42	72.4	4a-3	7N	52W	18	3	SPR1	b
Wagner, Elmer	16	78.1	4a-4	8N	52W	17	1	SPR2	b
Wyckoff, Carlton	9	53.3	4a-4	8N	52W	17	1	SPR2	b
Wyckoff/ Greenwood	12	61.3	4a-4	8N	52W	17	1	SPR2	b
Total Mixed from Page 3	217.0	950.5							
Total Springdale	643.2	2741.5							

TABLE 10a

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ACREAGE AND LOCATION INFORMATION FOR CHANGED SHARES

Pawnee & Springdale Shares	Pawnee Shares	Springdale Shares	Acres FP shares only	Acres SPR shares only	Acres mixed shares	Map No	TWN	RGE	Sect	Pawnee RF Group	Springdale RF Group	RF ZONE	Abv/ Bel SIC
Baney, Robert FP Only	2.18	-	77.8			4a-3	7N	53W	12	1	-	SPR2	b
Baney, Robert SPR Only	-	34.59		143.4		4a-3	7N	53W	13	-	1	SPR1 & 2	b
Baney, Robert Mix shares 1	3.00	35.85			148.6	4a-3	7N	53W	13	1	1	SPR1	b
Baney, Robert Mix shares 2	2.14	18.43			76.4	4a-3	7N	53W	12	1	1	SPR2	b
Baney, Robert Mix shares 3	4.53	38.93			161.4	4a-3	7N	53W	12	1	1	SPR1 & 2	b
Keller Farms FP only	13.75	-	308.7			4a-3	7N	53W	11	1	-	RFP2	b
Keller Farms SPR only	-	10.00		57.5		4a-3	7N	53W	11	-	1	SPR2	b
Keller Farms-mix	4.40	25.00			132	4a-3	7N	53W	7 & 12	1	1	SPR1	b
Keller Farms-mix #2	5.35	25.20			84.2	4a-3	7N	53W	12	3	3	SPR2	b
Nelson, Werdna FP Only	4.22	-	96.4			4a-4	8N	52W	8	1	-	FP3	b
Nelson, Werdna SPR Only	-	4.30		23.6		4a-4	8N	52W	8	-	1	SPR2	b
Nelson, Werdna Mix	1.78	8.70			36.4	4a-4	8N	52W	8	2	3	SPR2	b
Rieke, Marjorie	3.00	16.00			87	4a-4	8N	52W	9	1	1	SPR2	b
TOTAL	44.35	217.00	482.9	224.5	726								