STATE OF COLORADO

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

SWSP Approval for the Wagner-Kauffman No. 3 Pit (Plan ID 3617)

Brucker - DNR, Sarah <sarah.brucker@state.co.us> Mon, Dec 27, 2021 at 11:46 AM
To: Todd Williams <tlwwater@msn.com>
Cc: Michael Hein <michael.hein@state.co.us>, Louis Flink <louis.flink@state.co.us>, Jean Lever <jean.lever@state.co.us>, Amy Eschberger - DNR <amy.eschberger@state.co.us>

Please find attached the Substitute Water Supply Plan Approval for the Wagner-Kauffman No. 3 Pit (DRMS Permit No. M-1999-069, WDID 0402529, Plan ID 3617). Should you have any questions, please contact me at this office.

Sarah Brucker
Water Resources Engineer

COLORADO
Division of Water Resources
Department of Natural Resources

P 303.866.3581 x 8249
1313 Sherman St., Suite 821 Denver CO 80203
sarah.brucker@state.co.us | https://dwr.colorado.gov

Approval 3617.pdf
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COLORADO
Division of Water Resources
Department of Natural Resources

December 27, 2021

Mr. Todd Williams, P.E.
Williams and Weiss Consulting, LLC
5255 Ronald Reagan Boulevard, Ste 220
Johnstown, CO 80534

RE: Wagner-Kauffman No. 3 Substitute Water Supply Plan (WDID 0402529, Plan ID 3617)
Wagner-Kauffman No. 3 Pit, DRMS Permit No. M-1999-069 (WDID 0403008)
Sections 17 and 20, T5N, R68W, 6th P.M.
Water Division 1, Water District 4, Larimer County

Approval Period: January 1, 2022 through December 31, 2022
Contact Information for Mr. Todd Williams: 303-653-3940; tlwwater@msn.com

Dear Mr. Williams:

We have reviewed your letter dated December 10, 2021 requesting renewal of the above referenced substitute water supply plan on behalf of Jake Kauffman and Son, Inc. ("Applicant") in accordance with section 37-90-137(11), C.R.S., to cover depletions associated with a sand and gravel pit. The required fee of $257.00 for the renewal of this substitute water supply plan has been submitted (receipt number 10017406). The original substitute water supply plan was approved on December 16, 1999, and was most recently approved on December 15, 2020 for operations through December 31, 2021.

SWSP Operation

This plan seeks to replace depletions resulting from mining operations at the Wagner-Kauffman No. 3 Pit. The Wagner-Kauffman No. 3 Pit (WDID 0403008, well permit no. 65258-F) is located in Larimer County in portions of Sections 17, 20, and 21, Township 5 North, Range 68 West of the 6th P.M. Mining activities at the Wagner-Kauffman No. 3 Pit are complete but reclamation activities will continue during 2022. The remaining reclamation activities include finishing the construction of the impermeable liner for the pit in the northwest portion of the site and continuing to backfill previously mined portions of the site.

The pit in the center of the site was fully lined and a liner test initiated in 2013, however the test was suspended prior to completion due to flooding that occurred in September 2013. The Applicant monitored the water level in the lined gravel pit (as dewatering occurred in 2014, 2015 and 2016) to be sure that the liner for the pit was not damaged during the 2013 flood and was not intercepting groundwater. The monitoring done in 2014, 2015, and 2016 by the Applicant revealed that the compacted clay liner is intact, the lined pit is not intercepting groundwater, and the lined pit is not storing any out-of-priority surface water. During the summer and fall of 2016 the Applicant performed the required 90-day leak test. The liner was approved in a letter dated January 17, 2017

as meeting the design standard, and the Kauffman Reservoir (aka East Reservoir, WDID 0403385) is now classified as a lined reservoir. In 2018, 98.30 acres primarily located in Section 21, including the East Reservoir, were released from the Division of Reclamation, Mining, and Safety permit boundary.

In the spring of 2017, the mined pit in the northeast portion of the site had an exposed water surface area due to wet weather and silt deposited by the 2013 flood. The Applicant backfilled the area with clean fill material, and the exposed water surface area was eliminated by mid-September of 2017. Lagged depletions associated with the additional exposed water surface area will continue to be replaced under this SWSP. A Division of Reclamation, Mining and Safety inspection in July of 2019 observed some shallow puddles in this area. A subsequent inspection in November of 2020 did not observe any ponded water and found this pit to have been backfilled and graded relatively flat with a gentle slope. This northeast portion of the site, consisting of approximately 34 acres lying east of the Boyd Lake Outlet Ditch, was released from the Division of Reclamation, Mining, and Safety permit boundary in November of 2020.

A total of 52.7 acres remain within the permit boundary, consisting of the West Cell in the northwest portion of the site and a roadway right-of-way, as shown on the attached Map 2. During this SWSP approval period, consumptive use will be limited to evaporative losses from exposed groundwater in the dewatering trench at the northwest gravel pit. There will be no aggregate production or other consumption of groundwater at the site during this SWSP approval period. The replacement water will be supplied through a lease from the City of Loveland.

Depletions

Depletions at the site during this plan period are limited to evaporation from exposed groundwater in the dewatering trench at the northwest pit. The current exposed groundwater surface area is 0.0145 acres, based on an estimated trench width of 3 feet and length of 210 feet. Net evaporative depletions were calculated using a gross annual evaporation of 38 inches from the exposed groundwater surface, with a credit of 9.7 inches for effective precipitation. The net depletion of groundwater due to evaporation from the 0.0145 acres exposed at the Wagner-Kauffman No. 3 Pit totals 0.034 acre-feet for this plan period, as shown on the attached Table 1.

The Wagner-Kauffman No. 3 Pit site will continue to be dewatered during this plan period. Since 2000, all water pumped from the dewatering trench has been discharged into an adjacent unlined 20.68-acre pond which is part of the Kauffman No. 1 Pit (DRMS Permit No. M-1978-327, WDID 0403009). The Kauffman No. 1 Pit is covered under a separate SWSP (WDID 0402530) and is owned and operated by the Applicant. The current exposed groundwater in Kauffman No. 1 Pit was exposed prior to 1981 in connection with sand and gravel mining and as such evaporation from the Kauffman No. 1 Pit is not required to be augmented (see § 37-90-137(11)(b), C.R.S., and 2009CW49). Due to the large size of the Kauffman No. 1 Pit relative to the volume of water projected to be pumped from the dewatering trench, the additional volume attributable to the dewatering flows will not create a measurable increase in evaporation. The dewatering pump discharges into the Kauffman No. 1 Pit at a location approximately 100 feet from the intake point. You have estimated that water discharged into the Kauffman No. 1 Pit will accrue to the Big Thompson River at approximately the same timing as depletions from pumping the water out of the Wagner-Kauffman No. 3 Pit. So long as dewatering at the Wagner-Kauffman No. 3 Pit is continuous during this plan period and all dewatering flows continue to be discharged into the adjacent unlined Kauffman No. 1 Pit, the assumption that there

will be no net depletion as a result of dewatering at the Wagner-Kauffman No. 3 Pit is accepted for the purposes of this SWSP.

The monthly depletions to the Big Thompson River due to past and projected use at the Wagner-Kauffman No. 3 Pit were lagged from the pit site using the AWAS program developed by the IDS Group at Colorado State University. The following parameters were used in the stream depletion model for the period of 2016 through 2022: a distance from the centroid of the exposed groundwater to the river (X) of 2,130 feet; a distance from the river through the site to the no flow aquifer boundary (W) of 4,000 ft; an aquifer transmissivity (T) of 50,000 gallons/ft/day; and a specific yield (S) of 0.2. For the period of 2012-2015, a distance from the centroid of the exposed groundwater to the river (X) of 2,400 feet was used. Lagged depletions resulting from mining operations prior to 2012 were determined using a previously approved distance from the exposed water surface area to the river (X value) of 200 feet. Depletions from the Wagner-Kauffman No. 3 Pit are assumed to impact the Big Thompson River perpendicular to the site in the E½ of Section 20, Township 5 North, Range 68 West of the 6th P.M. The lagged stream depletions due to past and projected operations at the site are estimated to total 0.035 acre-feet during this plan period, as shown on the attached Table 4.

Replacements

Replacement water for this pit will be made available throughout the year from a lease of up to ten (10) acre-feet of fully consumable water from the City of Loveland ("Loveland"). A copy of the lease, dated December 7, 2021, is attached to this letter. The duration of the lease is from January 1, 2022 through December 31, 2024.

Under the terms of the lease, replacements may be made using a variety of water owned by Loveland including, but not limited to, Windy Gap reusable effluent, water stored in Green Ridge Glade Reservoir (aka Loveland Storage Reservoir) (WDID 0403659) as decreed in case no. 82CW202A, decant water from the Loveland Water Treatment Plant (WDID 0402804), effluent from the Loveland Waste Water Treatment Plant (WDID 0402300), or any other water source legally and physically available to Loveland that may be used for augmentation or replacement. In the event that Loveland plans to use Colorado-Big Thompson Project ("C-BT") water as a replacement source, Loveland shall comply with the Interim Rule issued by the Northern Colorado Water Conservancy District ("Northern District") in May 2005, regarding the use of Colorado-Big Thompson Project water in substitute water supply plans. **Prior to such use of C-BT Project water, Loveland is required to notify this office, the division engineer and the water commissioner of the amount of C-BT Project water dedicated to this plan and provide a copy of the Northern District's approval letter as required by paragraph I(g) of the Northern District's May, 2005 Interim Rule.**

For the 2022 plan period, a total of 6.47 acre-feet of reusable effluent will be provided by Loveland. This leased water is also used to replace depletions at the Kauffman No. 1 Pit (M-1978-327, WDID 0403009). A total of 6.43 acre-feet of replacement water has been dedicated to the Kauffman No. 1 Pit SWSP (Plan ID 3039, WDID 0402530) during this plan period. The monthly depletions and replacement requirements for the Wagner-Kauffman No. 3 Pit are indicated on the attached Table 5. A four percent (4%) transit loss has been applied to the required replacement water deliveries, based on the distance from the most upstream augmentation source, Green Ridge Glade Reservoir, to the Wagner-Kauffman No. 3 Pit. The total amount of replacement water

dedicated to the Wagner-Kauffman No. 3 Pit for this plan period therefore equals 0.036 acre-feet (0.035 acre-feet for replacement of depletions plus 0.001 acre-feet for transit loss).

Long Term Augmentation

In accordance with the attached letter dated April 30, 2010 from the Colorado Division of Reclamation, Mining, and Safety ("DRMS"), all sand and gravel mining operators must comply with the requirements of the Colorado Reclamation Act and the Mineral Rules and Regulations for the protection of water resources. The April 30, 2010 letter from DRMS requires that you provide information to DRMS to demonstrate you can replace long-term injurious stream depletions that result from mining related exposure of groundwater. The DRMS letter identifies four approaches to satisfy this requirement. Approach no. 4 is to obtain approval from the Division of Water Resources that acknowledges compliance with the SEO's requirements pursuant to section 37-90-137(11), C.R.S. Approach no. 3 is to file a financial warranty to cover the cost of installing a liner. The operator has obtained approval of the liner for the East Reservoir, which has subsequently been removed from the mining permit. There is currently a surety bond outstanding for this project in the amount of $570,000.00 to ensure reclamation of the remaining portion of site is completed as currently proposed.

Conditions of Approval

I hereby approve the proposed substitute water supply plan in accordance with section 37-90-137(11), C.R.S., subject to the following conditions:

1. This plan is approved with the effective date of January 1, 2022 and shall be valid through December 31, 2022 unless otherwise revoked or superseded by decree. If depletions will extend beyond the plan's expiration date, a renewal request must be submitted to this office with the statutory fee (currently $257) no later than November 1, 2022. If a renewal request is received after the expiration date of this plan, it may be considered a request for a new SWSP, in which case the $1,593 filing fee will apply.
2. A well permit was obtained for the current use and exposed pond surface area of the gravel pit in accordance with sections 37-90-137(2) and (11), C.R.S., permit no. 65258-F.
3. The total surface area of the groundwater exposed at the site must not exceed 0.0145 acres, which results in a maximum evaporative annual loss at the Wagner-Kauffman No. 3 Pit of 0.034 acre-feet.
4. No product shall be mined below the groundwater table at this site, nor shall any groundwater be used for aggregate washing, dust control, or any other purpose not specifically allowed by this SWSP.
5. Total consumption at the Wagner-Kauffman No. 3 Pit must not exceed 0.034 acre-feet unless an amendment is made to this plan.
6. Approval of this plan is for the purposes stated herein. Any additional uses for which the water may be used must first be approved by this office.
7. All releases of replacement water must be sufficient to cover all out-of-priority depletions in time, place, and amount and must be made under the direction and/or the approval of the water commissioner. Notice must be provided and approval made by the water commissioner

at least 48 hours prior to the release of replacement water, or as required by the water commissioner. Replacement of lagged depletions, including those lagged depletions that occur to the stream after the expiration date of this SWSP, must continue until there is no longer an effect on stream flow. According to the projection shown in the attached Table 5, lagged depletions will extend through August 2023.

8. The release of replacement water may be aggregated to maximize beneficial use. The water commissioner and/or the division engineer shall determine the rate and timing of an aggregated release.

9. The replacement water that is the subject of this plan cannot be sold or leased to any other entity. As a condition of subsequent renewals of this substitute water supply plan, the replacement water must be appurtenant to this site until a plan for augmentation is obtained. All replacement water must be concurrent with depletions in quantity, timing and locations.

10. In the event Loveland plans to use C-BT Project water as a replacement source, Loveland shall comply with the Interim Rule issued by the District in May 2005 regarding the use of C-BT Project water in substitute water supply plans. Prior to the use of the C-BT Project water, Loveland shall notify this office, the division engineer and the water commissioner of the amount of C-BT Project water dedicated to this plan and provide a copy of the District's approval letter as required by paragraph I(g) of the District's May, 2005 Interim Rule.

11. The name, address and phone number of the contact person who will be responsible for the operation and accounting of this plan must be provided with the accounting form to the division engineer and water commissioner.

12. The Applicant is required to provide accounting, acceptable to the water commissioner, to ensure that the lined pit is not intercepting groundwater and that the lined pit is not storing any out-of-priority surface water. Adequate accounting of depletions and replacements must be provided to the division engineer in Greeley (DNR_Div1Accounting@state.co.us) and the water commissioner (Jean Lever at Jean.Lever@state.co.us) on a monthly basis, unless otherwise approved in writing by the Water Commissioner. Submitted accounting shall conform to the Administration Protocol *"Augmentation Plan Accounting, Division One - South Platte River"* (attached).

    In addition, the applicant shall verify that the City of Loveland ("Loveland") includes replacement water for this SWSP in their monthly accounting. It is the Applicant's responsibility to ensure Loveland releases the leased water in the correct time, place, and amount.

13. Conveyance loss for delivery of replacement water to the location where depletions from the Wagner-Kauffman No. 3 Pit affect the Big Thompson River is subject to assessment and modification as determined by the division engineer.

14. In order to prevent injury to other water rights, the division engineer and water commissioner must be able to administer Applicants' replacement water past headgates on the river at times when those headgates would otherwise be legally entitled to divert all available flow in or "sweep" the Big Thompson River or its tributaries. Applicant shall not receive credit for replacement of depletions to the Big Thompson River below such diversion structures unless bypass and measurement structures are in place to allow the division engineer and water commissioner to confirm that Applicant's replacement water is delivered past the headgates. In the event that delivery past dry-up points requires the use of a structure for which a

carriage or use agreement with a third party is required, Applicant shall be responsible for securing such agreement. Until such time as the Applicant provides a copy of the carriage or use agreement to the division engineer and water commissioner, no credit will be allowed for replacement of depletions to the Big Thompson River below such diversion structure.

15. The Division of Water Resources will not be responsible for any enforcement or administration of third party agreements that are not included in a decree of the water court.

16. The approval of this substitute water supply plan does not relieve the Applicant and/or the landowner of the requirement to obtain a water court decree approving a permanent plan for augmentation or mitigation to ensure the permanent replacement of all depletions, including long-term evaporation losses and lagged depletions after gravel mining has ceased. If reclamation of the mine site produces a permanent water surface exposing groundwater to evaporation, an application for a plan for augmentation must be filed with the Division 1 Water Court at least three (3) years prior to the completion of mining to include, but not be limited to, long-term evaporation losses. If a lined pond results after reclamation, replacement of lagged depletions shall continue until there is no longer an effect on stream flow. Granting of this plan does not imply approval by this office of any such court application(s).

17. If dewatering of the site is discontinued, the pit would fill, creating additional depletions to the stream system due to increased evaporation. To assure that additional depletions to the river do not occur, a bond for $570,000 has been obtained through the Colorado Division of Reclamation, Mining, and Safety (“DRMS”) for lining or backfilling of the pits. Therefore, if the dewatering is discontinued this bond can finance the completion of the lining of these pits or the backfilling, thus preventing depletions to the stream system. This bond is required to be in place until the remaining liner is approved by the State Engineer’s Office and DRMS authorizes the release of the site.

18. In accordance with amendments to section 25-8-202(7), C.R.S., and “Senate Bill 89-181 Rules and Regulations” adopted on February 4, 1992, the State Engineer shall determine if the substitute supply is of a quality to meet requirements of use to which the senior appropriation receiving the substituted supply has normally been put. As such, water quality data or analysis may be requested at any time to determine if the requirements of use of the senior appropriator are met.

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

20. The decision of the State Engineer shall have no precedential or evidentiary force, shall not create any presumptions, shift the burden of proof, or serve as a defense in any pending water court case or any other legal action that may be initiated concerning this plan. This decision shall not bind the State Engineer to act in a similar manner in any other applications involving other SWSPs, or in any proposed renewal of this SWSP, and shall not imply concurrence with any findings of fact or conclusions of law contained herein, or with the engineering methodologies used by the Applicant.

Please contact Sarah Brucker in Denver at (303) 866-3581, or Michael Hein in Greeley at (970) 352-8712, if you have any questions concerning this approval.

Sincerely,

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

Attachments: Map 2
Tables 1, 4, and 5
City of Loveland Lease
April 30, 2010 letter from DRMS
Accounting Protocol

Cc: Michael Hein, Lead Assistant Division Engineer, Michael.Hein@state.co.us
1809 56th Avenue, Greeley, CO 80634

Louis Flink, Tabulation/Diversion Records Coordinator, Louis.Flink@state.co.us

Jean Lever, Water Commissioner, Water District 4, Jean.Lever@state.co.us

Amy Eschberger, Division of Reclamation Mining and Safety, Amy.Eschberger@state.co.us

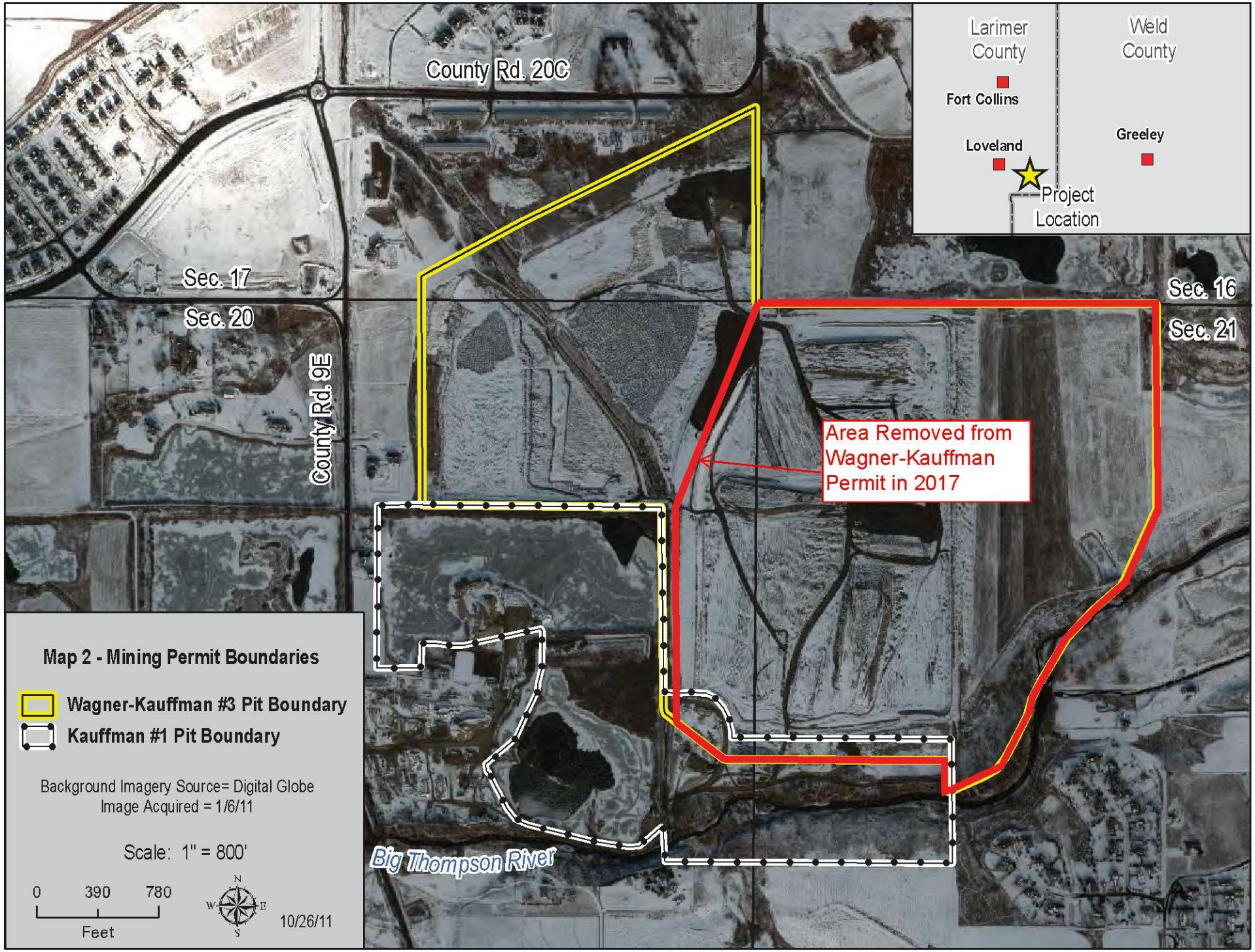
County Rd. 20C
Sec. 17
Sec. 20
County Rd. 9E
Sec. 16
Sec. 21
Area Removed from Wagner-Kauffman Permit in 2017
Big Thompson River
Larimer County
Weld County
Fort Collins
Loveland
Greeley
Project Location
Map 2 - Mining Permit Boundaries
Wagner-Kauffman #3 Pit Boundary
Kauffman #1 Pit Boundary
Background Imagery Source= Digital Globe
Image Acquired = 1/6/11
Scale: 1" = 800'
0 390 780
Feet
N
W
E
S
10/26/11

Table 1
Wagner Kauffman #3 Pit
Jake Kauffman and Son, Inc.

2022 Post-1981 Exposed Water Surface Evaporative Losses

Total Exposted Water Surface Area (Dewatering Trench) = 0.0145 acres

		January	February	March	April	May	June	July	August	September	October	November	December	Totals
Distribution of Annual Evap.		0.03	0.035	0.055	0.09	0.12	0.15	0.15	0.14	0.10	0.07	0.04	0.03	1.00
Pond Evaporation	inches	1.14	1.33	2.09	3.42	4.56	5.51	5.7	5.13	3.8	2.66	1.52	1.14	38.0
Effective Precipitation	inches	0.31	0.25	0.84	1.39	1.43	1.11	0.96	1.07	0.98	0.84	0.35	0.21	9.7
Net Pond Evap	af/acre	0.07	0.09	0.10	0.17	0.26	0.37	0.40	0.34	0.24	0.15	0.10	0.08	2.35
Net Evaporation	**acre-feet**	**0.001**	**0.001**	**0.002**	**0.002**	**0.004**	**0.005**	**0.006**	**0.005**	**0.003**	**0.002**	**0.001**	**0.001**	**0.034**

Notes:
- Total exposed water surface for the dewatering trench is width of de-watering trench (3 ft) multipled by length (210 ft). See Map 1 for the location of the de-watering trench.
- See Maps 2 and 3 for the exposed water surface for the northeast triangle property. The acreage was backfilled between May and September, with all water surface being removed as of September 18, 2017
- Evaporation rates are taken from NOAA Technical Report NWS 33. Distribution of evaporation taken from State Engineers Office.
- Effecitive Precipitation = 0.7 * Average Precipitation (from 1996 through 2009 for Loveland Weather Station from NCWCD)

Table 4

Wagner Kauffman #3 Pit
Jake Kauffman and Son, Inc.

Lagged Depletion Values (ac-ft)- Consumptive Use Values from 2000 - 2022 (projected)

YEAR	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOTAL
2004	-0.26	-0.31	-0.52	-0.84	-1.16	-1.51	-1.67	-1.55	-1.05	-0.82	-0.5	-0.32	-10.51
2005	-0.26	-0.31	-0.52	-0.84	-1.16	-1.51	-1.67	-1.55	-1.05	-0.82	-0.5	-0.32	-10.51
2006	-0.26	-0.31	-0.52	-0.84	-1.16	-1.51	-1.67	-1.55	-1.05	-0.82	-0.5	-0.32	-10.51
2007	-0.32	-0.43	-0.79	-1.28	-1.8	-2.33	-2.58	-2.39	-1.61	-1.27	-0.78	-0.46	-16.04
2008	-0.76	-0.73	-0.91	-1.43	-2.02	-2.03	-2.47	-1.71	-1.61	-1.71	-0.72	-0.41	-16.51
2009	-0.46	-1.08	-0.54	-1.23	-1.41	-1.6	-1.74	-1.64	-1.76	-1.18	-1.15	-0.99	-14.78
2010	-0.44	-0.48	-0.83	-1.31	-1.82	-2.35	-2.6	-2.4	-1.62	-1.28	-0.79	-0.47	-16.39
2011	-0.38	-0.47	-0.82	-1.31	-1.82	-2.35	-2.6	-2.4	-1.62	-1.28	-0.79	-0.47	-16.31
2012	-0.16	-0.11	-0.09	-0.08	-0.07	-0.07	-0.06	-0.06	-0.06	-0.06	-0.05	-0.04	-0.91
2013	-0.04	-0.03	-0.03	-0.03	-0.02	-0.03	-0.03	-0.04	-0.04	-0.04	-0.04	-0.03	-0.4
2014	-0.03	-0.02	-0.02	-0.02	-0.02	-0.02	-0.02	-0.02	-0.03	-0.02	-0.02	-0.02	-0.26
2015	-0.02	-0.02	-0.01	-0.01	-0.01	-0.02	-0.02	-0.02	-0.02	-0.02	-0.02	-0.02	-0.21
2016	-0.02	-0.01	-0.011	-0.011	-0.012	-0.013	-0.005	-0.006	-0.007	-0.007	-0.006	-0.006	-0.114
2017	-0.020	-0.100	-0.190	-0.290	-0.440	-0.650	-0.820	-0.860	-0.770	-0.620	-0.510	-0.410	-5.680
2018	-0.34	-0.27	-0.22	-0.18	-0.15	-0.12	-0.1	-0.09	-0.07	-0.06	-0.05	-0.04	-1.690
2019	-0.03	-0.03	-0.02	-0.02	-0.02	-0.01	-0.01	-0.01	-0.01	-0.01	-0.01	-0.01	-0.190
2020	-0.005	-0.004	-0.004	-0.003	-0.003	-0.003	-0.004	-0.004	-0.004	-0.004	-0.004	-0.003	-0.045
2021	-0.003	-0.002	-0.002	-0.002	-0.002	-0.003	-0.003	-0.004	-0.004	-0.004	-0.003	-0.003	-0.035
2022	**-0.003**	**-0.002**	**-0.002**	**-0.002**	**-0.002**	**-0.003**	**-0.003**	**-0.004**	**-0.004**	**-0.004**	**-0.003**	**-0.003**	**-0.035**
2023	-0.002	-0.002	-0.002	-0.002	-0.002	-0.003	-0.003	-0.004	-0.004	-0.004	-0.003	-0.003	-0.034

Notes:

For the 2000 - 2011 period, the following parameters were used in the AWAS Model: W -= 4,000 ft, Transmissivity = 50,000, Specific Yield = 0.2, X = 200 ft
For the 2012 - 2015 period, the following parameters were used in the AWAS Model: W -= 4,000 ft, Transmissivity = 50,000, Specific Yield = 0.2, X = 2,400 ft
For the 2016-2022 period, the following parameters were used in the AWAS Model: W -= 4,000 ft, Transmissivity = 50,000, Specific Yield = 0.2, X = 2,130 ft

-0.26	-0.31	-0.52	-0.84	-1.16	-1.51	-1.67	-1.55	-1.05	-0.82	-0.5	-0.32	-10.51
-0.26	-0.31	-0.52	-0.84	-1.16	-1.51	-1.67	-1.55	-1.05	-0.82	-0.5	-0.32	-10.51
-0.26	-0.31	-0.52	-0.84	-1.16	-1.51	-1.67	-1.55	-1.05	-0.82	-0.5	-0.32	-10.51
-0.32	-0.43	-0.79	-1.28	-1.8	-2.33	-2.58	-2.39	-1.61	-1.27	-0.78	-0.46	-16.04
-0.76	-0.73	-0.91	-1.43	-2.02	-2.03	-2.47	-1.71	-1.61	-1.71	-0.72	-0.41	-16.51
-0.46	-1.08	-0.54	-1.23	-1.41	-1.6	-1.74	-1.64	-1.76	-1.18	-1.15	-0.99	-14.78
-0.44	-0.48	-0.83	-1.31	-1.82	-2.35	-2.6	-2.4	-1.62	-1.28	-0.79	-0.47	-16.39
-0.38	-0.47	-0.82	-1.31	-1.82	-2.35	-2.6	-2.4	-1.62	-1.28	-0.79	-0.47	-16.31
-0.16	-0.11	-0.09	-0.08	-0.07	-0.07	-0.06	-0.06	-0.06	-0.06	-0.05	-0.04	-0.91
-0.04	-0.03	-0.03	-0.03	-0.02	-0.03	-0.03	-0.04	-0.04	-0.04	-0.04	-0.03	-0.4
-0.03	-0.02	-0.02	-0.02	-0.02	-0.02	-0.02	-0.02	-0.03	-0.02	-0.02	-0.02	-0.26
-0.02	-0.02	-0.01	-0.01	-0.01	-0.02	-0.02	-0.02	-0.02	-0.02	-0.02	-0.02	-0.21
-0.02	-0.01	-0.011	-0.011	-0.012	-0.013	-0.005	-0.006	-0.007	-0.007	-0.006	-0.006	-0.114
-0.005	-0.004	-0.003	-0.003	-0.002	-0.002	-0.001	-0.001	-0.001	-0.001	-0.001	-0.001	-0.025
0	0	0	0	0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0	0	0	0	0

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Table 5
Wagner Kauffman #3 Pit
Jake Kauffman and Son, Inc.

2022 Water Balance - Lagged Depletions and Replacement Supplies from City of Loveland

Month	Consumptive Use (ac-ft)	Lagged Depletions (ac-ft)	City of Loveland Transit Losses (ac-ft)	Total Water Required from City of Loveland (ac-ft)
January	0.001	-0.003	-0.0001	-0.003
February	0.001	-0.002	-0.0001	-0.002
March	0.002	-0.002	-0.0001	-0.002
April	0.002	-0.002	-0.0001	-0.002
May	0.004	-0.002	-0.0001	-0.002
June	0.005	-0.003	-0.0001	-0.003
July	0.006	-0.003	-0.0001	-0.003
August	0.005	-0.004	-0.0002	-0.004
September	0.003	-0.004	-0.0002	-0.004
October	0.002	-0.004	-0.0002	-0.004
November	0.001	-0.003	-0.0001	-0.003
December	0.001	-0.003	-0.0001	-0.003
Totals	**0.034**	**-0.035**	**-0.001**	**-0.036**

2023 Water Balance - Lagged Depletions and Replacement Supplies from City of Loveland

Month	Consumptive Use (ac-ft)	Lagged Depletions (ac-ft)	City of Loveland Transit Losses (ac-ft)	Total Water Required from City of Loveland (ac-ft)
January	0.00	-0.002	-0.0001	-0.002
February	0.00	-0.002	-0.0001	-0.002
March	0.00	-0.002	-0.0001	-0.002
April	0.00	-0.001	0.0000	-0.001
May	0.00	-0.001	0.0000	-0.001
June	0.00	-0.001	0.0000	-0.001
July	0.00	-0.001	0.0000	-0.001
August	0.00	-0.001	0.0000	-0.001
September	0.00	0.000	0.0000	0.000
October	0.00	0.000	0.0000	0.000
November	0.00	0.000	0.0000	0.000
December	0.00	0.000	0.0000	0.000
Totals	**0.00**	**-0.011**	**0.000**	**-0.011**

2024 Water Balance - Lagged Depletions and Replacement Supplies from City of Loveland

Month	Consumptive Use (ac-ft)	Lagged Depletions (ac-ft)	City of Loveland Transit Losses (ac-ft)	Total Water Required from City of Loveland (ac-ft)
January	0.00	0.00	0.00	0.00
February	0.00	0.00	0.00	0.00
March	0.00	0.00	0.00	0.00
April	0.00	0.00	0.00	0.00
May	0.00	0.00	0.00	0.00
June	0.00	0.00	0.00	0.00
July	0.00	0.00	0.00	0.00
August	0.00	0.00	0.00	0.00
September	0.00	0.00	0.00	0.00
October	0.00	0.00	0.00	0.00
November	0.00	0.00	0.00	0.00
December	0.00	0.00	0.00	0.00
Totals	**0.00**	**0.00**	**0.00**	**0.00**

WATER LEASE

THIS WATER LEASE ("Lease") is made and entered into this 7 day of December, 2022, by and between the CITY OF LOVELAND, COLORADO, a home rule municipality, whose address is 500 East Third Street, Loveland, Colorado 80537 ("City"), and JAKE KAUFFMAN & SON, INC. ("Lessee"), A Colorado corporation, whose address is 808 South County Road 9E, Loveland, Colorado 80537.

WHEREAS, Lessee desires to lease water that may be used for augmentation or replacement for the purpose of augmenting certain wells, ponds, or pumps along the Big Thompson River; and

WHEREAS, the City is the owner of certain water that may be used for purposes of augmentation or replacement and is willing to lease, on a temporary basis, a portion of its water to Lessee on the terms and conditions set forth herein.

NOW, THEREFORE, in consideration of the mutual covenants and agreements herein contained, the parties agree as follows:

1. Term. This Water Lease shall be effective for a term of three (3) years commencing January 1, 2022 and ending December 31, 2024, unless sooner terminated as provided herein. It is understood by Lessee that the leased water may not be available to Lessee in any future year and Lessee specifically waives any claim, legal or equitable, for the renewal of this lease and specifically disclaims any expectation for such renewal.

2. Water. The City shall provide up to ten (10) acre-feet of water for Lessee's purposes, which may include, but is not limited to Windy Gap water, water stored in Green Ridge Glade Reservoir, decant water from the Loveland Water Treatment Plant, effluent from the Loveland Waste Water Treatment Plant, and any other source legally and physically available to the City that may be used for augmentation or replacement.

Lessee must use the water for replacement of depletions, including evaporation, at Kauffman #1 Pit and Wagner/Kauffman #3 Pit, M-99-069, or as directed by the River Commissioner or the Office of the State Engineer. Lessee shall use the leased water only for augmentation or replacement purposes according to the terms of a substitute water supply plan (SWSP) approved by the Colorado Division of Water Resources. Lessee may not sell or lease the water and may not use it for any other purposes. Lessee shall take and use the leased water to the fullest extent possible, and shall undertake no action that could be construed as abandonment of the water rights.

3. Annual Lease Payment.

a. Regardless of water supply source, Lessee shall annually pay the City five hundred dollars ($500) per acre-foot of water delivered under this Lease.

b. The City will submit an annual bill to the Lessee for all water supplied, in accordance with this Water Lease.

c. Lessee shall pay said amount to the City within thirty (30) days of receiving the City's bill.

d. Lessee shall supply to the City an anticipated schedule of replacement for the upcoming calendar year by December 1 of the previous calendar year. The Lessee is responsible for notifying the City if this schedule changes.

e. The City shall coordinate replacement or delivery of the leased water to the Big Thompson River with the River Commission or the Office of the Division Engineer for Water Division 1. Accounting of such delivery shall be made available to the River Commission or the Office of the Division Engineer for Water Division 1

4. Termination by City. In the event the City has an urgent need for water, as determined in the sole discretion of the City, the City may unilaterally terminate this Water Lease without cause. The City will endeavor to give Lessee thirty (30) days notice of such termination, but shall not be required to do so.

5. Termination by Lessee. After December 2024, the Lessee may terminate this lease providing written notice to the City prior to January 1 of the year in which the Water Lease is intended to be terminated. So long as lessee provides such advance notice, Lessee shall not be obligated to pay the Annual Lease payment for the year in which the Water Lease is terminated or any subsequent year.

6. Termination of Delivery for Nonpayment. In the event Lessee fails to pay for water when payment is due as set forth in paragraph 3, above, the City, in addition to seeking recovery of sums due, may terminate delivery of irrigation water to Lessee.

7. No Sublease Allowed. The Lessee shall not rent, sublet, or otherwise convey to any person or entity the right to use the leased water.

8. Limitations of Water Lease. The City grants no interest in the leased water to the Lessee other than as explicitly set forth in this Water Lease. Lessee shall make no claims to any rights, title, or interest in the leased water other than as explicitly set forth in this Water Lease. This Water Lease does not create a partnership or joint venture of any kind between the Parties, and the Lessee shall bear the entirety of any loss, cost, or expense incurred through its use of the leased water on the Property.

9. No Warranties. The City represents that it is the owner of the shares leased to Lessee but does not make any express or implied warranties or representations concerning the quality of the leased water or its suitability for use for irrigation purposes by Lessee. Delivery of water by the City under this Water Lease shall be on an "as is" basis only, and the City neither expressly nor impliedly warrants or guarantees the quality of the water or the quantity of water that will be yielded from the shares leased to Lessee. Lessee shall not hold the City liable for

any failure in delivery of the leased water, including, but not limited to, any failure in delivery due to force of nature or failure of water supply infrastructure.

10. Notices. Written notices required under this Water Lease and all other correspondence between the parties shall be directed to the following and shall be deemed received when hand-delivered or three (3) days after being sent by certified mail, return receipt requested:

If to the City: City of Loveland Water and Power Department
Attention: Todd Hanlin, Water Resources Manager
200 North Wilson Avenue
Loveland, Colorado 80537

If to Lessee: Jake Kauffman & Son, Inc.
808 South County Road 9E
Loveland, Colorado 80537

11. Lessee agrees to exercise its rights under this Water Lease at its own risk. Lessee shall, to the extent authorized by Colorado law, indemnify and hold harmless the City from and against any cost, expense, or liability arising out of this Water Lease or related activities. Nothing in this Water Lease is intended to constitute a waiver, express or implied, of any of the immunities, rights, benefits, protections, or other provisions of the Colorado Governmental Immunity Act, C.R.S. §24-10-101 *et seq.*, as applicable now or hereafter amended.

12. Governing Law and Venue. This Water Lease shall be governed by the laws of the State of Colorado, and venue shall be in the County of Larimer, State of Colorado or the Water Court for Water Division 1 in the State of Colorado.

13. Severability. In the event a court of competent jurisdiction holds any provision of this Water Lease invalid or unenforceable, such holding shall not invalidate or render unenforceable any other provision of this Water Lease.

14. Headings. Paragraph headings used in this Water Lease are for convenience of reference and shall in no way control or affect the meaning or interpretation of any provision of this Lease.

15. Assignability. Lessee shall not assign this Water Lease without the City's prior written consent.

16. Binding Effect. This Water Lease shall be binding upon, and shall inure to the benefit of, the parties hereto and their respective heirs, personal representatives, successors, and assigns.

17. Entire Agreement. This Water Lease contains the entire agreement of the parties relating to the subject matter hereof and, except as provided herein, may not be modified or amended except by written agreement of the parties.

IN WITNESS WHEREOF, the parties have executed this Water Lease on the day and year first above written.

CITY OF LOVELAND, COLORADO

By: _____
Todd Hanlin
Department of Water and Power

ATTEST:

_____ 12-9-2021
Assistant City Clerk

CITY OF LOVELAND SEAL COLORADO

APPROVED AS TO FORM:

_____
Assistant City Attorney

Jake Kauffman & Son, Inc.

By: _____

) ss.
COUNTY OF LARIMER)

The foregoing Water Lease was acknowledged before me this 3rd day of December, 2021.

Witness my hand and official seal.

_____
Notary Public

My commission expires 6/2/2024.

MICHELLE KRISTINE SWENSON
Notary Public
State of Colorado
Notary ID # 20204019145
My Commission Expires 08-02-2024

City of Loveland

Department of Water and Power
Service Center • 200 N. Wilson Avenue • Loveland, CO 80537
(970) 962-3000 • (970) 962-3400 Fax • (970) 962-2620 TDD
www.cityofloveland.org

INVOICE

BILL TO: Jake Kauffman & Son Inc.
808 South County Rd 9E
Loveland CO 80537

DATE: 11/30/2021

Quantity	Description of Water	Unit Price	Total
6.47 AF (table attached)	2022 Reusable effluent	$500/AF	$3,235.00

Make all checks payable to City of Loveland
Payment is due within 30 days.
If you have any questions concerning this invoice, contact Ryan Van Pelt | 970-962-3717 | ryan.vanpelt@cityofloveland.org

Thank you for your business!

Attachments:
2022 Kauffman Requested Augmentation Releases from Todd Williams_11-30-2021

2022

Kauffman #1

	Lagged Depletion (ac-ft)	Transit Losses (ac-ft)	Total Replacement Requirement (ac-ft)
January	0.29	0.012	0.302
February	0.24	0.010	0.250
March	0.27	0.011	0.281
April	0.39	0.016	0.406
May	0.50	0.020	0.520
June	0.56	0.022	0.582
July	0.65	0.026	0.676
August	0.73	0.029	0.759
September	0.72	0.029	0.749
October	0.72	0.029	0.749
November	0.63	0.025	0.655
December	0.48	0.019	0.499
Annual Totals	6.18	0.25	6.43

2022

Wagner-Kauffman #3

	Lagged Depletion (ac-ft)	Transit Losses (ac-ft)	Total Replacement Requirement (ac-ft)
January	0.003	0.0001	0.003
February	0.002	0.0001	0.002
March	0.002	0.0001	0.002
April	0.002	0.0001	0.002
May	0.002	0.0001	0.002
June	0.003	0.0001	0.003
July	0.003	0.0001	0.003
August	0.004	0.0002	0.004
September	0.004	0.0002	0.004
October	0.004	0.0002	0.004
November	0.003	0.0001	0.003
December	0.003	0.0001	0.003
Annual Totals	0.035	0.0014	0.036

Total Water Requirement

	Kauffman #1 Requirement (af)	Wagner-Kauffman #3 (af)	**Total Monthly Requirement (af)**
January	0.302	0.003	**0.305**
February	0.250	0.002	**0.252**
March	0.281	0.002	**0.283**
April	0.406	0.002	**0.408**
May	0.520	0.002	**0.522**
June	0.582	0.003	**0.586**
July	0.676	0.003	**0.679**
August	0.759	0.004	**0.763**
September	0.749	0.004	**0.753**
October	0.749	0.004	**0.753**
November	0.655	0.003	**0.658**
December	0.499	0.003	**0.502**
Annual Totals	6.427	0.036	**6.464**

STATE OF COLORADO

DIVISION OF RECLAMATION, MINING AND SAFETY
Department of Natural Resources

1313 Sherman St., Room 215
Denver, Colorado 80203
Phone: (303) 866-3567
FAX: (303) 832-8106

M-1999-069
#3

April 30, 2010

Jake Kauffman & Son, Inc
808 SCR 9E
Loveland, CO 805370000

RE: Mining Operations with Exposed Ground water

To Whom It May Concern:

The Division of Reclamation Mining and Safety is responsible for ensuring that Sand and Gravel mining operators comply with the requirements of the Colorado Land Reclamation Act for the Extraction of Construction Materials (Act) and the Mineral Rules and Regulations of the Colorado Mined Land Reclamation Board for the Extraction of Construction Materials (Rules). Among these requirements are provisions for the protection of water resources. The Act requires that reclamation plans must ensure minimization of disturbances to the prevailing hydrologic balance, including disturbances to the quantity of water in the area affected by mining and in the surrounding areas. § 34-32.5-116(4)(h). Rule 3.1.6(1)(a) requires compliance with Colorado water laws and regulations governing injury to existing water rights both during and after mining. Permits must specify how the permittee will comply with applicable Colorado water laws and regulations governing injury to existing water right rights. Rule 6.3.3(j); Rule 6.4.5(2)(c). After an extensive review, the Division determined that several operators may not have appropriate permit conditions to address certain reclamation liabilities arising from impacts to water resources.

In September 2009 the Division of Water Resources (DWR) updated its Guidelines for Sand and Gravel Pits. These guidelines provide guidance on achieving compliance with state law regarding replacement of depletions from sand and gravel mining, thus the guidelines provide a benchmark for the protection of hydrologic balance required under the Act and Rules. As noted in the Guidelines, sand and gravel operations which expose groundwater without complying with state law create a reclamation liability by impacting available groundwater.

State law requires that any person exposing ground water must obtain a well permit from the SEO pursuant to § 37-90-137(11). Because exposed groundwater results in out-of-priority water depletions, operations which expose ground water must also eventually obtain a water-court approved augmentation plan. Currently, several operators do not have either an augmentation plan or bonding to provide an alternative method to mitigate injurious stream depletions that result from mining-related exposure of ground water. The Division has a statutory duty to ensure that lands affected by mining are reclaimed in a manner that complies with state law and to ensure that operators have sufficient bonding to achieve reclamation. In order to assist operators in achieving compliance with these requirements, the Division proposes that, by April 30, 2011, operators should contact the Division and agree upon a plan for achieving compliance.

The Division has identified four approaches for operators:

1. File a financial warranty that will ensure backfilling of the pit to cover the exposed ground water to a depth of two feet above the static ground water level or,

2. Obtain a court approved augmentation plan prior to exposing ground water or,

3. File a financial warranty to cover the cost of installing a clay liner or slurry wall that meets the Division of Water Resources requirements for preventing ground water exposure or,

4. Obtain approval from the Division of Water Resources that acknowledges compliance with the SEO's requirements pursuant to § 37-90-137(11).

The Division will work with operators on an individual basis as they move to implement one of these plans. It is likely that options 1 and 3 will require the submittal of a technical revision or an amendment to the existing permit depending on the nature of the current mining and reclamation plan and the proposed changes. Increased financial warranties, as a result of these modifications, may be posted in a phased manner not to exceed three years. Amendments or revisions currently under review will be required to be approved by April 30, 2011 and may use the phased financial warranty approach described above. New applications going forward or presently under review by the Division will be required to meet the requirements of one of the options 1-4 at the time of application approval. Failure of affected operators to initiate contact with the Division and gain compliance as described above could result in an enforcement action being issued by the Division.

If you have any questions, please contact Tony Waldron at 303-866-3567, extension 8150.

cc: ✓M1999069 Wagner/Kauffman Pit #3
M1978327 Kauffman Pit

COLORADO
Division of Water Resources
Department of Natural Resources

ADMINISTRATION PROTOCOL
Augmentation Plan Accounting
Division One - South Platte River
Revised October, 2021

This protocol establishes the accounting and reporting process required to enable the division engineer's office to determine if depletions from all out-of-priority diversions are being replaced so as to prevent injury to vested water rights. The accounting must follow "cradle to grave" accounting practices that track exactly how the data are manipulated from raw data input (e.g., meter readings) to the resultant impact on the river. While this protocol is subordinate to any decreed language addressing specific accounting requirements, it generally addresses the minimum requirements of such accounting.

The accounting must use the standard convention where a depletion is shown as a negative value and an accretion or other replacement source is shown as a positive value. The difference of depletions and replacements will then result in either a negative or positive impact on the stream.

1. Accounting must be submitted electronically to the division engineer and water commissioner through the online data submittal portal at the following link on our website: https://dwr.state.co.us/Tools/reporting. If not already registered, you will need to create a new account through that link.

   Typically, submittals are due within 30 days of the end of the month for which the accounting is being submitted, unless decreed otherwise. Additional data or more frequent submittals may be required by the water commissioner if required for administration. Accounting submittals not submitted through the online data submittal portal or questions regarding accounting submittals may be emailed to dnr_Div1Accounting@state.co.us.

   The following naming convention must be used for all files submitted via email:
   "PlanWDID_YYMMDD"

   where: PlanWDID is the WDID assigned by the division engineer's office

   YYMMDD corresponds to the date the accounting is submitted.

   As an example, the assigned WDID for the former GASP plan was 0103333. If accounting using Excel® was submitted for that plan on May 15, 2004, the file name would be:
   "0103333_040515.xls"

2. The accounting must include a Contact & Plan Information tab, that includes the 7-digit WDID for the plan for augmentation/SWSP, the 4-digit SWSP ID (if applicable), and contact information (i.e., name, phone number, email address) for the augmentation plan accounting including:
   a. the owner(s) of each augmented structure
   b. the person responsible for submitting the accounting
   c. the plan administrator and/or the plan attorney.

3. All of the raw input data (i.e., meter readings, water pumped from wells, etc.) must be provided and organized in a single location, such as an "Input" worksheet, etc. The accounting must include the following input data listed below, as well as relevant WDIDs and permit numbers.

    a. Diversion data from flumes or weirs and unit of measurement.

    b. The required input data for each well is:
        i. the monthly flow meter reading as shown on the flow meter; date of the meter reading; flow meter multiplier (i.e., 0.001, 10, 1); units of volume (i.e., gallons or acre-feet); the meter serial number; correction factor, if any.
        ii. The total volume pumped, showing the calculations using the information in Item "i" above.
        iii. factors from the decree or SWSP that provide for the well consumptive use and depletions (i.e., presumptive depletion factor (PDF), water balance methodology, lagging parameters, etc.).
        iv. Any well permitted or decreed as an alternate point of diversion (APOD) to a surface water right must report pumping on a daily basis if any of the diversions during the month is claimed as being "in priority". (See Administration Protocol - APOD Wells for more details.)

    c. If applicable, data for each recharge structure must be included and comply with the appropriate decree(s) or SWSP Approval requirements and any applicable current statewide Administration Protocol. At a minimum the following should be reported in the accounting:
        i. 7-digit WDID and name of recharge structure
        ii. daily volume in AF diverted into the site;
        iii. monthly volume in AF released from the site;
        iv. monthly gross evaporative loss in AF;
        v. volume of water in AF remaining at the end of the month.

    d. The accounting must identify each source of replacement water actually delivered to the stream and how replacement water at that location offset the depletions. To demonstrate the water was actually delivered to the required location will require the following information:
        i. the name (water court case, lease, etc.) and WDID of the originating source of the replacement water, date released and volume of water released;
        ii. transit losses from point of release to point of depletion or use, if any, using stream loss factors approved by the water commissioner;
        iii. the volume of water actually delivered on a daily basis past any surface water diversion that was sweeping the river as corroborated by the water commissioner. (See Administration Protocol - Delivery of Water for more details on delivering water).

    For each source of replacement water that has been "changed" for use as a source of augmentation, such as changed reservoir shares, changed rights from a ditch, or credits from dry-up, etc., the following input information must be reported:
        i. the decreed volume of return flow obligation;
        ii. if not specified in the decree or SWSP, the location and timing of the owed return flow on the stream(s).

4. If required by the decree or SWSP, the accounting must include a monthly projection of the plan's operation at least through March 31 of the next calendar year, or as specified in the decree or SWSP.

5. The accounting submittal must include output associated with modeling showing monthly delayed depletions (from well pumping or return flow obligations) and/or accretions (from recharge).

6. All accounting must provide a net impact summary that shows a daily balance of the out-of-priority depletions, accretions from each recharge site, volume of replacement water actually delivered and the resultant net impact. If necessary, a net impact must be shown for each applicable river and reach.

   While modeling may use a monthly step function to determine the depletions from pumping and accretions from recharge, the monthly result must then be divided by the number of days in the month in order to simulate a daily impact, as water rights are administered on a daily and not monthly basis.

   The accounting should indicate that the replacement water is equal to the depletion(s) such that the daily net impact (using the simulated daily numbers from the modeling) is not negative, unless the water commissioner approves less frequent aggregation of replacements without injury to downstream water rights.

   In the instance that aggregation is allowed, replacement is needed only for days with out-of-priority depletions. For example, if a well is out-of-priority for 15 days during a month, replacement must be made only for the 15 days the well is out-of-priority. Likewise, any simulated daily accretions will only count toward replacing the depletion on the days the well is out-of-priority. The accretions that accrue to the river when the well is in priority cannot be applied to different days with out-of-priority depletions.

7. The basis for determining that the depletions are out-of-priority should be data from the Division of Water Resources' Administrative Calls & Analysis Tool (https://dwr.state.co.us/Tools/AdministrativeCalls/Active) and should be included in the accounting along with the relative steps in the determination of a structure being in or out of priority. The analysis may be done, unless otherwise limited by decree, for each well or groups of wells, provided the most junior water right associated with the group of wells is used as the reference water right for the group's out-of-priority status.

8. The accounting shall include all the required information for the month of the submittal in addition to the information submitted from previous months such that the information and monthly submittals are a cumulative report each month throughout the 12 month reporting period.

9. If a well is covered in multiple SWSPs or augmentation plans, the monthly meter readings must be the same in the accounting for each plan covering the subject well. The accounting for every plan covering the well shall state the proportionate and total pumping amount covered by each plan to assure all out-of-priority depletions are replaced.

10. The following additional accounting requirements apply when sources of replacement water are used in more than one plan.
    a. The entity providing replacement water to the stream is responsible for accounting for the total amount of replacement water and how much of the total went to each plan.
    b. The amount of replacement water claimed for a particular augmentation plan must match the amount in the accounting from the entity providing the replacement water to the stream.
    c. The amount of replacement water claimed for use by one or more water users shall not exceed the amount of replacement water physically and legally available. (See Administration Protocol – Use Of Unnamed Sources For Replacement for additional requirements concerning required notice and approval of sources of replacement not specifically described in a SWSP or augmentation plan).