

July 31, 2023

Bruce A. Lytle, P.E. Lytle Water Solutions, LLC 12600 West Colfax Avenue, Suite A-270 Lakewood, CO 80215

RE: Timnath Pit Substitute Water Supply Plan (WDID 0302539, Plan ID 3384) Timnath Pit, DRMS Permit No. M-1989-056 (WDID 0303033) SW ¼ Sec. 11 & N ½ N ½ Sec. 14, T6N, R68W, 6th P.M.

Approval Period: August 1, 2023 through July 31, 2024

Water Division 1, Water District 3, Larimer County

Contact Information for Mr. Lytle: 303-350-4090; Bruce@lytlewater.com

Dear Mr. Lytle:

We have reviewed your letter dated April 26, 2023 requesting approval of the above referenced substitute water supply plan ("SWSP") for a sand and gravel pit known as the Timnath-Pit on behalf of McAtee Construction, dba Simon Materials ("Simon" or "Applicant"). The letter requested approval of the SWSP in accordance with section 37-92-308(5), C.R.S., however, because the depletions associated with the proposed water use will extend beyond five years, the request has instead been evaluated in accordance with section 37-90-137(11), C.R.S. The required fee of \$257.00 for the renewal of a substitute water supply plan for a sand and gravel pit has been submitted (receipt number 10028795). Since 2015, this site has been included in the Don Kehn Construction, Inc. augmentation plan decreed in Division 1 water court case no. 04CW06. On March 11, 2019, a SWSP for this site was approved pursuant to section 37-90-137(11), C.R.S. for operations through February 29, 2020 to cover depletions not able to be covered by case no. 04CW06 due to insufficient recharge. This SWSP is requested to cover depletions unable to be covered under case no. 04CW06 due to additional exposure of groundwater at the site.

#### **SWSP Operation**

The Timnath Pit is located in the SW  $\frac{1}{4}$  of Section 11 and the N  $\frac{1}{2}$  of the N  $\frac{1}{2}$  of Section 14, Township 6 North, Range 68 West of the 6th P.M. Simon operates this site and provides aggregate for asphalt and concrete paving plants on the site. Evaporative depletions and consumptive use associated with removal of aggregate material and groundwater pumped for mining operations such as dust control and washing at the Timnath Pit are replaced under the plan for augmentation decreed in Division 1 water court case no. 04CW06 (WDID 0302539). The replacement water source used in the decreed plan for augmentation consists of 3.5 shares out of a total of 64 Box Elder Ditch Company shares. In the decree entered in case no. 04CW06, the Applicant's 3.5 shares Box Elder Ditch Company shares were changed to allow for



augmentation, commercial, and industrial uses in addition to irrigation use. Replacements of depletions at the Timnath Pit site are made via delivery of Box Elder Ditch Company shares to an on-site recharge pond. Paragraph 19 of the 04CW06 decree limits the exposed groundwater surface area at the site to 25 acres. However, Simon has learned that the exposed groundwater surface area is currently 36 acres, as shown on the attached Figure 1. Simon is developing a plan to permanently reduce the exposed groundwater surface area to 25 acres or less. In the meantime, this SWSP is requested to replace depletions from the additional 10.9 acres of exposed groundwater area using excess water associated with the 3.5 Box Elder Ditch Company shares changed in case no. 04CW06. The Applicant seeks to rely on the engineering prepared in support of case no. 04CW06 for this SWSP.

Consistent with paragraph 36.4 of the decree entered in case no. 04CW06, the Applicant is not required to replace depletions associated with the reclaimed wetlands so long as the area of the reclaimed wetlands does not exceed 78.4 acres. If the Applicant proceeds to reclaim additional wetlands in excess of the 78.4 acres, as proposed in the reclamation plan, the applicant will be required to replace depletions caused by evaporation of groundwater at any additional wetlands reclaimed in excess of the 78.4 acres contemplated by the decree entered in case no. 04CW06.

#### **Depletions**

There are 10.9 acres of exposed groundwater not covered under the 04CW06 decree. The evaporative depletions will be calculated using the rates decreed in case no. 04CW06 and shown in Table 1 below. The annual evaporative depletions associated with the 10.9 acres are 26.71 acre-feet. The evaporative depletions associated with the remaining 25 acres, and the operational depletions associated with mining at the site are covered under case no. 04CW06. The excess exposed groundwater appears to have been exposed as of June 1, 2021 based on aerial imagery available to this office.

Table 1	- Net Evaporation	Rate (acre	-feet/acre
Iable I	- NEL EVADOLATION	Nate lacte	-icci/acic

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual
0.08	0.09	0.11	0.20	0.24	0.37	0.39	0.38	0.26	0.17	0.09	0.07	2.45

The Alluvial Water Accounting System (AWAS) stream depletion model, developed by the Integrated Decision Support Group, was used to determine the lagged depletions from the Timnath Pit to the Cache la Poudre River from past and projected evaporation and operational losses at the site. The Applicant has proposed to use the parameters decreed for the recharge pond in case no. 04CW06:

- Distance from the recharge pond to the river (X) = 2,200 ft
- Alluvial aquifer width (W) = 12,560 ft
- Specific yield (S) = 0.2
- Transmissivity (T) = 30,000 gpd/ft

Lagged stream depletions are estimated to total 19.46 acre-feet during this plan period, as shown in Table 2 below.

Table 2 - Monthly Lagged Depletions (acre-feet)

Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Total
1.84	2.01	2.02	1.90	1.71	1.52	1.39	1.30	1.27	1.33	1.47	1.70	19.46

#### Replacements

The Applicant proposes to provide replacement water for this pit using recharge of the Box Elder Ditch Company ("BEDC") shares changed in case no. 04CW06. The increased evaporative depletions will be integrated into the accounting for the plan for augmentation decreed in case no. 04CW06. The decreed depletions and the increased depletions will be totaled, including return flow maintenance.

A total of 3.5 BEDC shares were changed in case no. 04CW06. The 3.5 shares of the Box Elder Ditch Company were historically used to irrigate on average 159.91 acres located in the SW  $\frac{1}{4}$  of Section 11 and the N  $\frac{1}{2}$  of Section 14, Township 6 North, Range 68 West of the 6th P.M. Based on a farm irrigation efficiency of 50 percent and a ditch loss of 15 percent the court found that the average annual consumption associated with the historical use of the 3.5 shares was 142.6 acre-feet. The decree in case no. 04CW06 limits the diversion season from April 1 through October 31 and limits the maximum monthly and annual volumetric deliveries to the amounts shown in Table 3 below. In addition, during any consecutive thirty-year period, total deliveries were limited to 8,557.5 acre-feet.

Table 3 - Maximum monthly and annual farm headgate delivery limits (acre-feet)

Apr	May	Jun	Jul	Aug	Sep	Oct	Total	Thirty-Year
15.5	114.8	117.7	125.4	101.1	41.3	33.2	389.2	8,557.5

The decree in case no. 04CW06 assumes that the farm headgate deliveries for the previous 29 years prior to entry of the decree on May 15, 2015 were equal to the historical deliveries during 1961-1989. The total deliveries in the 29 years prior to the start date of this SWSP are equal to 7,391.8 acre-feet, based on the assumed deliveries prior to entry of the decree and the measured deliveries since the entry of the decree. Therefore, the Applicant does not need to consider the thirty-year maximum delivery limit during this SWSP period since the sum of the previous 29 years' deliveries and the maximum annual farm headgate delivery will not exceed the thirty-year limit.

The augmentation requirement from evaporation and operational losses in case no. 04CW06 is equal to 81.53 acre-feet annually. The maximum possible annual return flow obligations are equal to 194.6 acre-feet based on the decreed return flow factors and the maximum annual farm headgate delivery limit. Therefore, it is anticipated that there may be

up to 113.07 acre-feet (389.2 acre-feet – 81.53 acre-feet – 194.6 acre-feet) of excess water available for augmentation purposes, which is sufficient to replace the lagged depletions during this SWSP plan period.

Paragraph 15.6 of the decree in case no. 04CW06 requires that 25 percent of the daily diversions attributable to Applicant's 3.5 shares of the Box Elder Ditch Company be delivered to the Cache la Poudre River to meet the return flow obligations. The remainder of 75 percent of the daily diversion attributable to Applicant's 3.5 shares of the Box Elder Ditch Company shall be delivered to the recharge pond.

The accounting must continue to be done in compliance with the 04CW06 decree. In addition to the limitations contained in this SWSP, the operation of the gravel pit is also subject to the terms and conditions of case no. 04CW06. Approval of this SWSP does not imply that all required terms and conditions of case no. 04CW06 have been satisfied.

#### Long Term Augmentation

In accordance with the letter dated April 30, 2010 (see attached) 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. Simon is developing a plan to permanently reduce the exposed groundwater area associated with ongoing mining operations to 25 acres or less, the amount covered under the existing plan for augmentation. After the exposed surface area has been reduced to 25 acres or less, the pit must continue to be covered by a valid SWSP until the lagged depletions from evaporation of the expanded exposed surface area are no longer impacting the river.

If reclamation of the mine site will produce permanent water surface exposing groundwater in excess of the 25 acres covered under the existing plan for augmentation, or create reclaimed wetlands in excess of 78.4 acres, 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. Until a permanent plan for augmentation is approved in Water Court, depletions must be replaced under an approved SWSP.

The April 30, 2010 letter from DRMS required that you provide information to DRMS to demonstrate you can replace long term injurious stream depletions that result from mining related exposure of groundwater. In accordance with approach nos. 1 and 2 identified in that letter, the Applicant holds a bond through DRMS in the amount of \$369,623.30. The bond was increased to this amount pursuant to a site inspection and reclamation cost estimate conducted by DRMS staff on May 26, 2017.

#### **Conditions of Approval**

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

- 1. This SWSP shall be valid for the period of August 1, 2023 through July 31, 2024 unless otherwise revoked or superseded by a decree. If all lagged depletions associated with the additional exposed surface area are not replaced by the plan's expiration date, a renewal request must be submitted to this office with the statutory fee (currently \$257) no later than **June 1, 2024.** If a renewal request is received after the expiration date of this SWSP, it may be considered a request for a new SWSP, in which case a \$1,593 filing fee will apply.
- 2. The Applicant must replace all out-of-priority depletions resulting from operation under this SWSP, including those lagged depletions and return flow obligations that occur to the stream after the expiration date of this SWSP.
- 3. Well permit 49719-F has been obtained for the current use of the gravel pit in accordance with sections 37-90-137(2) and (11), C.R.S.
- 4. The total surface area of the groundwater exposed at the Timnath Pit (not including the recharge pond) must not exceed 36 acres, resulting in 87.96 acre-feet per year of evaporative loss, of which 61.25 acre-feet shall be replaced under case no. 04CW06 and 26.71 acre-feet shall be replaced under this SWSP.
- 5. The total area of reclaimed wetlands at the Timnath Pit must not exceed 78.4 acres.
- 6. If any term or condition of this SWSP conflicts with any terms and conditions of the augmentation plan decreed in case no. 04CW06, the terms and conditions of the augmentation plan shall control.
- 7. Approval of this SWSP is for the purposes as stated herein. Any additional uses of this water must first be approved by this office.
- 8. The water attributable to the 3.5 shares of the Box Elder Ditch Company must continue to be diverted in priority at the ditch and then measured into the Timnath recharge site. Adequate measuring devices acceptable to the water commissioner must be installed and maintained.
- 9. The replacement water which is the subject of this SWSP cannot be sold or leased to any other entity. As a condition of subsequent renewals of this SWSP, the replacement water must be appurtenant to this site until there is no longer an effect on stream flow resulting from the expanded exposed groundwater surface area.
- 10. 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 approval of the water commissioner. 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. The Applicant is required to coordinate the delivery location of replacement water with the water commissioner to ensure the out-of-priority depletions are adequately replaced to prevent injury to other water rights.
- 11. The Applicant shall provide accounting for this SWSP consistent with the accounting requirements of case no. 04CW06 on a monthly basis, or more frequently if required

by the water commissioner. The accounting must be uploaded to the CDSS Online Reporting Tool within 30 days of the end of the month for which the accounting applies (<a href="https://dwr.state.co.us/Tools/reporting">https://dwr.state.co.us/Tools/reporting</a>). Instructions for using the tool are available on the Division of Water Resources website on the "Services" \rightarrow "Data & Information" page under the heading of Online Data Submittal. Accounting and reporting procedures are subject to approval and modification by the division engineer. Accounting forms need to identify the WDID number for each structure operating under this SWSP. Additional information regarding accounting requirements can be found in the attached Augmentation Plan Accounting Protocol. NOTE: Monthly accounting, even during the winter non-irrigation season, is required.

The accounting for this SWSP may be combined with the accounting required under case no. 04CW06 and shown in the accounting as a separate line item.

- 12. 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 on the accounting forms submitted to the division engineer and the water commissioner.
- 13. The Applicant shall follow the attached Augmentation Plan Accounting Protocol and Division 1 Recharge Protocol for the operation of this SWSP, unless they conflict with the requirements of case no. 04CW06, in which case the requirements of case no. 04CW06 shall control.
- 14. Conveyance loss for delivery of augmentation water is subject to assessment and modification as determined by the division engineer.
- 15. Reclamation of the mine site will produce a permanent water surface exposing groundwater to evaporation, therefore an application for a plan for augmentation was decreed by the Division 1 Water Court. For the portion of the site not covered by the plan for augmentation, replacement of lagged depletions shall continue until there is no longer an effect on stream flow.
- 16. The approval of this SWSP does not relieve the Applicant and/or landowner of the requirement to obtain an amended or additional Water Court decree approving a permanent plan for augmentation to ensure the permanent replacement of all depletions, including long-term evaporation losses and lagged depletions after gravel mining operations have ceased. If reclamation of the mine site will produce permanent water surface exposing groundwater in excess of the 25 acres covered under the existing plan for augmentation, or create reclaimed wetlands in excess of 78.4 acres, 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. Until a permanent plan for augmentation is approved in Water Court, depletions must be replaced under an approved SWSP.
- 17. The state engineer may revoke this SWSP or add additional restrictions to its operation if at any time the state engineer determines that injury to other vested water rights has occurred or will occur as a result of the operation of this SWSP.

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 whether the substitute supply is of a quality to meet requirements of use to which the senior appropriators receiving the substitute supply has normally been put. As such, water quality data or analysis may be requested at any time to determine if the requirement of use of the senior appropriator is met.

19. 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 SWSP. 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.

Should you have any questions or comments regarding this plan, please contact Michael Hein, Lead Assistant Division Engineer, in Greeley at 970-352-8712 or Javier Vargas-Johnson in Denver at 303-866-3581.

Sincerely,

Jeff Deatherage, P.E. Water Supply Chief

Jeff Deathy

Attachments: Figure 1

April 30, 2010 DRMS letter

Augmentation Plan Accounting Protocol

Division 1 - South Platte River Administrative Protocol: Recharge

Cc: Michael Hein, Lead Assistant Division Engineer, Michael.Hein@state.co.us 1809 56th Avenue, Greeley, CO 80634, (970) 352-8712

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

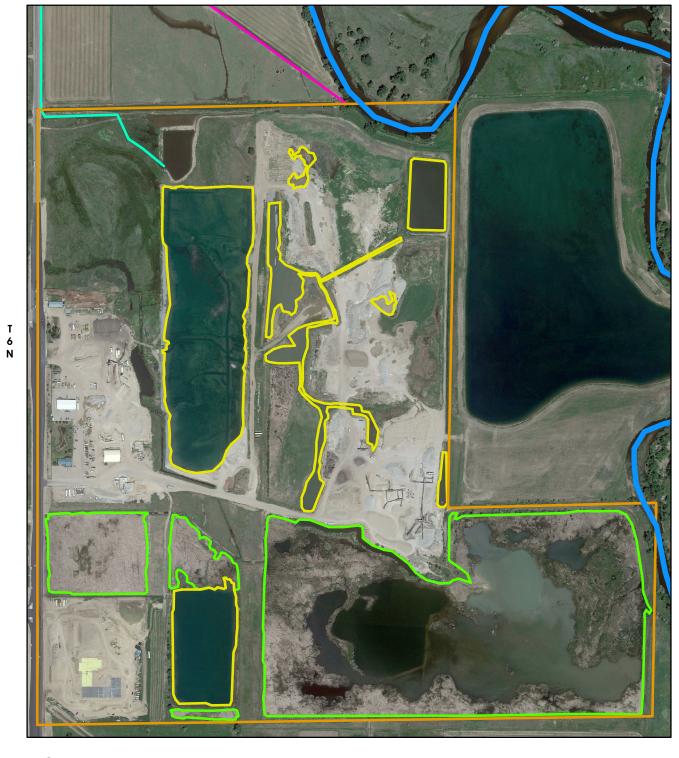
Mark Simpson, Water Commissioner, Water District 3, Mark.Simpson@state.co.us

Dawn Ewing, Accounting Coordinator, Dawn.Ewing@state.co.us

Patrick Lennberg, Division of Reclamation, Mining and Safety, <a href="mailto:patrick.lennberg@state.co.us">patrick.lennberg@state.co.us</a>

W868





#### **LEGEND** Feet 500 1,000 2,000 Cache La Poudre River SIMON CONTRACTORS Timnath Pit Property Box Elder Ditch **TIMNATH PIT OVERVIEW** Lateral to Recharge Pit Exposed Groundwater (35.9 ac) File: PropertyMap.mxd Date: 7/28/2023 Wetlands (77.9 ac) Fig. No.: 1 Project No.: 1574-22 Drawn By: CMDF

#### **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



Bill Ritter, Jr. Governor

lames B. Martin **Executive Director** 

Loretta E. Piñeda

Director

April 30, 2010

Lafarge West, Inc. 10170 Church Ranch Way, Ste. 200 Westminister, CO 800210000

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:	M2006064	Shields at Fossil Cre	ek Mine	M198	3031	Strome	quist Pit	
	M1994002	Andrews S & G #5 (	Burlington Pit	) M197	4072	Chanta	ala Pit	
	M2006018	North Bank Resource	ces	M198	5218	Rich Pit		
	M2006073	Sundance Sand and	Gravel Resou	irce M198	5206	Boone-Martin Pit		
	M2009082	Parsons Mine		M199	5022	Andrews #2		
	M1977081	Greeley West Pit		M199	0144	Boone	-Fillmore Pit	
	M2003091	Duckworth Pit		M199	7087	Hartm	an Pit	
	M2000113	Mamm Creek Sand	& Gravel	M200	1094	Shaw Pit		
	M2001090	River Valley Resour	River Valley Resource			Beeman Pit #1		
	M2000016	Riverbend Operatio	M198	1307	Fountain Pit			
	M1979134	Powers Pit	Powers Pit			Home	Office Mine	
	M1977036	Greeley 35th Ave Pi	Greeley 35th Ave Pit			Three	Bells Pit	
	M2000034	Reichert Pit	Reichert Pit			Port of	Entry Pit	
	M2001051	North Taft Hill Expa	North Taft Hill Expansion Site			Overla	nd Ponds	
	M1974015	Lyons Pit	•			McCoy	Pit	
	M1974004	Specification Aggre	gates Quarry	M198	2034	Miller	Pit	
	M1987176	Hamm Pit		M199	6082	Blair N	1esa Pit	
	M1988042	Cottonwood Pit		M198	0136	Chamb	ers Pit	
	M1990112	State Pit		M197	7098	Siever	s Pit	
	M1979002	North Delta Pit	M1983013	Latham - Burkett Pit	M19	74070	Nelson Pit	
	M1979159	Brose Pit	M1979097	East Rigden Pit	M20	00002	Tanabe Pit	
	M1998014	Gypsum Ranch Pit	M1991035	Bluestone Pit	M19	94045	Bluestone Pit	
	M1999088	Kyger Pit	M1986159	Courtner Pit	M19	86079	M & G Pit	
	M1998075	Andrews #3 (Mock i	Pit)					



## Augmentation Plan Accounting Protocol June 2022

Accounting is an administrative tool to confirm water use is in accordance with a decree or other approval including that any required replacement is made to the stream system at the correct time, location, and amount. This guideline is subordinate to any decree language or Division Engineer specific accounting requirements. It describes basic augmentation plan accounting scenarios. Accounting for more complex scenarios can build on the fundamentals described herein.

#### Contents

1. Background and definitions	2
2. Methods to submit accounting  Accounting and Reporting Uploader (preferred)  Email	<b>2</b> 2 2
3. Timing of accounting submittal	3
4. Overall organization of accounting spreadsheet and required information per tab	4
Overall organization	4
Contact/Plan Information Tab	4
Input Tab(s)	4
Depletion & Obligation tab	7
Replacement tab	7
Summary Tab	8
DWR tab for Diversion Record Data Import	8
DWR Meters tab for Meter Reading Data Import	8
Version/Notes tab	8
5. Requirements and recommendations for all tabs	8
6 Example Screenshots and Spreadsheet Templates	9

#### 1. Background and definitions

A thorough description of augmentation plans for well pumping is available in the <u>Beginners Guide to</u> Augmentation Plans for Wells. The following terms are used in this document:

- **Diversions** are withdrawals from a well, stream, or pond/reservoir.
- **Depletions** are the volume of reduced streamflow caused by a diversion. Lagged depletions are those that occur at a later time than when water is diverted by well pumping or groundwater pond evaporation due to the timing of water movement through the subsurface between the well/groundwater pond and the stream.
- **Hydrobase** is DWR's database of water information.
- Colorado's Decision Support Systems ("CDSS") is a State of Colorado website (https://cdss.colorado.gov/) providing access to water data and tools.
- Replacement water is a volume of water provided to the stream system to replace depletions and satisfy the unmet needs of senior water rights. Replacement water is typically provided from a reservoir release or another source that has been contracted for the purpose of replacing depletions. Replacement water may also be provided in the form of historic consumptive use ("HCU") credits derived from a change of water right where the use of a water right was changed to augmentation.
- Transit loss is the diminishment of the amount of water in a stream as water travels from upstream to the downstream location.
- Priority Admin Number indicates the seniority of a water right; equal to the number of days between a water right's priority date and the earliest decreed priority, December 31, 1849. For example, the Priority Admin Number for a water right with a priority date of May 5, 1950 is 36650.00000. The lower the Priority Admin Number, the more senior the water right. The five digits to the right of the period are used when the postponement doctrine applies to a water right due to a delay in decreeing the water right in the court (read more about this in the Administrative Call Standard, Appendix A).
- Administrative Call is a term that indicates there are unfulfilled downstream water rights "calling" for curtailment of upstream junior water rights to fulfill their need. In accounting, when the downstream Administrative Call is from a senior water right (with a lower Priority Admin Number), diversions/depletions are out-of-priority and replacement water must be provided.
- **Balance** is the amount of replacement water minus the depletions and obligations, not considering the Administrative Call. The balance may be negative when the diversions resulting in the depletions are in priority.
- **Net Effect** is the amount of replacement water minus the depletions and obligations, considering the Administrative Call. When the net effect is zero or positive, it shows that the Augmentation Plan prevented injury by replacing all out-of-priority diversions/depletions.

#### 2. Methods to submit accounting

#### a. Accounting and Reporting Uploader (preferred)

The preferred method to submit accounting is through the use of the <u>CDSS Accounting and Reporting Uploader tool</u>. To set up an online account, call or email the Division contacts for the appropriate Water Division as shown in Table 1. Additional information is available on DWR's website under Data and Information/Online Data Submittal.

#### b. Email

Submit via email to the Water Commissioner and the Division Accounting email shown in Table 1. File names for accounting sheets should include the 7 digit Augmentation Plan WDID assigned by the Division Engineer's office.

#### 3. Timing of accounting submittal

Accounting must be submitted as specified by your decree, DWR administrative approval (SWSP, Replacement Plan, etc.), or as requested by the Division Engineer or designated representative(s). If timing is not specified, submit accounting with the timing shown in Table 1.<sup>1</sup>

Table 1. Accounting Submittal Emails and Phone Number by Division

Division	Accounting Question & Submittal Email	Contact Phone Number	Standard Submittal Timing
1 - South Platte	Div1Accounting@state.co.us	970-352-8712	30 days after the end of the reporting month
2 - Arkansas	water.reporting@state.co.us	719-542-3368	10 days after the end of the reporting month*
3 - Rio Grande	kevin.boyle@state.co.us	719-589-6683	10 days after the end of the reporting month
4 - Gunnison	gregory.powers@state.co.us	970-249-6622	10 days after the end of the reporting month
5 - Colorado	dnr div5acct@state.co.us	970-945-5665	10 days after the end of the reporting month
6 - Yampa/White	brian.romig@state.co.us	970-846-0036	Annually by November 15 or as needed upon request
7 - San Juan/ Dolores	dnr div7acct@state.co.us	970-247-1845	10 days after the end of the reporting month**
Designated Ground Water Basins	chris.grimes@state.co.us	303-866-3851 ext. 8253	Annually by February 15 for the prior year

<sup>\*</sup>for approvals deemed critical for administration; all others (including simple subdivisions) bi-annual readings before and after the irrigation season

<sup>\*\*</sup>for approvals deemed critical for administration; annual submittals for others

<sup>&</sup>lt;sup>1</sup> For proper administration, Water Commissioners may request regular and direct submission of water data in addition to accounting submittals described herein.

#### 4. Overall organization of accounting spreadsheet and required information per tab

#### a. Overall organization

The following are typical spreadsheet tab names in accounting. See the <u>example and screenshots</u> <u>section</u> for an overview of what this might look like:

- i. Contact/Plan Information tab
- ii. Input tab(s)
- iii. Depletions & Obligations tab
- iv. Replacement tab
- v. Summary tab
- vi. DWR tab
- vii. DWR Meters tab
- viii. Version/Notes tab

Fewer or additional tabs as necessary for more simple or complex accounting, subject to approval by the Division Engineer

#### b. Contact/Plan Information Tab

The accounting must provide the contact information including name and email address for:

- i. The party(s) responsible for submitting the accounting
- ii. The plan administrator and/or the plan attorney
- iii. Water court case number (format of YYCWXXXX), SWSP name and 4-digit Plan ID, or Ground Water Commission Order represented in the accounting.
- iv. The 7-digit overall WDID(s) associated with the augmentation plan (not the individual structure WDIDs).<sup>2</sup>

#### c. Input Tab(s)

When possible, all cells showing diversion of water (well pumping and stream diversions) should be located on one or multiple input tabs as shown below. Cells with regular input, such as meter readings and reservoir releases, should be shaded a specifically identified color to distinguish them from cells that use formulas to convert or summarize the input.

Depending on the specific operation, the following may be included on Input tabs:

#### i. Estimated water use or evaporation:

When meters or measurement structures are not required, water consumption is estimated based on counts (number of homes, number of domestic animals, acreage of pond surface area, etc.) multiplied by a factor. Include a column or row for each of the following that are relevant to the augmentation plan:

- 1. Type of use: single family dwellings, domestic animals, area of lawn and garden (include units square feet or acres), area of pond evaporation (include units square feet or acres), etc.
- 2. Count or area input value for each type: the number of homes or domestic animals or the area (square footage or acres of home lawn and garden irrigation or pond surface evaporation). [this is the "Input" that could change regularly]

<sup>&</sup>lt;sup>2</sup> Colorado Decision Support System Tools (<a href="https://dwr.state.co.us/Tools">https://dwr.state.co.us/Tools</a>) can be used to find WDIDs (see Structures), court case numbers (see Water Rights), and other supporting information.

- 3. Factor to convert input to consumption in acre-feet.
- 4. Acre-feet of consumption.

#### ii. Well diversion data using flow meters:

Enter raw readings or measurements (e.g., from totalizing flow meters) and how those raw readings or measurements are converted to volumes of water. There should be one row or column for each well with a meter as described below. Once the spreadsheet formulas have been established, generally only the meter reading is entered with every submittal. The well and meter information may be located in a separate well & meter information tab (see example and screenshots section).

- 1. Well WDID
- 2. Well Permit Number
- 3. Priority Admin Number
- 4. Flow Meter Serial Number
- 5. Reading Date
- 6. Reading<sup>3</sup> [this is the "Input" that will change regularly]

  Enter reading exactly as shown on the face of the meter as a non-negative integer.

#### 7. Comment

a. When a meter rolls over (such as from 999 to 000), is replaced or reset<sup>4</sup>, add a comment stating the old meter serial number, the maximum number before the rollover or replacement and then enter the number on the face of the meter at the end of the reporting period. Update the meter information section with the new meter's serial number.

#### 8. Meter information:

- a. Make
- b. Model
- c. The units represented by the digits on the meter (such as gallons or acre-feet)
- d. Multiplier for meter reading (if applicable)
  - i. Residential well meters typically have a multiplier of 1.0 with units of gallons. Readings should generally report all numbers on the face of the meter (including non-rotating digits) with a multiplier of 1.0.
  - ii. Larger agricultural or commercial wells typically read in acre-feet and typically have a decimal multiplier. For instance, with a multiplier of 0.001, a meter reading of 123456 represents 123.456 acre-feet.

#### e. Correction factor

. This is a multiplier used when a meter test shows a need to correct the installed meter to an accurate reading. This will be 1.0 when there is not a test showing a need for correction.

#### 9. Acre-feet pumped

Use a formula to convert from the meter reading to acre-feet using the multiplier and correction factor. To convert meter readings in gallons to acre-feet, divide by 325,851.

#### iii. Well diversion data using Electricity Consumption

For wells approved to use power records and a Power Conversion Coefficient (PCC) to estimate water pumped, the accounting information is similar to well diversion data using flow meters (section 4.c.ii) above with the following replacements (instead of 6. "Reading" and 8. "Meter information):

<sup>&</sup>lt;sup>3</sup> A comment on the Meter Reading cell is used to note "Actual, Estimated, Corrected, or Calculated" for all wells subject to measurement rules when the entry is not based on a reading taken on the actual date specified.

<sup>&</sup>lt;sup>4</sup> Resetting a meter may be prohibited by local well measurement rules.

- 6. Power meter reading [this is the "Input" that will change regularly]
- 8. Power Meter Information
  - a. PCC

#### iv. Surface diversion data

Include a column or row for each surface diversion with the following information:

- 1. Diversion structure name or a.k.a.
- 2. Structure WDID
- 3. Measured flow through the measurement structure and units
  - a. If more than one water right is diverted through the structure, there should be adjacent columns for each. Each source should have a designated column or row and labeling should include the measuring structure WDID and the source of the water (e.g. case number).
  - b. If there is a multiplier that adjusts the standard measurement-flow relationship to reflect the actual measurement-flow relationship of the specific structure ("shift"), the adjusted value should be reflected in a separate column.
- 4. Priority Admin Number
- 5. Storage and release

If the diversion is to storage, which will be followed by a release of water, follow the instructions in the Reservoir Accounting Guideline.

#### v. Administrative Call (are diversions in-priority?)

In portions of Colorado, there may be times when depletions are in-priority, and do not require replacement. Depletions are in-priority when water rights on the stream system that are senior to the diversion have enough water and are not "calling" for more water.

#### 1. Simplified (percent of month administrative call)

For certain basic accounting, such as subdivision well depletions, the Division Engineer may allow or apply an estimate of the days of expected administrative call each month. Typically, replacement water is provided based on projected call days, which is later compared to actual administrative call data to ensure that adequate replacement was provided. In this case, the accounting should have an input field either for the number of call days or the percentage of days in the month with a call.

#### 2. Daily record of administrative call

Provide a column that shows whether depletions are either "IN" or "OUT" of priority each day.

- Locations with minimal call variation: In areas with minimal variation in the call, the Division Office may not require a formula comparing Priority Admin Numbers, but will accept manual entries of "IN" or "OUT" of priority each day.
- All other locations: "IN" or "OUT" of priority is determined daily using formulas
  comparing the Priority Admin Number of depletions to the Priority Admin Number of
  the calling water right in each depleted stream reach. Include a column for each of
  the following:
  - The Priority Admin Number of the calling water right. Calling structure information can be obtained programmatically from:
    - CDSS <u>REST</u> services insert a link that pulls the required information directly from DWR's database.
    - CDSS Administrative Calls tool.

DWR accounting staff can provide guidance on incorporating this information within an accounting spreadsheet.

- The Name of the calling water right
- "In" or "Out"-of-priority either for all structures covered by the accounting or for each structure in its own column. Use a formula to compare the Priority Admin Number of the calling structure to the Priority Admin Number of the structure(s) in the accounting.

#### d. Depletion & Obligation tab

Used to (1) convert well pumping (and groundwater pond evaporation) to lagged depletions impacting the stream and (2) show lagged depletions that are out-of-priority, and (3) include any additional water obligations of the plan for augmentation.

- i. Calculate lagged depletions Although well pumping and modeling may use a monthly step function to determine the depletions from pumping, the monthly result may, if requested by the Division Office or required by decree, then be divided by the number of days in the month in order to calculate a daily impact for daily water administration.
  - 1. Well Pumping (or groundwater pond evaporation) Reference back to the Input tab for the acre-feet of water pumped or evaporated.
  - 2. Consumption factor (%) If the decree or approval describes that a percentage of the water pumped is consumed and only the consumed amount is replaced.
  - 3. Acre-feet consumed Multiply the acre-feet pumped by the consumption factor.
  - 4. Delay Factors show factors that convert pumping in one month to depletions in future months. These may be percentages per month, that total 100 percent over an extended period of time.
  - 5. Depletions a formula that combines previous months and present month pumping with the delay factors to determine depletions impacting the stream this month and in future months.
- ii. Out-of-priority depletions are combined into one column for each reach considering the administrative call information included on the Input tab.
- iii. Return flow obligations (if applicable): Replacement water sources changed from a historical irrigation use usually have a return flow obligation that must also be tracked in accounting. Return flow obligations are similar to depletions because they must be replaced in time, place, and amount. Depending on decree language and preference, return flow obligations may be included under the replacement tab in section 4.e. below. For each replacement source with return flow obligations, include the following:
  - the basis and volume of the return flow obligation,
  - the location of the return flow obligation,
  - replacement of the return flow obligation.

#### e. Replacement tab

List each structure providing replacement water, transit loss information, and volumes released:

- i. Structure providing replacement water: name of reservoir, ditch, well, leased or other replacement water, its WDID, and the water court decree allowing its use for augmentation or replacement. For instructions on accounting for replacement using recharge accretions, refer to specific recharge guidance.
- ii. Replacement water travel distance (miles)
  the distance from the point of release to the location of the out-of-priority depletion where replacement is owed
- iii. Transit loss percent per mile (%)

- iv. Total transit loss (%)
- v. Volume released (acre-feet)
- vi. Transit loss volume (acre-feet)
- vii. Volume delivered (acre-feet) equal to volume released minus transit loss volume
- viii. Return flow obligations (acre-feet): Depending on decree language as described above, these may be included here instead of in the depletion tab. See description under section 4.d. above.

#### f. Summary Tab

The Summary Tab is used to calculate the Net Effect of the Plan on each impacted stream reach. The summary should reference back to information and formulas in the other spreadsheet tabs. The summary tab compares obligations, replacements and that replacements equal or exceed obligations in time, place, and amount. The Summary tab should only summarize data and calculations located in other tabs of the accounting. It should not contain manual entries, input data, or make calculations that are used in other tabs.

The Summary Tab should contain the following for each impacted stream reach (typically on a daily basis or as required by the division office):

- i. Total depletions and obligations
- ii. Total replacement
- **iii.** Balance Total replacement minus total depletions and obligations, which may be negative when the diversions resulting in the depletions are in priority.
- iv. Net Effect Total replacement minus out-of-priority depletions and obligations. If the net effect is negative, the Plan resulted in injury.

#### g. DWR tab for Diversion Record Data Import

A tab titled "DWR" can be used to convert data input or numbers calculated in other tabs into rows that represent diversion record water classes, which DWR staff can upload to create official diversion records. When appropriate, DWR staff will develop this tab or work with plan owners to develop this tab, ensure it follows DWR's standard format and utilizes water classes according to the <u>Diversion Records Standard</u>. This format is necessary to allow the records to be imported directly into Hydrobase.

#### h. DWR Meters tab for Meter Reading Data Import

A tab titled "DWR Meters" can be included for use in bulk uploading meter readings. This calculates pumping totals in compliance with well rules or to meet other Division-specific requirements. In order for this tab to be bulk uploaded into Hydrobase, the columns in this tab must be formatted as shown in the "User Guide - How to Bulk Upload Meter Readings".

#### i. Version/Notes tab

A tab to document changes in accounting formulas and the date of those changes.

#### 5. Requirements and recommendations for all tabs

- a. Accounting should show how raw input data is manipulated using formulas to determine the resulting impact on the river. Accounting must therefore include a functional spreadsheet (ie no pdfs) showing all operations, formulas, etc. to clearly show calculations.
- b. The use of a water year of November 1 through October 31 is required unless specifically decreed otherwise. When a different water year is required by decree, DWR may request additional months of data in the accounting to include the November 1 through October 31

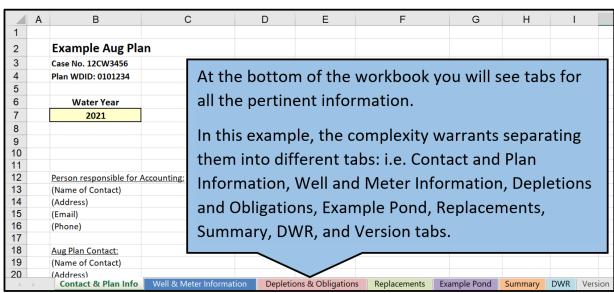
time period, resulting in more than 12 months of data being reported.

- c. For all tabs other than the Summary tab, include running accounting for the entire water year without monthly subtotals. Monthly subtotals commonly result in errors in the spreadsheet. The Summary tab can be used as a place to show monthly totals.
- d. Date fields should be complete dates (month, day, and year, recognized as a date value by the spreadsheet software) but may be formatted to display as desired.
- e. Use consistent cell color shading to clearly identify the different types of information, such as manual input cells and formula cells (provide a legend for data types, see example below)
- f. Enter "0" in cells to document no diversion or use, rather than blanks, hyphens, or another character.
- g. When a formula is overwritten with a manual entry, the cell should be highlighted and a comment added for the reasoning.
- h. When there are multiple stream reaches involved, organize accounting from upstream to downstream.
- i. Footnotes should be utilized, as necessary, to describe the basis for formulas, calculations imposed on the raw input data, and column descriptions.

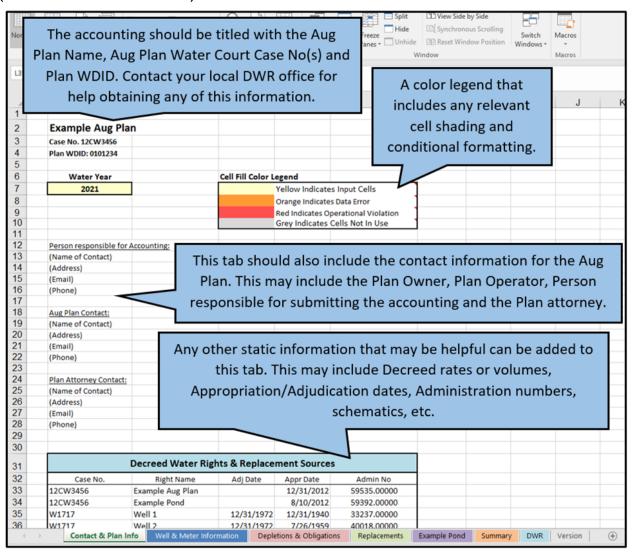
#### <u>6. Example, Screenshots, and Spreadsheet Templates</u>

Water users may request spreadsheet templates from their local division office for use as examples of how accounting may be assembled, but are responsible for developing their own functional accounting customized for their own Plan requirements. Note that example and actual accounting may have slightly different organization than what is described above.

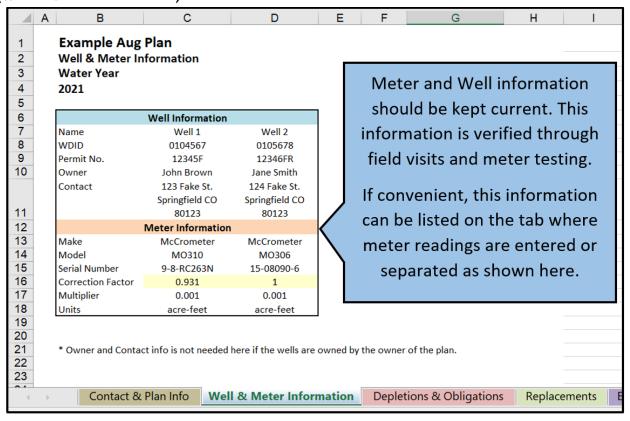
#### a. (List of relevant tabs)



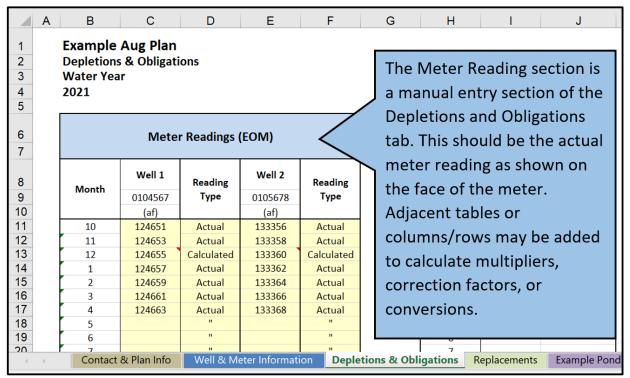
#### b. (Contact & Plan Information)



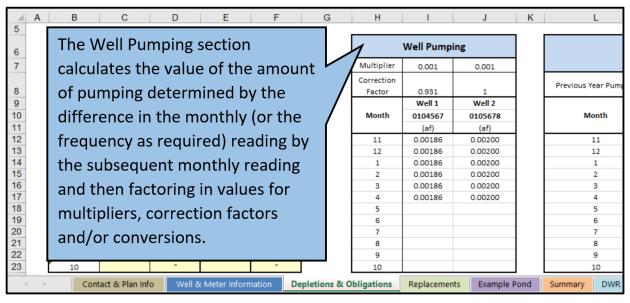
#### c. (Well & Meter Information)



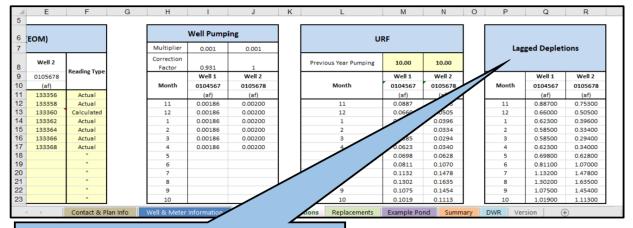
**d.** (Depletions & Obligations) - in this example, the Depletions & Obligations tab includes cells for entering meter readings, calculating well pumping over the period, and converting that to lagged depetions.



e. (Depletions & Obligations)

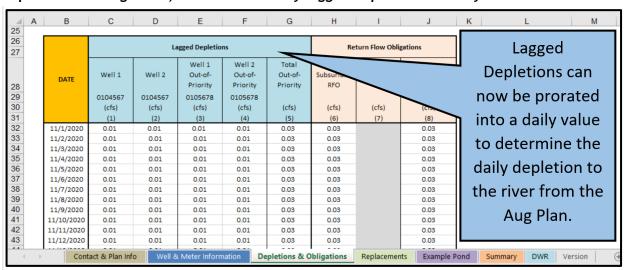


### f. (Depletions & Obligations) - calculate lagged depletions for the month

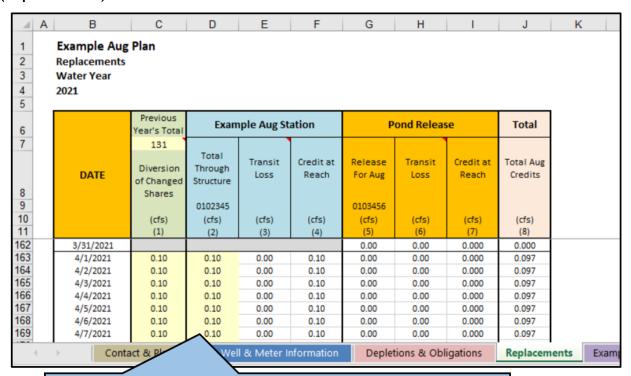


Lagged Depletions should be calculated utilizing the Well Pumping data and the lagging method established by the relevant decree or SWSP (Stream depletion Factors or Glover Parameters).

#### g. (Depletions & Obligations) - convert monthly lagged depletions to daily

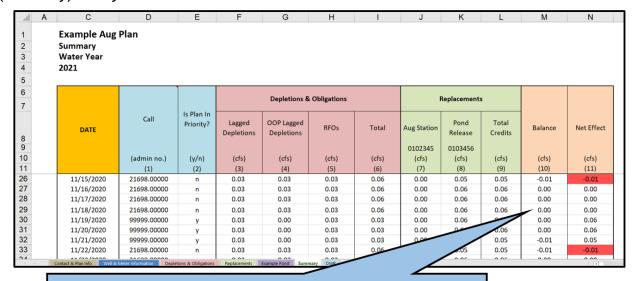


#### h. (Replacements)



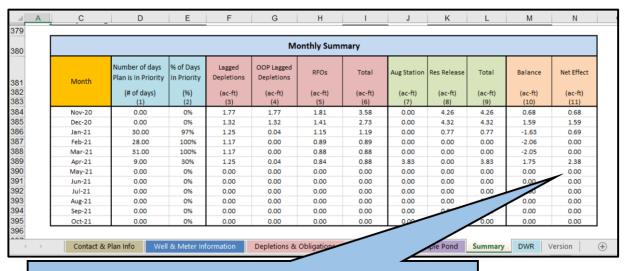
Input information should be shaded differently than the calculated (cells with formulas) cells. Please provide a legend with the color/shading scheme.

#### i. (Summary) - daily



The Balance column is the balance of Replacements and actual Depletions/Obligations regardless of whether the plan is in or out of priority. It is calculated by subtracting Depletions and Obligations from Replacements.

**j.** (Summary) - a monthly summary table may be added at the bottom of the Summary tab below the daily summary



Net Effect is the Balance or Net Impact value with the priority of the plan included. Plans considered in priority may not be required to replace depletions. This column represents whether the Aug plan shows injury to the river or has sufficiently replaced its uses.



# ADMINISTRATIVE PROTOCOL Recharge Division One - South Platte River Basin

Revised May, 2022

The purpose of recharge is to intentionally introduce water into a tributary aquifer through percolation from the surface. The introduction of water to the aquifer causes a like amount of groundwater to discharge at a surface stream in a specific location and time as "accretions" or "recharge credits" available for beneficial use. Recharge as used in this document does not include artificial recharge of the Denver Basin or nontributary aquifers. A Recharge Structure can be:

- A section of ditch, the infiltration from which can be reasonably modeled as a single source of water.
- A single pond or a group of ponds that receive water from the same delivery location and the infiltration from which can be reasonably modeled as a single source of water.
- Recharge credits/accretion including timing, location, and amount are determined only in accordance with decrees of the court or written administrative approvals, including Substitute Water Supply Plans (SWSPs). SWSP or water court applications should include the following information about each Recharge Structure:
  - a. map(s) showing the locations of:
    - i. diversion point(s)
    - ii. Recharge Structure
    - iii. measurement structures (inflow, outflow, staff gage);
  - b. listing of the court case number for the decree(s) authorizing the diversion of water into the Recharge Structure and use of the water in a plan for augmentation, if any
  - c. the maximum water surface area of the structure or stage-area capacity curve developed for each Recharge Structure;
  - d. for ditch structures, if the ditch is divided into more than one Recharge Structure, an explanation of how the volume delivered to an upstream reach will be allocated to downstream Recharge Structures in the ditch.
- 2. The division engineer will assign the Recharge Structure a WDID number. The WDID number is the identification number that will be used for the administration of the structure and must be included in all correspondence and accounting.
- 3. Prior to commencement of construction, the owner/operator of the Recharge Structure must obtain water commissioner's approval of proposed equipment, installation and construction. Prior to any diversion into the Recharge Structure, the owner/operator must obtain the water commissioner's written approval of the final construction and equipment installation, as further described below.

- a. The flow into each Recharge Structure must be equipped with a measurement device and a continuous flow data recorder, unless the water commissioner in conjunction with the division engineer determines adequate records may be kept without such equipment. Refer to the <a href="Administrative Protocol and Functional Standards Surface Water Headgates and Measuring Devices">Devices</a>, for minimal suggested equipment installation and operation.
- b. If the Recharge Structure is designed to discharge water via a surface outlet, such discharge must also be equipped with a measurement device and a continuous flow recorder.
- c. Each Recharge Structure must have a staff gage, or other devices as required, installed to provide a reading of the surface water elevation in the Recharge Structure.<sup>1</sup> The gage installation should be such that the gage registers the lowest water level in the Recharge Structure. The staff gage must be readable from a readily accessible location. The gage shall have permanent demarcations of 0.01 feet, with the whole feet (1.00 feet) clearly and easily identifiable.
- 4. All Recharge Structures must be maintained in such a way as to minimize consumptive use of the water by vegetation. Existing vegetation shall be mowed or removed prior to and during the running of water into the Recharge Structure. Crops may not be planted in a Recharge Structure during the same irrigation year that it is used as a Recharge Structure without prior approval from the water commissioner or division engineer.
- 5. The timing and quantity of recharge credits/accretions is estimated by applying the lagging parameters (or Unit Response Functions "URFs") in the decree or SWSP to the volume of water infiltrated into the ground (Infiltrated Volume as calculated below). One common method for determining the volume of water infiltrated for any time period can be determined by using a daily mass balance calculation, in acre-feet, and solving for the residual volume (R) of unmeasured flows<sup>2</sup> as follows. Other methods for determining the volume of water infiltrated into the ground may be considered on a case-by-case basis:

<sup>&</sup>lt;sup>1</sup> Unless an alternate method of measuring or estimating the change in storage has been approved by the Division Engineer.

<sup>&</sup>lt;sup>2</sup> For more information on the mass-balance equation as it applies to ponds or reservoirs, please refer to Guideline 2019-3, Reservoir Accounting Guideline

 $R = \Delta Storage - Meas. \ Inflow + Meas. \ Outflow + Evaporation + ET$ 

where,

- a. *R* represents the net sum of all unmeasured flow. When *R* is positive, it represents the volume of unmeasured inflows (i.e., no recharge occurred) and when negative, it represents the volume of unmeasured outflow (i.e., recharge volume) that infiltrated into the ground and can be used, with the lagging parameters, to determine the amount of recharge credit.
- b.  $\triangle Storage$  is the change in storage volume compared to a previous measurement, typically based on staff gage readings and the stage-capacity table.
- c. *Meas. Inflow* is the volume of water delivered into the recharge structure,
- d. Meas. Outflow is the volume of water discharged from the recharge structure,
- e. Evaporation is the volume of water lost to evaporation (see item 6, below),
- f. *ET* is the volume of water lost from the consumption by vegetation located within the recharge structure. Appropriate vegetative consumptive use values, based on publications of actual plant water use, should be used depending on the type of plants that are found to exist, subject to DWR approval.
- 6. Gross Evaporative losses from the Recharge Structure must be subtracted from the volume of water delivered to the Recharge Structure. Evaporative losses must be accounted for every day the Recharge Structure has a visible water surface. If the Recharge Structure does not have a stage-surface area curve approved by the water commissioner, the maximum surface area of the Recharge Structure must be used to determine the evaporative losses, unless a different method is approved. Gross evaporation should be estimated using the processes described for off-channel reservoirs in <u>Guideline 2019-3 Reservoir Accounting Guideline</u>. Monthly evaporation estimates may be prorated for days when there is no visible water surface. A lack of visible water surface is determined from a field inspection. Days with no water surface may be entered from the date of field inspection until the next date of water delivery.
- 7. Any structure that intercepts groundwater must be permitted as a well and included in a plan for augmentation or SWSP approved by the State Engineer. The Division Engineer strongly recommends avoiding Recharge Structures that intercept groundwater, in order to simplify the accounting process.