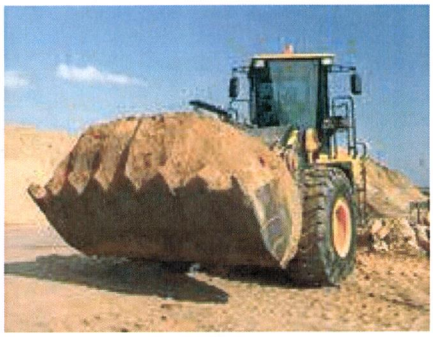


Loloff Construction, Inc.
801 8th Street, Suite 130
Greeley, CO 80631

November 3, 2023

Mr. Rob Zuber
Environmental Protection Specialist
State of Colorado
Division of Reclamation, Mining, & Safety
Physical Address:
1313 Sherman Street, Room 215
Denver, CO 80203
Mailing Address:
Division of Reclamation, Mining and Safety, Room 215
1001 East 62nd Avenue
Denver, CO 80216

RE: Loloff Mine – File No. M-1985-112 – Surety Release Request Application (SL-04)

Dear Mr. Zuber,

Loloff Construction, Inc. is providing this summary letter as a statement that all requirements of the DRMS permit for the Loloff Mine have been met.

Loloff Construction, Inc. owns the mineral right and is the operator of the plugged and abandoned well (Loloff – Sand #1) as per the COGCC records.

The land owner for the property per Weld County records is the Ogilvy Irrigating and Land Company (80%) and Ogilvy Augmentation Company (20%) whose address is:

822 7th Street, Suite 760
Greeley CO 80631
Phone Number: (970) 352-3161

We have also included the recorded document of the approved Final Substitute Water Supply Plan that the landowner submitted to the Division of Water Resources per their request. The response from Ms. Sarah Brucker is also included.

Please give me a call at (970) 566-5090 or send an e-mail to discuss further.

Sincerely,

Kelly Hodge, Loloff Construction, Inc.

COLORADO
Division of Reclamation, Mining and Safety
Department of Natural Resources

1313 Sherman Street, Room 215
Denver, CO 80203

RECEIVED
NOV 13 2023
DIVISION OF RECLAMATION, MINING & SAFETY-MINERALS

REQUEST FOR FULL OR PARTIAL RELEASE OF PERMIT AREA/SURETY REDUCTION

Please indicate if you are requesting:

FULL/FINAL RELEASE OF ENTIRE PERMITTED AREA (per Rule 4.17) ☑

ACREAGE REDUCTION (PARTIAL RELEASE per Rule 4.17) ☐

I wish to release _____ acres at this time.

You will need to submit with this request: a map showing the acreage to be released from the current permit and updated mining and reclamation plan maps that will accurately depict the new permit boundary if the release is approved.

SURETY (Bond) REDUCTION (per Rule 4.14) ☑

If you are requesting a surety (bond) reduction you will need to include with this request a new estimate of the actual cost to reclaim the site based on what it would cost an independent contractor to complete reclamation, including unit costs for reclamation activities as appropriate to the operation to comply with the provisions of Rule 3.1 and the Permit's approved Reclamation Plan.

File No.: M 1985-112 Site Name: Loloff Mine

County: Weld

Permittee: Loloff Construction, Inc.

Permittee Address: 801 8th Street, Suite 130
(Street Address)

Greeley (City) CO (State) 80631 (Zip)

Operator (If Other than Permittee): _____

Permittee Representative: Kelly Hodge

Certified Mail # _____

In accordance with Rule 4.17.1(2) the Operator shall include the names, addresses and phone numbers of all owners of record to the affected land. Please attach additional sheets for this information if required.

Name	Address	Phone Number
Ogilvy Irrigating and Land Company and Ogilvy Augmentation Company	822 7th Street, Suite 760, Greeley CO 80631	970-352-3161
Loloff Construction, Inc.	801 8th Street, Suite 130, Greeley CO 80631	970-566-5090

In accordance with Rule 4.17.1(4), if requesting a partial acreage release the Operator or their agent MUST sign that they have complied with the following statement: "All applicable portions of the Reclamation Plan requirements have been satisfied in accordance with these Rules and all applicable requirements under the Act."

_____ 11-3-2023

Signature of Permittee, Operator or their authorized agent Date

Important: In accordance with Rules 4.14.2(a) and 4.17.1(3) This release request must be submitted to the Division via certified mail and separate from any other correspondence to the Division.

COLORADO
Division of Reclamation, Mining and Safety
Department of Natural Resources

November 3, 2023

Kelly Hodge
Loloff Construction, Inc.
801 8th Street, Suite 130
Greeley, CO 80631

RE: Loloff Mine - File No. M-1985-112, Surety Release Request Application (SL-4)

Dear Mr. Hodge:

On November 2, 2023, the Division of Reclamation, Mining and Safety received your 112c Construction Materials Reclamation Permit Surety Release Request application for the Loloff Mine, which is located in Weld County. Preliminary review of the information received determined that the following additional information must be received before the Division can consider your application complete and technical review can begin. Thus, your application is incomplete for the purposes of filing as of November 3, 2023.

The following is missing from the application: name, address, and phone number of owner of record and a signed statement that requirements have been met (Rule 4.17.1).

You have 30 days from November 3, 2023 to submit all necessary documents that the Division needs for the application to be considered filed. If, at the end of the 30-day period, the application has not been determined to be complete and filed, the Division may deny the application and terminate the application file.

This letter shall not be construed to mean that there are no other technical deficiencies in your application. The Division will review your application to determine whether it is adequate to meet the requirements of the Act after submittal of all required items.

If you have any questions, please contact me by telephone at 720-601-2276, or by email at Rob.zuber@state.co.us.

Sincerely,

Robert D. Zuber, P.E.
Environmental Protection Specialist

cc: J.C. York, P.E., J&T Consulting, Inc.

COGIS - WELL SCOUT CARD

Related | Insp | MIT | GIS | Doc | COA | Wellbore | Orders | Bradenhead

Surface Location
API# 05-123-12574

Well Classification: OW

Status: PA - 3/30/2016

Well Name/No:	LOLOFF-SAND #1 (Click Well Name for Production Data)	Click Here for Transporter Gatherer Info	
Operator:	LOLOFF CONSTRUCTION INC - 10577 (Click Operator Name for Company Detail Report)	Federal Or State Lease #:	56035
Facility Status:	PA	Status Date	3/30/2016
FacilityID:	**244779**	LocationID:	323112
County:	WELD #123	Location:	SENW 4 5N65W 6
Field:	GREELEY - #32760	Elevation:	4633 ft.
Planned Location:	1980FNL 2180 FWL	Lat/Long: 40.430384 / -104.669989	Lat/Long Source: Calculated From Footages
As Drilled Location:	Footages Not Available	Lat/Long: 40.430036 / -104.670332	Lat/Long Source: Field Measured

Expand Section

Wellbore And Formation Details -- select either a wellbore Or formation to expand.

Wellbore #00 Status: PA - 3/30/2016 Measured TD: 7150 ft. Vertical TD: 7150 ft.

Formation CODL Status: AB - 3/30/2016 Interval Top: 7024 ft.

Formation NBRR Status: AB - 3/30/2016 Interval Top: 6716 ft. Interval Bottom: 6933 ft.

Primary Well Designation: None

All Designations		Date
Reported Plugged	N	
Out Of Service Repurposed	N	
Out Of Service	N	
Inactive Exception	N	
Noticed Inactive	N	
Defined Inactive	N	
Low Producing	N	

BOE/MCFE/GOR Calculations Production for Previous 12 Months

August 2022 - July 2023

Total Oil Produced (Barrels)	0
Total Gas Produced (MCF)	0
GOR	
GOR Determination	
Average BOE per Day	0.000
Average MCFE per Day	0.000

Federal Financial Assurance		

Tribal Well		No

COLORADO
Division of Water Resources
Department of Natural Resources

4929052 Pages: 1 of 28
11/02/2023 10:54 AM R Fee:$148.00
Carly Koppes, Clerk and Recorder, Weld County , CO

November 1, 2023

Douglas C. Seely, P.E.
NOCO Engineering, Inc.
8209 W. 20th Street, Suite A
Greeley, CO 80634

Re: Loloff Substitute Water Supply Plan (WDID 0302524, Plan ID 3270)
Loloff Pit, DRMS Permit No. M-1985-112 (WDID 0303012)
SE¼ NW¼ Section 4, T5N, R65W, 6th P.M.
Water Division 1, Water District 3, Weld County

Approval Period: November 1, 2023 through March 31, 2031
Contact information for Mr. Seely: 970-988-1459; doug@nocoengineering.com

Dear Mr. Seely:

We have reviewed your letter dated October 13, 2023 requesting renewal of the above-referenced substitute water supply plan ("SWSP") on behalf of the Ogilvy Irrigating and Land Company ("OILC") and Ogilvy Augmentation Company ("OAC") (collectively "Applicant"). This SWSP is requested in accordance with section 37-90-137(11), C.R.S., to cover depletions caused by an existing sand and gravel mining operation known as the Loloff Pit. The Loloff Pit site was mined by Loloff Construction, Inc., but the site is now owned by the Applicant. Pursuant to agreement at the time of purchase, the Applicant will be responsible for providing replacement supplies to augment the lagged depletions associated with the Loloff Pit. The required fee of $257.00 for the renewal of this substitute water supply plan has been submitted (receipt no. 10032355). This SWSP Approval supersedes and replaces the prior SWSP Approval dated March 3, 2023 in its entirety.

SWSP Operations

The Loloff Pit is located in the SE¼ of the NW¼ of Section 4, Township 5 North, Range 65 West of the 6th P.M., in Weld County, as shown in the attached Figure 1. Gravel mining at the site concluded in August 2019, and no dewatering has occurred at the site since July 2019. The slurry wall liner for the Loloff Pit was approved by the State Engineer's Office in a letter dated April 26, 2019 as meeting the design standard for liners referenced in the *August 1999 State Engineer Guidelines for Lining Criteria for Gravel Pits* and is now classified as a lined reservoir (Loloff Reservoir, WDID 0303483). There will be no consumptive use of groundwater at the Loloff Pit during this plan period; however, this SWSP will make replacements to the Cache la Poudre River to offset lagged depletions from past mining and dewatering operations at the Loloff Pit site. The replacement sources proposed to be utilized in this SWSP are water currently stored in Loloff Reservoir, yield from one share of the Greeley Irrigation Company, and yield from the Loloff Section 4 Ditch water right decreed in case no. 1987CW153. The Applicant requests the ability to add additional replacement sources to this SWSP in the future.

The intent of this SWSP is to ensure that all remaining lagged depletions associated with the Loloff Pit will be replaced such that the mining permit may be closed out. The Applicant expects to add the Loloff Pit to their existing plan for augmentation decreed in Division 1 water court case no. 2003CW0150. Depletions associated with the Loloff Pit will continue to be replaced under this SWSP unless and until superseded by decree.

Depletions

There will be no new depletions at the Loloff Pit during this plan period, only replacement of lagged depletions associated with past mining and dewatering operations at the site that will impact the river during this plan period.

Dewatering at the site began in April 2013 and continued at consistent rates up until the commencement of construction of a slurry wall at the site in the summer of 2017, when dewatering rates began to taper off. Dewatering at the site ceased entirely after July 2019. Water pumped from the Loloff Pit for dewatering purposes was discharged into an unnamed natural seep located just south of the property. The seep is connected to a large pond area, from which water flows southeast approximately ¼ mile through a natural channel before reaching the Ogilvy Ditch. Approximately ½ mile after entering the Ogilvy Ditch, the water reaches an outlet structure which pipes the water back to the Cache la Poudre River. A diagram of the travel path is attached as Map 2. Due to the existence of the pond area and the travel distance to the river, it was estimated that 50% of the dewatering water discharged into the seep infiltrated into the ground as a subsurface flow and 50% reached the river as surface flow. Lagged accretions from the portion of dewatering water returning to the river as subsurface flow partially offset the lagged depletions from past dewatering.

In the past, lagged depletions and accretions to the Cache la Poudre River were calculated using the IDS Alluvial Water Accounting System (AWAS) analytical stream depletion model executed in Effective SDF mode, using a stream depletion factor (SDF) of 60 days for the Loloff Pit site. As recommended by this office, beginning with the 2022-2023 plan period the modeling of lagged depletions was revised by switching from Effective SDF to the Alluvial Aquifer option with the following aquifer parameters: a distance (X) of 2,775 feet from the exposed groundwater surface to the river; a distance (W) of 11,490 feet from the stream to the impermeable boundary; a harmonic transmissivity (T) of 76,056 gallons per day per foot; and a specific yield (S) of 0.2. This resulted in the depletions accruing to the river in a shorter amount of time than previously estimated, and also resulted in an increase in the magnitude (volume) of the depletions that were estimated to have already occurred. The volume of depletions remaining to be replaced as of the start of the 2022-2023 plan period (April 1, 2022) was calculated to be 833.26 acre-feet using the Effective SDF option, and the amount of depletions remaining to be replaced as of the start of the 2022-2023 plan period was calculated to be 518.91 acre-feet using the Alluvial Aquifer option. In order to ensure that this change in methodology did not result in unreplaced depletions to the river, the volume of depletions calculated using the Alluvial Aquifer option was scaled up by a factor of 1.61 (833.26 ÷ 518.91). The total amount of depletions replaced under the Alluvial Aquifer method will therefore be equal to the total amount of remaining depletions calculated using the SDF method.

After accounting for lagged dewatering accretions to the river, the remaining net depletions were calculated to total 481.00 acre-feet, as shown in the attached Table 1.

In addition, from April 2020 through March 2023, metered pumping from Loloff Reservoir was discharged into the unnamed natural seep, from where it worked its way back to the Cache la Poudre River. Of the amount of water pumped from Loloff Reservoir and discharged to the seep, 50% was deemed to enter the river system as surface water, while the other 50% was lagged back to the river system as subsurface flow using the AWAS parameters given above. Lagged subsurface return flows from past deliveries of stored water from Loloff Reservoir to the seep will result in 64.65 acre-feet of accretions at the river during this plan period (November 1, 2023 through March 31, 2031), as shown in the attached Table 2. The resulting net depletions are shown in the attached Table 3 and total 416.35 acre-feet for this plan period.

You have proposed to "wrap" the last 5% of the depletions that remained to be replaced when mining ceased at the site into the prior months covered under this SWSP, distributed pro-rata based on the volume of depletion in each month. This approach prevents the Applicant from having to continue to make relatively small monthly replacements of less than 1 acre-foot per month for a prolonged period of time, and is acceptable to the State and Division Engineers. As a result, all remaining lagged depletions associated with the Loloff Pit will be replaced as of the end of this plan period (March 31, 2031). The monthly depletions proposed to be replaced under this SWSP are shown in the attached Table 4.

Depletions are assumed to impact the Cache la Poudre River perpendicular to the Loloff Pit, just above the headgate of the Ogilvy Ditch (WDID 0300937).

Replacement Sources

The primary source of replacement water to be used in this SWSP is water currently stored in Loloff Reservoir. Secondary replacement sources consist of the yield from one share of the Greeley Irrigation Company ("GIC") available during the irrigation season, water diverted under the 1987CW0153 right for the Loloff Section 4 Ditch, and additional sources that may be added to this SWSP.

Loloff Reservoir Storage

The Loloff Pit property and Loloff Reservoir were conveyed to the Applicant in 2022. As of the date of the SWSP request, there were approximately 1,867 acre-feet of water stored in Loloff Reservoir (WDID 0303483) that were diverted under free river conditions with the knowledge and approval of the water commissioner. The Applicant has committed to provide a total of 20.7 acre-feet of stored water for the replacement of depletions under the Derr Pit SWSP (WDID 0302547, Plan ID 5240) over the period of November 2023 through July 2024. In addition, it is anticipated that a maximum of 769 acre-feet of water will be lost to evaporation over the duration of this SWSP (November 1, 2023 - March 31, 2031) as shown in the attached Appendix B - SWSP Projection, assuming no additional water is diverted into storage in the reservoir. The total amount of water stored in Loloff Reservoir available for replacement purposes under this SWSP is therefore equal to 1,077.3 acre-feet (1,867 - 20.7 - 769 = 1,077.3). Releases from the reservoir will be made through a new permanent pipeline for conveyance to the Ogilvy Ditch and subsequent return to the Cache la Poudre River (see Figure 1). A stage-area-storage capacity table has been provided to this office, and a staff gage has been installed in the reservoir to measure the amount of water in storage. The Applicant must continue to submit reservoir accounting for Loloff Reservoir on a monthly basis in

order to continue to be able to use water stored in this structure as a replacement source in this SWSP.

Greeley Irrigation Company Share

The previous owner of the Loloff Pit site, Loloff Construction Inc., owns one share of the Greeley Irrigation Company ("GIC"), Certificate No. 3391, and has agreed to allow the share to be used as a replacement source in this SWSP through 2025. The Greeley Irrigation Company ("GIC") owns a 5/8th interest in the water rights decreed to the Greeley Canal No. 3 (WDID 0300934) and 60 preferred rights in Fossil Creek Reservoir (WDID 0303774). The Greeley No. 3 Canal diverts water from the south side of the Cache la Poudre River in the NW¼ of the SE¼ of Section 32, Township 6 North, Range 66 West of the 6th P.M. The subject share was historically used for the irrigation of approximately 8.3 acres of land in the SW¼ of the NE¼ of Section 15, Township 5 North, Range 65 West of the 6th P.M., which were removed from production as part of the share acquisition.

The historical use of the 519.7 shares issued in and outstanding in the GIC was quantified in case no. 1996CW658 ("Poudre Prairie Decree") using a ditch-wide analysis. Water rights represented by shares of the GIC have subsequently been changed to new uses in case nos. 1992CW97, 1997CW078, 1999CW232, 2001CW246, 2003CW348, 2005CW47, 2005CW54, 2006CW40, 2007CW96, 2008CW292 , 2010CW173, 2011CW020, 2012CW96, 2012CW163, 2015CW3163, and 2016CW3008. In these cases, the Water Court concluded that the average annual historical consumptive use, location of use, dry-up of historically irrigated acreage and related matters concerning the GIC interest in Canal No. 3 and Fossil Creek Reservoir water rights were previously determined in the Poudre Prairie Decree. The Court ruled that the findings in the Poudre Prairie Decree are *res judicata*. Therefore, the use of the subject GIC share shall be in accordance with the terms and conditions decreed in the Poudre Prairie Decree, including annual volumetric limits on water deliveries and monthly return flow requirements.

In the Poudre Prairie Decree, the average annual irrigation delivery of the GIC's water rights was determined to be 9,690 acre-feet, based on an average annual river headgate diversion of 11,400 acre-feet and an average conveyance loss of 15%. The Poudre Prairie Decree found that the 519.7 shares were used to irrigate 3,501 acres with an average historical consumptive use of 5,358 acre-feet per year, which yields an average consumptive use credit of 10.31 acre-feet per share (5,358 acre-feet ÷ 519.7 shares) or an average consumptive use credit of 1.53 acre-feet per acre. Paragraph 6.7.4 of the Poudre Prairie Decree limited future farm headgate deliveries of the GIC shares to 1,712 acre-feet per year (25.27 acre-feet per share) and 12,631 acre-feet (186.44 acre-feet per share) in any consecutive 10 year period. Deliveries of the subject share under this SWSP are limited to a one-year limit of 18.6 acre-feet per share (186.44 ÷ 10 = 18.6 acre-feet). Water available to the subject share will continue to be diverted when in-priority at the Greeley Canal No. 3 headgate and diversions are limited to the period of April 15th through October 31st. By way of this delivery through the Greeley Canal No. 3, and the 15% ditch loss assessed by GIC, the historical ditch seepage losses associated with the subject share will be maintained.

For projections of 2024 and 2025 irrigation season deliveries, you have used an estimated irrigation delivery attributable to GIC direct flow diversions of 17.50 acre-feet per share and an estimated irrigation delivery attributable to Fossil Creek Reservoir deliveries of 0.40 acre-foot per share, for a total of 17.90 acre-feet per share. As specified in the Poudre Prairie Decree, all

deliveries of GIC water incur an immediate surface return flow obligation of 23.7% for direct deliveries and 20.1% for Fossil Creek deliveries, which corresponds to surface return flow obligations of 4.15 acre-feet and 0.08 acre-feet, respectively, as shown in the attached Table 5. Pursuant to paragraph 6.7.6 of the Poudre Prairie Decree, the subsurface component of the return flow obligation shall be calculated by multiplying the 5-year running average annual farm headgate deliveries of GIC water (direct flow water and Fossil Creek Reservoir water) by the factors given in Appendix A-2 of the Poudre Prairie Decree. The subsurface return flow obligations for the GIC direct deliveries and Fossil Creek Reservoir deliveries are 2.615 acre-feet and 0.0761 acre-feet for the 2024 irrigation season, respectively, based on 2019-2023 deliveries. A calculation of the subsurface return flow obligations is shown in the attached Table 6. The one share is anticipated to provide 9.3 acre-feet of replacement water with 8.6 acre-feet of return flow obligations in 2024 and 2025, as shown in Table 5. Actual subsurface return flow obligations for the 2025 irrigation season will be based on 2020-2024 deliveries. Non-irrigation season return flow obligations will be replaced under this SWSP with releases from Loloff Reservoir.

Based on information provided in support of water court case no. 2018CW3106, there are a total of 207.47 shares and 862.24 acres remaining available for irrigation under the ditch system, resulting in an average of 4.16 acres irrigated per share. Paragraph 6.7.10 of the Poudre Prairie Decree found that expanded use would not occur so long as use of GIC water did not exceed the irrigation of seven (7) acres per share and no new irrigated or irrigable lands may be served by or added to the GIC system outside the historically irrigated lands. As such, no additional terms and conditions are required to assure that use of the subject share under this SWSP will not result in an expansion of use of the share should the Applicant reach their annual volumetric limit and cease diverting water. This position applies only to this SWSP and has no bearing on any position the State and Division Engineers may take in any pending or future water court case involving the change of this share or other GIC shares.

The water attributable to the subject GIC share will continue to be diverted at the Greeley No. 3 Canal headgate and delivered to the Cache la Poudre River through the 23rd Avenue Return (WDID 0302318). Water is returned to the river in the SW¼ of the NW¼ of Section 31, Township 6 North, Range 65 West of the 6th P.M., approximately 2.5 miles upstream of the point of depletions and upstream of the Ogilvy Ditch headgate, which is the first senior water right that could be injured by depletions from the Loloff Pit. A transit loss may be assessed by the water commissioner for the delivery of replacement water attributable to the subject share.

Loloff Section 4 Ditch

Loloff Construction, Inc. obtained a conditional water right in Division 1 Water Court case no. 1987CW153 for the diversion of 4 cfs through the Loloff Section 4 Ditch (WDID 0300754), with an appropriation date of March 15, 1987. The decreed point of diversion is in the SE¼ of the NW¼ of Section 4, Township 5 North, Range 65 West of the 6th P.M., approximately 700 feet South and 50 feet West of the north quarter corner of said Section 4. The decreed use of the water is the irrigation of 55 acres in the NW¼ of said Section 4 and augmentation water. When in priority, water is proposed to be diverted from the Loloff Section 4 Ditch into Loloff Reservoir, and pumped back to the Cache la Poudre River for replacement purposes. It is the understanding of this office that the measurement structure for the Loloff Section 4 Ditch is in disrepair and easily submerged. No water will be claimed under this right unless a working measurement structure to measure the delivery rate into

Loloff Reservoir has first been approved by the water commissioner. For purposes of this SWSP, no replacement water is projected to be available from the Loloff Section 4 Ditch.

Additional Sources

The Applicant requests the ability to add other replacement sources to this SWSP in the future. Additional sources of replacement water may only be used in this SWSP if the Applicant complies with the attached Division One Administration Protocol "Use of Replacement Sources Not Specifically Identified in an SWSP or Augmentation Plan".

Water Balance

A projection showing the monthly net lagged depletions from past mining and dewatering operations at the Loloff Pit and projected replacements and associated obligations for this plan period is provided in the attached Appendix B. The projection shows that there will be sufficient water available to replace all remaining depletions for each month of the plan period.

Long Term Augmentation

In accordance with the letter dated April 30, 2010 (copy 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. 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.

The approved reclamation plan for this site is reclamation to a lined reservoir with a surface area of approximately 46.94 acres. As previously indicated, the liner at the Loloff Pit has been approved by the State Engineer's Office, and the pit is now classified as a lined reservoir; however, ongoing depletions from past operations at the site will continue to impact the river for the duration of this plan period. Replacements must continue to be made pursuant to the terms and conditions of this SWSP either until all lagged depletions have been fully replaced in time, location, and amount, or until such time as replacement of all lagged depletions are included in a water court decreed plan for augmentation. Should the Applicant cease making the replacements required by this SWSP prior to either of the aforementioned events occurring, this office may seek to enforce the terms and conditions of the SWSP under the authority granted to the state engineer and division engineers by sections 37-92-501 and 37-92-502, C.R.S., and potential court action under section 37-92-503, C.R.S.

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 SWSP shall be valid for the period of November 1, 2023 through March 31, 2031, unless otherwise revoked or superseded by decree.

2. This SWSP does not authorize the exposure of any groundwater or any consumptive use of groundwater at the site. Any use of groundwater at the Loloff Pit site must first be approved by this office through an amendment to this SWSP.
3. Replacement of lagged depletions shall continue until there is no longer an effect on stream flow. This requirement shall be binding on the Applicant and all successors in interest.
4. 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. The Applicant is required to coordinate with the water commissioner the delivery location of replacement water to ensure out-of-priority depletions are adequately replaced to prevent injury to other water rights.
5. 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.
6. All deliveries of water to storage and deliveries of replacement water shall be measured in a manner acceptable to the division engineer. The Applicant shall install and maintain measuring devices as required by the division engineer for operation of this SWSP. Reservoir accounting must continue to be submitted for Loloff Reservoir (WDID 0303483). **No credit will be given for replacement water diverted through the Loloff Section 4 Ditch unless the measurement structure is first repaired and approved by the water commissioner.**
7. The Applicant is required to maintain the historical return flows attributable to the GIC share in accordance with the return flow factors as identified in this SWSP.
8. Approval of this SWSP does not in any way eliminate the obligation of the Applicant to comply with the by-laws that restrict use of the share identified in this SWSP. The use of the changed share in this SWSP must be consistent with any applicable ditch and/or reservoir company by-laws.
9. Diversions of the GIC share changed for replacement purposes under this SWSP are limited to the period of April 15 through October 31 and only when the canal is delivering irrigation water to other shareholders. Deliveries will be limited to an annual farm headgate delivery amount of 18.6 acre-feet per share.
10. The amount of water stored in Loloff Reservoir that is projected to be required to fully replace all remaining depletions associated with past mining and dewatering operations at the Loloff Pit site (416.17 acre-feet) and to replace non-irrigation season return flow obligations for the GIC share (17.2 acre-feet) must be reserved for replacement of depletions under this SWSP and cannot be used for any other purpose, including evaporation, or sold or leased to any other entity unless an updated projection is provided showing a revised amount of water needed to fully replace all depletions and return flow obligations. The replacement water must be appurtenant to the Loloff Pit site for the duration of this plan period unless this SWSP is superseded by a plan for augmentation. **A copy of this approval letter shall be recorded with the Weld County Clerk and Recorder.**
11. Additional sources of replacement water may only be used in this SWSP if the Applicant complies with the attached Division 1 - South Platte River Administrative Protocol: Use Of

Replacement Sources Not Specifically Identified In An SWSP or Augmentation Plan to ensure that the additional replacement sources are able to replace depletions in time, location and amount.

12. Conveyance loss for delivery of augmentation water is subject to assessment and modification as determined by the division engineer.

13. 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.

14. The Applicant shall provide daily accounting (including, but not limited to diversions, depletions, replacement sources, and river calls) on a monthly basis. 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 (https://dwr.state.co.us/Tools/reporting). Instructions for using the tool are available on the Division of Water Resources website on the "Services" → "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.

15. The Applicant shall perform an inspection of the 8.3 acres of dry-up area associated with the GIC share, submit a certification of that inspection, and provide a zipped GIS shapefile of the dried-up land as follows:

    - The Applicant's inspection of dry-up must be submitted on the *Dry-Up Report - Verified Statement to Division Engineer* form at the beginning of the irrigation season indicating planned dry-up and then again in the fall after the irrigation season confirming the planned dry-up was accomplished. A pdf map may be attached to that report. The Dry-Up Report form is available for download from the Division of Water Resources' website at: https://drive.google.com/drive/folders/1TF0alNt6f5fla0Xz_n1_iAGCg4xusRN2 (Water Administration → eForms Dashboard → South Platte: Dry up Certification). The Dry-Up Report must be signed by an individual with personal knowledge of the dry-up for the entire irrigation season for each parcel of land associated with the change of water right in this SWSP.
    - GIS shapefiles in a file format *.zip outlining the dry-up shall also be submitted at the same time as the Dry-Up Report. The GIS files must include any accompanying attribute data and the datum must be NAD83 and the UTM projection must be Zone 13N.
    - Submittals shall be made **by May 31 of each year** (2024 and 2025) for planned dry-up and **by October 31 of each year** (2023, 2024, and 2025) for dry-up confirmation. Submittals shall be made through the CDSS Online Reporting Tool (https://dwr.state.co.us/Tools/reporting). Two new Reporting Submittal Tool elements will be created for this SWSP: (1) Dry-up shapefile and (2) Dry-Up Report - Verified Statement. For additional assistance with Online Reporting Submittals, contact Dawn Ewing in the Division 1 office at dnr_div1accounting@state.co.us.

16. Should the depletions associated with the Loloff Pit site be included in a plan for augmentation decreed by the water court before the SWSP expiration date, the provisions of the decree will supersede this SWSP and this SWSP will be deemed to be no longer in effect, unless continued use during the term of the SWSP is specifically allowed by the decree. To the extent continued operation under the SWSP is granted by the court, the Applicant must comply with the decree condition(s) allowing such operation.
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. Should this SWSP expire or be revoked prior to replacement of all remaining lagged depletions, the Applicant will be subject to enforcement.
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 senior appropriators. As such, water quality data or analysis may be requested at any time to determine if the water quality is appropriate for downstream water users.
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 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.

If you have any questions concerning this approval, please contact Sarah Brucker in Denver at (303) 866-3581 ext. 8249 or Michael Hein in Greeley at (970) 352-8712.

Sincerely,

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

Attachments: Figure 1
Map 2
Tables 1-6
Appendix B - SWSP Projection
DRMS April 30, 2010 letter
Augmentation Plan Accounting Protocol
Division 1 - South Platte River Administrative Protocol: Use Of Replacement Sources Not Specifically Identified In An SWSP or Augmentation Plan

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

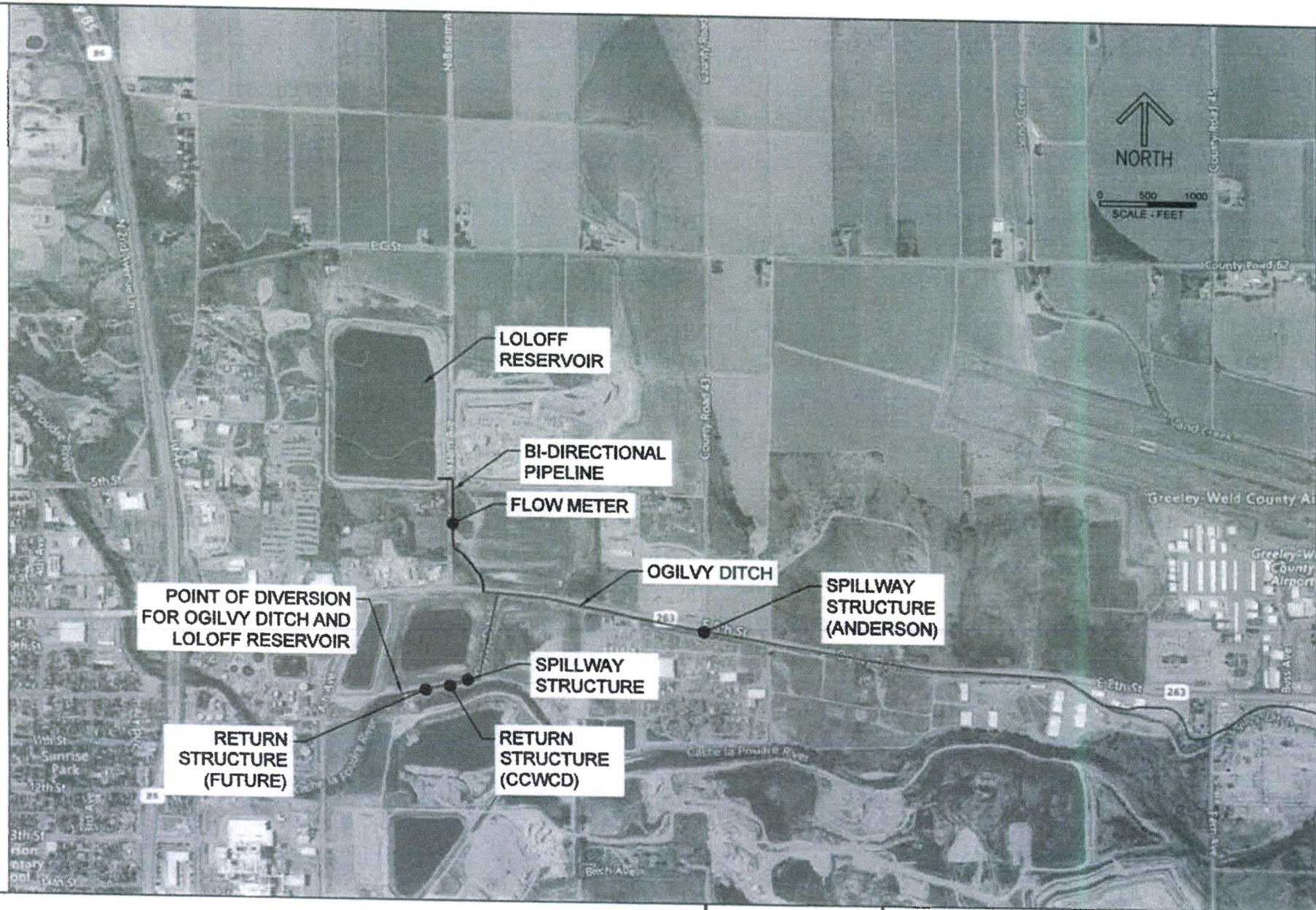
Mark Simpson, Water Commissioner, District 3, mark.simpson@state.co.us

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

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

Rob Zuber, Division of Reclamation Mining and Safety, rob.zuber@state.co.us

J.C. York, P.E., J&T Consulting, Inc., jcyork@j-tconsulting.com



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11/02/2023 10:54 AM R Fee:$148.00
Carly Koppes, Clerk and Recorder, Weld County , CO

NOCO ENGINEERING, INC. (970) 999-1499 FAX: (970) 353-8888 8209 W. 20TH ST., STE A GREELEY, CO 80634	**Ogilvy Irrigating & Land Co. Ogilvy Augmentation Co.**	FIGURE: 1
Date: October, 2023	General Location Map Loloff Pit Reservoir and Facilities	

Map 2. Dewatering Seep and Pond

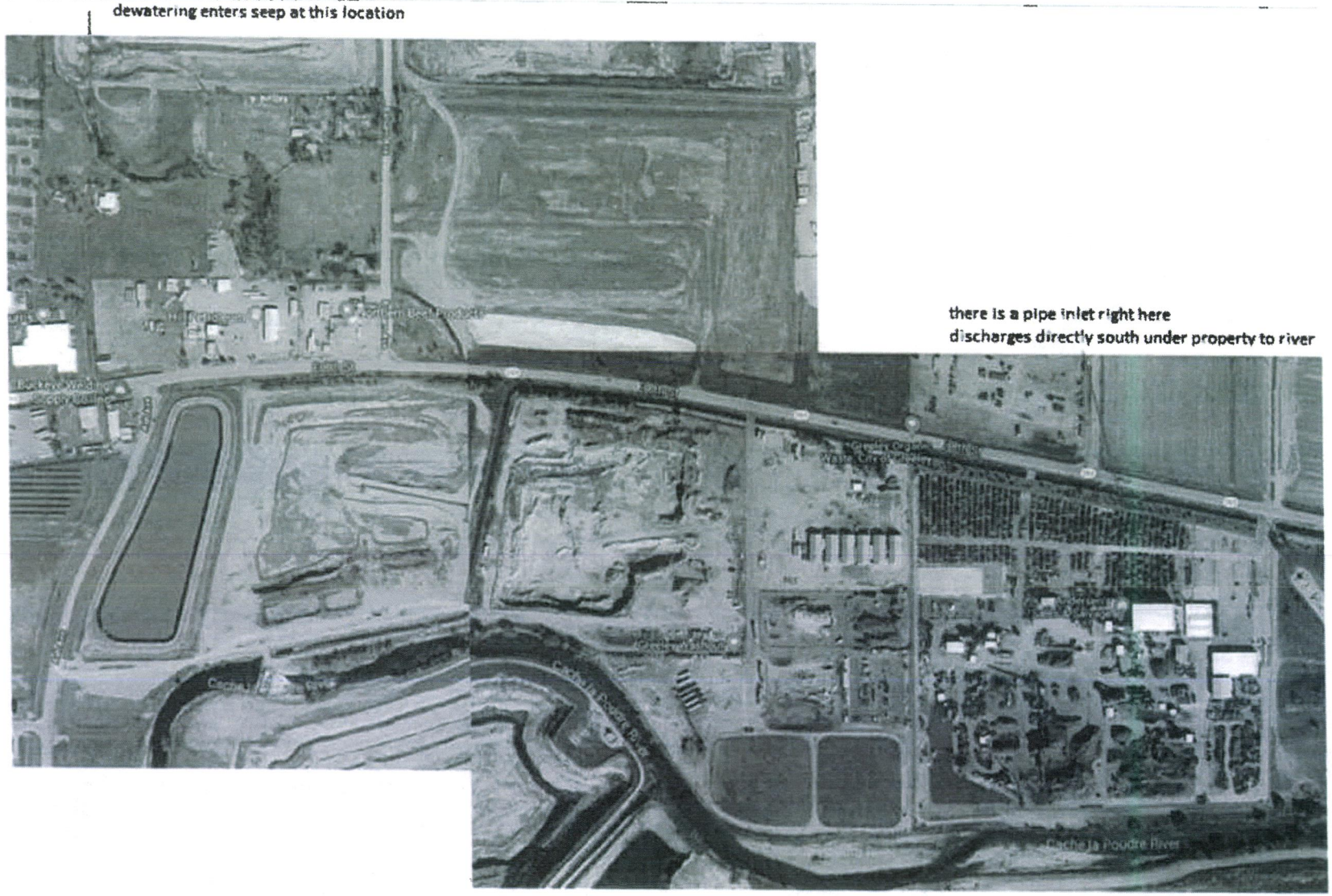

TABLE 1

Loloff Pit

Lagged Net Stream Depletions from Historical Operations

Excluding Lagged Accretions from Recharge Deliveries after 2019.

(acre-feet)

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
2022	0.00	0.00	0.00	23.73	23.06	22.40	21.76	21.15	20.54	19.96	19.38	18.84	190.82
2023	18.31	17.78	17.28	16.78	16.30	15.83	15.38	14.95	14.52	14.11	13.71	13.31	188.26
2024	12.94	12.57	12.20	11.87	11.53	11.19	10.87	10.57	10.26	9.97	9.68	9.41	133.07
2025	9.15	8.88	8.64	8.38	8.14	7.92	7.69	7.47	7.26	7.05	6.86	6.65	94.08
2026	6.47	6.28	6.10	5.93	5.76	5.59	5.44	5.28	5.14	4.98	4.85	4.70	66.53
2027	4.58	4.45	4.32	4.19	4.08	3.95	3.84	3.74	3.63	3.52	3.42	3.32	47.03
2028	3.23	3.13	3.05	2.97	2.87	2.79	2.71	2.63	2.57	2.49	2.42	2.34	33.22
2029	2.28	2.22	2.15	2.09	2.04	1.98	1.93	1.86	1.81	1.77	1.72	1.67	23.51
2030	1.62	1.57	1.53	1.48	1.45	1.40	1.36	1.32	1.28	1.25	1.20	1.17	16.64
2031	1.14	1.11	1.08	1.04	1.01	1.00	0.96	0.93	0.90	0.88	0.85	0.84	11.74
2032	0.80	0.79	0.75	0.74	0.72	0.69	0.67	0.66	0.64	0.63	0.61	0.59	8.30
2033	0.58	0.56	0.55	0.53	0.51	0.50	0.48	0.47	0.45	0.43	0.43	0.42	5.91
2034	0.40	0.39	0.39	0.37	0.35	0.35	0.34	0.34	0.32	0.31	0.31	0.29	4.14
2035	0.29	0.27	0.27	0.26	0.26	0.24	0.24	0.24	0.22	0.22	0.21	0.21	2.94
2036	0.21	0.19	0.19	0.19	0.18	0.18	0.18	0.16	0.16	0.16	0.14	0.14	2.09
2037	0.14	0.14	0.13	0.13	0.13	0.13	0.11	0.11	0.11	0.11	0.11	0.10	1.46
2038	0.10	0.10	0.10	0.10	0.10	0.08	0.08	0.08	0.08	0.08	0.08	0.08	1.04
2039	0.06	0.06	0.06	0.06	0.06	0.06	0.06	0.06	0.06	0.05	0.05	0.05	0.72
2040	0.05	0.05	0.05	0.05	0.05	0.05	0.05	0.05	0.03	0.03	0.03	0.03	0.51
2041	0.03	0.03	0.03	0.03	0.03	0.03	0.03	0.03	0.03	0.03	0.03	0.03	0.39
2042	0.03	0.03	0.02	0.02	0.02	0.02	0.02	0.02	0.02	0.02	0.02	0.02	0.22
2043	0.02	0.02	0.02	0.02	0.02	0.02	0.02	0.02	0.02	0.02	0.02	0.02	0.19
2044	0.02	0.02	0.02	0.02	0.02	0.02	0.02	0.02	0.02	0.02	0.02	0.02	0.19
2045	0.02	0.02	0.02	0.02	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.06

Note: Per Paul Weiss SWSP Calculations; net lagged depletions converted from SDF to AWAS.

TABLE 2

Loloff Pit

Lagged Net Stream Accretions from 50% of Releases made to natural channel

From Jan-2020 through Mar-2023

(acre-feet)

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
2022	2.83	2.81	2.72	2.82	3.39	5.13	7.11	7.42	7.54	7.24	6.25	6.97	62.23
2023	7.37	7.65	7.77	7.36	5.78	4.59	3.81	3.28	2.88	2.59	2.35	2.17	57.60
2024	2.01	1.89	1.78	1.69	1.61	1.54	1.48	1.42	1.37	1.32	1.28	1.24	18.63
2025	1.20	1.16	1.13	1.09	1.06	1.03	1.00	0.97	0.94	0.91	0.89	0.86	12.24
2026	0.84	0.81	0.79	0.77	0.75	0.72	0.70	0.68	0.66	0.65	0.63	0.61	8.61
2027	0.59	0.57	0.56	0.54	0.53	0.51	0.50	0.48	0.47	0.46	0.44	0.43	6.08
2028	0.42	0.41	0.39	0.38	0.37	0.36	0.35	0.34	0.33	0.32	0.31	0.30	4.28
2029	0.30	0.29	0.28	0.27	0.26	0.26	0.25	0.24	0.23	0.23	0.22	0.22	3.05
2030	0.21	0.20	0.20	0.19	0.19	0.18	0.18	0.17	0.17	0.16	0.16	0.15	2.16
2031	0.15	0.14	0.14	0.14	0.13	0.13	0.12	0.12	0.12	0.11	0.11	0.11	1.52
2032	0.10	0.10	0.10	0.10	0.09	0.09	0.09	0.09	0.08	0.08	0.08	0.08	1.08
2033	0.07	0.07	0.07	0.07	0.07	0.06	0.06	0.06	0.06	0.06	0.06	0.05	0.76
2034	0.05	0.05	0.05	0.05	0.05	0.05	0.04	0.04	0.04	0.04	0.04	0.04	0.54
2035	0.04	0.04	0.03	0.03	0.03	0.03	0.03	0.03	0.03	0.03	0.03	0.03	0.38
2036	0.03	0.03	0.02	0.02	0.02	0.02	0.02	0.02	0.02	0.02	0.02	0.02	0.26
2037	0.02	0.02	0.02	0.02	0.02	0.02	0.02	0.02	0.01	0.01	0.01	0.01	0.20
2038	0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.12
2039	0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.12
2040	0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.00	0.00	0.10
2041	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2042	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2043	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2044	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2045	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

TABLE 3

Loloff Pit

Lagged Net Stream Depletions, including lagged accretions resulting from Jan-2020 through Mar-2023 deliveries

(acre-feet)

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
2022				20.91	19.67	17.27	14.65	13.73	13.00	12.72	13.13	11.87	136.95
2023	10.94	10.13	9.51	9.42	10.52	11.24	11.57	11.67	11.64	11.52	11.36	11.14	130.66
2024	10.93	10.68	10.42	10.18	9.92	9.65	9.39	9.15	8.89	8.65	8.40	8.17	114.44
2025	7.95	7.72	7.51	7.29	7.08	6.89	6.69	6.50	6.32	6.14	5.97	5.79	81.84
2026	5.63	5.47	5.31	5.16	5.01	4.87	4.74	4.60	4.48	4.33	4.22	4.09	57.92
2027	3.99	3.88	3.76	3.65	3.55	3.44	3.34	3.26	3.16	3.06	2.98	2.89	40.95
2028	2.81	2.72	2.66	2.59	2.50	2.43	2.36	2.29	2.24	2.17	2.11	2.04	28.94
2029	1.98	1.93	1.87	1.82	1.78	1.72	1.68	1.62	1.58	1.54	1.50	1.45	20.46
2030	1.41	1.37	1.33	1.29	1.26	1.22	1.18	1.15	1.11	1.09	1.04	1.02	14.48
2031	0.99	0.97	0.94	0.90	0.88	0.87	0.84	0.81	0.78	0.77	0.74	0.73	10.22
2032	0.70	0.69	0.65	0.64	0.63	0.60	0.58	0.57	0.56	0.55	0.53	0.51	7.22
2033	0.51	0.49	0.48	0.46	0.44	0.44	0.42	0.41	0.39	0.37	0.37	0.37	5.15
2034	0.35	0.34	0.34	0.32	0.30	0.30	0.30	0.30	0.28	0.27	0.27	0.25	3.60
2035	0.25	0.23	0.24	0.23	0.23	0.21	0.21	0.21	0.19	0.19	0.18	0.18	2.56
2036	0.18	0.16	0.17	0.17	0.16	0.16	0.16	0.14	0.14	0.14	0.12	0.12	1.83
2037	0.12	0.12	0.11	0.11	0.11	0.11	0.09	0.09	0.10	0.10	0.10	0.09	1.26
2038	0.09	0.09	0.09	0.09	0.09	0.07	0.07	0.07	0.07	0.07	0.07	0.07	0.92
2039	0.05	0.05	0.05	0.05	0.05	0.05	0.05	0.05	0.05	0.04	0.04	0.04	0.60
2040	0.04	0.04	0.04	0.04	0.04	0.04	0.04	0.04	0.02	0.02	0.03	0.03	0.41
2041	0.03	0.03	0.03	0.03	0.03	0.03	0.03	0.03	0.03	0.03	0.03	0.03	0.39
2042	0.03	0.03	0.02	0.02	0.02	0.02	0.02	0.02	0.02	0.02	0.02	0.02	0.22
2043	0.02	0.02	0.02	0.02	0.02	0.02	0.02	0.02	0.02	0.02	0.02	0.02	0.19
2044	0.02	0.02	0.02	0.02	0.02	0.02	0.02	0.02	0.02	0.02	0.02	0.02	0.19
2045	0.02	0.02	0.02	0.02	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.06
													661.48

TABLE 4

Loloff Pit

Lagged Net Stream Depletions, including lagged accretions resulting from Jan-2020 through Mar-2023 deliveries

(Roll last 5% into Nov-2023 to Mar-2031)

(acre-feet)

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
2022				20.91	19.67	17.27	14.65	13.73	13.00	12.72	13.13	11.87	136.95
2023	10.94	10.13	9.51	9.42	10.52	11.24	11.57	11.67	11.64	11.52	12.31	12.07	132.53
2024	11.84	11.57	11.29	11.02	10.74	10.45	10.17	9.91	9.63	9.37	9.10	8.85	123.95
2025	8.61	8.36	8.13	7.90	7.67	7.46	7.25	7.04	6.84	6.65	6.46	6.27	88.64
2026	6.10	5.92	5.75	5.58	5.43	5.27	5.14	4.99	4.85	4.69	4.57	4.44	62.73
2027	4.32	4.20	4.07	3.95	3.84	3.73	3.62	3.53	3.42	3.31	3.23	3.13	44.36
2028	3.04	2.95	2.88	2.81	2.71	2.64	2.56	2.48	2.43	2.35	2.29	2.21	31.35
2029	2.14	2.09	2.03	1.97	1.93	1.86	1.82	1.76	1.72	1.66	1.62	1.57	22.16
2030	1.53	1.49	1.44	1.39	1.36	1.32	1.28	1.24	1.21	1.18	1.13	1.11	15.68
2031	1.00	0.98	0.95	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	2.92
												Total	***661.27***

Replacement Obligation under FINAL SWSP (Nov-2023 through Mar-2031): 416.17

TABLE 5

SUMMARY OF GIC CREDIT AND RETURN FLOW OBLIGATION
(1.00 Share)

GIC Direct	2024-25 Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Total
Projected Delivery (ac-ft/sh)	1.0	2.00	3.00	4.00	3.50	3.00	1.00	0.0	0.0	0.0	0.0	0.0	17.5
Projected Delivery (ac-ft)	1.0	2.0	3.0	4.0	3.5	3.0	1.0	0.0	0.0	0.0	0.0	0.0	17.5
Surface RF Factor	23.7%	23.7%	23.7%	23.7%	23.7%	23.7%	23.7%						
Surface Ret Obligation	0.24	0.47	0.71	0.95	0.83	0.71	0.24	0.00	0.00	0.00	0.00	0.00	4.1
GW RF (ac-ft/sh)	0.27	0.32	0.37	0.41	0.42	0.42	0.41	0.37	0.35	0.32	0.30	0.28	
GW Ret Obligation	0.3	0.3	0.4	0.4	0.4	0.4	0.4	0.4	0.4	0.3	0.3	0.3	4.2
Total Ret Obligation	0.5	0.8	1.1	1.4	1.3	1.1	0.6	0.4	0.4	0.3	0.3	0.3	8.4
CU Credit (Obligation)	0.5	1.2	1.9	2.6	2.2	1.9	0.4	(0.4)	(0.4)	(0.3)	(0.3)	(0.3)	9.1

Fossil Creek (acre-feet)	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Total
Projected Delivery (ac-ft/sh)	0.00	0.00	0.00	0.00	0.00	0.30	0.10	0.00	0.00	0.00	0.00	0.00	0.4
Projected Delivery (ac-ft)	0.0	0.0	0.0	0.0	0.0	0.3	0.1	0.0	0.0	0.0	0.0	0.0	0.4
Surface Ret	0.0	0.0	0.0	0.0	0.0	0.1	0.0	0.0	0.0	0.0	0.0	0.0	0.1
GW RF (ac-ft/sh)	0.009	0.008	0.007	0.009	0.015	0.015	0.013	0.012	0.011	0.010	0.010	0.009	
GW Ret Obligation	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.1
Total Ret Obligation	0.0	0.0	0.0	0.0	0.0	0.1	0.0	0.0	0.0	0.0	0.0	0.0	0.2
CU Credit (Obligation)	(0.0)	(0.0)	(0.0)	(0.0)	(0.0)	0.2	0.1	(0.0)	(0.0)	(0.0)	(0.0)	(0.0)	0.2

Total - GIC Direct + Fossil Creek (acre-feet)	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Total
CU Credit (Obligation)	0.49	1.20	1.91	2.64	2.23	2.09	0.42	(0.38)	(0.36)	(0.33)	(0.31)	(0.29)	9.3

TABLE 6

GIC GROUND WATER RETURN FLOW OBLIGATIONS

	Direct	Fossil Crk											
5-Avg Annual Net Delivery:	17.67	0.61	ac-ft/share										
	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Total
Days in Month	30	31	30	31	31	30	31	30	31	31	28	31	214
Direct Flow Obligation													
Monthly %	1.5%	1.8%	2.1%	2.3%	2.4%	2.4%	2.3%	2.1%	2.0%	1.8%	1.7%	1.6%	14.8%
GW Ret Obligation (af/sh)	0.265	0.318	0.371	0.406	0.424	0.424	0.406	0.371	0.353	0.318	0.300	0.283	2.615
GW Ret Obligation (mean cfs/sh)	0.004	0.005	0.006	0.007	0.007	0.007	0.007	0.006	0.006	0.005	0.005	0.005	
Fossil Creek Res Obligation													
Monthly %	1.4%	1.3%	1.2%	1.5%	2.4%	2.5%	2.1%	2.0%	1.8%	1.7%	1.6%	1.5%	12.4%
GW Ret Obligation (af/sh)	0.0086	0.0080	0.0074	0.0092	0.0147	0.0153	0.0129	0.0123	0.0110	0.0104	0.0098	0.0092	0.0761
GW Ret Obligation (mean cfs/sh)	0.0001	0.0001	0.0001	0.0001	0.0002	0.0003	0.0002	0.0002	0.0002	0.0002	0.0002	0.0001	
Combined Total													
GW Ret Obligation (af/sh)	0.27	0.33	0.38	0.42	0.44	0.44	0.42	0.38	0.36	0.33	0.31	0.29	2.69

Historical Deliveries

	Per Share Delivery GIC Direct	Per Share Delivery Fossil Crk	Loloff Shares
2019	16.88	0.00	1.00
2020	22.06	1.08	1.00
2021	15.51	0.93	1.00
2022	16.44	1.06	1.00
2023	17.46	0.00	1.00
5-Yr Avg	**17.67**	**0.61**	**1.00**

APPENDIX B

SWSP PROJECTION

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11/02/2023 10:54 AM R Fee:$148.00
Carly Koppes, Clerk and Recorder, Weld County , CO

Loloff Pit SWSP Operations

(acre-feet)

Loloff Pit Obligations

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
2023											12.31	12.07	24.38
2024	11.84	11.57	11.29	11.02	10.74	10.45	10.17	9.91	9.63	9.37	9.10	8.85	123.95
2025	8.61	8.36	8.13	7.90	7.67	7.46	7.25	7.04	6.84	6.65	6.46	6.27	88.64
2026	6.10	5.92	5.75	5.58	5.43	5.27	5.14	4.99	4.85	4.69	4.57	4.44	62.73
2027	4.32	4.20	4.07	3.95	3.84	3.73	3.62	3.53	3.42	3.31	3.23	3.13	44.36
2028	3.04	2.95	2.88	2.81	2.71	2.64	2.56	2.48	2.43	2.35	2.29	2.21	31.35
2029	2.14	2.09	2.03	1.97	1.93	1.86	1.82	1.76	1.72	1.66	1.62	1.57	22.16
2030	1.53	1.49	1.44	1.39	1.36	1.32	1.28	1.24	1.21	1.18	1.13	1.11	15.68
2031	1.00	0.98	0.95	0	0	0	0	0	0	0	0	0	2.92

Derr Pit Obligations

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
2023											2.36	2.31	4.67
2024	2.22	2.09	2.17	2.19	2.32	2.41	2.59	0	0	0	0	0	15.99
2025	0	0	0	0	0	0	0	0	0	0	0	0	0.00

GIC Credit (Obligation)

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
2023											(0.38)	(0.36)	(0.75)
2024	(0.33)	(0.31)	(0.29)	0.49	1.20	1.91	2.64	2.23	2.09	0.42	(0.38)	(0.36)	9.30
2025	(0.33)	(0.31)	(0.29)	0.49	1.20	1.91	2.64	2.23	2.09	0.42	(0.38)	(0.36)	9.30

Loloff BOM Storage

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
2023										1867.0	1858.2	1838.2
2024	1819.7	1801.6	1783.3	1762.7	1739.0	1712.4	1683.9	1655.7	1631.8	1612.3	1595.0	1580.8
2025	1568.1	1555.6	1542.8	1528.0	1510.0	1489.7	1467.3	1445.5	1425.2	1409.1	1394.9	1383.5
2026	1373.5	1364.1	1354.2	1342.3	1326.7	1307.9	1286.6	1264.9	1245.1	1229.3	1217.1	1208.1
2027	1200.5	1192.9	1184.9	1175.0	1161.4	1144.6	1125.5	1106.0	1088.2	1074.3	1063.7	1056.3
2028	1050.0	1043.9	1037.3	1028.8	1016.7	1001.6	984.1	966.3	950.1	937.6	928.2	921.9
2029	916.7	911.5	906.0	898.4	887.5	873.7	857.4	840.9	825.9	814.4	806.0	800.5
2030	796.0	791.6	786.7	779.9	769.9	757.0	741.8	726.2	712.2	701.6	693.8	688.9
2031	685.0	681.2	676.9									

Combined Obligations after GIC Delivery (Derr Pit plus Loloff Pit)

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
2023											15.05	14.74	29.79
2024	14.39	13.97	13.75	12.72	11.86	10.95	10.13	7.67	7.54	8.95	9.48	9.21	130.64
2025	8.94	8.67	8.43	7.41	6.47	5.55	4.61	4.81	4.75	6.23	6.85	6.63	79.34
2026	6.10	5.92	5.75	5.58	5.43	5.27	5.14	4.99	4.85	4.69	4.57	4.44	62.73
2027	4.32	4.20	4.07	3.95	3.84	3.73	3.62	3.53	3.42	3.31	3.23	3.13	44.36
2028	3.04	2.95	2.88	2.81	2.71	2.64	2.56	2.48	2.43	2.35	2.29	2.21	31.35
2029	2.14	2.09	2.03	1.97	1.93	1.86	1.82	1.76	1.72	1.66	1.62	1.57	22.16
2030	1.53	1.49	1.44	1.39	1.36	1.32	1.28	1.24	1.21	1.18	1.13	1.11	15.68
2031	1.00	0.98	0.95										2.92

Loloff Surface Area (ac)

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
2023								0.00	0.00	43.15	42.76	42.76
2024	42.38	42.38	42.38	41.99	41.99	41.61	41.23	41.23	40.85	40.85	40.47	40.47
2025	40.47	40.10	40.10	40.10	39.72	39.72	39.35	39.35	38.98	38.98	38.61	38.61
2026	38.61	38.61	38.24	38.24	38.24	37.87	37.87	37.51	37.51	37.15	37.15	37.15
2027	37.15	36.78	36.78	36.78	36.78	36.42	36.42	36.07	36.07	35.71	35.71	35.71
2028	35.71	35.35	35.35	35.35	35.35	35.00	35.00	34.65	34.65	34.65	34.29	34.29
2029	34.29	34.29	34.29	34.29	33.94	33.94	33.59	33.59	33.59	33.25	33.25	33.25
2030	33.25	33.25	33.25	32.90	32.90	32.90	32.55	32.55	32.21	32.21	32.21	32.21
2031	32.21	32.21	31.86									

Evaporative Loss (ft/mo)

	0.088	0.102	0.160	0.263	0.350	0.423	0.438	0.394	0.292	0.204	0.117	0.088	2.917

Evaporative Loss (ac-ft)

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
2023								0.00	0.00	8.81	4.99	3.74	17.54
2024	3.71	4.33	6.80	11.02	14.70	17.60	18.04	16.23	11.91	8.34	4.72	3.54	120.94
2025	3.54	4.09	6.43	10.53	13.90	16.80	17.22	15.49	11.37	7.96	4.50	3.38	115.21
2026	3.38	3.94	6.13	10.04	13.38	16.02	16.57	14.77	10.94	7.58	4.33	3.25	110.34
2027	3.25	3.75	5.90	9.65	12.87	15.40	15.93	14.20	10.52	7.29	4.17	3.12	106.07
2028	3.12	3.61	5.67	9.28	12.37	14.80	15.31	13.64	10.11	7.07	4.00	3.00	102.00
2029	3.00	3.50	5.50	9.00	11.88	14.35	14.70	13.23	9.80	6.79	3.88	2.91	98.53
2030	2.91	3.39	5.33	8.64	11.52	13.91	14.24	12.82	9.39	6.58	3.76	2.82	95.31
2031	2.82	3.29	5.11										11.22

EOM Storage

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
2023								0.0	0.0	1858.2	1838.2	1819.7
2024	1801.6	1783.3	1762.7	1739.0	1712.4	1683.9	1655.7	1631.8	1612.3	1595.0	1580.8	1568.1
2025	1555.6	1542.8	1528.0	1510.0	1489.7	1467.3	1445.5	1425.2	1409.1	1394.9	1383.5	1373.5
2026	1364.1	1354.2	1342.3	1326.7	1307.9	1286.6	1264.9	1245.1	1229.3	1217.1	1208.1	1200.5
2027	1192.9	1184.9	1175.0	1161.4	1144.6	1125.5	1106.0	1088.2	1074.3	1063.7	1056.3	1050.0
2028	1043.9	1037.3	1028.8	1016.7	1001.6	984.1	966.3	950.1	937.6	928.2	921.9	916.7
2029	911.5	906.0	898.4	887.5	873.7	857.4	840.9	825.9	814.4	806.0	800.5	796.0
2030	791.6	786.7	779.9	769.9	757.0	741.8	726.2	712.2	701.6	693.8	688.9	685.0
2031	681.2	676.9	670.9									

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

COLORADO DIVISION OF RECLAMATION MINING & SAFETY

April 30, 2010

Loloff Construction, Inc.
P.O. Box 518
206 Hill St.
Kersey, CO 806440000

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: M1985112 Loloff Mine

COLORADO
Division of Water Resources
Department of Natural Resources

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.

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1. Background and definitions

A thorough description of augmentation plans for well pumping is available in the Beginners Guide to 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 CDSS Accounting and Reporting Uploader tool. 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.[1]

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	Michelle.Lanzoni@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	10 days after the end of the reporting month unless approved for annual submission (by November 15)
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

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

[1] 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 example and screenshots section 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).[2]

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]

[2] Colorado Decision Support System Tools (https://dwr.state.co.us/Tools) 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[3] [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[4], 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
i. 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):

[3] 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.
[4] Resetting a meter may be prohibited by local well measurement rules.

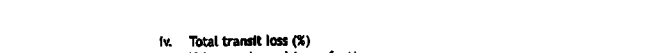
6. Power meter reading [this is the "input" that will change regularly]
8. Power Meter information
a. PCC

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 REST 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 Diversion Records Standard. 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.

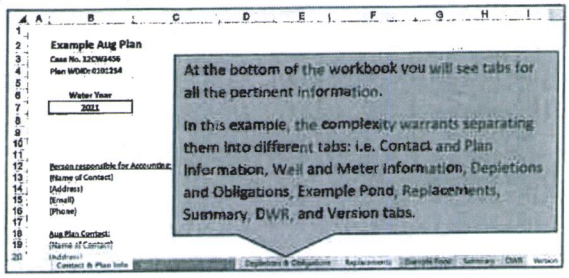
h. When there are multiple stream reaches involved, organize accounting from upstream to downstream.

i. Footnotes should be utilized, as necessary, to describe the basis for formulas, calculations imposed on the raw input data, and column descriptions.

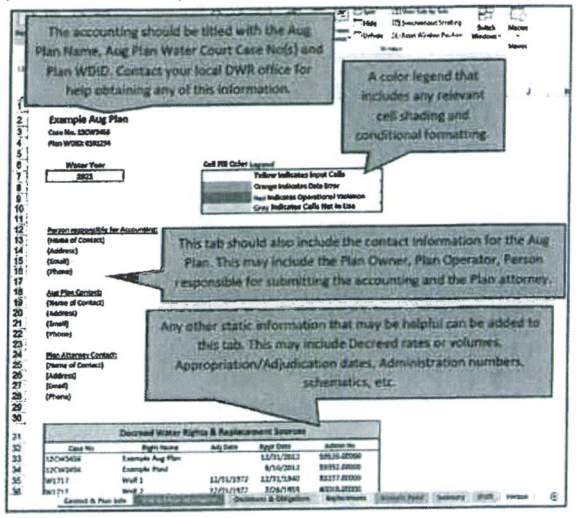
6. Example, Screenshots, and Spreadsheet Templates

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.

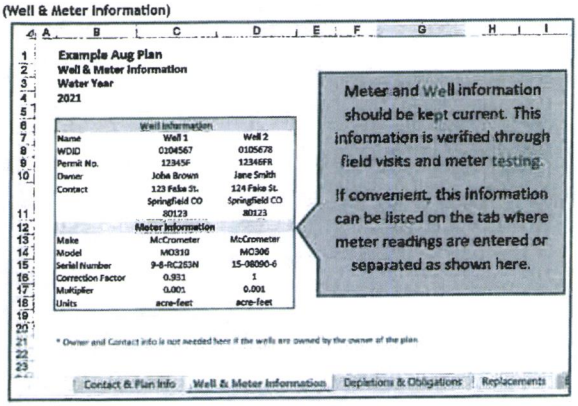
a. (List of relevant tabs)



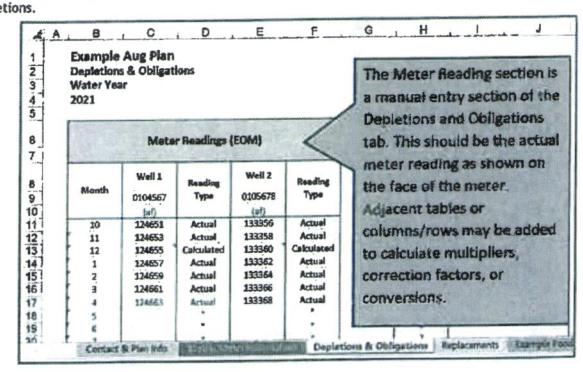
b. (Contact & Plan Information)



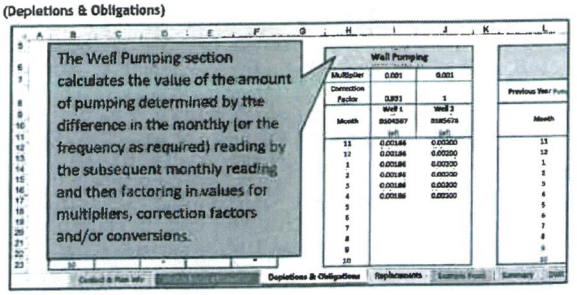
c. (Well & Meter Information)



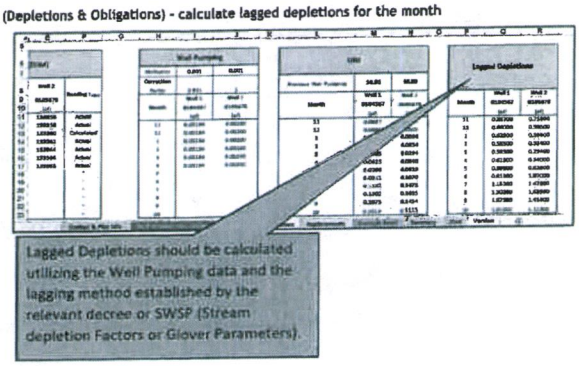
d. (Depletions & Obligations) - In this example, the Depletions & Obligations tab includes cells for entering meter readings, calculating well pumping over the period, and converting that to lagged depetions.



e. (Depletions & Obligations)

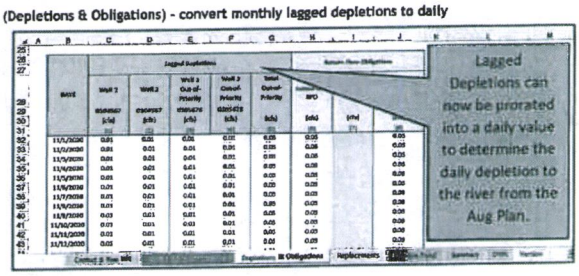


f. (Depletions & Obligations) - calculate lagged depletions for the month



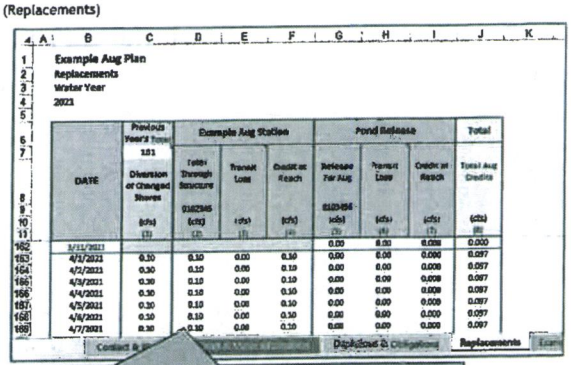
Lagged Depletions should be calculated utilizing the Well Pumping data and the lagging method established by the relevant decree or SWSP (Stream depletion Factors or Glover Parameters).

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



Lagged Depletions can now be prorated into a daily value to determine the daily depletion to the river from the Aug Plan.

h. (Replacements)

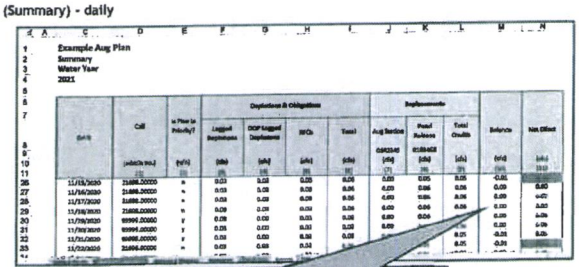


Example Aug Plan
Replacements
Water Year
2021

DATE	Previous Year's Total 101 Diversion or Changed Shares (cfs) (1)	Example Aug Station Total Through Structure 0102585 (cfs) (2)	Example Aug Station Transit Loss (cfs) (3)	Example Aug Station Credit at Reach (cfs) (4)	Pond Release Release For Aug 0102494 (cfs) (5)	Pond Release Transit Loss (cfs) (6)	Pond Release Credit at Reach (cfs) (7)	Total Total Aug Credits (cfs) (8)
3/31/2021					0.00	0.00	0.000	0.000
4/1/2021	0.30	0.10	0.00	0.10	0.00	0.00	0.000	0.097
4/2/2021	0.30	0.10	0.00	0.10	0.00	0.00	0.000	0.097
4/3/2021	0.30	0.10	0.00	0.10	0.00	0.00	0.000	0.097
4/4/2021	0.30	0.10	0.00	0.10	0.00	0.00	0.000	0.097
4/5/2021	0.30	0.10	0.00	0.10	0.00	0.00	0.000	0.097
4/6/2021	0.30	0.10	0.00	0.10	0.00	0.00	0.000	0.097
4/7/2021	0.30	0.10	0.00	0.10	0.00	0.00	0.000	0.097

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

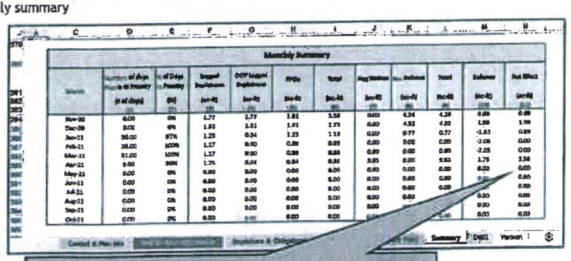
i. (Summary) - daily



Example Aug Plan
Summary
Water Year
2021

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.

ADMINISTRATION PROTOCOL

Use Of Replacement Sources Not Specifically Identified In An SWSP Or Augmentation Plan

Division One – South Platte River

This protocol addresses the minimum standards required for use of a source of replacement water not specifically described in an SWSP or augmentation plan.

- Request to the Division Engineer and Water Commissioner must be in writing and must include:
  - the augmentation plan or SWSP provision in the purchasers plan that allows an unnamed source to be added to the plan for credit
  - the decree provision or SWSP provision in the sellers plan that allows water to be sold for use in the purchasers plan
  - the annual and monthly amount of water available from the water right to be used for replacement
  - the location at which the water will be delivered to the stream
  - a lease agreement between the seller and purchaser of the replacement water
- Applicant shall have written approval from the Division Engineer or Water Commissioner before an unnamed source is added to an augmentation plan or SWSP.
- Applicant must comply with the Augmentation Plan Accounting Protocol and, if appropriate, the Delivery of Water Protocol.

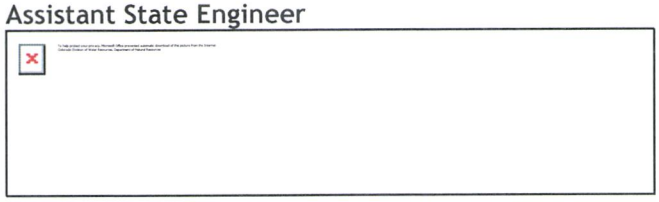
This protocol is subordinate to any decreed language addressing specific situations.

JC York

From: Brucker - DNR She Her, Sarah <sarah.brucker@state.co.us>
Sent: Thursday, November 2, 2023 1:38 PM
To: JC York
Cc: Zuber - DNR, Rob; Kelly Hodge
Subject: Re: FW: Loloff Mine and DWR

The recorded copy of the SWSP Approval has been received, thank you.

Sarah Brucker
Assistant State Engineer



P 303-866-3581 x 8249
1313 Sherman St., Suite 821 Denver CO 80203
sarah.brucker@state.co.us | https://dwr.colorado.gov

On Thu, Nov 2, 2023 at 1:35 PM JC York <jcyork@j-tconsulting.com> wrote:

> Sarah –
>
> Could you respond back to this e-mail that Rob Zuber is copied on to let him know that you have received the recorded copy of the SWSP? Doug Seeley had sent it over to you this morning and I was copied on that e-mail but wanted to make sure you received it from him as well. I also attached the recorded copy for reference with the Weld County reception number on the document.
>
> Regards,
>
> J.C.
>
> J.C. York, P.E.
>
> **J&T Consulting, Inc.**
>
> 305 Denver Avenue, Suite D

Fort Lupton, CO 80621

Office: (303) 857-6222

Mobile: (970) 222-9530

FAX: (303) 857-6224

From: Zuber - DNR, Rob <rob.zuber@state.co.us>
Sent: Thursday, November 2, 2023 12:52 PM
To: JC York <jcyork@j-tconsulting.com>; Kelly Hodge <kahodge1@comcast.net>
Subject: Re: Loloff Mine and DWR

Hi, JC and Kelly -

I have a couple requests:

1. Please submit this through the DRMS ePermitting system.
2. Let me know if the SWSP has been recorded. This is based on a comment from Sarah Brucker at DWR:

"We would like to see evidence that the SWSP has been recorded before signing off on any bond release request."

It would be good to have this evidence before submitting your surety release application.

Thanks,

Rob

Rob Zuber, P.E.

Environmental Protection Specialist

Active Mines Regulatory Program

I am working remotely and can be reached by cell at 720.601.2276.

Physical Address:

1313 Sherman Street, Room 215

Denver, CO 80203

Mailing Address:

Division of Reclamation, Mining and Safety, Room 215

1001 East 62nd Avenue

Denver, CO 80216

rob.zuber@state.co.us | http://drms.colorado.gov

On Thu, Nov 2, 2023 at 12:32 PM JC York <jcyork@j-tconsulting.com> wrote:

> Rob –
>
> Attached is our letter for release of the bond and release of the permit. I have also attached the recorded SWSP per Sarah's direction to Ogilvy which they also provided to her today. I believe you were also copied on the approval of the plan from Sarah. Let me know if you need anything else.
>
> Regards,
>
> J.C.
>
> J.C. York, P.E.

J&T Consulting, Inc.

305 Denver Avenue, Suite D

Fort Lupton, CO 80621

Office: (303) 857-6222

Mobile: (970) 222-9530

FAX: (303) 857-6224

From: JC York
Sent: Thursday, May 11, 2023 10:50 AM
To: Zuber - DNR, Rob <rob.zuber@state.co.us>
Subject: RE: Loloff Mine and DWR

Rob –

Thanks I will coordinate with her, Ogilvy, and Kelly to see what we can get figured out. I am sure they can get a SWSP put together to run through 2027 that will work for Sarah and then we can get the SO application going.

Regards,

J.C.

J.C. York, P.E.

J&T Consulting, Inc.

305 Denver Avenue, Suite D

Fort Lupton, CO 80621

Office: (303) 857-6222

Mobile: (970) 222-9530

FAX: (303) 857-6224

From: Zuber - DNR, Rob <rob.zuber@state.co.us>
Sent: Thursday, May 11, 2023 10:42 AM
To: JC York <jcyork@j-tconsulting.com>
Subject: Loloff Mine and DWR

Hi, JC -

We received the following from Sarah Brucker at DWR. Please coordinate with her on this issue. Let me know if you have questions on an SO application.

Thanks,

Rob

I think we would be willing to consider some alternatives in this case. We would still want the site to be covered by a substitute water supply plan that had an approval period through 2027, but that could be done in a single final substitute water supply plan that covered the next 3 years, instead of having to come back and renew it on an annual basis. We would likely want Ogilvy, as the owner of the land and of the water proposed to be used as the primary replacement source, to be the applicant or co-applicant in such an SWSP. And we may want some sort of "dedication" of the replacement water source, although we would likely want to consult with our AG's about if that is necessary and what we would want that to look like. It would probably also be good for the SWSP to allow the use of additional, unnamed sources in the event that they are unable to store as much water in the reservoir as they anticipated and need to make replacements from other water sources owned or controlled by Ogilvy or Loloff. If we obtained a final substitute water supply plan approval and any additional dedications or agreements deemed necessary, I believe we could be comfortable with releasing the bond for the site.

Rob Zuber, P.E.

Environmental Protection Specialist

Active Mines Regulatory Program

I am working remotely and can be reached by cell at 720.601.2276.

Physical Address:

1313 Sherman Street, Room 215

Denver, CO 80203

Mailing Address:

Division of Reclamation, Mining and Safety, Room 215

1001 East 62nd Avenue

Denver, CO 80216

rob.zuber@state.co.us | http://drms.colorado.gov

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Retail

UNITED STATES POSTAL SERVICE®

RDC 99

FROM:

J+T Consulting, Inc
305 Denver Ave, Suite D
Ft. Lupton CO 80621

DRMS, Rm 215
Attn: Rob Zuber
1001 E. 62nd Ave
Denver CO 80216