

March 24, 2025

Douglas C. Seely, P.E.

NOCO Engineering, Inc.

8209 W. 20th Street, Suite A

Greeley, CO 80634

Re: East 8th Street Substitute Water Supply Plan (WDID 0302562, Plan ID 4701)

East 8th Street Pit, DRMS Permit No. M-2000-082 (WDID 0303016)

S½ Section 4, T5N, R65W, 6th P.M.

Water Division 1, Water District 3, Weld County

Approval Period: April 1, 2025 through March 31, 2026

Contact information for Mr. Seely: 970-452-1459; doug@nocoengineering.com

Dear Mr. Seelv:

We have received your letter dated January 30, 2025, requesting renewal of the above referenced substitute water supply plan ("SWSP") in accordance with section 37-90-137(11), C.R.S., to cover depletions caused by the East 8th Street Pit sand and gravel mining operation. The required fee of \$257 for the renewal of this SWSP has been submitted (receipt no. 10040494). This pit was previously included in the Aggregate Industries Combined SWSP (WDID 0202565) but has been covered under a separate SWSP since November 1, 2012. The site was recently acquired by the Ogilvy Irrigating and Land Company and H2 Investments, LLC ("Applicant"). The current permittee for the East 8th Street Pit (M-2000-082) is Superior Oilfield Services Co., LTD. The State Engineer's Office



will hold the permit designee of the operation as filed with the Division of Reclamation Mining and Safety responsible for compliance with this SWSP, but reserves the right to also pursue the landowner for eventual compliance.

SWSP Operation

The East 8th Street Pit (WDID 0303016) is located just east of the City of Greeley in the south half of Section 4, Township 5 North, Range 65 West of the 6th P.M., as shown on the attached Figure 1. Both the east cell and the west cell of the pit have been fully mined out and reclamation is ongoing. Dewatering of the west cell ceased in July 2016 and was allowed to refill over the following three months (August through October 2016). Dewatering of the west cell restarted in November 2016, and continued through January 2017. During February and March of 2017, the water table was below the level of the pit therefore no pumping was required for dewatering and the pit did not refill with water. The west cell was dewatered again during April 2017, and was filled during free river conditions in May and June, eliminating the need to account for an "intermittent fill" of the pit in 2017. Mining and dewatering operations switched to the east cell beginning in August 2017. Dewatering of the east cell ceased in August 2018, but a low level of groundwater exposure in the east cell was observed in January 2025. No mining is proposed to occur during this plan period. Depletions at the East 8th Street Pit during this plan period will be limited to evaporation from exposed groundwater surface areas, ongoing lagged depletions associated with past operational and evaporative consumptive use at the site, and lagged depletions due to the cessation of dewatering at the site. The replacement source proposed to be utilized in this SWSP is water currently stored in Loloff Reservoir (WDID 0303483).

Depletions

The total exposed groundwater surface area at this site is expected to be approximately 10 acres during this plan period, consisting solely of 8.8 acres of groundwater exposed in the west cell and 1.2 acres in the east cell. Net evaporative loss was determined to be 2.92 feet per exposed acre, as approved in previous SWSPs. This value was calculated using a gross

annual evaporation of 45 inches from the exposed water surface, with a credit of 9.9 inches for effective precipitation, based on average annual precipitation of 14.14 inches for the Greeley UNC weather station. The value of 14.14 inches of average annual precipitation appears to be based on a period of record of 1967-1998, but is less than the average annual precipitation for both the full period of record (1967-2024) and for the most recent ten years with data available (2014-2024) and therefore is acceptable for the purposes of this SWSP. Net evaporative losses at the East 8th Street Pit are therefore estimated to total 29.2 acre-feet for the 10 acres of groundwater exposed at the site for this plan period.

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No material is proposed to be mined and no groundwater is proposed to be used for dust control purposes at the site during this plan period.

After cessation of dewatering the west cell in July 2016, the west cell filled to a depth of approximately 4 feet with a surface area of 7 acres, for a total fill volume of 28 acre-feet. It was assumed that the refilling occurred evenly over the three-month period of August, and September, and October 2016. All lagged depletions associated with the temporary refilling of the west cell have been replaced as of August 31, 2022.

The IDS Alluvial Water Accounting System (AWAS) analytical stream depletion model, which uses the Glover method, was used to calculate the lagged depletions to the Cache la Poudre River. The following parameters were used in the model: transmissivity (T) = 120,000 gallons per day per foot, specific yield (SY) = 0.2, the distance from the river to the edge of the alluvium = 11,000 feet, and the distance from the centroid of the exposed groundwater surface areas to the river = 600 feet. Lagged depletions resulting from past consumptive use at the site that are projected to impact the river during this plan period were determined to equal 29.01 acre-feet.

Dewatering of the east cell ceased in August of 2018. As long as the pit was continuously dewatered, the water returned to the stream system was sufficient to offset the depletions attributable to the dewatering operations. However, once dewatering at the site ceased, delayed depletions from past dewatering continued to impact the river. Previous SWSPs

were approved on the assumption that dewatering was ongoing at the east cell, therefore these lagged dewatering depletions did not get accounted for or replaced at the time they impacted the river. Based on the submitted accounting and AWAS parameters identified above, there were a total of 41 acre-feet of lagged depletions from past dewatering operations that impacted the stream between August 2018 and October 31, 2020 that were not replaced under previous substitute water supply plans. Of that amount, approximately 14 acre-feet impacted the stream during periods of no call and did not require replacement. The remaining 27 acre-feet of lagged dewatering depletions impacted the stream during periods of call and were replaced to the river during the 2020-2021 plan period. There are a total of 0.52 acre-feet of lagged depletions from past dewatering operations that will impact the stream during this plan period which will be replaced during the month they are calculated to impact the river.

The total amount of depletions that must be replaced under this SWSP therefore equals 29.53 acre-feet, as shown in the attached Table 1. Columns A through F of Table 1 show the monthly breakdown of evaporative losses and lagged depletions. Depletions from the East 8th Street Pit are assumed to impact the Cache la Poudre River directly adjacent to the pit in the S½ of the S1/2 of Section 4, Township 5 North, Range 65 West of the 6th P.M., approximately 4.5 miles upstream of the confluence of the Cache la Poudre River with the South Platte River.

Replacements

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 1,980.5 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 13.2 acre-feet of stored water for the replacement of depletions under the Derr Pit SWSP (WDID 0302547, Plan ID 5240) over the period of February 2025 through July 2025 and a total of 81.31 acre-feet of stored water for the replacement of depletions under the Loloff Pit SWSP (WDID 0302524) over this SWSP period (April 1, 2025 - March 31, 2026). In

addition, it is anticipated that a maximum of 114.6 acre-feet of water will be lost to evaporation over the duration of this SWSP (April 1, 2025 - March 31, 2026) as shown in the Appendix B - SWSP Projection for the Loloff Pit SWSP, 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 1,771.44 acre-feet (1,980.5 - 13.2 - 81.31 -114.6 = 1,771.40).

During irrigation season, releases from the reservoir will be made through a permanent pipeline for conveyance to the Ogilvy Ditch and subsequent return to the Cache la Poudre River. Water will be released to the river via Central Colorado Water Conservancy District's (CCWCD) return structure, of which the Ogilvy Irrigating and Land is entitled to a minimum of 4 cfs of capacity. During the winter months when the Ogilvy Ditch is not operating, the releases may be returned to the river from the Ogilvy Ditch through any one of three structures as shown on the attached Figure 1.

A stage-area-storage capacity table has been provided to this office, and a staff gage has been installed in Loloff 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. No transit losses will be assessed because the point of delivery is the same as the point of depletions.

The monthly schedule of proposed replacement deliveries, transit loss, and overall water balance is shown in columns G through I of the attached Table 1.

Long Term Augmentation

In accordance with the letter dated April 30, 2010 from the Colorado Division of Reclamation, Mining, and Safety ("DRMS"), all sand and gravel mining operators must comply with the requirements of the Colorado Reclamation Act and the Mineral Rules and Regulations for the protection of water resources. The April 30, 2010 letter from DRMS requires that you provide information to DRMS to demonstrate you can replace long-term

injurious stream depletions that result from mining-related exposure of groundwater. The East 8th Street Pit is proposed to be reclaimed as two open water lakes or reservoirs. In accordance with approach number 1, Superior Oilfield Services Co., LTD, has submitted a financial warranty in the amount of \$61,870 for the East 8th Street operation, which the Mined Land Reclamation Board has determined equals the remaining costs of reclamation. Pursuant to the purchase agreement, Ogilvy has the long-term augmentation responsibility for this site.

Conditions of Approval

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

- 1. This SWSP shall be valid for the period of April 1, 2025 through March 31, 2026, as requested, unless otherwise revoked or superseded by decree. If either lagged or projected depletions will extend beyond the plan's expiration date, a renewal request must be submitted to this office with the statutory fee (currently \$257) prior to the expiration date but no later than February 1, 2026. If a renewal request is received after the expiration date of this plan, it may be considered a request for a new SWSP, in which case a filing fee of \$1,593 will be required.
- 2. The Applicant must replace all lagged depletions resulting from operation under this SWSP, including those lagged depletions that occur to the stream after the expiration date of this SWSP.
- 3. Well permit no. 82986-F was obtained for the current use and exposed pond surface area of the East 8th Street Pit in accordance with sections 37-90-137(2) and (11), C.R.S., in conjunction with this SWSP.
- 4. The total surface area of the groundwater exposed at the East 8th Street Pit site during this plan period must not exceed 10 acres, which results in an annual net evaporative loss of 29.2 acre-feet.

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5. Total consumption at the East 8th Street Pit must not exceed this amount unless an amendment is made to this plan.

- 6. Approval of this plan is limited to replacement of evaporative losses from exposed groundwater surface areas and lagged depletions from past mining and dewatering operations. This office must first approve any additional uses of groundwater at the site.
- 7. The replacement water that is the subject of this plan cannot be sold or leased to any other entity. As a condition of subsequent renewals of this substitute water supply plan, the replacement water must be appurtenant to this site until a plan for augmentation is obtained.
- 8. 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.
- 9. In order to prevent injury to other water rights, the division engineer and water commissioner must be able to administer Applicant's replacement water past headgates on the river at times when those headgates would otherwise be legally entitled to divert all available flow in or "sweep" the South Platte River or its tributaries. Applicant shall not receive credit for replacement of depletions to the South Platte River below such diversion structures unless bypass and measurement structures are in place to allow the division engineer and water commissioner to confirm that Applicant's replacement water is delivered past the headgates. In the event that delivery past dry-up points requires the use of a structure for which a carriage or use agreement with a third party is required, Applicant shall be responsible for securing such agreement. Until such time as the Applicant provides a copy of the carriage or use agreement to the division engineer and water

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commissioner, no credit will be allowed for replacement of depletions to the South Platte River below such diversion structure.

- 10. The Division of Water Resources will not be responsible for any enforcement or administration of third party agreements that are not included in a decree of the water court.
- 11. 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.
- 12. Conveyance loss for delivery of augmentation water is subject to assessment and modification as determined by the division engineer.
- 13. 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.
- 14. The Applicant must follow the Augmentation Plan Accounting Protocol as referenced in the attached documents for the operation of this SWSP.
- 15. The name, mailing address, and phone number of the contact person who will be responsible for operation and accounting of this plan must be provided on the

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accounting forms to the division engineer and water commissioner.

- 16. The approval of this SWSP does not relieve the Applicant and/or landowner of the requirement to obtain a Water Court decree approving a permanent plan for augmentation or mitigation to ensure the permanent replacement of all depletions, including long-term evaporation losses and lagged depletions after gravel mining operations have ceased. If reclamation of the mine site will produce a permanent water surface exposing groundwater to evaporation, an application for a plan for augmentation must be filed with the Division 1 Water Court at least three (3) years prior to the completion of mining to include, but not be limited to, long-term evaporation losses and lagged depletions.
- 17. If a lined pond results after reclamation, replacement of lagged depletions shall continue until there is no longer an effect on stream flow.
- 18. Post-pumping dewatering depletions (including any depletions associated with the refilling of the pit) must be replaced in time, place and amount.
- 19. To assure that depletions from groundwater evaporation do not occur in the unforeseen event, or events, that would lead to the abandonment of the East 8th Street Pit, a bond in the amount of \$61,870 has been obtained through the DRMS for completion of reclamation at the site.
- 20. The state engineer may revoke this SWSP or add additional restrictions to its operation if at any time the state engineer determines that injury to other vested water rights has or will occur as a result of the operation of this SWSP. Should this SWSP expire without renewal or be revoked prior to adjudication of a permanent plan for augmentation, all excavation of product from below the water table, and all other use of water at the pit, must cease immediately.
- 21. In accordance with amendments to section 25-8-202(7), C.R.S. and "Senate Bill 89-181 Rules and Regulations" adopted on February 4, 1992, the state engineer shall

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

22. 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 the SWSP. This decision shall not bind the state engineer to act in a similar manner in any other applications involving other SWSPs or in any proposed renewal of this SWSP, and shall not imply concurrence with any findings of fact or conclusions of law contained herein, or with the engineering methodologies used by the Applicant.

Should there be any further comments or questions, please contact Michael Hein, Lead Assistant Division Engineer, in Greeley at 970-352-8712 or Keian Freshwater in Denver at 303-866-3581 ext. 8237.

Sincerely,

K. Fully

for Joanna Williams, P.E.

Chief of Water Supply

Attachments: Figure 1

Table 1

April 30, 2010 DRMS letter

Augmentation Plan Accounting Protocol

Ec: Michael Hein, Assistant Division Engineer, <u>Michael.Hein@state.co.us</u>
1809 56th Avenue, Greeley, Colorado 80634

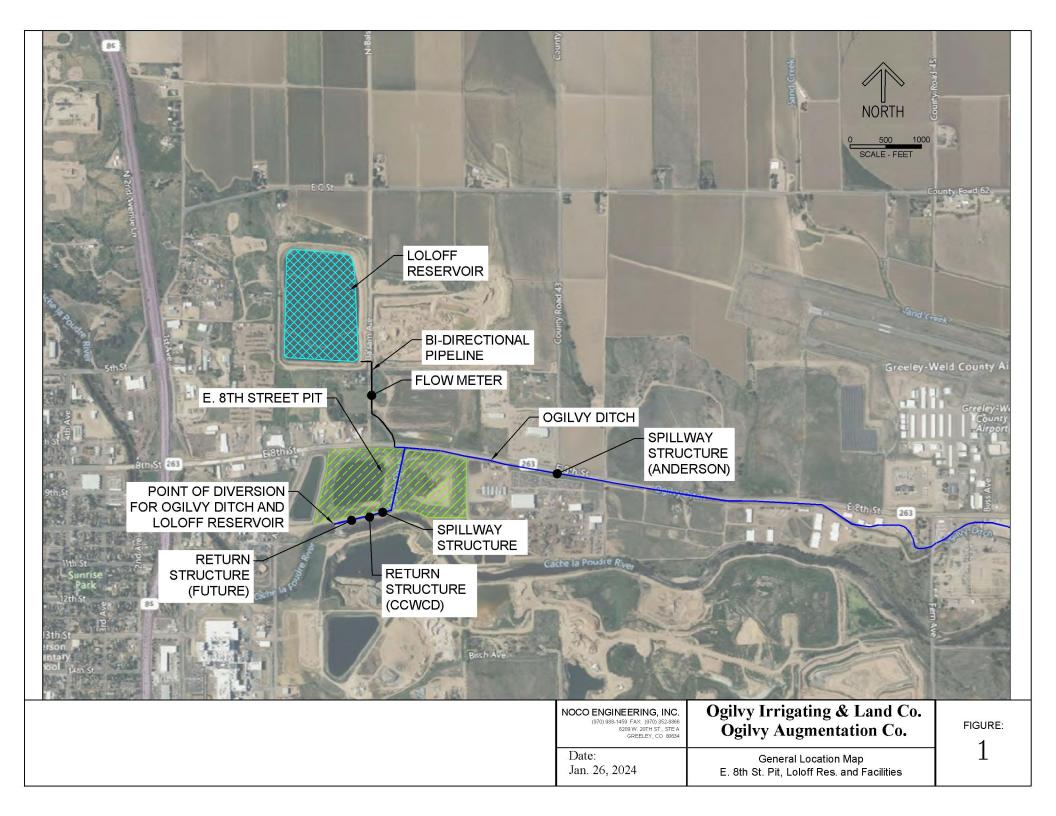
Louis Flink, Tabulation/Diversion Records Coordinator, Louis.Flink@state.co.us
Priscila Bajadali, Accounting Coordinator, Priscila.Bajadali1@state.co.us
Jean Lever, Northern Tributary Coordinator, Jean.Lever@state.co.us
Mark Simpson, Water Commissioner, District 3, Mark.Simpson@state.co.us
Eric C. Scott, Division of Reclamation Mining and Safety, Eric.Scott@state.co.us

Table 1 East 8th Street Pit Substitute Water Supply Plan SWSP Operations for the 2025-26 Plan Year

	(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)	(1)
Month	Net Evap.	Exposed Water Surface	Evaporative Loss	Lagged Depletion from Evap.	Post-Pumping Lagged Depletions	Combined Lagged Depletion	Loloff Pit Release	Release	Net River Balance
	(ft)	(ac)	(ac-ft)	(ac-ft)	(ac-ft)	(ac-ft)	(ac-ft)	(ac-ft)	(ac-ft)
Apr-25	0.23	10.0	2.30	2.03	0.06	2.09	2.10	0.00	0.01
May-25	0.30	10.0	3.00	2.64	0.05	2.69	2.70	0.00	0.01
Jun-25	0.44	10.0	4.40	3.70	0.05	3.75	3.80	0.00	0.05
Jul-25	0.48	10.0	4.80	4.26	0.05	4.31	4.40	0.00	0.09
Aug-25	0.44	10.0	4.40	4.17	0.05	4.22	4.25	0.00	0.03
Sep-25	0.31	10.0	3.10	3.33	0.04	3.37	3.40	0.00	0.03
Oct-25	0.20	10.0	2.00	2.41	0.04	2.45	2.50	0.00	0.05
Nov-25	0.10	10.0	1.00	1.54	0.04	1.58	1.60	0.00	0.02
Dec-25	0.09	10.0	0.90	1.23	0.04	1.27	1.30	0.00	0.03
Jan-26	0.08	10.0	0.80	1.08	0.04	1.12	1.15	0.00	0.03
Feb-26	0.11	10.0	1.10	1.20	0.03	1.23	1.30	0.00	0.07
Mar-26	0.14	10.0	1.40	1.42	0.03	1.45	1.50	0.00	0.05
Total	2.92		29.20	29.01	0.52	29.53	30.00	0.00	0.47

Notes:

- (A) Monthly Evaporation rates from previous SWSP approvals
- (B) Estimated exposed groundwater acreage (8.8 ac in west pit + 1.2 ac in east pit)
- (C) Evaporative Loss = (A) * (B)
- (D) Lagged depletions from historical and projected evaporative losses (from Applegate Group).
- (E) Lagged depletions from historical pumping/dewatering (from Applegate Group).
- (F) Combined lagged depletion = (D) + (E)
- (G) Release from Loloff Pit
- (H) Transit loss = 0
- (I) Ret River Balance = (I) (J) (H)



DIVISION OF RECLAMATION, MINING AND SAFETY

Department of Natural Resources

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



Bill Ritter, Jr. Governor

lames B. Martin **Executive Director**

Loretta E. Piñeda

Director

April 30, 2010

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

RE: Mining Operations with Exposed Ground water

To Whom It May Concern:

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

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

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

The Division has identified four approaches for operators:

- 1. File a financial warranty that will ensure backfilling of the pit to cover the exposed ground water to a depth of two feet above the static ground water level or,
- 2. Obtain a court approved augmentation plan prior to exposing ground water or,
- 3. File a financial warranty to cover the cost of installing a clay liner or slurry wall that meets the Division of Water Resources requirements for preventing ground water exposure or,
- 4. Obtain approval from the Division of Water Resources that acknowledges compliance with the SEO's requirements pursuant to § 37-90-137(11).

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

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

cc:	M2006064	Shields at Fossil Cre	ek Mine	M198	3031	Strome	quist Pit	
	M1994002	Andrews S & G #5 (Burlington Pit) M197	4072	Chanta	ala Pit	
	M2006018	North Bank Resource	M198	5218	Rich Pit			
	M2006073	Sundance Sand and	Sundance Sand and Gravel Resource			M1985206 Boone-		
	M2009082	Parsons Mine	Parsons Mine			Andre	ws #2	
	M1977081	Greeley West Pit		M199	0144	Boone	Boone-Fillmore Pit	
	M2003091	Duckworth Pit		M199	7087	Hartman Pit		
	M2000113	Mamm Creek Sand	Mamm Creek Sand & Gravel			Shaw I	Shaw Pit	
	M2001090	River Valley Resour	River Valley Resource			Beeman Pit #1		
	M2000016	Riverbend Operatio	Riverbend Operation			Fountain Pit		
	M1979134	Powers Pit	Powers Pit			Home Office Mine		
	M1977036	Greeley 35th Ave Pi	Greeley 35th Ave Pit			Three Bells Pit		
	M2000034	Reichert Pit	M198	2182	Port of	f Entry Pit		
	M2001051	North Taft Hill Expa	M200	2081	Overla	nd Ponds		
	M1974015	Lyons Pit	M198	M1981088		McCoy Pit		
	M1974004	Specification Aggre	M198	M1982034		Miller Pit		
	M1987176	Hamm Pit		M199	6082	Blair N	1esa Pit	
	M1988042	Cottonwood Pit		M198	0136	Chamb	ers Pit	
	M1990112	State Pit		M197	7098	Siever	s Pit	
	M1979002	North Delta Pit	M1983013	Latham - Burkett Pit	M19	74070	Nelson Pit	
	M1979159	Brose Pit	M1979097	East Rigden Pit	M20	00002	Tanabe Pit	
	M1998014	Gypsum Ranch Pit	M1991035	Bluestone Pit	M19	94045	Bluestone Pit	
	M1999088	Kyger Pit	M1986159	Courtner Pit	M19	86079	M & G Pit	
	M1998075	Andrews #3 (Mock i	Pit)					



Augmentation Plan Accounting Protocol June 2022

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

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1. Background and definitions

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

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

2. Methods to submit accounting

a. Accounting and Reporting Uploader (preferred)

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

b. Email

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

3. Timing of accounting submittal

Accounting must be submitted as specified by your decree, DWR administrative approval (SWSP, Replacement Plan, etc.), or as requested by the Division Engineer or designated representative(s). If timing is not specified, submit accounting with the timing shown in Table 1.¹

Table 1. Accounting Submittal Emails and Phone Number by Division

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

^{*}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 <u>example and screenshots</u> <u>section</u> for an overview of what this might look like:

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

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

b. Contact/Plan Information Tab

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

- i. The party(s) responsible for submitting the accounting
- ii. The plan administrator and/or the plan attorney
- **iii.** Water court case number (format of YYCWXXXX), SWSP name and 4-digit Plan ID, or Ground Water Commission Order represented in the accounting.
- iv. The 7-digit overall WDID(s) associated with the augmentation plan (not the individual structure WDIDs).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. Reading³ [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 reset⁴, add a comment stating the old meter serial number, the maximum number before the rollover or replacement and then enter the number on the face of the meter at the end of the reporting period. Update the meter information section with the new meter's serial number.

8. Meter information:

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

e. Correction factor

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

9. Acre-feet pumped

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

iii. Well diversion data using Electricity Consumption

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

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 <u>REST</u> services insert a link that pulls the required information directly from DWR's database.
 - CDSS Administrative Calls tool.

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

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

d. Depletion & Obligation tab

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

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

e. Replacement tab

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

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

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

f. Summary Tab

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

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

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

g. DWR tab for Diversion Record Data Import

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

h. DWR Meters tab for Meter Reading Data Import

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

i. Version/Notes tab

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

5. Requirements and recommendations for all tabs

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

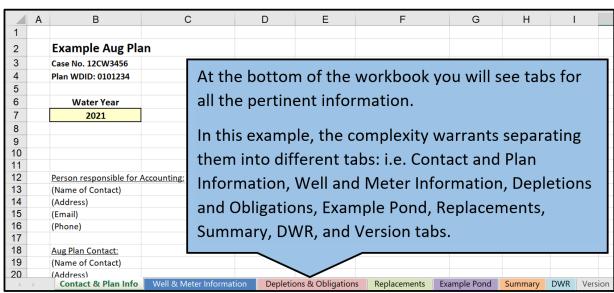
time period, resulting in more than 12 months of data being reported.

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

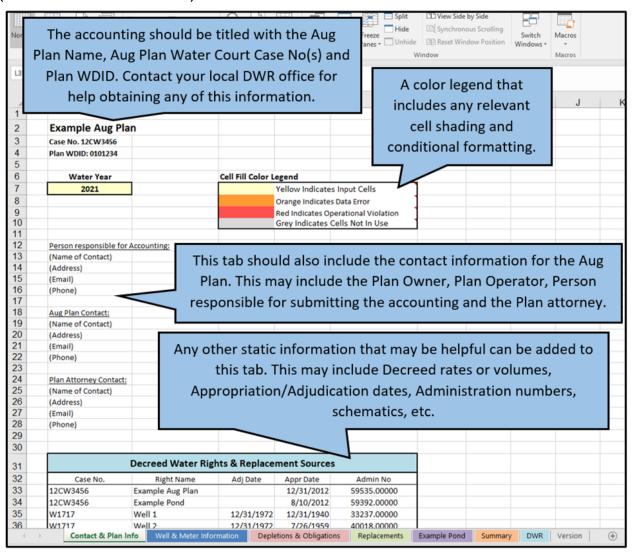
<u>6. Example, Screenshots, and Spreadsheet Templates</u>

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

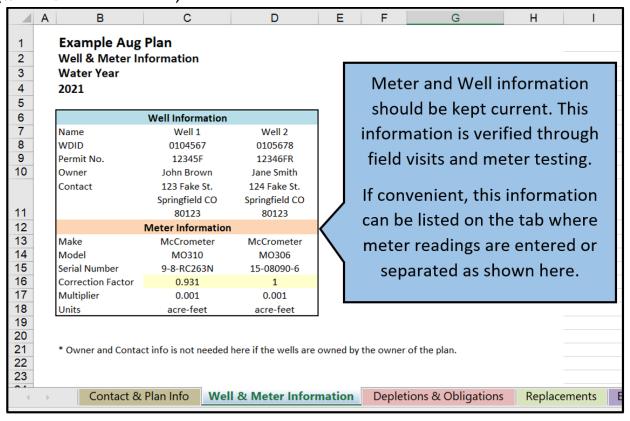
a. (List of relevant tabs)



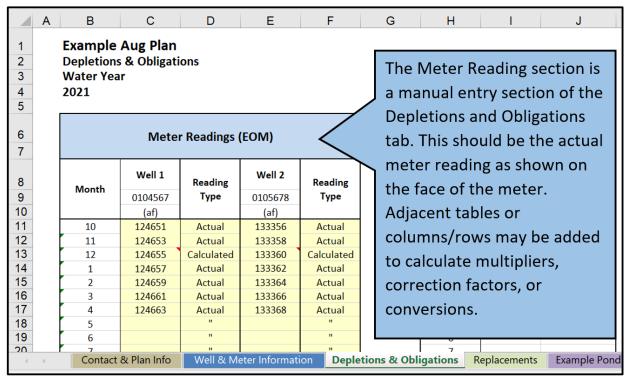
b. (Contact & Plan Information)



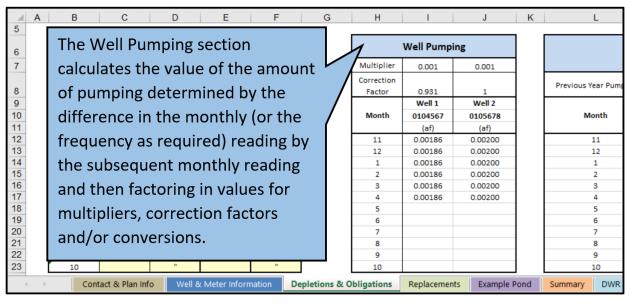
c. (Well & Meter Information)



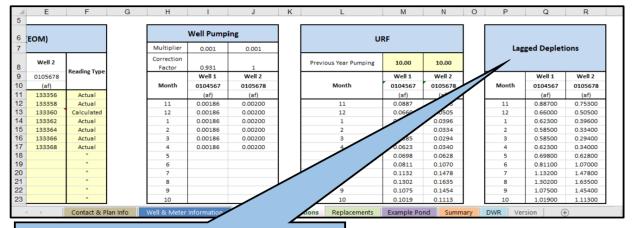
d. (Depletions & Obligations) - in this example, the Depletions & Obligations tab includes cells for entering meter readings, calculating well pumping over the period, and converting that to lagged depetions.



e. (Depletions & Obligations)

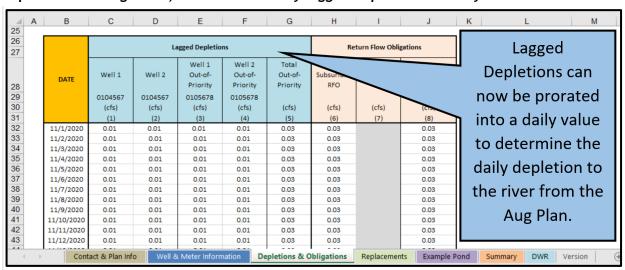


f. (Depletions & Obligations) - calculate lagged depletions for the month

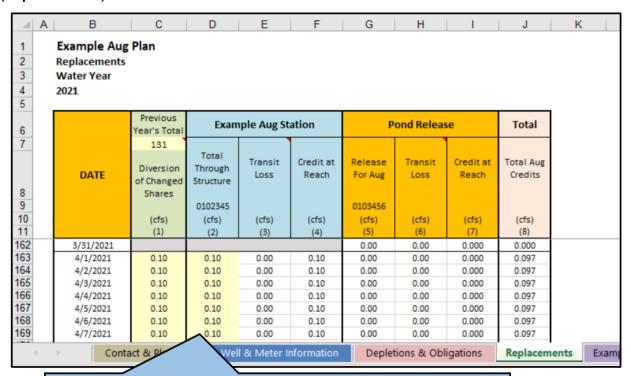


Lagged Depletions should be calculated utilizing the Well Pumping data and the lagging method established by the relevant decree or SWSP (Stream depletion Factors or Glover Parameters).

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

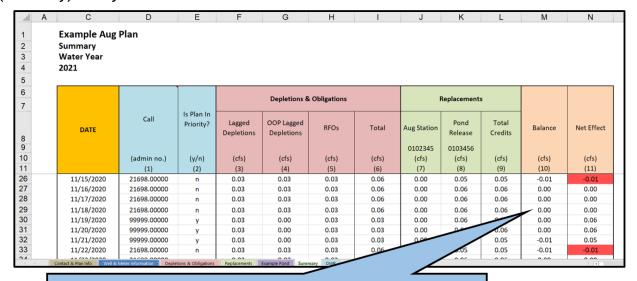


h. (Replacements)



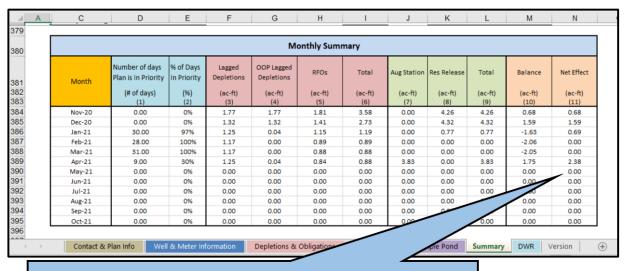
Input information should be shaded differently than the calculated (cells with formulas) cells. Please provide a legend with the color/shading scheme.

i. (Summary) - daily



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

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



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