

BEFORE THE COLORADO GROUND WATER COMMISSION

CASE NO. _____

PETITION TO THE COLORADO GROUND WATER COMMISSION FOR
RULEMAKING TO AMEND RULE 5.2.5.2 OF THE RULES AND REGULATIONS
FOR THE MANAGEMENT AND CONTROL OF DESIGNATED GROUND WATER
TO DECLARE OVERAPPROPRIATED THAT PORTION OF THE LOST CREEK
DESIGNATED GROUND WATER BASIN LOCATED NORTH OF THE LINE
BETWEEN TOWNSHIP 2 NORTH AND TOWNSHIP 3 NORTH AND WEST OF THE
LINE BETWEEN RANGE 61 WEST AND RANGE 62 WEST, AND TO REQUIRE
REPLACEMENT PLANS FOR NEW LARGE CAPACITY WELLS THEREIN

Lost Creek Land & Cattle Company ("Lost Creek") Equus Farms, Inc. ("Equus"), and the Lost Creek Ground Water Management District (the "District"), by and through their undersigned attorneys, hereby petition the Colorado Ground Water Commission (the "Commission") to amend Rule 5.2.5.2 of the Rules and Regulations for the Management and Control of Designated Ground Water, 2 Colo.Code Regs. 410-1 ("Rule 5.2.5.2"). The petition is submitted in accordance with Rules 4.B and 4.C of the Rules of Procedure for All Hearings Before the Colorado Ground Water Commission, 2 Colo.Code Regs. 402-3. In support of this petition, Lost Creek and Equus Farms (collectively, the "Petitioners") state as follows:

I. IDENTIFICATION OF THE PERSONS REQUESTING RULEMAKING

Lost Creek Land & Cattle Company
c/o Brad Peterson
P.O. Box 85
Roggen, CO 80652
Phone: (303) 849-5577

Equus Farms, Inc.
c/o John Finegan
2400 Anaconda Tower
555 17th Street
Denver, CO 80202
Phone: (303) 298-1000

Lost Creek Ground Water Management District
c/o Tom Sauter, General Manager
50005 E. 112th Avenue
Phone: (303) 644-3314

All pleadings, communications and other documents related to this rulemaking should be sent to:

Michael D. Shimmin
Vranesh and Raisch, LLP
P.O. Box 871
1720 14th Street, Suite 200
Boulder, CO 80302
Phone: (303) 443-6151
Email: mds@vrlaw.com
Attorneys for Lost Creek Land & Cattle Company

Michael F. Browning
Porzak Browning & Bushong, LLP
929 Pear Street, Suite 300
Boulder, CO 80302
Phone: (303) 443-6800
Email: mfrowning@pbblaw.com
Attorneys for Equus Farms, Inc.

P. Andrew. Jones
Lind Lawrence & Ottenhoff, LLP
355 Eastman Park Drive, Suite 200
Windsor, CO 80550
Email: paj@lollaw.com
Phone: (970) 674-9535
Attorneys for Lost Creek Ground Water Management District

II. NATURE OF REQUESTED RULE

1. Petitioners ask the Commission to initiate a rulemaking process to amend Rule 5.2.5.2 to declare to be overappropriated the portion of the Lost Creek Designated Ground Water Basin located north of the line between Township 2 North and Township 3 North, and west of the line between Range 61 West and Range 62 West (the “Northern Area”) and so preclude the granting of new large capacity well permits in the Northern Area unless a replacement plan is approved by the Commission in accordance with Rule 5.6 of the Rules and Regulations for the Management and Control of Designated Ground Basin. A map depicting the Northern Area is attached hereto as Exhibit A.

2. Rule 5.2.5.2 currently provides that the portion of the Lost Creek Designated Ground Water Basin lying south of the line between Township 2 North and Township 3 North is over-appropriated and requires replacement plans for any new large capacity wells in that portion of the Basin.

3. In May 2009, the Commission commenced a rule-making process to consider whether to declare the portion of the Lost Creek Designated Ground Water Basin north of a line between Township 2 North and Township 3 North and east of the

line between Range 61 West and Range 62 West to be overappropriated based on a petition filed by Morgan County Quality Water District.

4. Accordingly, the Northern Area is the only portion of the Lost Creek Designated Ground Water Basin that is not currently determined to be overappropriated, or subject to a pending petition to have it declared overappropriated.

5. Lost Creek owns approximately 17,000 acres within the Northern Area and is the holder of permits for 18 large capacity irrigation wells in the Northern Area, which are summarized on Exhibit B attached hereto, allowing the irrigation of up to 2,630 acres.

6. Equus owns and leases approximately 10,000 acres within the Northern Area, and is the holder of permits for five large capacity irrigation wells in the Northern Area, which are summarized on Exhibit C attached hereto, allowing the irrigation of 1,080 acres.

7. The District is a ground water management district formed and acting pursuant to §§37-90-118 to 134, C.R.S. The District has the authority and responsibility to regulate the use, control and conservation of ground water within its boundaries, to develop comprehensive plans for the management and use of ground water from all aquifers with the District, including the Lost Creek alluvial aquifer, and to cooperate with and advise the Ground Water Commission on all related matters. See §37-90-130, C.R.S. The Northern Area is located within the Lost Creek Designated Basin outside of and down gradient of the District's northern boundary. Lost Creek and Equus wells withdraw ground water from the Lost Creek alluvial aquifer in the Northern Area.

8. Water levels in the Northern Area have been declining and the aquifer is in a "mining" condition (i.e. withdrawals are materially in excess of recharge to the aquifer) due to pumping of existing large capacity wells. Maps and tables of historic water levels are attached as Exhibit D and Exhibit E, respectively. Accordingly, the Northern Area is overappropriated.

III. PROPOSED AMENDMENT

9. Petitioners request that the Commission amend the existing Rule 5.2.5.2 as follows (proposed changes consist of additions indicated in bolded italics):

5.2.5.2. The Alluvial Aquifer within the Lost Creek Designated Ground Water Basin ~~south of the line between Township 2 North and Township 3 North~~ is determined to be overappropriated ***except for that portion north of the line between Township 2 North and Township 3 North and east of the line between Range 61 West and Range 62 West.*** ~~T,~~ and, therefore, no new large capacity well permits shall be granted in this area unless a replacement plan is approved by the Commission in accordance with Rule 5.6. A new large capacity well permit can be granted to appropriate water from the Alluvial Aquifer within the Lost

Creek Designated Ground Water Basin area north of the line between Township 2 North and Township 3 North *and east of the line between Range 61 West and Range 62 West* if this appropriation does not unreasonably impair any existing water rights.

10. Petitioners support the pending rule-making that seeks to close the area known as Hay Gulch from new appropriations and the proposed changes to Rule 5.2.5.2 sought in that rule-making proceeding. If the changes to Rule 5.2.5.2 proposed in that rule-making are made, and this petition with respect to the Northern Area also granted, the resulting Rule 5.2.5.2 would read as follows:

5.2.5.2 The Alluvial Aquifer throughout the Lost Creek Designated Ground Water Basin is determined to be overappropriated and, therefore, no new large capacity well permits shall be granted unless a replacement plan is approved by the Commission in accordance with Rule 5.6.

IV. STATEMENT OF COMMISSION'S AUTHORITY TO PROMULGATE THE RULE

11. Petitions for rule-making are to be acted upon by the Commission in accordance with the State Administrative Procedure Act, §§ 24-4-101, *et seq.*, C.R.S., and the Colorado Ground Water Management Act, §§ 37-90-111, 112 and 131, C.R.S.

12. Section 37-90-111(h), C.R.S. authorizes the Commission to adopt rules necessary to carry out the policy of the State of Colorado to conserve designated ground water resources and to protect vested rights in accordance with the procedures set forth in §37-90-131, C.R.S.

13. The Commission is required to protect vested rights for the withdrawal of designated ground water and maintain reasonable pumping levels. §§ 37-90-102(1), 107, 109 and 111, C.R.S.; *Thompson v. Colorado Ground Water Commission*, 575 P.2d 372, 377 (Colo. 1978).

14. The Commission has the authority to determine "the allowable rate of depletion for ground water in each designated ground water basin," which serves as the basis for determining "whether a proposed permit would result in unreasonable impairment to existing water rights." 2 Colo.Code Regs. 410-1, Rule 3.1; §37-90-111(b), C.R.S.

15. The Commission has the authority to establish reasonable ground water pumping levels in determining whether pumping will unreasonably affect any prior water right or result in withdrawing the ground water supply at a rate materially in excess of the reasonably anticipated average rate of future recharge. §37-90-111(b), C.R.S.

16. Pursuant to 2 Colo.Code Regs. 410-1, Rule 4.2.20:

“Overappropriated Aquifer” means an aquifer for which the net average annual depletion rate of ground water is considered to be in excess of the allowable net average annual depletion rate for that aquifer as set by the Commission.

17. For other overappropriated aquifers, the Commission has adopted rules that declare the aquifers to be over-appropriated and disallow any additional new large capacity wells in order to prevent additional depletions. 2 Colo.Code Regs, 410-1, Rules 5.2.2.8 (portions of Northern High Plains alluvial and Ogallala aquifers), 5.2.4.2 (Kiowa-Bijou alluvial aquifer), 5.2.5.2 (remainder of the Lost Creek alluvial aquifer), 5.2.6.2 (Upper Black Squirrel alluvial aquifer), 5.2.9.2 Upper Crow Creek Fan aquifer). The proposed amendment to Rule 5.2.5.2 is similar to these rules.

IV. CONCISE STATEMENT OF THE RULE’S BASIS AND PURPOSE

18. As shown by the graphs attached hereto as Exhibit D, water level of wells in the Northern Area have been in decline since at least 1987. Declining water levels in the Northern Area show that total recharge to the Northern Area is less than total discharge, thus the alluvial groundwater resource in the Northern Area is being mined.

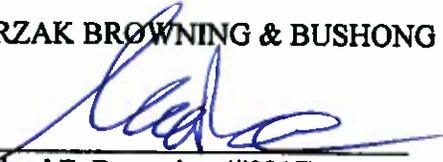
19. Moreover, the water levels shown on Exhibit D are from readings taken in the spring of each year. Some wells in the Northern Area begin to suck air later in the irrigation season, indicating that the useable aquifer has effectively been depleted at existing pumping levels. The available water level data from throughout the Lost Creek Basin indicates that water levels in the Northern Area of the Lost Creek alluvial aquifer are declining, just as those in the southern (overappropriated) portion of the Basin are declining.

20. The remainder of the Lost Creek Alluvial Aquifer, and up gradient, was declared to be overappropriated in 1992. Despite the closure of the remainder of the Basin, water levels in the Northern Area have continued to decline, evidencing that a mining condition exists in the Northern Area. Allowing additional appropriations in the Northern Area would only exacerbate this decline. Since water levels are declining in both the northern and southern portion of the Lost Creek Designated Groundwater Basin, and since the southern portion of the Basin has been declared as overappropriated, the Northern Area should also be declared overappropriated.

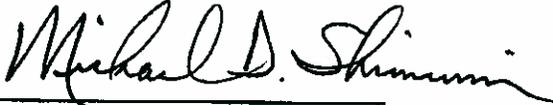
This petition is submitted based on the Petitioners’ current knowledge. The Petitioners may supplement the information provided herein as more data and information are obtained by the Petitioners.

Respectfully submitted this 31st day of July, 2009.

PORZAK BROWNING & BUSHONG LLP

By: 
Michael F. Browning (#8217)
Attorneys for Equus Farms, Inc.

VRANESH & RAISCH LLP

By: 
Michael D. Shimmin (#9182)
Attorneys for Lost Creek Land &
Cattle Company

LIND LAWRENCE & OTTENHOFF, LLP

By: _____
P. Andrew Jones (#29076)
Attorneys for Lost Creek Ground Water
Management District

Respectfully submitted this _____ day of July, 2009.

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By: _____
Michael F. Browning (#8217)
Attorneys for Equus Farms, Inc.

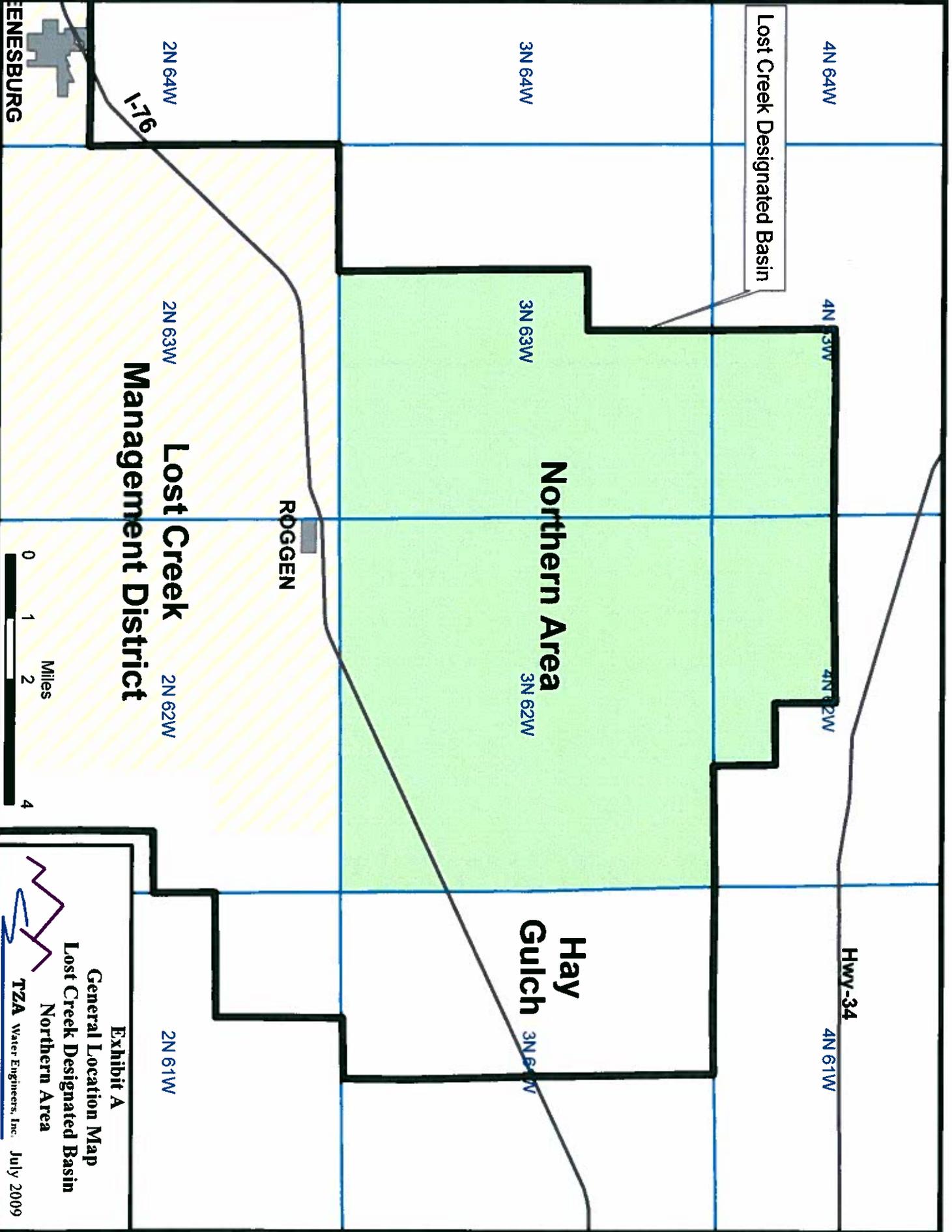
By: _____
Michael D. Shimmin (#9182)
Attorneys for Lost Creek Land &
Cattle Company

LIND LAWRENCE & OTTENHOFF, LLP



Digitally signed by P. Andrew Jones
DN: cn=P. Andrew Jones, c=US,
o=Lind, Lawrence and Ottenhoff
LLP, email=paj@lilolaw.com
Date: 2009.07.30 10:44:49 -06'00'

By: _____
P. Andrew Jones (#29076)
Attorneys for Lost Creek Ground Water
Management District



Lost Creek Designated Basin

Lost Creek Management District

Northern Area

Hay Gulch

ROGGEN

HWY-34

Exhibit A

General Location Map
Lost Creek Designated Basin
Northern Area

TZA Water Engineers, Inc. July 2009



HEENESBURG

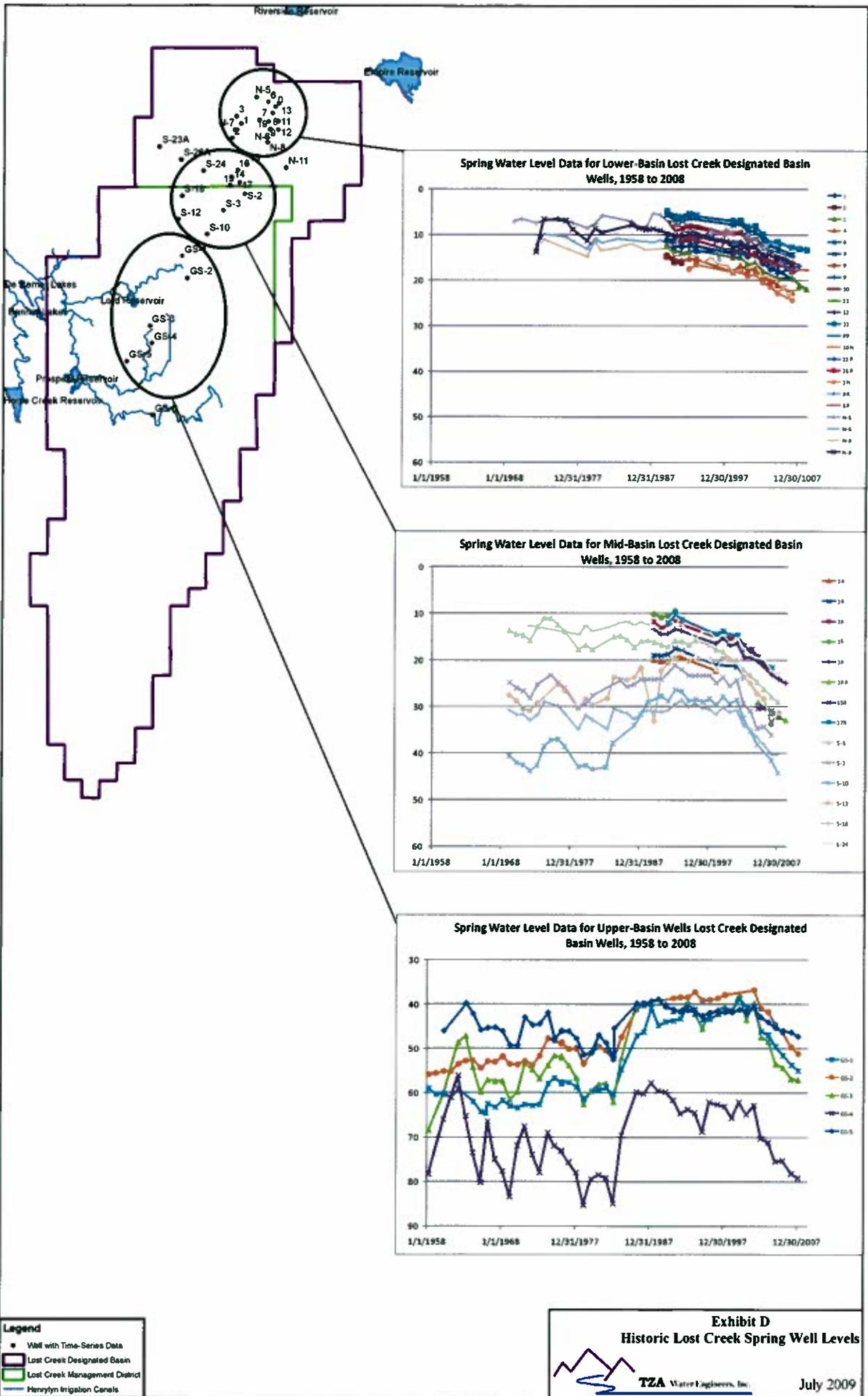
Exhibit B
Lost Creek Land and Cattle Irrigation Wells

Original permit number	Ground water commission final permit number
12252-F	31611-FP
13507-F	31635-FP
13505-F	31634-FP
12225-F	31610-FP
10436-R	31577-FP
34398-FR	-
12176-F	31605-FP
12179-F	31606-FP
12172-FP-R	12172-FP
12174-F	12174-FP
12177-F-R	-
31578-FP-R	31578-FP
9596-FP-R	9596-FP
9595-FP-R	9595-FP
50754-F	31608-FP
50755-F	31609-FP
50753-F	31607-FP
31604-FP-R	31604-FP

EXHIBIT C

EQUUS FARMS IRRIGATION WELLS IN LOST CREEK BASIN

Well No.	Permit No.	Gallons per Minute	Acre Feet	Irrigated Acres Allowed
F-1	31603-FP	1,000	320	160
	14153-FP	600	180	40
F-2	31617-FP	1,400	560	280
F-4	31641-FP	1,400	400	160
F-5	31618-FP	1,400	560	280
F-6	12505-FP	1,200	320	160
TOTALS		7,000 gpm	2,340 acre feet	1,080 acres



Legend

- Well with Time-Series Data
- ▭ Lost Creek Designated Basin
- ▭ Lost Creek Management District
- Henrylyn Irrigation Canals

Exhibit E
Wells within Lost Creek Designated Basin Considered

Well identifier	Well permit	Location	Period of record	Number of readings
Lost Creek 1	12252-F	SW-NW Sec. 16 T. 3 N. R. 62 W.	1990-2007	13
Lost Creek 2	31635-FP	NW-NE Sec. 20 T. 3 N. R. 62 W.	1990-1992	3
Lost Creek 2 R	31635-FP-R	NW-NE Sec. 20 T. 3 N. R. 62 W.	1993-1997	10
Lost Creek 3	13505-F	SE-SE Sec. 8 T. 3 N. R. 62 W.	1990-2009	14
Lost Creek 4	12225-F	SE Sec. 17 T. 3 N. R. 62 W.	1990-2007	13
Lost Creek 6	31577-FP	NW-NE Sec. 10 T. 3 N. R. 62 W.	1990-2007	12
Lost Creek 7	34398-F	NW-NW Sec. 15 T. 3 N. R. 62 W.	1990-1994	5
Lost Creek 7 R	34398-FR	NW-NW Sec. 15 T. 3 N. R. 62 W.	1999-2007	8
Lost Creek 8	12176-F	NE-SE Sec. 15 T. 3 N. R. 62 W.	1990	1
Lost Creek 8 R	31605-FP-R	SW-SE Sec. 15 T. 3 N. R. 62 W.	1991-2007	12
Lost Creek 9	12179-F	NW-NE Sec. 22 T. 3 N. R. 62 W.	1990-2009	15
Lost Creek 10	12172-F	SE-SE Sec. 10 T. 3 N. R. 62 W.	1990-2003	10
Lost Creek 10 R	12172-FP-R	SE-SE Sec. 10 T. 3 N. R. 62 W.	2005-2009	4
Lost Creek 11	12174-F	SW-NW Sec. 14 T. 3 N. R. 62 W.	1990-1991	2
Lost Creek 11 R	12174-F-R	SW-NW Sec. 14 T. 3 N. R. 62 W.	1991-2007	12
Lost Creek 12	12177-F	SW-SW Sec. 14 T. 3 N. R. 62 W.	1990	1
Lost Creek 12 R	12177-F-R	SW-SW Sec. 14 T. 3 N. R. 62 W.	1991-2007	12
Lost Creek 13	31578-FP-R	NE-NW Sec. 11 T. 3 N. R. 62 W.	1990-2009	15
Lost Creek 14	9596-FP	SE-NW Sec. 32 T. 3 N. R. 62 W.	1990-1999	6
Lost Creek 14 R	9596-FP-R	SW-NE Sec. 32 T. 3 N. R. 62 W.	2005-2009	4
Lost Creek 15	9595-FP	SE-SW Sec. 32 T. 3 N. R. 62 W.	1990-2004	9
Lost Creek 15 R	9595-FP-R	SE-SW Sec. 32 T. 3 N. R. 62 W.	2005-2009	4
Lost Creek 16	50754-F	NE-NE Sec. 32 T. 3 N. R. 62 W.	1990-2007	13
Lost Creek 17	50755-F	SE-SE-Sec. 32 T. 3 N. R. 62 W.	1990-1993	4
Lost Creek 17 R	31609-FP-R	SE-SE Sec. 32 T. 3 N. R. 62 W.	1992-2007	11
Lost Creek 18	50753-F	NE-SW Sec. 28 T. 3 N. R. 62 W.	1990-2009	15
Lost Creek 19	31604-FP-R	SW-NE Sec. 15 T. 3 N. R. 62 W.	1990-2007	13

Exhibit E
Wells within Lost Creek Designated Basin Considered

Well identifier	Well permit	Location	Period of record	Number of readings
GS-1	-	SE-SE Sec. 23 T. 2 N. R. 63 W.	1945-2008	62
GS-2	-	SW-NW Sec. 36 T. 2 N. R. 63 W.	1937-2006	66
GS-3	-	SE-SE Sec. 9 T. 1 N. R. 63 W.	1958-2008	47
GS-4	6693-R	SE-SE Sec. 16 T. 1 N. R. 63 W.	1958-2008	49
GS-5	-	NW-NE Sec. 29 T. 1 N. R. 63 W.	1960-2008	47
GS-6	14856-R	NW-NW Sec. 10 T. 1 S. R. 63 W.	1960-2008	51
N-1	-	NE-SW Sec. 35 T. 4 N. R. 62 W.	1969-2008	34
N-5	-	SW-SW Sec. 3 T. 3 N. R. 62 W.	1969-2008	31
N-6	12174-F	NE-NW Sec. 14 T. 3 N. R. 62 W.	1972-2008	30
N-7	12225-F	NE-SE Sec. 27 T. 3 N. R. 62 W.	1972-2008	28
N-8	-	SW-NE Sec. 22 T. 3 N. R. 62 W.	1972-2007	29
N-11	-	SW-SE Sec. 26 T. 3 N. R. 62 W.	1972-2008	28
S-2	-	SE-NW Sec. 4 T. 2 N. R. 62 W.	1969-2008	36
S-3	31563-FP	SW-NW Sec. 8 T. 2 N. R. 62 W.	1969-2007	33
S-10	-	NW-SW Sec. 18 T. 2 N. R. 63 W.	1969-2008	34
S-12	10477-F	SE-SE Sec. 11 T. 2 N. R. 63 W.	1969-2008	33
S-18	-	NW-SE Sec. 2 T. 2 N. R. 63 W.	1969-2008	37
S-23A	-	NE-SW Sec. 22 T. 3 N. R. 63 W.	1994-2008	14
S-24	-	SE-SE Sec. 25 T. 3 N. R. 63 W.	1972-2008	27
S-26A	-	SW-NE Sec. 26 T. 3 N. R. 63 W.	1993-2008	13

*Data set includes only spring depth to water level measurements to reduce the effects of seasonal variation

Exhibit E - Continued
Depth to Water Level Measurements for Considered Wells

Lost Creek Well 1	
Date	Depth to water, in feet
3/1/1990	11.00
3/10/1991	12.50
3/3/1992	12.67
3/15/1993	12.33
3/3/1994	12.50
3/3/1999	14.17
3/3/2000	13.75
3/2/2001	14.71
4/1/2002	14.25
4/1/2003	16.17
3/31/2004	17.50
4/4/2005	17.79
4/2/2007	19.58

Lost Creek Well 3	
Date	Depth to water, in feet
3/3/1990	12.17
3/10/1991	13.33
3/3/1992	13.92
3/15/1993	13.58
3/3/1994	13.33
3/3/1999	14.83
3/3/2000	14.83
3/2/2001	16.42
4/1/2002	16.08
4/1/2003	17.92
4/6/2005	19.50
4/2/2007	19.42
4/7/2008	21.00
4/6/2009	21.83

Lost Creek Well 6	
Date	Depth to water, in feet
3/3/1990	5.58
3/10/1991	6.71
3/3/1992	6.92
3/15/1993	6.33
3/3/1999	7.75
3/3/2000	7.50
3/3/2001	9.17
4/1/2002	9.08
4/1/2003	11.25
4/1/2004	12.29
4/4/2005	13.00
4/2/2007	14.25

Lost Creek Well 2	
Date	Depth to water, in feet
3/3/1990	14.67
3/10/1991	15.92
3/3/1992	16.00

Lost Creek Well 4	
Date	Depth to water, in feet
2/28/1990	14.42
3/10/1991	15.33
3/3/1992	15.67
3/15/1993	15.17
3/3/1994	15.33
3/3/1999	18.17
3/3/2000	16.71
3/2/2001	17.75
4/1/2002	17.33
4/1/2003	19.17
3/31/2004	20.00
4/4/2005	21.00
4/2/2007	22.67

Lost Creek Well 7	
Date	Depth to water, in feet
3/3/1990	5.08
3/10/1991	5.66
3/3/1992	5.83
3/15/1993	5.17
3/3/1994	5.50

Lost Creek Well 2 R	
Date	Depth to water, in feet
3/15/1993	17.50
3/3/1994	16.58
3/3/1999	18.17
3/3/2000	18.00
3/2/2001	19.00
4/1/2002	18.58
4/1/2003	20.42
3/31/2004	21.29
4/6/2005	22.75
4/2/2007	24.33

Lost Creek Well 7 R	
Date	Depth to water, in feet
3/3/1999	12.42
3/3/2000	11.83
3/3/2001	13.04
4/1/2002	12.67
4/1/2003	14.33
4/1/2004	15.63
4/4/2005	15.83
4/2/2007	17.50

Lost Creek Well 8	
Date	Depth to water, in feet
3/31/1990	9.92

Exhibit E - Continued
Depth to Water Level Measurements for Considered Wells

Lost Creek Well 8 R	
Date	Depth to water, in feet
3/10/1991	7.63
3/3/1992	8.33
3/15/1993	7.75
3/3/1994	7.92
3/3/1999	10.00
3/3/2000	9.08
3/5/2001	11.50
4/1/2002	10.50
4/1/2003	12.00
4/1/2004	13.25
4/4/2005	13.67
4/2/2007	14.75

Lost Creek Well 9	
Date	Depth to water, in feet
3/1/1990	9.17
3/10/1991	10.92
3/3/1992	11.08
3/15/1993	10.50
3/3/1994	10.83
3/3/1999	13.75
3/3/2000	13.08
3/5/2001	14.17
4/1/2002	14.00
4/1/2003	14.58
4/1/2004	15.29
4/4/2005	16.08
4/2/2007	18.50
4/7/2008	17.17
4/6/2009	16.92

Lost Creek Well 10	
Date	Depth to water, in feet
4/14/1990	7.00
3/10/1991	9.08
3/3/1992	8.75
3/15/1993	8.08
3/3/1994	8.50
3/3/1999	9.67
3/3/2000	9.67
3/5/2001	11.00
4/1/2002	10.67
4/1/2003	12.67

Lost Creek Well 10 R	
Date	Depth to water, in feet
4/4/2005	15.83
4/2/2007	18.42
4/7/2008	17.58
4/6/2009	17.71

Lost Creek Well 11	
Date	Depth to water, in feet
3/3/1990	12.58
3/10/1991	13.54

Lost Creek Well 11 R	
Date	Depth to water, in feet
3/10/1991	10.25
3/3/1992	10.08
3/15/1993	10.00
3/3/1994	10.08
3/3/1999	11.58
3/3/2000	11.58
3/5/2001	12.54
4/1/2002	12.58
4/1/2003	14.42
4/1/2004	16.00
4/4/2005	15.79
4/2/2007	16.42

Lost Creek Well 12	
Date	Depth to water, in feet
3/31/1990	10.00

Lost Creek Well 12 R	
Date	Depth to water, in feet
3/10/1991	11.46
3/3/1992	11.58
3/15/1993	11.00
3/3/1994	11.25
3/3/1999	13.67
3/3/2000	13.33
3/5/2001	14.33
4/1/2002	14.17
4/1/2003	15.83
4/1/2004	16.13
4/4/2005	16.54
4/2/2007	17.25

Lost Creek Well 13	
Date	Depth to water, in feet
3/1/1990	4.75
3/10/1991	6.17
3/3/1992	6.17
3/15/1993	5.50
3/3/1994	5.92
3/3/1999	6.92
3/3/2000	6.83
3/5/2001	8.25
4/1/2002	8.00
4/1/2003	9.92
4/1/2004	11.75
4/4/2005	11.50
4/2/2007	12.67
4/7/2008	13.00
4/6/2009	13.21

Exhibit E - Continued
Depth to Water Level Measurements for Considered Wells

Lost Creek Well 14	
Date	Depth to water, in feet
2/28/1990	20.00
3/10/1991	20.29
3/5/1992	20.33
3/15/1993	19.00
3/3/1994	19.50
3/3/1999	22.25

Lost Creek Well 14 R	
Date	Depth to water, in feet
4/4/2005	29.04
4/2/2007	31.42
4/7/2008	32.25
4/6/2009	32.92

Lost Creek Well 15	
Date	Depth to water, in feet
2/28/1990	18.92
3/10/1991	19.00
3/5/1992	18.75
3/15/1993	17.50
3/3/1994	17.92
3/3/1999	20.92
4/1/2002	21.33
4/1/2003	23.75
4/1/2004	25.33

Lost Creek Well 15 R	
Date	Depth to water, in feet
4/4/2005	27.42
4/2/2007	30.33
4/7/2008	30.75
4/6/2009	31.71

Lost Creek Well 16	
Date	Depth to water, in feet
2/28/1990	11.75
3/10/1991	13.08
3/5/1992	12.75
3/15/1993	11.75
3/3/1994	12.25
3/3/1999	14.92
3/3/2000	14.25
3/3/2001	15.42
4/1/2002	14.92
4/1/2003	17.00
4/1/2004	18.42
4/4/2005	19.42
4/2/2007	22.17

Lost Creek Well 17	
Date	Depth to water, in feet
2/28/1990	10.08
3/10/1991	10.79
3/5/1992	10.50
3/15/1993	9.42

Lost Creek Well 17 R	
Date	Depth to water, in feet
3/5/1992	12.00
3/15/1993	10.25
3/3/1994	11.25
3/3/1999	14.42
3/3/2000	13.75
3/3/2001	14.67
4/1/2002	14.67
4/1/2003	17.60
4/1/2004	17.71
4/4/2005	19.33
4/2/2007	21.58

Lost Creek Well 18	
Date	Depth to water, in feet
3/3/1990	13.46
3/10/1991	14.58
3/5/1992	14.42
3/15/1993	13.50
3/3/1994	13.83
3/3/1999	16.42
3/3/2000	15.17
3/3/2001	16.83
4/1/2002	16.42
4/1/2003	19.33
4/1/2004	19.42
4/4/2005	20.25
4/2/2007	23.00
4/7/2008	24.00
4/6/2009	24.92

Lost Creek Well 19	
Date	Depth to water, in feet
3/3/1990	9.50
3/10/1991	10.50
3/3/1992	10.58
3/15/1993	10.67
3/3/1994	10.42
3/3/1999	11.83
3/3/2000	11.58
3/5/2001	12.75
4/1/2002	12.42
4/1/2003	14.58
4/1/2004	15.75
4/4/2005	16.33
4/2/2007	17.08

Exhibit E - Continued
Depth to Water Level Measurements for Considered Wells

GS-1					
Date	Depth to water, in feet	Date	Depth to water, in feet	Date	Depth to water, in feet
5/3/1945	47.15	3/22/1968	61.77	3/24/1989	44.81
4/29/1947	47.66	3/14/1969	63.03	3/22/1990	44
4/15/1949	46.79	3/27/1970	63.43	4/4/1991	43.75
4/5/1950	43.78	3/18/1971	62.66	3/26/1992	43.3
4/18/1951	45.95	4/3/1972	62.92	3/23/1993	40.1
4/3/1952	48.8	3/22/1973	62.72	3/14/1994	41.23
4/20/1953	48.8	5/3/1974	58.08	3/17/1995	43.48
4/7/1954	51.06	3/19/1975	56.65	3/7/1996	43.4
4/1/1955	54.97	3/1/1976	58	4/15/1997	42.28
4/1/1956	57.1	3/9/1976	57.55	3/25/1998	41.58
4/14/1957	60.74	3/2/1977	57.7	3/11/1999	41.5
3/31/1958	59	3/7/1978	58.75	3/15/2000	38.7
3/23/1959	60.4	3/6/1979	61.49	2/21/2001	40.7
4/11/1960	60.27	3/11/1980	59.69	3/15/2002	40.72
4/3/1961	61.09	3/16/1981	59.45	2/19/2003	46.16
3/29/1962	59.14	3/10/1982	59	2/18/2004	46.97
3/23/1964	61.98	3/10/1983	60.35	2/15/2005	49.62
4/14/1965	64.29	4/6/1984	54.83	2/7/2006	51.52
12/7/1965	64.64	4/24/1986	47.13	3/21/2007	53.74
3/18/1966	62.51	4/1/1987	46.34	2/26/2008	55
3/22/1967	63.27	4/12/1988	40.92		

Exhibit E - Continued
Depth to Water Level Measurements for Considered Wells

GS-2					
Date	Depth to water, in feet	Date	Depth to water, in feet	Date	Depth to water, in feet
4/29/1937	41.27	3/23/1959	55.6	3/7/1978	49.94
5/11/1938	45.78	4/11/1960	55.12	3/5/1979	53.43
4/26/1939	46.76	4/3/1961	55.14	3/11/1980	50.93
4/25/1940	49.28	3/29/1962	53.46	3/9/1981	49.55
5/5/1941	52.06	4/10/1963	52.83	3/10/1982	50.4
4/16/1942	53.6	3/23/1964	52.67	3/10/1983	52.45
4/1/1943	50.95	4/14/1965	54.41	4/6/1984	47.43
4/26/1944	50.75	3/18/1966	52.94	4/24/1986	41.12
5/3/1945	49.4	3/22/1967	53.05	4/1/1987	39.65
4/23/1946	50.5	3/22/1968	51.82	4/5/1991	38.6
4/29/1947	48.55	3/17/1969	53.5	3/26/1992	38.4
4/23/1948	45.92	3/27/1970	53.68	3/29/1993	38.4
4/15/1949	46.62	3/18/1971	52.78	3/14/1994	37.2
4/5/1950	43.36	4/5/1972	53.7	3/17/1995	39.1
4/18/1951	44.68	3/22/1973	51.62	3/7/1996	39
4/3/1952	47.1	5/3/1974	47.76	4/15/1997	38.6
4/20/1953	48.28	3/19/1975	48.17	3/25/1998	37.88
4/7/1954	50.32	3/1/1976	49	3/15/2002	36.79
4/1/1955	54.3	3/10/1976	48.61	2/19/2003	40.94
4/1/1956	55.32	3/2/1977	50.12	2/18/2004	41.69
3/17/1957	57.97	3/21/2007	49.67	2/15/2005	44.62
3/31/1958	55.8	2/26/2008	51.12	2/7/2006	46.33

GS-3					
Date	Depth to water, in feet	Date	Depth to water, in feet	Date	Depth to water, in feet
4/3/1958	68.48	3/1/1976	52	3/14/1994	42.1
4/11/1960	60.28	3/5/1976	51.73	3/17/1995	45.5
3/29/1962	48.61	3/1/1977	53.81	3/7/1996	42.3
4/10/1963	47.13	3/7/1978	56.6	4/15/1997	41.23
3/20/1964	54.23	3/5/1979	62.6	3/25/1998	40.6
4/13/1965	59.84	3/11/1980	59.62	3/11/1999	41.57
3/18/1966	57.14	3/9/1981	58.1	3/15/2000	37.8
3/22/1967	57.38	3/10/1982	57.9	2/21/2001	43.5
3/22/1968	57.37	3/10/1983	62.08	3/15/2002	39.64
3/17/1969	61.58	4/6/1984	52.13	2/18/2003	47.38
3/27/1970	59.81	4/24/1986	39.67	2/18/2004	48.42
3/18/1971	53.32	4/1/1987	40.2	2/15/2005	53.52
4/3/1972	54.73	3/23/1990	39.95	2/7/2006	54.33
3/22/1973	56.84	4/5/1991	41.5	3/21/2007	56.9
5/3/1974	53.82	3/26/1992	41.54	2/26/2008	57.04
3/19/1975	51.66	3/23/1993	39.68		

Exhibit E - Continued
Depth to Water Level Measurements for Considered Wells

G5-4					
Date	Depth to water, in feet	Date	Depth to water, in feet	Date	Depth to water, in feet
4/3/1958	78.32	3/8/1976	73.12	3/23/1993	63.75
4/11/1960	65.96	3/1/1977	75.58	3/14/1994	64.45
3/29/1962	56.07	3/7/1978	78	3/17/1995	68.75
4/10/1963	65.2	3/5/1979	85.25	3/7/1996	62.15
3/20/1964	73.41	3/11/1980	79.43	4/15/1997	62.66
4/13/1965	80.14	3/9/1981	78.5	3/25/1998	63.03
3/18/1966	66.46	3/10/1982	79.1	3/11/1999	65.65
3/22/1967	74.88	3/10/1983	84.92	3/15/2000	62.08
3/22/1968	77.61	4/6/1984	69.6	2/20/2001	64.8
3/17/1969	83.41	4/24/1986	59.8	3/15/2002	62.81
3/27/1970	71.89	4/1/1987	60.2	2/19/2003	70.17
3/18/1971	67.57	4/12/1988	57.72	2/18/2004	71.15
4/3/1972	73.86	3/24/1989	59.5	2/15/2005	75.44
3/22/1973	77.94	3/22/1990	59.78	2/7/2006	75.25
5/3/1974	68.97	4/5/1991	61.6	3/21/2007	78.16
3/19/1975	71.91	3/26/1992	64.65	2/26/2008	79.09
3/1/1976	73				

G5-5					
Date	Depth to water, in feet	Date	Depth to water, in feet	Date	Depth to water, in feet
4/11/1960	46.05	3/1/1977	46.13	3/14/1994	41.68
4/10/1963	39.77	3/7/1978	47.78	3/17/1995	42.6
3/21/1964	42.19	3/5/1979	51.46	3/7/1996	41.9
4/13/1965	45.85	3/11/1980	51	4/15/1997	41.6
3/18/1966	45.38	3/9/1981	47	3/25/1998	41.8
3/22/1967	45.29	3/10/1982	48.8	3/11/1999	41.81
3/22/1968	46.09	3/10/1983	52.03	3/15/2000	41.2
3/17/1969	49.32	4/6/1983	45.45	2/21/2001	41.73
3/27/1970	49.31	4/24/1986	39.78	3/15/2002	40.89
3/18/1971	43	4/1/1987	39.99	2/19/2003	42.98
4/3/1972	44.7	4/12/1988	39.29	2/18/2004	44.04
3/22/1973	44.42	3/24/1989	38.88	2/15/2005	45.37
5/3/1974	41.94	3/23/1990	40.58	2/7/2006	46.03
3/19/1975	47.7	4/5/1991	41.15	3/21/2007	46.32
3/1/1976	46	3/26/1992	41.68	2/26/2008	47.3
3/8/1976	46.11	3/29/1993	41.35		

Exhibit E - Continued
Depth to Water Level Measurements for Considered Wells

GS-6					
Date	Depth to water, in feet	Date	Depth to water, in feet	Date	Depth to water, in feet
2/12/1960	122.29	3/12/1974	120.1	4/5/1991	113.2
3/7/1960	122.05	3/19/1975	121.22	3/26/1992	113.2
4/11/1960	122.12	3/1/1976	121	3/29/1993	113
3/28/1962	121.15	3/3/1976	119.26	3/14/1994	113.15
11/9/1962	121.29	3/3/1977	121.6	3/17/1995	114.4
4/10/1963	120.96	3/9/1978	137.64	3/7/1996	113.2
3/18/1964	120.85	3/26/1979	122.4	4/15/1997	114.88
4/19/1965	121.05	3/7/1980	122.57	3/25/1998	114.46
3/14/1966	121.85	3/3/1981	126.15	3/11/1999	115.53
3/22/1967	122.74	3/11/1982	123.23	2/21/2001	116.55
11/9/1967	122.86	3/11/1983	121.4	3/15/2002	116
3/22/1968	122.4	4/5/1984	121.55	2/19/2003	117.09
3/17/1969	122.82	4/22/1986	118.5	2/18/2004	117.41
3/27/1970	122.91	4/1/1987	117.72	2/15/2005	118.22
3/18/1971	123.15	4/12/1988	117.26	2/7/2006	118.22
4/3/1972	126.8	3/24/1989	114.46	3/21/2007	118.93
3/22/1973	123.08	3/22/1990	114.15	2/26/2008	119.59

Exhibit E - Continued
Depth to Water Level Measurements for Considered Wells

N-1	
Date	Depth to water, in feet
4/3/1969	4.07
4/13/1970	3.92
4/12/1971	3.72
4/3/1972	3.77
3/26/1975	2.6
4/12/1976	2.79
3/31/1977	3.18
3/29/1979	3.15
4/18/1980	1.97
3/31/1981	2.99
5/11/1984	2.1
4/16/1985	3.34
4/10/1986	3.4
4/15/1987	3.25
4/12/1988	2.59
3/23/1989	3
3/19/1990	2.9
4/4/1991	3.2
3/26/1992	3.85
3/23/1993	2.82
3/10/1995	3.2
3/7/1996	3.05
4/15/1997	3.05
3/25/1998	4.1
3/11/1999	3.5
3/14/2000	2.9
2/23/2001	3.95
3/15/2002	3.85
2/19/2003	5.26
2/18/2004	4.29
2/15/2005	4.5
2/7/2006	4.94
3/21/2007	5.67
2/26/2008	6.07

N-5	
Date	Depth to water, in feet
4/3/1969	7.08
4/13/1970	6.5
4/3/1972	7.39
3/26/1975	6.33
4/12/1976	6.83
3/31/1977	7.38
3/29/1979	8.55
4/18/1980	7.63
3/31/1981	5.79
4/16/1985	7.11
4/10/1986	8.3
4/15/1987	8.2
4/12/1988	5.29
3/23/1989	5.67
4/4/1991	8.4
3/26/1992	6.87
3/23/1993	8.6
3/10/1995	10.2
3/7/1996	8.8
4/15/1997	15.52
3/25/1998	8.83
3/11/1999	9.4
3/14/2000	9.2
2/23/2001	11.8
3/15/2002	10.88
2/19/2003	12.69
2/18/2004	13.62
2/15/2005	14.46
2/7/2006	14.97
3/21/2007	15.79
2/26/2008	16.61

N-6	
Date	Depth to water, in feet
4/3/1972	12.18
4/23/1973	9.8
4/12/1976	10.43
3/31/1977	11.38
3/29/1979	13.12
4/18/1980	10.75
3/31/1981	11.71
5/26/1983	10.85
4/16/1985	11.18
4/12/1988	11.64
3/23/1989	11.17
3/21/1990	11.8
4/4/1991	12.25
3/26/1992	9.3
3/23/1993	9.25
3/11/1994	9.62
3/10/1995	10.75
3/7/1996	9.5
4/15/1997	9.85
3/25/1998	10
3/11/1999	9.3
3/14/2000	9.3
2/21/2001	10.14
3/15/2002	12.5
2/19/2003	13.36
2/18/2004	11.69
2/15/2005	12.19
2/7/2006	12.18
3/21/2007	13.11
2/26/2008	12.96

Exhibit E - Continued
Depth to Water Level Measurements for Considered Wells

N-7	
Date	Depth to water, in feet
4/3/1972	13.69
4/23/1973	11
3/29/1979	14.84
4/18/1980	11.6
3/31/1981	13.44
5/26/1983	12.87
5/11/1984	12.32
4/16/1985	12.05
4/15/1987	13.4
3/21/1990	12.95
4/4/1991	14.6
3/26/1992	14.45
3/23/1993	14.4
3/11/1994	14.85
3/10/1995	16.05
3/7/1996	15
4/15/1997	16.49
3/25/1998	16.75
3/11/1999	18.05
3/15/2002	16.55
2/19/2003	18.99
2/18/2004	19.13
2/15/2005	19.8
11/17/2005	22.1
2/7/2006	21.15
11/16/2006	24
3/21/2007	22.21
2/26/2008	21.94

N-8	
Date	Depth to water, in feet
4/3/1972	13.76
4/23/1973	6.61
4/12/1976	6.87
3/31/1977	8.81
3/29/1979	11.27
4/18/1980	8.66
3/31/1981	9.5
4/16/1985	7.88
4/10/1986	8.6
4/15/1987	8.95
4/12/1988	8.77
3/23/1989	9.08
4/4/1991	10.2
3/26/1992	10.43
3/23/1993	10
3/11/1994	10.05
3/10/1995	10.4
3/7/1996	10.6
4/15/1997	11.18
3/25/1998	11.48
3/11/1999	12.73
3/14/2000	12.18
2/21/2001	13.04
3/15/2002	12.65
2/19/2003	14.4
2/18/2004	14.36
2/15/2005	15.09
2/7/2006	15.33
3/21/2007	16.44

N-11	
Date	Depth to water, in feet
4/3/1972	53.32
4/23/1973	41.13
4/18/1980	38.01
3/31/1981	36.92
5/11/1984	34.55
4/16/1985	36.88
4/10/1986	36.5
4/12/1988	38.84
3/23/1989	39.29
3/19/1990	40.12
4/4/1991	40.7*
3/26/1992	41
3/23/1993	39.8
3/11/1994	39.65
3/17/1995	40
3/7/1996	36.1
4/15/1997	39.95
3/25/1998	39.68
3/11/1999	40.3
3/14/2000	40.22
2/21/2001	40.7
3/15/2002	40.05
2/19/2003	40.14
2/18/2004	41.14
2/15/2005	41.99
2/7/2006	42.78
3/21/2007	42.89
2/26/2008	43.7

Exhibit E - Continued
Depth to Water Level Measurements for Considered Wells

S-2	
Date	Depth to water, in feet
4/3/1969	13.67
4/13/1970	14.45
4/12/1971	14.65
4/3/1972	15.77
4/23/1973	12.83
4/11/1974	10.98
3/26/1975	11.04
4/12/1976	12.45
3/31/1977	13.82
3/29/1979	17.63
4/18/1980	16.74
3/31/1981	17.64
5/11/1984	14.99
4/16/1985	14.76
4/10/1986	15.58
4/15/1987	17.2
4/12/1988	15.81
3/23/1989	15.73
3/20/1990	16.1
4/4/1991	16.6
3/26/1992	17.04
3/23/1993	15.8
3/11/1994	15.9
3/23/1995	16.7
3/7/1996	15.7
3/25/1998	16.66
3/11/1999	17.7
3/14/2000	18.15
2/21/2001	19.66
3/15/2002	20.03
2/19/2003	22.05
2/18/2004	23.23
2/15/2005	24.73
2/7/2006	26.18
3/21/2007	27.85
2/26/2008	29.02

S-3	
Date	Depth to water, in feet
4/3/1969	24.83
4/13/1970	26
4/12/1971	26.65
4/3/1972	28.26
4/23/1973	25.23
3/26/1975	23.25
4/12/1976	24.87
3/31/1977	25.97
3/29/1979	30.33
4/18/1980	29.5
3/31/1981	27.63
4/16/1985	24.45
4/10/1986	25.7
4/15/1987	25.2
4/12/1988	24.11
3/24/1989	24.17
3/20/1990	24.1
4/4/1991	24.1
3/23/1993	21.1
3/12/1994	22.1
3/23/1995	23.3
3/7/1996	23.35
4/15/1997	23.35
3/25/1998	23.31
3/11/1999	24.9
3/14/2000	23.65
2/21/2001	25.5
3/15/2002	24.32
2/19/2003	29.3
2/18/2004	30.9
2/15/2005	34.56
2/7/2006	34.22
3/21/2007	36.03

S-10	
Date	Depth to water, in feet
4/6/1969	40.59
4/13/1970	42.01
4/12/1971	42.53
4/3/1972	43.77
4/23/1973	42.62
4/11/1974	38.45
3/26/1975	37.2
4/12/1976	37.05
3/31/1977	38.59
3/29/1979	42.87
4/18/1980	42.6
3/31/1981	43.41
3/26/1983	43
3/11/1984	37.8
4/15/1987	34
4/12/1988	31.71
3/24/1989	29.08
4/5/1991	27.75
3/26/1992	28.8
3/23/1993	26.4
3/14/1994	26.75
3/17/1995	28.7
3/7/1996	28.5
4/15/1997	28.96
3/25/1998	28.32
3/11/1999	29.56
3/15/2000	27.8
2/21/2001	29.3
3/15/2002	28.6
2/19/2003	32.38
2/18/2004	35.28
2/15/2005	38.01
3/21/2007	41.5
2/26/2008	44.13

Exhibit E - Continued
Depth to Water Level Measurements for Considered Wells

S-12	
Date	Depth to water, in feet
4/3/1969	27.53
4/13/1970	28.74
4/12/1971	30.45
4/3/1972	30.86
4/23/1973	29.26
4/12/1976	25.13
3/31/1977	26.52
3/29/1979	30.31
4/18/1980	28.3
3/31/1981	29.7
5/26/1983	28.2
5/11/1984	23.68
4/10/1986	24.2
4/15/1987	23.7
4/12/1988	21.74
3/22/1990	33
4/4/1991	22.2
3/29/1992	20.54
3/23/1993	18.8
3/11/1994	18.6
3/17/1995	20.2
3/7/1996	19.45
4/9/1998	19.78
3/11/1999	21.94
3/14/2000	19.6
2/21/2001	20.23
3/15/2002	20.42
2/19/2003	23.58
2/18/2004	24.9
2/15/2005	27.21
2/13/2006	28.25
3/21/2007	33.71
2/26/2008	31.2

S-18	
Date	Depth to water, in feet
4/3/1969	30.71
4/13/1970	31.67
4/12/1971	31.72
4/3/1972	32.96
4/23/1973	31.79
4/11/1974	28.93
4/12/1976	29.86
3/31/1977	31.5
3/29/1979	34.92
4/18/1980	31.86
3/31/1981	32.85
5/26/1983	34.85
5/11/1984	30.33
4/16/1985	31.02
4/10/1986	31.4
4/15/1987	32.7
4/12/1988	31.34
3/24/1989	30.83
3/20/1990	30.9
4/4/1991	31.2
3/27/1992	30.7
3/23/1993	29.5
3/11/1994	28.6
3/17/1995	30.05
3/7/1996	29.3
4/15/1997	30.31
3/25/1998	30.5
3/11/1999	31.6
3/14/2000	30
2/21/2001	31.13
3/15/2002	30.74
2/19/2003	33.88
2/18/2004	34.92
2/15/2005	36.61
2/7/2006	38.08
3/21/2007	40.19
2/26/2008	40.22

S-23A	
Date	Depth to water, in feet
3/11/1994	1.3
3/10/1995	2.55
3/7/1996	3.05
4/15/1997	3.56
3/25/1998	1.93
3/11/1999	2.01
2/23/2001	3.25
3/15/2002	3.25
2/19/2003	4.9
2/18/2004	4.2
2/15/2005	4.94
2/7/2006	5.51
3/21/2007	5.52
2/26/2008	5.88

Exhibit E - Continued
Depth to Water Level Measurements for Considered Wells

S-24	
Date	Depth to water, in feet
4/3/1972	12.68
3/29/1979	14.5
4/18/1980	12.68
3/31/1981	13.8
5/26/1983	12.98
4/16/1985	12
4/10/1986	11.8
4/15/1987	12.5
4/12/1988	11.94
3/23/1989	12.31
4/4/1991	13.75
3/26/1992	13.05
3/23/1993	12.05
3/11/1994	12.4
3/7/1996	15.3
4/15/1997	13.91
3/25/1998	14.08
3/11/1999	15.25
3/15/2000	14.58
2/23/2001	16.22
3/15/2002	15.26
2/19/2003	17.6
2/18/2004	18.85
2/15/2005	19.54
2/7/2006	19.79
3/21/2007	22.32
2/26/2008	22.76

S-26A	
Date	Depth to water, in feet
3/23/1993	1.4
3/10/1995	3.45
3/7/1996	3.1
3/25/1998	3.25
3/11/1999	4.3
3/15/2000	3.83
2/23/2001	4.2
2/19/2003	4.7
2/18/2004	4.64
2/15/2005	4.93
2/7/2006	4.68
3/21/2007	4.43
2/26/2008	5.26