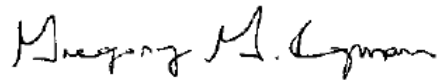


DISTRICT COURT, LA PLATA COUNTY, COLORADO Court Address: 1060 East 2nd Avenue, Room 106, Durango, CO, 81301-5157	<div style="text-align: center;">△ COURT USE ONLY △</div> Case Number: 2011CW41 Division: 1 Courtroom:
In the Interest of: EDGEMONT RANCH METROPOLITAN DISTRICT	
Order: Proposed Findings of Fact, Conclusions of Law, Judgment and Decree of the Court	

The motion/proposed order attached hereto: GRANTED.

Issue Date: 10/9/2013



GREGORY G LYMAN
 District Court Judge

<p>DISTRICT COURT, WATER DIVISION No. 7, COLORADO Court Address: 1060 East Second Avenue, Durango, CO 81301. Telephone No.: (970) 247-2304</p> <p>IN THE MATTER OF THE APPLICATION FOR WATER RIGHTS OF EDMONT RANCH METROPOLITAN DISTRICT</p> <p>IN THE FLORIDA RIVER WATERSHED IN LA PLATA COUNTY</p>	<p>▲COURT USE ONLY▲</p>
	<p>Case No.: 11CW41</p> <p>Div.:</p> <p>Ctrm.:</p>
<p align="center">FINDINGS OF FACT, CONCLUSIONS OF LAW, JUDGMENT AND DECREE OF THE COURT</p>	

This matter, having come before the Water Court under an application for water rights filed by Applicant, and the Court, having considered the pleadings, the comments of the Division Engineer, the stipulations of the parties, and otherwise being fully advised, does hereby find, conclude and decree as follows:

FINDINGS OF FACT

1. The Applicant, Edgemont Ranch Metropolitan District (“ERMD” or “Applicant”), c/o Richard Cortese, 5972 CR 234, Durango, CO 81301, by its attorney Geoffrey M. Craig of The Craig Law Firm P.C., filed an Application for Approval of Plan for Augmentation on July 29, 2011 (the “Application”).
2. The water clerk caused notice of the Application to be published in accordance with C.R.S. § 37-92-302(3). The Application was published both in the resume for Water Division No. 7 and in the Durango Herald newspaper, which has general circulation in La Plata County. Applicants filed proof of publication with the court on September 6, 2011.
3. Pursuant to C.R.S. 37-92-302, Statements of Opposition were timely filed by the the City of Durango, through its attorney Veronica A. Sperling of Buchanan and Sperling, P.C., and by the Colorado Water Conservation Board, through its attorney Susan J. Schneider of the Colorado Attorney General’s Office. No other statements of opposition were filed and the time for filing them has expired.
4. The Court has duly considered any comments from the Division Engineer in entering this ruling.

Plan for Augmentation

5. Names of structures to be augmented: Spring Valley Pipeline, decreed in Case No. 83CW114 and Edgemont Ponds, described in Figure 1.

a. Spring Valley Pipeline

i. Prior Decrees: Case No. 83CW114, District Court, Water Division No. 7, entered on December 31, 1983, amended on March 20, 1984; Case No. 87CW76, District Court, Water Division No. 7, entered on March 28, 1988; Case No. 93CW59, District Court, Water Division No. 7, entered on May 18, 1994; Case No. 00CW31, District Court, Water Division No. 7, entered on February 28, 2002; Case No. 08CW08, District Court, Water Division No. 7, entered on December 10, 2008.

ii. Legal Description of Structure: NW¹/₄NW¹/₄NW¹/₄ of Section 17, T35N, R8W, NMPM, 130 feet from the West section line and 175 feet from the North section line of said Section 17.

iii. Amount: 2.5 cfs, Conditional.

iv. Source: Florida River.

v. Appropriation Date: August 10, 1981.

vi. Decreed Uses: Municipal and commercial.

vii. Other water rights decreed to this structure: Ogden-Shirmer Ditch water right, changed to the Spring Valley Lake Pipeline point of diversion in Case No. 83CW19, District Court, Water Division 7, entered on September 7, 1983, in the amount of 1 cfs (Priorities F-30 and F-40); and Spring Valley Lake Pipeline, decreed for 2 c.f.s. in Case No. 83CW19.

b. Edgemont Ponds

i. Legal Description of Structures:

1. Edgemont Pond #1: NE¹/₄NE¹/₄ Section 18, T35N, R8W, NMPM, 376 feet from the North section line and 26 feet from the East section line.

2. Edgemont Pond #2: SE¹/₄SW¹/₄ Section 7, T35N, R8W, NMPM, 585 feet from the South line, and 1865 feet from the West line.

3. Edgemont Pond #3: SE¹/₄NW¹/₄ Section 18, T35N, R8W, NMPM 1910 feet from the North Section line and 2367 feet from the West Section line.

4. Wastewater treatment ponds:

- a. NE1/4SW1/4, Section 18, T35N, R8W, NMPM, 2135 feet from the South section line and 2554 feet from the West section line.
- b. NW1/4SE1/4, Section 18, T35N, R8W, NMPM, 2270 from the South section line and 2490 feet from the East section line.
- c. NW1/4SE1/4, Section 18, T35N, R8W, NMPM, 2355 feet from the South section line and 2355 from the East section line.
- d. NW1/4SE1/4, Section 18, T35N, R8W, NMPM, 2427 feet from the South section line, and 2584 from the East section line.

6. Water rights to be used for augmentation.

a. 11.5 acre-feet of the 114 acre-feet of water decreed for storage in Lemon Reservoir under Case Nos. W-1689-77 through W-1695-77, Water Division 7, as amended by the Water Court on January 26, 1994, and further described as follows:

- i. Case No. W-1689-77: 22.4 acre-feet from Miller Creek Ditch changed to storage in Lemon Reservoir; appropriation dates April 17, 1894 and June 1, 1905; priorities F-32 and F-65.
- ii. Case No. W-1690-77: 28.4 acre-feet from Duff Creek Ditch, changed to storage in Lemon Reservoir; appropriation date, April 14, 1894; priority F-36.
- iii. Case No. W-1692-77: 4.4 acre-feet from Ogden Creek Ditch, changed to storage in Lemon Reservoir; appropriation date April 20, 1894; priority F-35.
- iv. Case No. W-1693-77: 9.8 acre-feet from Young-Thurston Ditch, changed to storage in Lemon Reservoir; appropriation date May 18, 1888; priority F-37.
- v. Case No. W-1694-77: 35.9 acre-feet from Blodgett East Side Ditch, changed to storage in Lemon Reservoir; appropriation date, June 15, 1881; priority F-12.
- vi. Case No. W-1695-77: 13 acre-feet from Reiter Ditch, changed to storage in Lemon Reservoir; appropriation date May 10, 1910; priority F-83.

Applicant may also use water decreed to Lemon Reservoir in Case No. 07CW91, District Court, Water Division 7 if approved by FWCD and a valid contract between FWCD and Applicant is executed.

- b. Type of water right: storage rights.
- c. Legal description of point of diversion. The above-described water rights

are stored in Lemon Reservoir, the axis of the dam of which is located in Sections 17 and 20, T36N, R7W, NMPM, beginning at a point on the right abutment, from whence the SW corner of Section 17, aforesaid bears S84 degrees 4'W, a distance of 1,699.6 feet, thence S63 degrees 22'E, a distance of 1,320.0 feet, to a point on the end of the axis of the dam on the left abutment thereof.

d. Source of water: Florida River

e. Amount of water to be used in this plan for augmentation: Applicant intends to use up to 11.5 acre-feet to augment depletions resulting from out-of-priority diversions under the Spring Valley Pipeline water right during the non-irrigation season, as defined below, plus conveyance losses from Lemon Reservoir to the point of diversion of the Spring Valley Pipeline. See Table 3, attached hereto and discussion of CWCB Releases in Section 7(n).

f. Current uses: irrigation, stockwatering, and augmentation.

7. Statement of plan for augmentation

a. This augmentation plan applies only to the ERMD's use of Lemon Reservoir water for augmentation of depletions resulting from out-of-priority diversions at the Spring Valley Pipeline during the non-irrigation season, which for purposes of this decree is defined as the period from September 28 of each year through May 14 of the following year ("Non-Irrigation Season").

b. Applicant currently diverts in the Non-Irrigation Season under its Spring Valley Pipeline water right, decreed for 2.5 cfs in Case No. 83CW114 with a 1981 appropriation date. However, because the Spring Valley Pipeline water right is a relatively junior water right, the ERMD desires to have augmentation water available in the event of a call on the Florida River during the Non-Irrigation Season senior to the Spring Valley Pipeline water right. Eventually, the ERMD plans to construct the Spring Valley Lake ("SVL") Reservoir, decreed in Case Nos. 83CW19 and 09CW34 to provide any necessary augmentation water during the Non-Irrigation Season. Until the SVL Reservoir is built, the ERMD plans to utilize augmentation water from Lemon Reservoir to replace depletions resulting from out-of-priority diversions under the Spring Valley Pipeline water right during the Non-Irrigation Season when there is a call on the Florida River. Currently, the ERMD plans to construct the SVL Reservoir when 600 units have been developed within the ERMD. However, to provide flexibility and augmentation insurance in the event the SVL Reservoir is constructed later than that, the ERMD plans to utilize 11.5 acre feet of water from Lemon Reservoir through a water service contract to replace depletions resulting from out-of-priority diversions under the Spring Valley Pipeline water right during the Non-Irrigation Season for 944 units, the current maximum allowed build out within the ERMD.

c. Through a water service contract with the Florida Water Conservancy

District (“FWCD”), the ERMD will provide augmentation water from Lemon Reservoir, as needed, to augment depletions resulting from out-of-priority diversions under the Spring Valley Pipeline water right for in-house usage within the ERMD and to replace evaporation from the Edgemont Ponds during the Non-Irrigation Season.

d. Based on several years of diversion records (2003-2010), the ERMD’s average water diversion per home for in-house use during the Non-Irrigation Season is 3,073 gallons per month. *See* Table 1. The average in-house water use per home in the 2003-2004 period was 4,007 gallons per month (the highest in the period of record), in 2006-2007 it was 2,453 gallons per month, in 2008-2009 it was 2,731 gallons per month, and in 2009-2010 it was 2,809 gallons per month. *See* Table 1. Based on the historical average, the ERMD’s total depletions during the Non-Irrigation Season at full build out would be 9.35 acre-feet. However, to be conservative, the ERMD will lease 11.5 acre-feet of augmentation water from the FWCD, which is sufficient water to replace the ERMD’s depletions during the Non-Irrigation Season based on its highest water use year of 2003-2004 and evaporation loss from the Edgemont Ponds. *See* Tables 1 and 3.

e. The ERMD uses a central sewer treatment system, and will use a consumptive use assumption for in-house use of 5% of the diversion amount, as decreed in Case No. 83CW19. Currently the ERMD has 344 homes on the system, which would consume an average of 0.21 acre-feet per month for in-house use during the Non-Irrigation Season assuming 2003-2004 usage levels, or a total of 1.58 acre-feet for the 7.5 month Non-Irrigation Season. 600 homes would consume 0.37 acre-feet per month for in-house use during the Non-Irrigation Season at 2003-2004 use levels, or a total of 2.77 acre-feet of water for the 7.5 month Non-Irrigation Season. Full build out within the ERMD is currently limited to a maximum of 944 units (residential or equivalent commercial units). In-house consumptive use for 944 units during the Non-Irrigation Season would average 0.58 acre-feet per month, or 4.38 acre-feet of water for the 7.5 month Non-Irrigation Season. *See* Table 3.

f. ERMD has existing storage ponds, including wastewater treatment plant lagoons, with a maximum surface area of 3.93 acres. *See* Figure 1. The pond evaporation assumptions and total evaporation during the Non-Irrigation Season that will be replaced by pond filling are set forth in Section 7(g)(2) below and in Table 2.

g. The following summarizes ERMD’s depletion assumptions and maximum depletions resulting from diversions under the Spring Valley Pipeline water right during the Non-Irrigation Season to be augmented from Lemon Reservoir:

(1) In-house consumptive use with central sewer treatment system: 200 gallons per month for each residence served based on an average diversion amount of 4007 gallons per month per home and 5% of the diversion amount consumptively used; equals 0.0046 acre-feet per home for the Non-Irrigation Season. Monthly breakdown of diversions and depletions at full build out is outlined in Table 3.

(2) Pond evaporation consumptive use: 43 inches gross annual evaporation per surface acre, 16.66 inches per acre of which occurs during the Non-Irrigation Season, resulting in 5.46 acre-feet of total evaporation during the Non-Irrigation Season for 3.93 acres of ponds. *See* Table 2, attached hereto.

(3) Total consumptive use: Based on these consumptive use assumptions, the depletions from the proposed uses for the Non-Irrigation Season for full build out of 944 units will be as follows:

4.38 acre-feet for in-house use inside 944 residences using a central waste water treatment system; +

5.46 acre-feet of pond evaporation for 3.93 surface acres of ponds;

= 9.84 acre-feet, total depletion: *See* also Table 3, attached.

h. The assumption for conveyance losses between Lemon Reservoir and the point of diversion for the Spring Valley Pipeline which shall be used under this decree is 6.25% of the amount released. *See* Table 3. Thus, at full build out, maximum depletions plus conveyance losses are 10.5 acre-feet. *See* Table 3. ERMD has entered into a Water Reservation Agreement with the FWCD reserving 10.5 acre-feet per year of water in Lemon Reservoir. *See* Exhibit 1, attached hereto. Applicant intends to lease an additional one (1) acre-foot from the FWCD to provide additional augmentation water for call periods as set forth in Section 7(i), as necessary, and for CWCB Releases as described in Section 7(n) (“the Extra 1 Acre-Foot”). Within thirty days of execution of this Decree by the Court, Applicant shall deliver to the FWCD a completed and signed Third Party Agreement for Purchase of Florida Project Storage Water for Long Term Water Service (“Third Party Contract”) for 11.5 acre-feet, in the form of Exhibit B attached hereto, together with the first year payment. The Third Party Contract shall provide for releases of augmentation water from Lemon Reservoir to replace out-of-priority depletions during the Non-Irrigation Season as required under the terms of this decree. This Decree is expressly contingent on the BOR, FWCD, and Applicant entering into a Third Party Contract. Applicant shall provide a fully executed Third Party Contract to the Division Engineer within six months of the entry of Decree. If Applicant shall fail to provide the Third Party Contract, the Division Engineer shall notify the Court, and this matter shall be set on the docket for a compliance review.

i. To protect senior water users during the Non-Irrigation season, releases will be made from Lemon Reservoir on a weekly basis (or more frequently as determined by the Division Engineer and as approved by the FWCD) during the time period when there is a call on the Florida River senior to the priority date of the Spring Valley Pipeline water right. The amount of water released on a weekly basis will be determined based on Applicant's reporting the number of homes served as set forth in Section 7(k), and applying the depletion assumptions for those uses and Applicant's reporting the pond surface area and applying the pond evaporation loss as set forth in paragraph 7(g) above. This

augmentation plan does not cover any other use, and ERMD's use of water for any purpose other than in-house use or pond evaporation would require an amendment to this plan. As a check on the water assumption based on 2003-2004 usage, the ERMD will also meter its water use and report such use to Division of Water Resources as set forth in Section 7(l), or as requested by the Division Engineer and/or FWCD. In the event metering records demonstrate that water diversion for in-house during the Non-Irrigation Season is higher than the assumption described in paragraph 7(g)(1), augmentation will be supplied based on actual water delivered for in-house use multiplied by 5% depletion. If the ERMD's actual water use for all uses combined would cause its out of priority depletions plus conveyance losses to exceed 11.5 acre feet during the Non-Irrigation Season of any year, the ERMD will either lease additional water from the FWCD or reduce its diversions by the amount required to ensure that all out of priority depletions are replaced.

j. Applicant, or its successors in ownership of the water rights under the Decree, shall be responsible for ensuring that out of priority depletions within the ERMD during the Non-Irrigation Season do not exceed 11.5 acre feet, or such greater amount of water the ERMD may lease from the FWCD as set forth in Section 7(i) above, after deducting conveyance losses from Lemon Reservoir to the Spring Valley Pipeline point of diversion. Applicant will be the contact for purposes of correspondence and administration by the Division Engineer. If a different contact will be used, Applicant will provide the Division Engineer notice in writing.

k. Applicant shall report to the Division of Water Resources, by September 15th of each year, the number of homes to be served within the ERMD for the ensuing Non-Irrigation Season, and their related depletions during the Non-Irrigation Season as determined by the consumptive use numbers for the uses set forth in Section 7(g). Based on this information, the pond evaporation depletions in Section 7(g)(2) and the metering records required under Section 7(l) below, the Division Engineer shall order weekly releases from Lemon Reservoir (or more frequently as determined by the Division Engineer and as approved by the FWCD) during any call period in the Non-Irrigation Season to replace out-of-priority depletions. If Applicant serves additional homes not covered by the September 15th report, Applicant shall report such additional water uses to the Division Engineer as soon as they are known, so the Division Engineer can make necessary adjustments to the releases from Lemon Reservoir.

l. Each home served by ERMD shall have a meter and all water delivered shall run through those meters. Additionally, Applicant shall install a totalizing flow meter at the water treatment plant, and all water being placed into the ERMD distribution system shall flow through this meter. All water delivered to the ERMD customers during the Non-Irrigation Season shall be metered, and Applicant shall record meter readings at least monthly during the Non-Irrigation Season. Applicant will supply metering records, and summaries of diversions and depletions to the Division Engineer on a monthly basis during any call period within the Non-Irrigation Season, and such reports shall provide a weekly accounting of diversions and depletions.

m. ERMD will supply the accounting described in Sections 7(k) and (l) above on accounting forms similar to those attached as Tables 4 and 5.

n. (1) The parties agree that the 11.5 acre-feet of augmentation water Applicant leases in Lemon Reservoir, or such greater amount leased as described in Section 7(i), will be released in accordance with the monthly amounts set forth in Table 3, Column 11, attached hereto, with the frequency set forth in Section 7(i), whether or not there is a call on the River during the Non-Irrigation Season, and whether or not Applicant needs all that water to replace its depletions, as long as the water is leased by Applicant and available to Applicant for release.

(2) Augmentation water that is required to replace ERMD’s depletions during a call by senior water user(s) will be released as set forth in Section 7(i), as part of the release under Section n(1) above.

(3) Augmentation water which does not need to be released to replace Applicant’s depletions when there is no senior call on the Florida River, shall be released in accordance with Section n(1) for exclusive use by CWCB to preserve the natural environment to a reasonable degree up to the flow rates decreed to CWCB for instream flow on the Florida River if the flow in the River is less than the CWCB decreed instream flow rights as measured at a point to be agreed upon by the Division Engineer, Applicant, CWCB and FWCD (“CWCB Releases”). Transit losses of not less than 0.625% per mile from Lemon Reservoir to the agreed upon measuring point shall be assessed to the CWCB Releases. CWCB Releases will be made during the Non-Irrigation Season. The amount released for instream flow use by the CWCB for each time period will be the amount set forth in Column 11, Table 3, minus the amount released for augmentation to replace ERMD’s depletions as set forth in Section 7(i), and may be up to 11.5 acre-feet per year, when there is no call during the non-irrigation season. CWCB Releases shall be effectuated pursuant to a water delivery agreement between Applicant and the CWCB dated July 30, 2013, a copy of which is attached hereto as Exhibit C.

CWCB shall use the CWCB Releases to help maintain stream flows in the Florida River through CWCB’s decreed instream flow reach to preserve the natural environment in amounts up to the decreed rates in Case No. W-1763-77, as shown below:

CWCB Case No.	Stream/Lake	Amount (cfs)	Approp. Date	Watershed	County
W-1763-77	Florida River - outlet of Lemon Res to confl Salt Ck (27 miles)	7 cfs (07/01-10/14) 14 cfs (10/15-06/30)	1/19/1977	Animas	La Plata

CWCB Releases will be released during the time periods set forth in Section (n)(3) above, unless CWCB, Applicant, and the FWCD agree on a modified time period and rate. If modified time period and rates are proposed for the CWCB Releases, CWCB and

Applicant shall provide written notice to the Division Engineer by September 1st of each year, provided that the amount of CWCB Releases shall not exceed the amount available for such releases as described in this Section and further provided that Applicant's ability to provide augmentation water as required by Section 7(i) is not impaired.

o. At times during the Non-Irrigation Season when the Florida River flows, as measured at the closest Florida River gauge below ERMD's diversion point, are below the level of CWCB's instream flow rights decreed in Case No. W-1763-77, ERMD shall limit its diversion amount under this Decree to 0.42 cfs.

p. In order to assure that releases from Lemon Reservoir can be delivered to the location required to replace depletions hereunder or the location for use for instream flow, state water administration officials must be able to measure and convey the water released from Lemon Reservoir past any headgates and/or diversion structures on the Florida River between Lemon Reservoir and the point of diversion for Spring Valley Pipeline, including the City of Durango's diversion structure on the Florida River. If state water administration officials are not able to measure and convey such releases from Lemon Reservoir past intervening headgates and/or diversion structures without the use of additional structures capable of measuring and bypassing such releases past such headgates and/or diversion structures, Applicant shall be required to install such additional structures at Applicant's expense prior to use of releases from Lemon Reservoir for augmentation or instream flow use hereunder. The design of any such additional structure shall be subject to approval by state water administration officials, the owner of any affected headgate or diversion structure in the vicinity of any such additional structure and the owner of any headgate or diversion structure that Applicant proposes to alter as part of installation of any such additional structure. Any such additional structure that is installed must be approved by state water administration officials prior to use of releases from Lemon Reservoir for augmentation or instream flow use hereunder.

8. The augmentation plan described above, if operated and administered in accordance with the terms and conditions of this Decree, will adequately replace depletions resulting from in-house use within the ERMD and from evaporation losses from the Edgemont Ponds during the Non-Irrigation Season in time, amount, and location, and the parties agree that Applicant's diversions under this plan during the Non-Irrigation Season will not be curtailed except pursuant to Section 12 below.

CONCLUSIONS OF LAW

9. The foregoing paragraphs are incorporated herein to the extent that said paragraphs contain conclusions of law.

10. The Application having been published as required by law, the Court has jurisdiction over these proceedings and over all persons and water rights affected thereby, whether they have appeared or not.

11. Full and adequate notice of these proceedings and the matters adjudicated herein has been given in the manner required by law.

12. The State Engineer and Division Engineer are lawfully required to administer diversions under the water rights which are the subject of this Decree pursuant to Colorado law. The State Engineer and Division Engineer, pursuant to C.R.S. §37-92-305(8), shall curtail all out-of-priority diversions, the depletions from which are not so replaced as to prevent injury to vested water rights.

13. Applicant has met all burdens of proof and complied with all standards and burdens of proof applicable to plans for augmentation.

14. Applicant's plan for augmentation is contemplated and authorized by law, and if implemented and administered in accordance with the terms and conditions of this decree, will not injuriously affect the owners of or persons entitled to use water under a vested water right or a decreed conditional water right.

IT IS THEREFORE, ADJUDGED AND DECREED that:

15. The provisions of paragraphs 1-14 above are incorporated herein.

16. The plan for augmentation described in this decree is approved subject to the terms and conditions of this decree, and shall be administered according to the terms herein.

17. Applicants shall comply with the orders of the State or Division Engineer to install necessary measuring devices and shall keep records and make reports to the State or Division Engineer as reasonably required.

18. Pursuant to C.R.S. §37-92-304(6), the Court shall retain jurisdiction over the plan for augmentation decreed herein for a period beginning with the date of this decree and ending three (3) years following the development of six hundred (600) units within the ERMD, to reconsider the question of injury to the vested water rights of others. Applicant shall file with the Court and serve on Objectors and the Division Engineer, notice in writing when 600 units have been developed, and the three year period referenced herein shall begin upon filing and service by Applicant of such written notice.

19. Nothing in this Decree is intended to modify, nor shall it be interpreted as modifying, the decree in Case No. 83CW019, as it has been amended from time to time.

20. This Decree is approved by the parties pursuant to their settlement and compromise of issues in this case, and no trial was held in this matter. This Decree shall not be construed as setting any precedent in other cases, and the findings of fact and conclusions of law contained herein shall be binding on the parties only in this case and not in any other cases or matters.

21. The plan for augmentation approved in this Decree does not constitute a selective subordination of CWCB's water rights on the Florida River to Applicant's diversions hereunder, and shall not be construed as creating a selective subordination.

Dated this _____ day of _____, 2013.

Gregory G. Lyman, Water Judge

APPROVED AS TO FORM:

THE CRAIG LAW FIRM P.C.

By: Geoffrey M. Craig
Geoffrey M. Craig, #26370
813 Main Ave., Suite 206
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Attorney for Applicant

Date: 10/8/13

BUCHANAN AND SPERLING, P.C.

By: _____
Veronica A. Sperling, #14310
7703 Ralston Road
Arvada, CO 80002
(303) 431-9141
vsperling@tbvs.net
Attorney for Objector City of Durango

Date: _____

COLORADO ATTORNEY GENERAL'S OFFICE

By: _____
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First Assistant Attorney General
1525 Sherman Street, 5th Floor
Denver, CO 80203
(303) 866-5046
susan.schneider@state.co.us
Attorney for Colorado Water Conservation Board

Date: _____

21. The plan for augmentation approved in this Decree does not constitute a selective subordination of CWCB's water rights on the Florida River to Applicant's diversions hereunder, and shall not be construed as creating a selective subordination.

Dated this _____ day of _____, 2013.

Gregory G. Lyman, Water Judge

APPROVED AS TO FORM:

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By: _____
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Date: 10/7/13

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Attorney for Colorado Water Conservation Board

Date: _____

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Dated this _____ day of _____, 2013.

Gregory G. Lyman, Water Judge

APPROVED AS TO FORM:

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By: _____
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Attorney for Applicant

Date: _____

BUCHANAN AND SPERLING, P.C.

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vsperling@tbvs.net
Attorney for Objector City of Durango

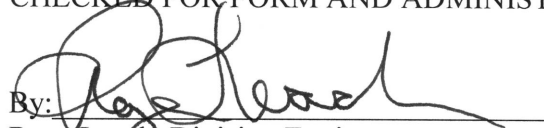
Date: _____

COLORADO ATTORNEY GENERAL'S OFFICE

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susan.schneider@state.co.us
Attorney for Colorado Water Conservation Board

Date: 8/28/13

CHECKED FOR FORM AND ADMINISTRABILITY:

By: 

Rege Leach, Division Engineer
Colorado Water Resources, Division No. 7
160 Rock Point Dr., Suite E
Durango, Colorado 81301
(970) 247-1845

Date: 8-28-13

Attachment to Order - 2011CW41