



DISTRICT COURT, WATER DIVISION 2, COLORADO

CONSOLIDATED CASE NOS. 96CW134 (WATER DIVISION NO. 2) AND
96CW225 (WATER DIVISION NO. 1)

**FINDINGS OF FACT, CONCLUSIONS OF LAW, JUDGMENT AND DECREE OF THE
WATER COURT APPROVING AN APPLICATION FOR A PLAN FOR AUGMENTATION**

CONCERNING THE APPLICATION FOR WATER RIGHTS OF THE NORTHGATE
COMPANY, A COLORADO GENERAL PARTNERSHIP, AND THE GREAT DIVIDE WATER
COMPANY, A COLORADO NONPROFIT CORPORATION,
FILED IN THE OFFICE OF THE CLERK
DISTRICT COURT WATER DIV NO. 2
STATE OF COLORADO

IN EL PASO COUNTY

APR 30 1998

MARDELL TRIVISONNO
CLERK

THIS MATTER, having come on for consideration upon the Application of The Northgate Company, a Colorado general partnership, and The Great Divide Water Company, a Colorado nonprofit corporation, for Approval of a Plan for Augmentation, and the Court having considered the pleadings, the files herein, the stipulations of the parties, the evidence presented and the comments of the Division Engineer, does find.

FINDINGS OF FACT

1. The Application herein was filed in Water Division No. 2 on September 30, 1996. A substantially similar application was also filed with the District Court for Water Division No. 1 on October 1, 1996. Applications were filed with both Courts because the depletions attributable to pumping from a portion of the wells described herein will impact both the South Platte River drainage basin and the Arkansas River drainage basin. The Application was published in the September, 1996 Water Resume for Water Division No. 2 and the October, 1996 Water Resume for Water Division No. 1. All notices required by law of the filing of this Application have been fulfilled.

2. Statements of Opposition were filed to the Application filed in Water Division No. 1 by the City of Thornton and the State Engineer and the Division Engineer for Water Division No. 1. Statements of Opposition were filed to the Application filed in Water Division No. 2 by the City of Colorado Springs and the State Engineer and the Division Engineer for Water Division No. 2. No other statements of opposition have been filed and the time for filing such statements has now expired.

3. On July 25, 1997, Applicants filed a motion with the Panel on Consolidated Multidistrict Litigation requesting an order

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transferring the case filed in Water Division No. 1 (96CW225) to Water Division No. 2, and for assignment of the Water Judge for Water Division No. 2 to hear the consolidated cases. On August 27, 1997, an Order was entered in Case No. 97MDL19 by the Chief Justice of the Colorado Supreme Court pursuant to C.R.C.P. 42.1(i), appointing John E. Anderson, III, Water Judge of Water Division No. 2, to hear the consolidated cases. Therefore, this court has exclusive jurisdiction over the subject matter of these proceedings and over all who have standing to appear as parties whether they have appeared or not.

4. The land and water rights involved herein are not included within the boundaries of any designated groundwater basin.

5. The Northgate Company ("Northgate"), is the primary applicant in this matter. The mailing address for Northgate is as follows:

The Northgate Company
3720 Sinton Road, #106-D
Colorado Springs, Colorado 80907

6. Northgate and the Arrowwood Development Corporation are developing a residential subdivision located on approximately 794 acres in portions of Sections 17, 19 and 20, Township 11 South, Range 66 West, 6th P.M., El Paso County, Colorado. The subdivision is known as Bent Tree. The water supply for the residences is from individual wells constructed into the Dawson Aquifer of the Denver Basin. Pursuant to the Decree entered in Case Nos. 82CW370 (Water Division No. 1) and 82CW180 (Water Division No. 2), 221 individual wells are authorized to be constructed within the Bent Tree Subdivision. However, as a result of changes to the original layout, a total of 257 individual wells will be needed. This decree will allow for the construction of the additional thirty-six wells that are needed to accommodate full build out of the Fourth Filing of the Bent Tree Subdivision. The lots which are covered by this augmentation plan are 197 through 232 of the Fourth Filing.

7. In addition to using water for domestic requirements, the owners of each of the additional thirty-six lots will be allowed to irrigate up to 2,000 square feet of turf grass, or other types of vegetation having an equivalent level of water consumption. No other outside water uses will be allowed.

8. Each of the additional wells to be constructed will obtain water from the Dawson Aquifer of the Denver Basin, and will divert water at a maximum flow rate of 15 gallons per minute. The

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gross annual water requirements for the thirty-six lots will be approximately 13.77 acre feet per year. This figure is based on an average year around occupancy of the single family residences of 3.5 persons per residence and a per capita water usage of 80 gallons per day. The irrigation of turf grass will require an application of approximately 1.50 acre feet of water per irrigated acre.

9. The total consumption attributable to water used by the owners of the additional thirty-six lots is projected to be 3.11 acre feet per year. Wastewater from all in-building uses of water will be treated by non-evaporative septic tank soil absorption systems. All return flows from the septic tank leach fields and outside irrigation will be to the Dawson Aquifer of the Denver Basin. Ten percent (10%) of the water used for in-building purposes is assumed to be consumed. The possibility exists that a community mechanical wastewater treatment system that consumes less than ten percent (10%) of the water used for in-building purposes may be constructed in the future. Before such a system is implemented, Applicants, or their successors and assigns, shall amend this decree and thereby provide notice of the proposed change to other water users by publication procedures required by then existing law. To the extent that evapotranspiration type wastewater treatment systems are required on any of the lots, an amendment of this decree shall be obtained so that the return flow figures stated herein can be adjusted to reflect the reduced return flows to the Dawson Aquifer of the Denver Basin. Eighty percent of the water used for irrigation purposes is assumed to be consumed. The irrigation figures described herein are the result of negotiations and settlement discussions between the Applicants, the State Engineer and the Division Engineers for Water Division No. 1 and Water Division No. 2, ("State water administration officials"). The figures are based on the specific facts and circumstances of this case. By stipulating to the entry of this Decree, the parties do not intend that the figures become a precedent in any future case, and the State water administration officials specifically reserve the right to challenge similar irrigation figures in any other matter.

10. The Application contained a request that fifteen of the additional thirty-six wells be operated as alternate points of diversion for Well U.D. 1-17798F, due to the fact that the lots upon which the fifteen wells are to be constructed appear to be within the "cylinder of appropriation" of Well U.D. 1-17798F. As a result of negotiations between Northgate and the State and Division Engineers, the request for alternate points of diversion has been withdrawn. All thirty-six wells shall be considered to deplete the flow of a natural stream at an annual rate greater than

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one-tenth (1/10) of one percent (1%) of the annual rate of withdrawal from the Dawson Aquifer within 100 years. Therefore, such ground water is "not nontributary ground water" as that term is defined in §37-90-103(10.5), C.R.S. (1990). Northgate has obtained a judicial quantification of the volume of ground water in the Dawson Aquifer which underlies the Fourth Filing of the Bent Tree Subdivision, (i.e. Case No. 97CW262, filed in Water Division No. 1). Northgate has agreed not to pursue its claim to use, reuse and successively use to extinction, all of the return flows which are attributable to pumping of the thirty-six wells; provided, however, that Northgate and its successors and assigns shall be allowed to take credit for such return flows to replace the pumping of water from the Dawson Aquifer.

11. Northgate's engineering consultants have analyzed the extent of depletions to surface streams associated with the diversion of water from the thirty-six wells. A computer model, which is based upon the best information currently available from the State Engineer's data files, was used for this purpose. At the end of three hundred years of pumping, depletions to the South Platte River Basin are projected to be 0.39 of an acre foot per year and depletions to the Arkansas River Basin are projected to be 0.33 of an acre foot per year. Out-of-priority depletions will be augmented in accordance with the criteria outlined below.

12. In order to replace projected depletions, The Great Divide Water Company (Great Divide) will deliver the required volume of nontributary ground water to the South River and Arkansas River basins each year. Northgate will assign to the Bent Tree Property Owners Association for use in this augmentation plan, 0.72 of an acre foot of nontributary ground water administered by Great Divide. The nontributary water rights administered by Great Divide were decreed by the District Court for Water Division No. 1 in Case Nos. W-8269-76, 80CW369, 84CW621, 82CW295 and 87CW193. The water is presently being delivered using Well AD-3, Permit No. 43217-F, and Well U. D. No. 1-17798F. A description of the wells is as follows:

a. Well U. D. No. 1-17798F:

i. Legal Description: Located in the NE 1/4 NE 1/4, Section 17, Township 11 South, Range 66 West, 6th P.M., El Paso County, Colorado, at a point approximately 100 feet South and 75 feet West of the Northeast corner of said Section 17.

ii. Source: Nontributary Dawson-Arkose Aquifer of the Denver Basin.

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iii. Depth: 1,000 feet.

iv. Amount: 0.167 of a cubic foot per second (75 gallons per minute), with an annual limitation of 121 acre feet.

v. Decree: Decreed by the District Court for Water Division No. 1 in Case No. W-8269-76, on December 30, 1976, for domestic, municipal, commercial, industrial and irrigation purposes. The water has been used for augmentation and replacement purposes in numerous other plans for augmentation decreed by the Water Courts.

b. Well AD-3, Permit No. 043217-F:

i. Legal Description: Located in the SW 1/4 NW 1/4, Section 20, Township 11 South, Range 66 West, 6th P.M., El Paso County, Colorado, at a point 1,640 feet from the North Section line and 460 feet from the West Section line of said Section 20.

ii. Source: Nontributary Denver Aquifer of the Denver Basin.

iii. Depth: 1,520 feet.

iv. Amount: 0.223 of a cubic foot per second (100 gallons per minute), with an annual limitation of 100 acre feet.

v. Decree: Decreed by the District Court for Water Division No. 1 in Case No. 82CW295, on November 23, 1983, for municipal, domestic, commercial, industrial, irrigation, recreational, fishery, wildlife propagation, stock watering, fire protection, maintenance of adequate storage systems and reserves, exchange and augmentation purposes, including the right to use, successively use and reuse the water to extinction.

The water will be discharged by Great Divide to the South Platte River and Arkansas River Basins as needed. The point of release to the South Platte River Basin is to an unnamed tributary of West Cherry Creek at a point from which the Northeast corner of Section 17, Township 11 South, Range 66 West, 6th P.M., El Paso County, Colorado, bears North 62° East, a distance of 3,400 feet, more or less. The point of release to the Arkansas River Basin is to an unnamed tributary of Jackson Creek, a tributary of Monument Creek,

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at a point from which the Northwest corner of Section 20, Township 11 South, Range 66 West, 6th P.M., El Paso County, Colorado, bears North 12° West, a distance of 1,600 feet, more or less.

13. Due to the small volume of annual stream depletions projected to occur to each basin, the depletions may be aggregated and replaced by one or more releases of short duration. The rate and timing of an aggregated release shall be determined by the Division Engineer or his designated representative after coordinating with Great Divide.

14. Northgate and the State and Division Engineers disagree about the legal requirements associated with replacing depletions to the Arkansas River and South Platte River basins once pumping from the thirty-six wells ceases. In order to resolve those differences, Northgate has agreed to reserve a total of 933 acre feet of the nontributary Laramie-Fox Hills Aquifer ground water which underlies the lots to be served by the thirty-six wells. Of this amount, 504 acre feet shall be reserved for delivery to the South Platte River Basin and 429 acre feet shall be reserved for delivery to the Arkansas River Basin. The water is owned by Northgate and was decreed in Case No. 82CW295. Northgate and its successors and assigns agree to replace post pumping depletions for the shortest of the following periods: (1) The period provided by the Colorado Legislature, should the Legislature eventually specify such a time limit; (2) The period determined by the State Engineer, should the State Engineer lawfully establish such a period; (3) The period established through rulings of the Colorado Supreme Court in relevant cases; or (4) Until such time as Northgate or its successor-in-interest files a petition with the Court, with notice to all parties in the Case, and obtains a ruling that all of the statutory requirements regarding post pumping depletions have been fulfilled. If replacement of post pumping depletions is ever required, it shall be the responsibility of the Bent Tree Property Owners Association to construct the physical facilities needed to deliver water to the Arkansas River and South Platte River basins. The points of release of the water will be consistent with the points described in Paragraph No. 12, supra. The Court finds that this provision is adequate to ensure that Northgate is in compliance with existing laws and to prevent injury to other water rights.

15. The Court finds that the sources of replacement water and the protective terms outlined above are sufficient to protect the vested rights of other water users in the Arkansas River Basin and the South Platte River Basin.

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CONCLUSIONS OF LAW

16. Applications in this matter were filed with the Water Clerks for Water Division No. 1 and Water Division No. 2 pursuant to §37-92-302(a), 10 C.R.S. (1997). Statements of Opposition to the Applications were filed by the City of Colorado Springs, the City of Thornton, the State Engineer and the Division Engineers for Water Division No. 1 and Water Division No. 2. As is specified in §37-92-302(1)(c), 10 C.R.S. (1997), the time for filing statements of opposition has expired.

17. The request of Northgate and The Great Divide Water Company for approval of a plan for augmentation, as described herein, is contemplated and authorized by law, and if administered in accordance with this decree, will permit the uninterrupted utilization of the structures described herein, without adversely affecting any other vested water rights in the Arkansas River, the South Platte River or their tributaries. Sections 37-92-305(3), (5) and (8), §37-80-120 and §37-83-104, 10 C.R.S. (1997).

18. The State Engineer may lawfully be required to administer this plan for augmentation in the manner set forth herein.

19. As a result of the operation of the Plan for Augmentation, there is water available for withdrawal from the thirty-six wells described herein, and the construction and use of same will not result in the material injury to the vested water rights of others. Accordingly, the State Engineer shall approve applications for well permits or replacement well permits submitted by Northgate or its successors and assigns, in accordance with the provisions of Section 37-90-137, 10 C.R.S. (1997).

NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED AS FOLLOWS:

20. The Application for Approval of a Plan for Augmentation proposed by The Northgate Company and The Great Divide Water Company is approved.

21. The State Engineer, the Division Engineer and/or the Water Commissioner for former Water District No. 8 shall not, at the request of appropriators, or on their own initiative, curtail the diversion and use of water from the structures described herein, except as specified in this Paragraph, as long as the plan for augmentation is operating as specified in this decree. To the extent that Northgate, or its successors and assigns, are ever unable to provide the replacement water required, then the thirty-six wells described herein, shall not be entitled to operate under

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the protection of this Plan, and shall be subject to administration and curtailment in accordance with the laws, rules and regulations of the State of Colorado. Pursuant to §37-92-305(8), 10 C.R.S., (1997), the State Engineer shall curtail all out-of-priority diversions from the subject wells which are not so replaced as to prevent injury to vested water rights.

22. All of the foregoing Findings of Fact and Conclusions of Law are incorporated by reference herein, and are to be considered a part of the decretal portion hereof as though set out in full.

23. Northgate and its successors and assigns, shall make available for release to the stream system, a sufficient quantity of water to replace depletions caused by diversions from the subject wells. The volume of augmentation water required to be released each year shall be limited to out-of-priority depletions to the stream system directly attributable to diversions from such structures.

24. The Court confirms that water from the sources described above can be utilized for replacement and augmentation purposes to replace the depletions described herein.

25. Northgate shall include the lots to be served by the wells described herein in the existing Bent Tree Property Owners Association. Northgate shall also file restrictive covenants running with the property which obligate the individual purchasers and the Property Owners Association to carry out the requirements of this Decree, including the possible replacement of post pumping depletions from the subject wells. Said covenants shall indicate clearly that the failure of the Property Owners Association or the individual lot owners to comply with the terms of this Decree, may result in an order of the State water administration officials to curtail or eliminate pumping from the subject wells.

26. The Bent Tree Property Owners Association shall complete an annual inventory of the number of homes constructed on the lots to be served by the wells described herein, and the total area of turf grass or equivalent vegetation being irrigated. Depletions from the wells shall be calculated as follows: (1) The number of homes which have been constructed shall be multiplied by 0.0314 of an acre foot. It shall be assumed that water use inside each residence is constant throughout the year; (2) The total area of lawn grass irrigated from the subject wells, shall be multiplied by 1.2 acre feet per acre; (3) The total area of gardens irrigated from the subject wells, shall be multiplied by 0.4 of an acre foot per acre; (4) The first three components shall be added together, and the resulting total shall be multiplied by the appropriate

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depletion factor, Q/q , for the South Platte River Basin and the Arkansas River Basin, as contained in the table attached as Exhibit "A." Each well shall be equipped with a totalizing flow meter so that the volume of water pumped from the well on an annual basis can be measured and recorded. ~~A permanent record of all water pumped by each well shall be maintained by the Bent Tree Property Owners Association for all lots covered by this plan.~~ The cumulative annual volume of water pumped by all wells covered by this plan shall be no more than 0.383 of an acre foot multiplied by the number of homes constructed. This figure is based on an in-house usage of 0.314 of an acre foot of water per home, plus an application of 0.069 of an acre foot of water per 2,000 square feet of irrigated lawn grass. ~~If the actual metered pumping in any year is less than the allowed pumping, the amount of allowed pumping which was not pumped may be carried forward and pumped in a future year in addition to such future year's pumping.~~ The amount of lawn and landscape irrigation allowed by this plan is limited to the number of homes constructed in any year, multiplied by 2,000 square feet per home. Assuming that vegetable garden irrigation has a pumping demand of 0.0115 acre feet per 1,000 square feet (0.5 of an acre foot per acre), an exchange of 3,000 square feet of vegetable garden irrigation may be made for each 1,000 square feet in reduction of lawn and landscape irrigation. An annual report shall be submitted to the State water administration officials which includes the following: the number of homes constructed, the measured area of lawn and landscape irrigation, the measured area of vegetable garden irrigation, the total volume of water pumped by all wells in this plan during the preceding twelve months, the cumulative average annual water deliveries per residence since the plan commenced operation and the depletions to each of the South Platte River Basin and the Arkansas River Basin. The Bent Tree Property Owners Association shall keep permanent records of all of the preceding information. An example of the type of information to be included in the water accounting to be maintained by the Applicants is attached as Exhibit "B." It is not the Court's intention to mandate the use of Exhibit "B" in its existing format. The Exhibit has been included simply to provide an illustration of the information that must be gathered and recorded. Applicants and their successor and assigns, in coordination with the Division Engineer, can modify the form in the future as changes may become necessary for proper administration.

27. The Bent Tree Property Owners Association shall submit reports of water use to Great Divide. Out-of-priority depletions to the South Platte River Basin and the Arkansas River Basin associated with water diverted from the subject wells will be included in the reports which Great Divide makes to the State water officials for other plans for augmentation which utilize

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augmentation water supplies administered by Great Divide. On the basis of the submitted reports, not only for this plan but other plans administered by Great Divide, and in accordance with the directives of the Division Engineer, Great Divide shall make the required release of augmentation water to Monument Creek by properly documenting the release of nontributary ground water to the stream system.

28. ~~As a result of the approval of this plan for~~ augmentation, water will be made available from the ~~thirty-six~~ wells described above for a period of 300 years, and the vested rights of others will not be materially injured by the contemplated diversions therefrom. Accordingly, if this plan is operating as stated herein at the time an application for a permit to construct one or more of the wells is submitted to the State Engineer, a permit shall be granted in accordance with §37-90-137, 10 C.R.S. (1997). Total pumping from the thirty-six wells shall be limited to an average of 13.77 acre feet per year and a total of 4,131 acre feet from the Dawson Aquifer of the Denver Basin.

29. Pursuant to the provisions contained in §37-92-304(6), 10 C.R.S. (1997), the plan for augmentation decreed herein shall be subject to the reconsideration of this Court for the purpose of evaluating injury to vested water rights for a period of five years from the date that fifty percent of the wells covered by this plan are in use, as certified in writing to the Water Clerk by Northgate or its successors and assigns, with copies mailed to the Division Engineer and all parties. Any person, within the designated period, may petition the Court to invoke its retained jurisdiction. Any such request shall state with particularity the factual basis for requesting that the Court evaluate injury to vested water rights associated with the operation of this decree, together with proposed decretal language to effect the petition. Unless otherwise stated herein, the party lodging the petition shall have the burden of going forward to establish the prima facie facts alleged in the petition. If the Court finds those facts to be established, the Applicants shall thereupon have the burden of proof to show: (a) that any modification sought by the Applicant(s) will avoid injury to other appropriators, or (b) that any modification sought by an Opposer is not required to avoid injury to other appropriators, or (c) that any term or condition proposed by Applicants in response to Opposer's petition does avoid injury to other appropriators. Such petition shall be filed with the Court under the above styled caption and case number and shall be served by certified mail, return receipt requested, on all parties who have appeared herein, or on their counsel of record. If no such petition is lodged within the specified period, and the retained jurisdiction period is not extended by the Court in

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accordance with the provisions of the statute, this decree shall become final under its own terms.

30. In addition to the retained jurisdiction provisions set forth above, the Court retains jurisdiction for the purpose of determining whether the continued reservation of the nontributary groundwater to replace post pumping depletions is required. If Northgate or its successor and assigns are able to demonstrate to the Court, or pursuant to an agreement with the State Engineer, that post pumping depletions need no longer be replaced, or that a lesser volume of water needs to be reserved from the volumes stated in Paragraph No. 14, supra, the Court may remove or modify the requirement that the nontributary water may be used only for post pumping depletion replacement under this plan for augmentation. Northgate and its successors and assigns may file a petition with the Court requesting that the reservation of ground water in the Laramie-Fox Hills Aquifer be modified. The procedures outlined in Paragraph No. 29, supra, shall be followed if such a petition is filed.

31. Northgate shall record a certified copy of this decree in the real estate records of the El Paso County Clerk and Recorder's office.

DATED: April 30, 1996



John E. Anderson, III
Water Judge, Water Division 2
Special Water Judge, Water Division 1
State of Colorado

DISTRICT COURT
WATER DIVISION NO. 2
STATE OF COLORADO

Certified true and
correctly on file.

Dated: MAY 21 1996
No. 2

MAPDE... CLERK

By: [Signature]
Clerk

TIME (years)	DEPLETION IN g/g									
	Division 1					Division 2				
	E. PLUM - w	E. PLUM - e	W. CHERRY	E. CHERRY	CHERRY	Div. 1 total	MONUMENT	KETTLE	SAND	Div. 2 total
4.5	0.00	0.00	0.10	0.00	0.00	0.10	0.06	0.00	0.00	0.06
9.1	0.00	0.00	0.25	0.02	0.00	0.27	0.17	0.00	0.00	0.17
13.8	0.00	0.00	0.43	0.04	0.00	0.47	0.31	0.00	0.00	0.31
18.4	0.00	0.00	0.62	0.07	0.00	0.69	0.47	0.00	0.00	0.47
23.2	0.00	0.00	0.82	0.11	0.00	0.92	0.64	0.01	0.00	0.64
27.9	0.00	0.00	1.01	0.16	0.00	1.16	0.81	0.01	0.00	0.82
32.8	0.00	0.00	1.19	0.21	0.00	1.41	1.00	0.01	0.00	1.02
37.6	0.00	0.00	1.37	0.27	0.00	1.65	1.19	0.02	0.00	1.21
42.5	0.00	0.00	1.55	0.34	0.01	1.89	1.39	0.03	0.00	1.42
47.5	0.00	0.01	1.72	0.41	0.01	2.14	1.59	0.04	0.00	1.63
52.5	0.00	0.01	1.88	0.48	0.01	2.38	1.80	0.05	0.00	1.85
57.6	0.00	0.01	2.04	0.55	0.02	2.62	2.00	0.06	0.01	2.06
62.7	0.00	0.02	2.20	0.62	0.02	2.86	2.21	0.07	0.01	2.29
67.9	0.01	0.02	2.35	0.70	0.03	3.10	2.41	0.09	0.01	2.51
73.1	0.01	0.03	2.50	0.78	0.03	3.34	2.62	0.10	0.02	2.73
78.4	0.01	0.03	2.65	0.86	0.04	3.58	2.82	0.12	0.02	2.96
83.7	0.01	0.04	2.79	0.94	0.05	3.82	3.03	0.14	0.03	3.19
89.1	0.02	0.04	2.93	1.02	0.06	4.07	3.23	0.16	0.03	3.42
94.5	0.02	0.05	3.07	1.10	0.07	4.31	3.43	0.18	0.04	3.65
100.0	0.03	0.06	3.20	1.18	0.08	4.55	3.63	0.20	0.05	3.88
104.1	0.03	0.07	3.30	1.25	0.09	4.74	3.78	0.21	0.05	4.04
108.2	0.04	0.07	3.40	1.31	0.10	4.92	3.93	0.23	0.06	4.22
112.4	0.04	0.08	3.50	1.37	0.11	5.10	4.07	0.24	0.07	4.39
116.6	0.05	0.09	3.60	1.44	0.12	5.29	4.22	0.26	0.08	4.56
120.9	0.06	0.10	3.69	1.50	0.13	5.48	4.37	0.28	0.09	4.73
125.2	0.06	0.11	3.79	1.56	0.14	5.68	4.51	0.29	0.10	4.90
129.5	0.07	0.12	3.88	1.63	0.16	5.85	4.65	0.31	0.11	5.07
133.9	0.08	0.12	3.97	1.69	0.17	6.04	4.80	0.33	0.12	5.25
138.3	0.09	0.13	4.07	1.76	0.18	6.23	4.94	0.35	0.14	5.42
142.8	0.10	0.14	4.16	1.82	0.20	6.42	5.08	0.36	0.15	5.59
147.3	0.11	0.15	4.25	1.89	0.21	6.61	5.22	0.38	0.17	5.76
151.9	0.12	0.16	4.34	1.95	0.23	6.80	5.36	0.40	0.18	5.94
156.5	0.13	0.18	4.43	2.02	0.25	7.00	5.49	0.42	0.20	6.11
161.2	0.15	0.19	4.51	2.08	0.26	7.19	5.63	0.44	0.22	6.28
165.9	0.16	0.20	4.60	2.15	0.28	7.39	5.77	0.46	0.23	6.46
170.6	0.17	0.21	4.69	2.22	0.30	7.58	5.90	0.47	0.25	6.63
175.4	0.19	0.22	4.78	2.28	0.32	7.78	6.03	0.49	0.27	6.80
180.2	0.20	0.23	4.86	2.35	0.34	7.98	6.17	0.51	0.29	6.97
185.1	0.22	0.24	4.95	2.41	0.36	8.18	6.30	0.53	0.32	7.14
190.1	0.23	0.26	5.03	2.48	0.38	8.37	6.43	0.55	0.34	7.32
195.1	0.25	0.27	5.12	2.54	0.40	8.58	6.56	0.57	0.36	7.49
200.1	0.27	0.28	5.20	2.61	0.42	8.78	6.68	0.59	0.39	7.66
205.2	0.29	0.29	5.28	2.67	0.44	8.98	6.81	0.61	0.41	7.83
210.4	0.31	0.31	5.36	2.74	0.47	9.18	6.94	0.63	0.44	8.00
215.5	0.33	0.32	5.44	2.80	0.49	9.38	7.08	0.65	0.47	8.17
220.8	0.35	0.33	5.52	2.87	0.51	9.59	7.18	0.67	0.49	8.34
226.1	0.37	0.35	5.61	2.94	0.54	9.80	7.31	0.69	0.52	8.51
231.4	0.39	0.36	5.68	3.00	0.56	10.00	7.43	0.70	0.55	8.68
236.8	0.42	0.37	5.77	3.07	0.59	10.21	7.55	0.72	0.58	8.85
242.3	0.44	0.39	5.84	3.13	0.61	10.42	7.66	0.74	0.61	9.02
247.8	0.46	0.40	5.92	3.20	0.64	10.62	7.78	0.76	0.64	9.18
253.4	0.49	0.42	6.00	3.26	0.67	10.83	7.90	0.78	0.67	9.35
259.0	0.51	0.43	6.08	3.33	0.69	11.04	8.01	0.80	0.71	9.52
264.7	0.54	0.45	6.15	3.40	0.72	11.25	8.13	0.82	0.74	9.69
270.4	0.57	0.46	6.23	3.46	0.75	11.47	8.24	0.84	0.77	9.85
276.2	0.59	0.48	6.31	3.53	0.78	11.68	8.35	0.86	0.81	10.02
282.1	0.62	0.49	6.38	3.59	0.81	11.89	8.47	0.88	0.84	10.18
288.0	0.65	0.50	6.46	3.66	0.84	12.10	8.58	0.90	0.88	10.35
294.0	0.68	0.52	6.53	3.72	0.87	12.32	8.68	0.91	0.92	10.51
300.0	0.71	0.54	6.61	3.79	0.90	12.53	8.79	0.93	0.95	10.68
304.5	0.73	0.55	6.67	3.83	0.92	12.60	8.81	0.95	0.98	10.74
309.1	0.75	0.56	6.74	3.87	0.94	12.60	8.78	0.96	1.01	10.75
313.8	0.78	0.57	6.84	3.90	0.97	12.58	8.72	0.97	1.04	10.73
318.4	0.80	0.58	6.91	3.92	0.99	12.50	8.65	0.99	1.07	10.70
323.2	0.83	0.59	6.97	3.93	1.02	12.44	8.56	1.00	1.09	10.65
327.9	0.85	0.60	7.04	3.93	1.04	12.37	8.46	1.01	1.12	10.59
332.8	0.87	0.62	7.11	3.93	1.07	12.30	8.35	1.02	1.15	10.52
337.6	0.90	0.63	7.19	3.92	1.09	12.22	8.23	1.03	1.18	10.44
342.5	0.93	0.64	7.27	3.91	1.11	12.15	8.11	1.03	1.21	10.36
347.5	0.95	0.65	7.35	3.89	1.14	12.08	7.99	1.04	1.24	10.27
352.5	0.98	0.66	7.43	3.87	1.16	12.01	7.86	1.04	1.27	10.18
357.6	1.00	0.67	7.51	3.84	1.18	11.94	7.74	1.04	1.30	10.08
362.7	1.03	0.68	7.59	3.82	1.20	11.87	7.61	1.04	1.33	9.98
367.9	1.05	0.68	7.67	3.79	1.23	11.80	7.48	1.04	1.36	9.88
373.1	1.08	0.69	7.75	3.76	1.25	11.73	7.35	1.04	1.39	9.78
378.4	1.10	0.70	7.83	3.73	1.27	11.66	7.22	1.04	1.42	9.67
383.7	1.13	0.70	7.91	3.70	1.29	11.59	7.09	1.04	1.44	9.56
389.1	1.15	0.71	7.99	3.67	1.31	11.52	6.96	1.03	1.47	9.46
394.5	1.18	0.71	8.07	3.64	1.32	11.45	6.83	1.02	1.49	9.35
400.0	1.20	0.72	8.15	3.60	1.34	11.38	6.70	1.02	1.52	9.24

EXHIBIT "A"

**BENT TREE SUBDIVISION
 WATER AUGMENTATION ADMINISTRATION PLAN**

I. Original Plan, W. D. No. 1 Case No. 82CW370 and W. D. No. 2 Case No. 82CW180, Filings 1, 2, 3, 4 (Lots 233 through 251) and 5.

A. Summary of Water Uses

1. Number of wells drilled and in service on _____			
	No. of Wells	Replace/Well Ac-Ft/Year	Inhouse Total-Ac-Ft
a. South Platte River Basin	_____	0.0314	_____
b. Arkansas River Basin	_____	0.0314	_____
2. Irrigated Lawn Area			
	Sq.Ft	Acres	Ac-Ft @ 1.55 ac-ft/ac
a. South Platte River Basin	_____	_____	_____
b. Arkansas River Basin	_____	_____	_____
3. Swimming Pools			
	# Of Pools	Gallons	Ac-Ft Total
a. South Platte River Basin	_____	_____	_____
b. Arkansas River Basin	_____	_____	_____

**II. Additional Plan For Lots Nos. 197 Through 232 Of Filing 4
 W. D. No. 1 Case No. 96CW225 & W. D. No. 2 Case No. 96CW134**

A. Additional Plan Summary Of Uses (Lots 197 through 232)

1. Water Use		
a. No. of wells actually drilled and in service		No.: _____
b. Irrigated lawn turf _____ sq. ft./43,560 ft ² /ac		Acres: _____
c. Irrigated garden _____ sq.ft./43,560 ft ² /ac		Acres: _____
2. Summary of pumpage for the period:		
a. Inhouse Use: _____ wells @ 0.0314 ac-ft/house		_____ ac-ft
b. Irrigated Turf Lawns (_____ Acres x 1.20 ac-ft/acre)		_____ ac-ft
c. Irrigated garden (_____ Acres x 0.40 ac-ft/acre)		_____ ac-ft
d Total Consumptive Use Pumped (2.a. + 2.b.+ 2.c.)		_____ ac-ft

**BENT TREE SUBDIVISION FILING 4
SUPPLEMENTAL WATER AUGMENTATION ADMINISTRATION PLAN**

- B. Well UD-1 releases to South Platte River Basin (q/Q from Exhibit A "Div. 1 Total")
 - 1. Item [A.2.d.][q/Q/100]_{Div 1} _____ ac-ft

- C. Well AD-3 Releases to Arkansas River Basin (q/Q from Exhibit A "Div. 2 Total")
 - 1. Item [A.2.d.][q/Q/100]_{Div 2} _____ ac-ft

III. Summary of Augmentation Water Required

- A. South Platte River Basin Replacement Required
 - 1. Original Plan [Item I.A.(1.a. + 2.a. +3.a.)] _____ ac-ft
 - 2. Supplemental Plan (Item II.B.1.) _____ ac-ft
 - 3. Total South Platte River Replacement [Item III.A.(1. + 2.)] _____ ac-ft

- B. Arkansas River Basin Replacement Required
 - 1. Original Plan [Item I.A.(1.b. + 2.b. + 3.b.)] _____ ac-ft
 - 2. Supplemental Plan (Item II.C.1.) _____ ac-ft
 - 3. Total Arkansas River Replacement [Item III.B.(1. + 2.)] _____ ac-ft

Copies of this report, Sheet A1 and A2 are to be sent to The Great Divide Water Company and the Colorado Water Resources Division 1 and Division 2 offices.

**BENT TREE SUBDIVISION FILING 4
SUPPLEMENTAL WATER AUGMENTATION ADMINISTRATION PLAN
(Lots No. 197 through 232 of Filing 4)**

A. Number of years since implementation of this plan _____ years

B. Summary of Pumping by Lots 197 through 232

1. No. of wells actually drilled and in service _____ wells

2. Total pumpage for this reporting period _____ gallons
(Acre-feet = gallons/325,900 gal./ac-ft) _____ ac-ft

3. Average pumpage per lot _____ ac-ft

C. Record of pumping since plan was implemented

1. Accumulated pumpage at the beginning of this water year: _____ ac-ft

2. Accumulated pumpage at the end of this water year: _____ ac-ft

3. Average annual water used/lot since implementation of this plan
(Item C.2/Item A. x Item B.1) _____ ac-ft

Copies of Sheet A3 is to be sent to the Colorado Resources Division 1 and Division 2 offices.