

DISTRICT COURT, WATER DIVISION NO. 5, COLORADO 109 8 th Street, Suite 104 Glenwood Springs, CO 81601 (970) 945-5075	▲ COURT USE ONLY ▲ Case No. 02CW225
CONCERNING THE APPLICATION FOR WATER RIGHTS OF WEST DIVIDE WATER CONSERVANCY DISTRICT IN GARFIELD, PITKIN AND EAGLE COUNTIES, COLORADO	
FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECREE OF COURT	

West Divide Water Conservancy District filed an Application to Amend Plan for Augmentation on August 27, 2002. A First Amendment to the Application was filed on January 30, 2003. A corrected Second Amendment to the application was filed on August 5, 2003.

Trial to the Court was held April 30 through May 2, 2007. Following trial, the parties submitted written closing arguments and on May 13, 2009 the Court issued an order regarding contractual issues and the appeal of the substitute water supply plan. The parties subsequently stipulated to entry of this decree consistent with the Court's May 13, 2009 Order. The Court, having considered the evidence presented at trial and the stipulations of the parties, hereby makes the following Findings of Fact:

FINDINGS OF FACT

1. West Divide Water Conservancy District ("West Divide") is the Applicant herein. West Divide is a water conservancy district, organized pursuant to the Water Conservancy Act (C.R.S. § 37-45-101 *et seq.*), and operates a water augmentation program that augments out-of-priority depletions in the Four Mile Creek basin.

2. Pursuant to C.R.S. § 37-92-302(5), a water conservancy district may initiate and implement plans for augmentation for the benefit of all water users within its boundaries.
3. Timely and adequate notice of the application and these proceedings has been given as required by law.
4. West Divide operates its Four Mile Creek augmentation program pursuant to the decree entered in Case No. 94CW344, Water Division No. 5. Objectors William and Charlotte Zilm ("Zilms") were co-applicants with West Divide and the State and Division Engineers ("Engineers") were opposers in Case No. 94CW344, which approved a plan for augmentation for up to 500 equivalent residential units ("EQR") within the Four Mile Creek basin for domestic, recreational, municipal, and commercial purposes.
5. Although the augmentation plan in Case No. 94CW344 approved up to 500 EQRs, the decree only utilized 359 EQRs, leaving 141 EQRs to be subsequently allocated by West Divide. The decree specifically contemplated that additional structures would be added by amendment (See 94CW344 Decree ¶ 14.d. at pp. 13-14), and such amendment was sought herein. The amended application herein sought to augment an additional 90.11 EQRs pursuant to that provision of the decree in 94CW344. While the application was pending in this case certain contracts for water service were terminated, leaving a total of 51.9 EQRs to be added to the West Divide augmentation program in this case.
6. The structures to be augmented by this amendment are referenced in Tables 1 and 2, attached hereto and incorporated herein by this reference. Copies of the executed West Divide water allotment contracts covering the structures to be augmented have been provided to the Court and offered and accepted into evidence.
7. The lands and water rights involved herein are not included within the boundaries of any designated groundwater basin.
8. A timely statement of opposition was filed by Crystal River Ranch Co., LLP. The opposition of Crystal River Ranch Co., LLP was resolved by stipulation filed with the Court on October 5, 2004. A motion to intervene and statement of opposition were filed by Zilms on November 25, 2003. An Order approving the motion and allowing the statement of opposition was entered on December 15, 2003. A motion to intervene and statement of opposition were filed by the Engineers on March 21, 2006. An Order approving the motion and allowing the statement of opposition was entered on May 3, 2006. The time for filing statements of opposition has expired. Zilms and the Engineers have consented to entry of this decree by stipulations dated June 17, 2011 and June 14, 2011, respectively.

CLAIM FOR AMENDMENT TO PLAN FOR AUGMENTATION

9. Structures to be augmented: The structures to be augmented are listed on Tables 1 and 2.
10. Water rights to be used for augmentation: Ruedi Reservoir, Green Mountain Reservoir, Atkinson Ditch and Zilm Transfer Ditch.
 - A. Ruedi Reservoir.
 - (1) Source: Frying Pan River, tributary to Colorado River.
 - (2) Legal description: On-channel reservoir located in Sections 7, 8, 9, 11, and 14 through 18, Township 8 South, Range 84 West, 6th P.M.
 - (3) Adjudication date: July 20, 1958.
 - (4) Appropriation date: July 29, 1957.
 - (5) Case No.: C.A. 4613.
 - (6) Court: Garfield County District Court.
 - (7) Amount: 102,369 acre feet.
 - (8) Uses: Generation of electric energy, domestic, municipal, piscatorial, industrial, irrigation and stock watering.
 - (9) Remarks: Applicant has an interest in 100 acre feet of water from Ruedi Reservoir pursuant to Contract Number 2-07-70-W0547, dated May 13, 1982, between Applicant and the Bureau of Reclamation. Applicant has an interest in an additional 500 acre feet of water from Ruedi Reservoir pursuant to Contract Number 039F6C0025, dated June 26, 2003, between Applicant and the Bureau of Reclamation.
 - B. Green Mountain Reservoir.
 - (1) Source: Blue River, tributary to Colorado River.
 - (2) Legal description: Located approximately 16 miles southeast of the Town of Kremmling, Colorado in all or parts of Sections 11 through 15 and 24

of Township 2 South, Range 80 West, and in Sections 17 through 21, 28, 29 and 34, Township 2 South, Range 79 West, 6th P.M.

- (3) Adjudication date: October 12, 1955.
- (4) Appropriation date: August 1, 1935.
- (5) Case Nos.: 2782, 5016 and 5017.
- (6) Court: U.S. District Court, District of Colorado.
- (7) Amount: 154,645 acre feet.
- (8) Uses: In accordance with paragraphs 5(a), (b), and (c) of the section entitled "Manner of Operation of Project Facilities and Auxiliary Facilities" in Senate Document 80.
- (9) Remarks: Applicant has an interest in 200 acre feet of water from Green Mountain Reservoir pursuant to Contract Number 8-07-60-W0726, dated October 21, 1998, between Applicant and the Bureau of Reclamation.

C. Atkinson Ditch:

- (1) Source: Fourmile Creek, tributary to the Roaring Fork River.
- (2) Legal description: Headgate is located on the East Bank of Fourmile Creek about three miles from the mouth of said creek.
- (3) Adjudication date: May 11, 1889.
- (4) Appropriation date: May 24, 1882.
- (5) Case No.: C.A. 132.
- (6) Court: District Court in and for the County of Garfield.
- (7) Amount: 4.0 cfs. (Applicant owns 1.0 cfs of the Atkinson Ditch water right.)
- (8) Uses: Irrigation and augmentation.

D. Zilm Transfer Ditch:

- (1) Source: Zilm Gulch and return flows from diversions from Fourmile Creek, tributary to the Roaring Fork River.
- (2) Legal description: Diverts from the left bank of Zilm Draw at a point whence the SE corner of Section 3, T. 7 S., R. 89 W., 6th P.M. bears S. 41 degrees East a distance of 4100 feet.
- (3) Adjudication date: December 31, 1994.
- (4) Appropriation date: June 1, 1969.
- (5) Case No.: 94CW344.
- (6) Court: District Court in and for Water Division No. 5, State of Colorado.
- (7) Amount: 2.0 cfs
- (8) Uses: Augmentation.

11. Amendment to Plan for Augmentation.

This decree amends the plan for augmentation decreed in Case No. 94CW344 to add structures as expressly contemplated in the original decree. The augmentation plan decreed in Case No. 94CW344 provides a water supply for up to 500 EQRs within the Four Mile Creek Basin. In accordance with its May 13, 2009 Order, the Court makes the following findings of fact with respect to the water structures and uses to be added to the West Divide augmentation plan by this decree.

- A. For purposes of the augmentation plan, one EQR is based on the assumption that 3.5 people live in each residence and use 100 gallons of water per day per capita for in-house use, and that 3,500 square feet of lawn and garden will be irrigated at each residence. The decree in Case No. 94CW344 recognized that an EQR may result in up to 0.552 acre feet of annual depletions within the Fourmile Creek watershed. Thus, for accounting and administration of the plan, each EQR shall be assumed to consume 0.552 acre-feet of water.
- B. The original augmentation plan augmented 359 EQRs, leaving 141 EQRs to be allocated. Table I provides a summary of water use for each structure to be augmented. This amendment adds structures to be augmented and allocates an

additional 51.9 EQRs to the augmentation plan. After this amendment, 89.1 EQRs remain available for allocation pursuant to Case No. 94CW344.

- C. The amended application in this case included a claim for adding diversion structures used to provide water for snowmaking purposes at the Sunlight Ski Area under a 20-acre-foot allotment contract between applicant and Ski Sunlight, Inc. However, that contract has been terminated and this decree does not include snowmaking diversion structures or uses as part of the West Divide plan for augmentation.
- D. Applicant and Zilms have stipulated, and the Court finds, based on the evidence at trial and the representations of the parties, that Zilms have agreed to accept monetary compensation pursuant to contract with West Divide as full compensation for any and all adverse impacts by operation of the West Divide augmentation plan on the Zilms' hydropower water rights described in Exhibit A to the 1994 Water Agreement attached to the 94CW344 decree.

The parties agree and the Court concludes that the 1994 Water Agreement, as incorporated in the 94CW344 decree and this decree, shall be administered in accordance with this paragraph 11. During the non-irrigation season, when the Zilms' hydropower rights are the calling rights on Four Mile Creek, the call shall be selectively administered by the Division Engineer so as to not require the replacement of depletions occurring above the headgate of the Atkinson Ditch as a result of diversions by structures included in the West Divide plan for augmentation. The Court finds that the selective administration of the Zilms' call under its hydropower right was previously approved by this Court in Case No. 94CW344. Pursuant to section 37-92-304(8), C.R.S., the Division Engineer is required to selectively administer the Zilms' call as required by the decree in Case No. 94CW344 and by this decree. As used in this decree, the terms "selective administration" and "selectively administer" refer to the practice of foregoing the administration of the Zilms' call against specific, junior water rights that are included in the West Divide augmentation plan while continuing to administer such call against other, junior diversions or water rights that are not included in the West Divide plan.

- E. The 94CW344 decree, as amended by this decree and as may be further amended from time to time by properly-noticed applications to the Court, may provide for domestic, irrigation, stockwater, industrial, commercial, piscatorial, wildlife and augmentation uses up to the 500-EQR limitation to be accounted for and administered as set forth in this paragraph 11.

- F. Future amendments to add new structures to the augmentation plan shall provide specific resume notice of the selective administration of the Zilms' call described in this paragraph 11.
 - G. Future amendments to add new structures to the augmentation plan decreed in Case No. 94CW344 shall be subject to the 500-EQR limitation described in this paragraph 11.
 - H. Applicant and Zilms have stipulated, and the Court finds, pursuant to part 5 of its May 13, 2009 Order (pp. 7-11), that, so long as the plan for augmentation is operated and administered in accordance with the terms and conditions of this decree, the augmentation of uses up to the 500-EQR limit described above, will not cause the depletions under the augmentation plan to exceed the stream depletions contemplated in the 94CW344 decree and, therefore, the Court finds that no injury will result from this decree.
12. The structures added to the augmentation plan have been operated under Applicant's temporary substitute supply plan approved by the State Engineer. Subject to the terms and conditions of this decree, approval of the application as amended will not result in injury to the vested or decreed conditional water rights of others.

CONCLUSIONS OF LAW AND DECREE OF THE COURT

13. The foregoing Findings of Fact are incorporated herein and made part of this decree.
14. The amendment to plan for augmentation proposed by Applicant is contemplated by law. If implemented and administered in accordance with this decree, the amendment to plan for augmentation described herein will provide water to Applicant's contractees without adversely affecting the owners or users of vested water rights or decreed conditional water rights. The amendment to plan for augmentation described herein may be lawfully decreed by this Court.
15. The Court approves the amendment to plan for augmentation described herein subject to the following terms and conditions:
- A. The out-of-priority depletions of Fourmile Creek that may be augmented with the sources of augmentation water identified in the decree in Case No. 94CW344 are limited to depletions associated with up to 500 EQRs within the Fourmile Creek basin.

- B. In the operation and administration of the plan for augmentation approved in this decree, each EQR added to the plan in this case shall be assumed to result in 0.552 acre-feet of annual depletions.
- C. West Divide shall maintain such records and provide such accounting to the Division Engineer (and to opposers upon request) to demonstrate that the plan for augmentation originally approved in Case No. 94CW344 and any subsequent amendments do not exceed the limit of 500 EQRs.
- D. The instantaneous depletions from residential domestic uses shall be determined in accordance with the assumptions set forth in the decree in Case No. 94CW344 and recited in subparagraph 11.A. above.
- E. Instantaneous depletions resulting from pumping or gravity flow diversions directly from Fourmile Creek at any of the structures included in the plan for augmentation shall be assumed to be 100% depletive at the time of such diversions.
- F. Direct diversions from Fourmile Creek by structures covered in this augmentation plan shall be individually metered with totalizing flow meters or flumes with continuous recording devices. In the alternative, such diversions may be administered as part of this plan by determining the maximum capacity of the diversion structure or pump and accounting for such diversions at the maximum rate provided that there is accurate reporting of all times that the diversion or pump is operating. If West Divide or its users elect to use the maximum capacity in lieu of actual measurements, West Divide shall provide proof satisfactory to the Division Engineer that the pump or diversion is not capable of diverting more than the determined, maximum capacity.
- G. In the event a water allotment contract covering augmented depletions for a structure is cancelled or terminated by Applicant or Applicant's contractee, Applicant or Applicant's contractee shall promptly provide notice of the date of such cancellation or termination to the Division Engineer, and Applicant shall provide augmentation for the delayed depletions that occur to the stream after the date of contract cancellation or termination from diversions by the structure before the date of contract cancellation or termination. The Division Engineer shall determine the amount and timing of any such delayed depletions and the Court retains jurisdiction to review any such determination.
- H. The findings of fact, conclusions of law, judgment and decree were the result of substantial discussions, negotiations and compromises between the applicant and

the objectors pertaining to many parts of the findings, conclusions, judgment and decree. It is specifically understood and agreed by the parties hereto, and found and concluded by the Court, that the acquiescence of the parties to a stipulated decree under the specific factual and legal circumstances of this contested matter and upon the numerous and interrelated compromises reached by the parties will never give rise to any argument, claim, defense or theory of acquiescence, waiver, bar, merger, stare decisis, res judicata, estoppel, laches, or to any administrative or judicial practice or precedent, by or against any of the parties hereto in any other matter, case or dispute, nor shall testimony concerning such acquiescence of any party to a stipulated decree herein be allowed in any other matter, case or dispute, except as they relate to the rights of applicants to divert the subject water rights at the subject points of diversion for the beneficial use at the locations adjudicated herein. All parties stipulate and agree that they do not intend the findings, conclusions, judgment and decree, including but not limited to any issues related to the selective administration of the Zilms' call under their hydropower water rights as required herein, to have the effect of precedent or preclusion on any factual or legal issue in any other matter, except as they relate to the rights of applicants to divert the subject water rights at the subject points of diversion for the beneficial uses at the locations adjudicated herein. The parties further stipulate and agree that they each reserve the right to propose or to challenge any legal or factual position in any other change of water right, plan for augmentation or other matter filed in this or any other court without limitation by these findings, conclusions, judgment and decree.

16. The conclusions of law and ruling contained in the Court's May 13, 2009 Order following trial provided a basis for the development of this decree. To the extent any conclusion, finding, order or ruling in this decree is deemed to be inconsistent with any provision of the May 13, 2009 Order, the provisions of this decree shall control.
17. Pursuant to this Court's May 13, 2009 Order, the decree in Case No. 94CW344, as amended by this decree, adopts and implements an agreement for the selective administration of a call under which the Zilms agreed to forego their right to have their call administered against specific junior water rights in West Divide's augmentation plan but retained their right to have their call administered against other intervening water rights with priorities junior to the Zilms' hydropower rights but senior to one or more water rights in West Divide's augmentation plan. As noted in the findings of fact above, the depletions resulting from the additional structures included in West Divide's plan pursuant to this decree do not exceed the depletions contemplated by the 94CW344 decree; consequently no expansion or enlargement of the unreplaced depletions contemplated under the agreement for the selective administration of the Zilms' call effected under the 1994 decree results from the decree in this case. As determined in the

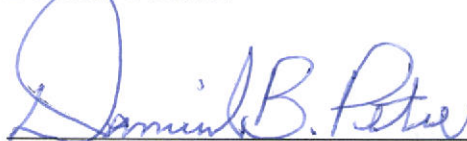
May 13, 2009 Order, the Court directs that the selective administration of the call by the Zilms' hydropower water rights approved and incorporated in the decree in Case No. 94CW344, as amended by this decree, shall be administered by the Engineers consistent with the May 13, 2009 Order and this paragraph.

18. Pursuant to C.R.S. § 37-92-305(8), the State Engineer shall curtail all of Applicant's out-of-priority diversions, the depletions from which are not so replaced as to prevent injury to vested water rights. In Case No. 94CW344, the Court found that the unreplaced out-of-priority depletions occurring as a result of the agreement for the selective administration of the Zilms' call under their hydropower rights as required herein would not result in injury to vested water rights other than those of the Zilms and that the Zilms would be compensated for any injury to their water rights under the 1994 Water Agreement described in paragraph 11.D above.
19. Applicant and its contractees shall install measuring devices and provide accounting and supply calculations regarding the timing of depletions as required by the Division Engineer for the operation of this plan. The Applicant shall also file an annual report consistent with the requirements of paragraph 14 of the decree in Case No. 94CW344 with the Division Engineer by November 15 each year summarizing diversions and replacements made under this plan for each structure, including the type of use by structure.
20. Prior to the construction and/or operation of the subject wells pursuant to this plan, the contractees shall obtain/maintain well permits issued pursuant to C.R.S. § 37-90-137(2) and this plan for augmentation, subject to and conditioned upon the findings and rulings herein.
21. The Court finds that there is a legal and factual basis to add the structures to the augmentation plan by this amendment and that doing so will not violate Colorado's anti-speculation doctrine.
22. In consideration of the specific findings and conclusions made herein and in conformance with C.R.S. § 37-92-304(6) (1990), as amended, the approval of the amendment to plan for augmentation decreed herein shall be subject to reconsideration by the Water Judge on the question of injury to the vested water rights of others for a period of five calendar years after entry of this decree. If no petition for reconsideration is filed within those five years, retention of jurisdiction for this purpose shall expire, unless the Court for cause extends said period of retained jurisdiction.

IT IS ACCORDINGLY ORDERED that a copy of this decree shall be filed with the State Engineer and the Division Engineer for Water Division No. 5.

Dated: July 18, 2011

BY THE COURT:



Alternate
Water Judge, Water Division No. 5
State of Colorado

APP

TABLE 1
FOURMILE CREEK AUGMENTATION PLAN
SUMMARY OF WATER USE INFORMATION

Owner / Address	Contract #	Structure Name	Amount (cfs)	Case No.	Adjudication Date	Appropriation Date	Depletion Location (A,B, or C)	Annual Depletion (acre-feet)	EOR's to be Augmented
Neal and Tamara Piper 16852 Edgewater Ln. Huntington Beach, CA 92849	FM000517AC(a)	Cole Pond	2.0 acre feet	97CW178	12/31/1997	6/1/1990	A	2.79	5.1
		Cole Spring #1	65 gpm	97CW178	12/31/1997	3/13/1989	A		
		Bersheny Sdg #2 Upper Spring, Cole Ehl.	35 gpm	97CW178	12/31/1997	6/1/1990	A		
Kurt Nielson c/o American Soda 2717 C. R. 216 Parachute, CO 81635	FM000621KN(a)	Nielson Ponds	1.0 acre feet				B	0.64	1.2
		William Pinkham 15665 County Road 125 Glenwood Springs, CO 81601	Finkham Well	15 gpm				B	1.87
Kenneth and Carol Call P. O. Box 1011 Glenwood Springs, CO 81602	FM010628KCC(b)	Kennel Well	.022 cfs	W-1264	12/31/1972	11/30/1968	B	0.28	0.5
		Lawrence and Dawn Thrun 7643 County Road 117 Glenwood Springs, CO 81601	Thrun Pond/Well	15 gpm				A	1.51
Charlotte Lueders 0025 County Road 149 Glenwood Springs, CO 81601	FM020530CL(a)	Lueders Pump	15 gpm				C	1.87	3.4
		Todd Leahy P. O. Box 2738 Glenwood Springs, CO 81602	Leahy Well	15 gpm				A	0.86
Libby Shelton P. O. Box 2834 Glenwood Springs, CO 81602	FM660909LS(a)	Shelton West #1	15 gpm				B	0.8	1.4
		Shelton West #2	15 gpm				B		
John Traul c/o Mr. and Mrs. Jim Hawkins 6471 County Road 117 Glenwood Springs, CO 81601	FM961210JT(e)	Face Mountain Spring, First Enlargement	.233 cfs	96CW274	12/31/1996	6/16/1989	A	0.99	1.8
		Traul Spring and Pipeline, First Enlargement	.033 cfs	96CW274	12/31/1996	6/16/1989	A		
Dorothy Buchholz P. O. Box 2553 Glenwood Springs, CO 81602	FM970417DB(a)	Buchholz Well #2	15 gpm				B	0.2	0.4
		John Buman 815 Grand Avenue Glenwood Springs, CO 81601	FM981013JB(a)	Buman Pond #1	0.75 AF	98CW180	12/31/1998	9/2/1996	A
Buman Well - Pool #1	.5 AF			98CW180	12/31/1998	9/2/1996	A		
Buman Well - Pool #2	.13 AF			98CW180	12/31/1998	9/2/1996	A		
Buman Pump and Pipeline	.5 cfs			98CW180	12/31/1998	9/2/1996	A		
Buman Ditch	2.0 cfs			98CW180	12/31/1998	9/2/1996	A		
Buman Well	.033 cfs			98CW180	12/31/1998	7/16/1996	A		

TABLE 1
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Owner / Address	Contract #	Structure Name	Amount (cfs)	Case No.	Adjudication Date	Appropriation Date	Depletion Location (A,B, or C)	Annual Depletion (acre-feet)	EQR's to be Augmented
Kevin and Marian Leonard 3337 County Road 117 Glenwood Springs, CO 81601	FM990730KML(a)	Leahard Pump and Pipeline	45 gpm	95CW151			B	2,522	4.6
	FM991117K(a)	Greene Well	15 gpm				A	0.196	0.4
Kenneth J. Greene 63 Favra Lane El Jebel, CO 81623	FM020827DCQ(a)	Queen Well #1	15 gpm				B	0.411	0.7
	FM030123DNS(a)	Seaton Well	15 gpm				B	0.96	1.7
Don L. and Nanette L. Seaton 4151 County Road 117 Glenwood Springs, CO 81602	FM950207BG#1(a)	Gentry Well #1	15 gpm	95CW15	12/31/1995	11/1/1993	B	5.3	9.6
	FM950207BG#2(b)	Gentry Well #2	15 gpm	95CW15	12/31/1995	12/1/1994	B	0.224	0.4
Bruce Gentry 4613 County Road 117 Glenwood Springs, CO 81602	FM030227RFSD(a)	RE-1 Well	3.0 acre ft				A	2.73	4.9
	FM030612SMP(a)	Main Well Ranch Well	0.11 cfs 0.55 cfs				A A	2	3.6
Sunlight Mountain Properties c/o Michael Bodnar 200 Union Hill Drive, Suite 100 Birmingham, AL 35209	FM030612VLA(a)	Arbany Pump	2.26 acre ft				B	1.2	2.2
	TOTAL =								28.65

(1) Location A: Above Atkinson Ditch.
Location B: Below Atkinson Ditch and above Fourmile Ditch.
Location C: Between Fourmile Ditch and Smart and Green Ditch.

TABLE 2
FOURMILE CREEK AUGMENTATION PLAN
STRUCTURE LOCATIONS

Structure Name	Section	Township	Range	Description
Cole Pond	9	7S	89W	The center of the dam is located in the SW1/4SW1/4 S9, T7S, R89W, 6th P.M. 1250 ft from South section line; 300 ft from the West section line.
Cole Spring #1	9	7S	89W	SW1/4SW1/4 S9, T7S, R89W, 6th P.M. 4110 ft from the North section line; 100 ft from the West section line.
Bershenyi Spg #2 Upper Spring, Cole Enl.	8	7S	89W	SW1/4SE1/4 S8, T7S, R89W, 6th P.M. at a point whence the East quarter corner of said S8 bears North 39°37'36" East 2717.70 ft.
Nielsen Ponds	15	7S	89W	Small ponds located on the Atkinson Ditch. The Atkinson Ditch diverts from Fourmile Creek at a point located on the East Bank of Fourmile Creek about 3 miles from the mouth of said creek, according to the decree in C.A. 132.
Pinkham Well	15	7S	89W	SE1/4NE1/4 S15, T7S, R89W, 6th P.M. 1450 ft from North section line; 200 ft from East section line.
Kenrol Well	34	6S	89W	SE1/4SW1/4 S34, T6S, R89W, 6th P.M. 1475 ft from West section line; 20 ft from South section line.
Thrun Pond/Well	22	7S	89W	SE1/4SE1/4 S22, T7S, R98 W 6th P.M. 325 ft from South section line; 75 ft from the East section line.
Lueders Pump	34	6S	89W	SE1/4SW1/4, S34, T6S, R89 W, 6th P.M. on the right bank of Fourmile Creek at a point whence the SW corner of said S34 bears S79°8'31" W a distance of 2,811 feet.
Leahy Well	33	7S	89W	SW1/4NW1/4, S33, T7S, R89W, 6th P.M. 3360 ft from South; 75 ft from West
Shelton West #1	3	7S	89W	NE1/4NW1/4 S3, T7S, R89W, 6th P.M. 120 ft from North section line; 1950 ft from West section line.
Shelton West #2	34	6S	89W	SE1/4SW1/4 S34, T6S, R89W, 6th P.M. 320 ft from South section line; 2000 ft from West section line.
Face Mountain Spring, First Enlargement	15	7S	89W	SW1/4SE1/4 S15, T7S, R 89W, 6th P.M., at a point whence the South 1/4 corner of S15 bears S50°09'31" West 1340.1 ft.
Traul Spring and Pipeline, First Enlargement	15	7S	89W	SW1/4SE1/4 S15, T7S, R89W, 6th P.M., at a point whence the SE corner of said S15, bears S72°41' E 1894.28 ft.
Buchholz Well #2	3	7S	89W	NW1/4NW1/4 S3, T7S, R89W, 6th P.M. 4250 ft from South section line; 4800 ft from East section line.
Buxman Pond #1	15	7S	89W	NW1/4SE1/4, S15, T7S, R89W, 6th P.M. The spillway to the pond is located at a point whence the SW Corner of said Section 15 bears S57°33'45" W a distance of 3,554 ft.
Buxman Well - Pool #1	15	7S	89W	NW1/4SE1/4, S15, T7S, R89W, 6th P.M. The spillway to the pond is located at a point whence the SW Corner of said Section 15 bears S57°15'13" W a distance of 3,576 ft.
Buxman Well - Pool #2	15	7S	89W	NW1/4SE1/4, S15, T7S, R89W, 6th P.M. The spillway to the pond is located at a point whence the SW Corner of said Section 15 bears S57°00'40" W a distance of 3,587 ft.
Buxman Pump and Pipeline	15	7S	89W	NW1/4SE1/4, S15, T7S, R89W, 6th P.M. The point of diversion is located on the west side of Fourmile Creek at a point whence the SW Corner of said Section 15 bears S56°38'00"W a distance of 3,655 ft.
Buxman Ditch	15	7S	89W	NW1/4SE1/4, S15, T7S, R89W, 6th P.M. The point of diversion from the unnamed tributary is located at a point whence the SW Corner of said Section 15 bears S61°43'48" W a distance of 3,424 ft.
Buxman Spring	15	7S	89W	NW1/4SE1/4, S15, T7S, R89W, 6th P.M. The point of diversion is located on the east side of Fourmile Creek at a point whence the SW Corner of said Section 15 bears S63°14'37" W a distance of 3,616 ft.
Buxman Well	15	7S	89W	NW1/4SE1/4, S15, T7S, R89W, 6th P.M. The well is located 1,750 ft. north of the south line and 2,200 ft. west of the east line of said Section 15.
Leonard Pump and Pipeline	34	6S	89W	SE1/4SW1/4 S34, T6S, R89W, 6th P.M. on the right bank of Fourmile Creek, at a point whence the SW corner of said S34 bears South 79°8'31" West a distance of 2811 ft.
Greene Well	9	7S	89W	S1/2E1/2SW1/4NE1/4 and W1/2N1/2E1/2NW1/4SE1/4 S9, T7S, R89W, 6th P.M.

TABLE 2
FOURMILE CREEK AUGMENTATION PLAN
STRUCTURE LOCATIONS

Structure Name	Section	Township	Range	Description
Queen Well # 1	3	7S	89W	SW1/4NW1/4 S3, T7S, R89W, 6th P.M. 2370 ft from N section line; 855 ft from W section line.
Seaton Well	3	7S	89W	W1/2 SW1/4, S3, T7S, R89W, 6th P.M.
Gentry Well #1	9	7S	89W	NE1/4NE1/4 S9, T7S, R89W, 6th P.M. 227 ft from the East section line; 939 ft from the North section line.
Gentry Well #2	9	7S	89W	NE1/4NE1/4 S9, T7S, R89W, 6th P.M. 350 ft from the East section line; 1050 ft from the North section line.
Main Well	33	7S	89W	SW1/4NW1/4 S33, T7S, R89W, 6th P.M. 2245 ft from N; 1175 ft from W.
Ranch Well	33	7S	89W	SW1/4NW1/4 S33, T7S, R89W, 6th P.M. 2295 ft from N; 1245 ft from W.
Arboney Pump	3	7S	89W	W1/2 of S3, T7S, and the SE1/4SW1/4 of S34, T6S, R89W. 1900 ft from West, 200 ft from South